

Ending the War in Vietnam

To the Editor:

I do not want to argue about the political wisdom of our active participation in the tragic Indochina conflict, about the correctness of the domino theory or the skill of our military operations. But one major issue is simply begging for scrutiny and clarification. It is the moral aspect of this particular war.

Let us suppose for a moment that East Germany has invaded the Federal Republic, with a formidable array of most modern Soviet arms, under the guise of helping local Communists and with the avowed aim of overthrowing the existing regime. Villages would be burned, provincial capitals reduced to shambles by devastating artillery fire, servants of the Government summarily executed and relatives of West German soldiers killed.

Moreover, parts of Switzerland and Denmark would be occupied to better infiltrate the war zone. On top of it all, they would pretend that there are no East German troops in the West.

Armed support of West Germany in such circumstances could be found too risky and strategically unadvisable, as during the Hungarian and Czechoslovak tragedies of the last decade. But—except for the Communists—scarcely one voice would be raised to condemn our possible intervention as immoral, all loss of life and prisoners of war notwithstanding.

Comparisons are never perfect. U.S. stakes in Europe are much higher than in Southeast Asia, and so are the risks. Yet, the fundamental issue is the same: Shall we or shall we not come to the help of friendly nations invaded by totalitarian neighbors? And if we do, can our action be called immoral?

All wars are brutal and inhuman. But 130,000 people would not have died during a single raid in Dresden if Hitler had not invaded and devastated half a dozen European countries, killing millions in the process. Not a single bomb would have been dropped on Hanoi if they had not invaded and devastated South Vietnam, Laos and Cambodia.

B. NAGORSKI
New York, Dec. 28, 1972

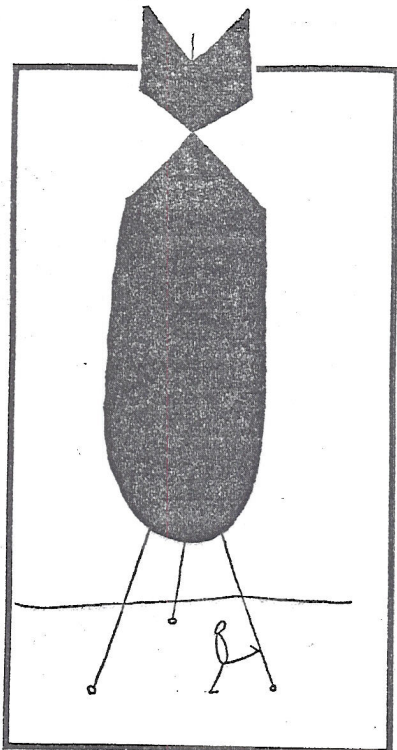
To the Editor:

More than sufficient opprobrium attaches to the Vietnam situation for both political parties to share in it. Last November the voter placed his faith in a Republican President and a Democratic Congress. A major portion of that faith was based on continuing de-escalation of hostilities and the reduction of American forces engaged in those hostilities.

Activity having again been increased, a sense of betrayal is inevitable. The question perplexing the voter is whether he's about to be doubly disappointed and betrayed. Will Congress also fail him by continuing to appropriate and allot funds for an undeclared war? If such a decision materializes, the ultimate blame must be shared.

In the process any remaining vestiges of confidence in the two-party system as an implementor of the voter's will may vanish completely.

THOMAS G. MORGANSEN
Jackson Heights, N. Y., Dec. 24, 1972



Charles Barsotti

To the Editor:

Despite extreme public pressure and widespread Congressional dissatisfaction, all previous attempts to end the Vietnam war through legislation have failed. Past legislative efforts have been directed at cutting off funds and were susceptible to the argument that the proposed bills amounted to little more than an order of retreat by Congress.

Many legislators felt that they could not support a withdrawal without some reasonable agreement with the enemy as to peace terms. I believe that the events of recent months combined with a re-analysis of its constitutional powers—along with some guts—may give Congress the impetus it needs to end this disgraceful war.

On Oct. 26 Henry Kissinger did more than add another phrase to our lexicon. He also announced the basic terms of agreement on which the war could and still can be settled.

The outline of that agreement which was released by Hanoi and confirmed by Dr. Kissinger was praised by Congressional leaders of both parties and received with great favor by the American people. If the President has bungled the chance for peace on the basis of the terms of the Oct. 26 accord, the Congress of the United States should know that it can legally undo the bungle.

In 1947 in the case of *Ludecke v. Watkins*, in speaking of the Second World War, the United States Supreme Court wrote "The state of war" may be terminated by treaty or legislation or Presidential proclamation." The Congress by legislation containing certain conditions without a treaty, may declare the war in Vietnam to be at

an end. Congress did just that on Oct. 19, 1951, when by a joint resolution it terminated the Second World War with Germany.

The United States Court of Appeals for New York in the case of *Orlando v. Laird* stated that even in the absence of a formal declaration of war Congress had taken sufficient actions in furnishing manpower and materials for protracted military operations in Vietnam to give that conflict the sanction of the legislative branch of government. The courts tell us that the war in Vietnam is not the President's war but Congress' war. The courts also tell us that Congress is constitutionally empowered formally to end it.

I urge Congress to consider the adoption of a joint resolution providing for a conditional declaration of peace in Vietnam. A special joint committee should be appointed to draft the conditions which would parallel the terms of the agreement reached when peace was at hand and when the President wrote Hanoi that the agreement "could be considered complete."

Any term which requires further clarification, such as the number and facilities available to an International Control Commission, could be stated well within the security needs of this country.

Let the Congress use its historical power to declare peace on honorable terms. Hanoi should be allowed to accept an offer which it did not refuse rather than the President's murderous offer that he thinks they cannot refuse.

STEWART H. DIAMOND
Chicago, Dec. 29, 1972

To the Editor:

One wonders what the Presidential election results would have been if the American public realized last November that peace in Indochina was not at hand and that saturation bombing remained a high-priority weapon in our Vietnam strategy. The Administration's policy of massive bombing on population centers should come as no surprise provided one recalls the President's statements on the active use of military power which he delivered following the incursion into Cambodia and the mining of Haiphong harbor.

What was so surprising was the raising of false hopes of peace last autumn when major issues such as South Vietnam's sovereignty were still unresolved. Once again the credibility gap of Government has widened, and once again public opinion is powerless to influence any significant changes in U.S. foreign policy.

Therein lies the frustration and perhaps the despair behind the apparently mild reaction of the American public to this latest shameful episode in the Vietnam war.

JAMES N. RUDOLPH
New York, Dec. 26, 1972

To the Editor:

The ability of the North Vietnamese Government to engender sympathy for itself among newspaper editorialists, aging bishops, Swedish diplomats and tired politicians has never ceased to cause me wonder. How a Government which has killed or wounded 1.3-million South Vietnamese civilians and made some 9.5 million Southeast Asians homeless is deserving of sympathy is beyond me.

The bloody record of the brigands of Hanoi is writ for all to see. The massacre of Hue, the blind rocket bombings of innocent civilians and the callous sacrifice of nearly 900,000 Vietcong and North Vietnamese are the fault of the Communist leaders.

When will they stop? They will stop when the critics of America's every action begin to condemn them with the same vigor they apply to us.

ARTHUR J. HUGHES
Jackson Heights, N. Y., Dec. 24, 1972

To the Editor:

The President's recent decision to intensify the bombing of North Vietnam was so devastating, so arbitrary, and so morally wrong, that every American shares a responsibility for these actions. Loyalty to the country must not be confused with acquiescence to the President, whose action reveals more starkly than ever before the complete breakdown of the American constitutional system in the domain of foreign policies involving the employment of military forces.

In this domain the arbitrary power of the President has over three decades swelled to a magnitude flatly inconsistent with both the intentions of the Founders and the requirements of a democratic political order. The implications of such unrestrained power over policies of such profound consequence are foreboding for the future of this country and of the world.

Convinced as they now are of the folly of this war, and yet impotent to halt it, Americans might well repeat what was said on another occasion: "In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people."

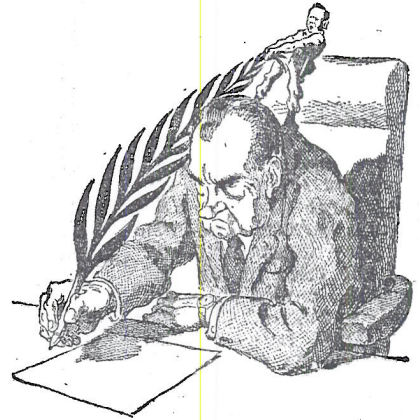
The institutions charged by the Constitution with checking the exercise of arbitrary executive power, the Congress and the Supreme Court, have failed to do so. Yet Congress has the full range of constitutional powers required to halt the President on his shameful course and to reverse the steady growth of arbitrary executive power.

It is therefore the duty of the Congress to proceed immediately in the new session to bring about a quick end to our involvement by any and every constitutional means. Among other emergency measures, the Congress should by resolution announce to the world that the Congress and people of the United States dissociate themselves from, and condemn, the President's conduct of the war. It should halt all military authorizations and appropriations. It should forbid all expenditures for military action in Vietnam. If the executive branch fails to respond, acting under Article I of the Constitution, the House and Senate should bring contumacious officials to trial for high crimes and misdemeanors.

We have already forfeited our moral leadership in the world. Unless Congress can display more courage than it has heretofore, and more concern for exercising constitutional limits on executive power, we seem destined to become the new barbarians.

DAVID E. APTER
ROBERT A. DAHL
New Haven, Dec. 31, 1972

The writers are, respectively, Henry J. Heinz II Professor of Comparative Political and Social Development and Sterling Professor of Political Science at Yale.



Klaus Albrechtson

To the Editor:

It seems to me that to understand what is happening in Vietnam, one must assume that President Nixon on his visit to China and Russia obtained their agreement to a solution for Vietnam along the lines found for Germany and Korea and embodied in the formula—one nation, two states.

Their unification is to be achieved through peaceful political processes over time in such a way as not to disturb a new world balance of power which alone makes détente possible. In my opinion, this is a sensible solution and serves the cause of world peace.

If this is so, then the views of The Times and Messrs. Lewis and Wicker that the question of one or two Vietnams "is what the war is all about" are wide of the mark.

The United States on one side and Russia and China on the other are having great difficulty in persuading their client states to accept this solution but, by the nature of things, the problem is more anguishing for North Vietnam. Although it has received important concessions (particularly the right to keep troops in South Vietnam), Hanoi in effect is being called upon to give up its basic war aim (unification under Hanoi) and is therefore bitterly blocking peace.

President Nixon has served notice on Russia and China that we are ready to sign with or without Thieu and that they are under obligation to produce North Vietnam's agreement or the whole structure of détente will be endangered.

I happen to disagree with President Nixon's recent premature decision to renew the bombing, but Mr. Nixon is not the heartless murderer you would paint him. He is conscientiously seeking a peace that will work and thus prevent a world holocaust.

ELIAS M. SCHWARZBART
New York, Dec. 29, 1972