

Senate Votes Again for Tonkin Repeal

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, July 10—The Senate placed on record today, for the second time in less than a month, its wish to repeal the 1964 Gulf of Tonkin Resolution, which was cited by President Lyndon B. Johnson as Congressional authorization for the war in Vietnam.

By a vote of 57 to 5, the Senate approved a measure to repeal the Tonkin document by means of a device known as concurrent resolution of the two houses of Congress.

The Senate's previous move for Tonkin repeal—voted on June 24—took the form of an amendment to a bill authorizing credit sales of arms abroad. That action, unlike today's, must be signed by the President if the Tonkin document is to be repealed.

Republicans Criticize Move

The Gulf of Tonkin gave Congressional support to "all necessary steps" taken by the President to "repel any armed attack against forces of the United States and to prevent further aggression" in Southeast Asia. The resolution was adopted after two United States destroyers were reported attacked by North Vietnamese torpedo boats.

Republicans, who had seized the initiative in proposing the repeal amendment last month, twitted the Democratic leadership today for putting the Senate through the legislative exercise of voting twice to repeal the resolution.

Describing the exercise as "a duplication of effort and a waste of time," Senator Hugh Scott of Pennsylvania, the Senate Republican leader, suggested that "the only reason

we are taking it up a second time is because it did not come out of the Foreign Relations Committee the first time, and that is heresy."

But for the Senate Democratic leadership as well as the Senate doves there were important tactical and legal reasons for the second action.

If the foreign military sales bill becomes deadlocked in a Senate-House conference, as seems likely, there will still be a separate measure by which Congress can readily repeal the 1964 resolution.

Senate negotiators also believe the second repeal measure will strengthen their bargaining position with the House on the foreign military sales bill, which also contains the controversial Cooper-Church amendment barring funds for the use of American troops in Cambodia without Congressional approval. As a result of the Senate action, the House conferees will not be in a position to say they will accept the amendment repealing the Tonkin Resolution if the Senate will retreat on the Cooper-Church amendment.

New Dove Interpretation

The Administration has taken a neutral attitude on repeal of the resolution, leaving the decision up to Congress. The Administration's position is that it is not relying on the resolution as authorization for the current military involvement in Vietnam but rather on the President's constitutional authority as Commander in Chief to take steps to protect the lives of American troops as they are withdrawn from Vietnam.

Out of today's Senate debate emerged the interpretation, espoused primarily by the doves, that the repeal of the Tonkin resolution would leave the

President with authority only to withdraw troops from Vietnam and thus end the war.

Thus, Senator Jacob K. Javits, Republican of New York, said the repeal amounted to "an end-the-war resolution" because, he said, the President no longer would have authority to wage war in Southeast Asia. With repeal of the resolution, the President will be "under a mandate to bring the war to an end and withdraw the troops," he said.

This interpretation was not shared by more conservative members of the Senate, which explained in large measure the votes against the repeal resolution by Senators James B. Allen, Democrat of Alabama; Sam J. Ervin Jr., Democrat of North Carolina; Spessard L. Holland, Democrat of Florida; Russell B. Long, Democrat of Louisiana; and John L. McClellan, Democrat of Arkansas.

Further Action Urged

The one point of agreement between the doves and the conservatives was that repeal would wipe the slate clean of any residual Congressional authority for the Vietnam war and leave the President relying exclusively upon his powers as Commander in Chief.

Senator Charles McC. Mathias, Republican of Maryland, the original sponsor of the measure to repeal the Tonkin resolution, argued that the result would be to create a "legislative void" on the conduct of the Vietnam war. If Congress is to reassert its constitutional war-making powers, he contended, it must follow the repeal with some legislative action granting the President authority to conduct the military operations necessary under his plan for withdrawal of American troops.