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# Letters to the E

## Saigon: The Moral and Legal U.S. Duty

To the Editor:

The United States is not only morally but legally bound to honor its commitments to South Vietnam. International law on the issue is crystal clear. Assurances and intimations given by Secretary Kissinger in the context of negotiating the Paris agreements of 1973 were not "private," as suggested by your editorial of April 6, but rather were the actions of the American Government creating international legal obligations.

The relevant case concerns a declaration on the status of Eastern Greenland made by M. Ihlen, the Norwegian Foreign Minister.

In the context of the Paris Peace Conference of 1919, the Danish Foreign Minister proposed that Denmark would raise no objection to Norway's claim to Spitsbergen if Denmark would encounter no difficulty from Norway in extending its sovereignty to all of Greenland. As recorded in the minutes of the conversation made by M. Ihlen himself, it was stated by him that "the Norwegian Government would not make any difficulties in the settlement of this question." In 1931 Norway issued a decree claiming sovereignty over part of Eastern Greenland. Denmark referred the case to the Permanent Court of International Justice. Norway's argument was that Ihlen lacked constitutional authority to bind the Norwegian Government by such a statement. The argument was unconvincing:

"The Court considers it beyond all dispute that a reply of this nature

given by the Minister of Foreign Affairs on behalf of his Government in response to a request by the diplomatic representatives of a foreign power, in regard to a question falling within his province, is binding upon the country to which the Minister belongs..."

Obviously the American promise to respond to massive North Vietnamese violations of the Paris agreements was an essential condition for South Vietnamese signature. In fact, the American diplomatic achievement was to place the North Vietnamese in a legal straitjacket.

To gain their never-relinquished goal of unification, they would have to use force in contravention of the terms of the agreement, thereby providing a pretext for the reintroduction of American air power. The violations of the Geneva Accords of 1954 had proved so useful in the legal rhetoric of the intervention that the U.S. Government, unable to win on the battlefield, took the opportunity to add a new weapon to its arsenal of words.

But in 1975 talk is cheap. The American people no longer care about the word of a Government they don't believe themselves. Legal and moral rhetoric will not prompt the Government or people into another foolish intervention. The irony is that the United States must break international law to get out of a situation it had to break international law to get into.

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Cambridge, Mass., April 7, 1975