

# Katzenbach, Who Termed Tonkin Resolution 'Equivalent'

By JOHN W. FINNEY

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WASHINGTON, July 28 — Nicholas deB. Katzenbach, former Under Secretary of State, urged Congress today to repeal the Tonkin Gulf resolution of 1964, which he once described as the "functional equivalent" of a declaration of war in Vietnam.

He also endorsed the Cooper-Church amendment adopted by the Senate, with the aim of restricting the President's authority to undertake future military operations in Cambodia. He termed it "a clearly constitutional assertion" of power by Congress.

Mr. Katzenbach, who served as Attorney General and Under Secretary of State in the Kennedy and Johnson Administrations, presented his legal views in testimony before a House Foreign Affairs subcommittee considering bills seeking to define the division of warmaking powers between the Presidency and Congress.

In defending the constitutionality of the Cooper-Church amendment, he differed with the Nixon Administration, which has protested that the amendment would infringe upon the President's constitutional powers as Commander in Chief.

The amendment, attached by the Senate to a foreign military sales bill and now being considered by a Senate-House conference committee, would preclude the President from spending any funds for retaining American forces in Cambodia or for providing military advisers or combat air support to the Cambodian Government. Mr. Katzenbach, an international lawyer who is now general counsel of International Business Machines Corporation, defended the amendment as being within the constitutional powers of Congress to tell the President "he

shall not spend money in a particular country."

He also contended that the Tonkin Gulf resolution represented the only constitutional authority for the President to use United States troops in Vietnam and that without the resolution the President would have to withdraw from Indochina. His interpretation conflicted with those of both President Johnson and President Nixon.

Adopted by Congress in 1964 following reported North Vietnamese attacks on American destroyers in the Gulf of Tonkin, the resolution gives Congressional approval to "all nec-

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essary steps" taken by the President to repel "further aggression" in Southeast Asia. President Johnson frequently cited the resolution as Congressional approval for his Vietnam policies, but at the same time he contended he had the authority to commit troops to Vietnam without the resolution.

The Nixon Administration, in opposing Congressional repeal of the measure, has maintained that it is not relying upon the resolution as the basis of its authority for a continuing military engagement in Vietnam. Rather, the Administration has contended, it was relying on the President's in-

herent constitutional powers as Commander-in-Chief to take steps to protect the lives of American troops as they are withdrawn from Vietnam.

This Administration interpretation of the President's powers was challenged by Mr. Katzenbach, who observed that it represented "a very, very broad view of the President's powers."

The President, he acknowledged, undoubtedly has the power to take steps to protect American troops if attacked, but, he maintained, this authority was limited to defensive actions and did not apply to indefinite military engage-

ments, such as those in Vietnam.

In the Senate, meanwhile, Senator Stuart Symington of Missouri, joined by Senator J. W. Fulbright, Chairman of the Senate Foreign Relations Committee, protested that the executive branch has entered into secret agreements, never passed upon by the Senate, that have led to military commitments to foreign governments.

As an example, Senator Symington cited in a speech how the United States was spending "hundreds of millions of dollars" fighting a war in northern Laos that has been kept "a

tightly held secret from most of Congress" and on "behalf of a country with whom we have no treaty."

Senator Symington was replying to Senator John C. Stennis, chairman of the Armed Services Committee, who last week had maintained that the size of the defense budget was dictated by the need "to meet the extensive commitments we have assumed so freely."

### Bears Whiter in London Now

LONDON (AP)—A spokesman for Regents Park Zoo said one result of London's clear air policy is that the polar bears are whiter.