

Flawed Cambodia Argument

To the Editor: CONGRESS

On April 30, Secretary of State Rogers presented the Senate Foreign Relations Committee a memorandum purporting to explain the constitutional authority under which President Nixon continues to wage war in Indochina.

That memorandum invokes the recent case of *Mitchell v. Laird* and goes on to say: "In the words of Judge Wyzanski, the President properly acted 'with a profound concern for the durable interests of the nation—its defense, its honor, its morality.'"

Judge Wyzanski said no such thing. What he said was this:

"President Nixon's duty did not go beyond trying to bring the war to an end as promptly as was consistent with the safety of those fighting and with a profound concern for the durable interests of the nation—its defense, its honor, its morality. Whether President Nixon did so proceed is a question which at this stage in history a court is incompetent to answer."

His words, as the full quotation makes clear, described the President's obligation, not his performance.

This is simply one more example of the instinct for duplicity and mendacity that, as recent events have made more clear than ever, is the hallmark of the Nixon style of government. I am sorry to see that the State Department has now been infected.

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