

# Case Says Nixon Letters To Thieu Violated Law

By Murrey Marder

Washington Post Staff Writer

Former President Nixon apparently violated the 1972 Case Act by failing to tell Congress about secret "commitments" to South Vietnamese President Nguyen Van Thieu in 1972-1973, Sen. Clifford P. Case (R-N.J.) said yesterday.

"President Nixon's assurances to President Thieu were clearly beyond his authority to make," said Case.

"We cannot sweep this matter under the rug," as "distasteful as it is for me personally," said Case, ranking Republican on the Senate Foreign Relations Committee. Case told reporters that committee chairman John Sparkman (D-Ala.) and he agreed that the committee must conduct an investigation.

"It is clear that President Ford could not have read these (Nixon-Thieu) letters himself or he would not have signed the (April 25, 1975) letter" to Sparkman denying there were any secret agreements, said Case.

Secretary of State Henry A. Kissinger yesterday morning repeated the Ford administration's insistence that "there are no secret agreements" because the "substance" of the Nixon-Thieu exchanges was "fully revealed to the public."

Case strongly disagreed. Kissinger is scheduled to testify on another subject in closed session today before the Foreign Relations Com-

mittee.

Charges of secret Vietnam agreements were raised early last month by Sen. Henry M. Jackson (D-Wash.), who seeks an inquiry by the Senate Armed Services Committee. Jackson's charges were denied by the Ford administration, but last week, after the fall of Saigon, two Nixon-Thieu letters, and excerpts from two others, were made public by Nguyen Tien Hung, former minister in the Thieu cabinet.

The letters showed that on Nov. 14, 1972, Nixon wrote Thieu that he intended "to take swift and severe retaliatory action" if North Vietnam violated a Vietnam cease-fire; on Jan. 5, 1973, Nixon wrote Thieu "we will respond with full force should the (Paris peace) settlement be violated by North Vietnam . . ." The cease-fire accord was signed in Paris Jan. 27, 1973.

Kissinger, appearing yes-

This file,  
beginning  
9 Apr 75.

terday morning on the "Today" show (NBC, WRC), reiterated, that "no one has as yet produced any secret agreements" that differ from public statements. The Ford administration has declined to make public any Nixon-Thieu exchanges.

Case said that the executive branch is required under the 1972 law that bears his name to send Congress the text of any agreement with another nation within 60 days, and that the Nixon assurances "were not so reported." Case said the claim that similar remarks were made publicly is beside the point.

"They were certainly intended to be government-to-government assurances in the context in which they were written," said Case. "President Nixon would have been guilty of gross deception if it were otherwise."

On Aug. 15, 1973, Case recalled, legislation known as the Case-Church Act banned further use of U.S. forces in combat throughout Indochina. Case said that "it surpasses understanding" that the Nixon administration did not tell Congress that this legislation "would nullify the commitments" in the Nixon-Thieu letters.