

Vietnam Policy

To the Editor:

Eugene V. Rostow insists (letter Aug. 22) that the "real issue" about Vietnam in the campaign is that responsible leaders of opinion should not rewrite history. Ironically, the Under Secretary of State for Political Affairs, 1966-69, who served with Secretary of State Rusk, does indeed rewrite history when he contends that the nation committed itself to the Vietnam policy through the SEATO Treaty.

Shortly after the escalation early in '65, the State Department issued a Memorandum of Law in March 1965, "The Legal Basis for U.S. Action Against North Vietnam." It made no mention whatsoever of the SEATO Treaty. Nor was there any mention of it in President Johnson's speech at Johns Hopkins on Aug. 7, 1965.

Ambassador Henry Cabot Lodge, in an interview recorded in U.S. News & World Report of Feb. 15, 1965, stated that the action we were taking in Vietnam "is not under the aegis of the United Nations or the South East Asia Treaty Organization—SEATO."

It was not until March 4, 1966, more than a year after the United States took its unilateral action against North Vietnam, that the State Department claimed to rely on the SEATO Treaty. That was the day the State Department issued "The Legality of the United States Participation in the Defense of Vietnam." That memorandum was in response to a memorandum of law issued in September 1965 by the Lawyers Committee on American Policy Towards Vietnam which argued, *inter alia*, that U.S. intervention was not sanctioned by the SEATO Treaty.

When on March 4, 1966, Secretary Rusk stated, "It is a fundamental SEATO obligation that has from the outset guided our actions in South Vietnam," his observation came somewhat belatedly—a specious afterthought, as Arthur Krock noted in his column, "The Sudden Rediscovery of SEATO" (The Times, March 6, 1966).

Furthermore, it is impossible to consider that our prosecution of the Indochina war—the longest and most destructive in our history—is a "limited, undeclared" war, involving the measured use of force" for which there is any constitutional or other legal precedent.

Mr. Rostow's attempt to justify his role in the Vietnam tragedy is understandable, but responsible leaders of opinion should not rewrite history.

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