

Study Backs Nixon

War Isn't Legally Over

Washington

Despite the cease-fire agreements earlier this year, the Vietnam war isn't formally over and "there is no bar to resumption by the President of hostilities" in Vietnam or Laos, a Library of Congress study has concluded.

The study, prepared for the Senate Foreign Relations Committee, appears to completely undermine the position of Capitol Hill critics of the President, who have argued that he lacks any legal basis to hit North Viet-

nam or Laos again now that U.S. prisoners have been released and U.S. forces withdrawn from South Vietnam.

Without necessarily conceding the full implications of the study's conclusions, foreign relations committee chairman J. William Fulbright (Dem-Ark.) declared in releasing it that "it is not entirely clear whether, as a practical or legal matter, these (armistice) agreements will mark the end of the Vietnam war. . ."

For that reason, Fulbright said, Congress should "take the initiative at least

in declaring that hostilities are now ended . . . (and) prohibit continuation or renewal of our military activities in Indochina, as has been threatened by the President." Legislation to block U. S. re-entry into Vietnam combat already has been drafted by Senators Clifford P. Case (Rep-N.J.) and Frank Church (Dem-Idaho).

The President, in a television address ten days ago, hinted at some form of military retaliation against North Vietnam if it didn't stop alleged violations of the January 27 cease-fire agree-

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ments. Many of his critics said he lacks any legal basis to order such retaliation without the approval of Congress. But the Library of Congress study, prepared by William C. Gibbons, Allen W. Farlow and Leneice N. Wu, appears to conclude otherwise.

It states that in the absence of a formal declaration by the President or Congress that the war is over, or of an international peace treaty, the war isn't over in a legal sense. And whatever presidential powers existed in the first place to carry on the war continue in effect, it concludes.

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