

NYTimes MAR 26 1973

Mr. Nixon and the Armistice

To the Editor:

James Reston's March 18 column, telling the enemy that President Nixon lacks legal authority to punish violations of the peace agreement, is unfounded in law and destructive of the stable peace which we all seek.

The President can, if he sees need, order reprisals in line with more than 24 acts of Congress which were judicially determined in *Orlando v. Laird* to provide Congressional collaboration in the Indochina war. Acting as Commander in Chief, which confers upon him supreme direction over the armed forces, the President possesses full constitutional authority to judge that the terms of the armistice which he negotiated have not been met by the enemy and that an actual state of war continues there that carries with it his power and duty to enforce that settlement. As Chief Executive of a sovereign nation and bearer of primary powers over the conduct of foreign affairs and the maintenance of our national defense, the President possesses a Constitutional independence in these two fields which reinforces his authority in this situation.

Mr. Reston's statements undermined the President's position on the same day your newspaper reported in a front-page story that the Communists have sent down the Ho Chi Minh Trail about 68,000 men and "now had more war supplies in South Vietnam than they had before the big offensive last year." In this setting, a restrictive view of the President's powers could prevent the military actions or threats of the very ignorant and the very poor, Vietnamese from continuing the war.

BARRY GOLDWATER

United States Senator, Arizona  
Washington, March 18, 1973

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