

## Pentagon's View

# How Saigon Can Use U.S. Arms In Cambodia

### Washington

The Defense Department said in a letter released yesterday that Saigon could legally use American-supplied military equipment to attack North Vietnamese sanctuaries in neighboring Cambodia that posed a direct threat to South Vietnam.

But, in answer to questions raised by the Senate Armed Services Committee, the Pentagon said that Saigon would be violating American law if such equipment were used strictly in support of the government of Cambodian President Lon Nol.

Deputy Defense Secretary William P. Clements Jr., said the Saigon government has been told that if it sent its forces into either Cambodia or Laos in support of these governments, the United States would not replace any material destroyed or used up in the operation.

### PRETEXT

The Defense Department's interpretation of the law immediately suggested a possible pretext for Saigon to aid the Cambodian government, which has now been deprived of American bombing support.

It would be conceivable that Saigon, contending it was sending forces into Cambodia to defend itself against North Vietnamese sanctuaries, could in effect bolster the Lon Nol government by relieving military pressure around Phnom Penh.

Such incursions into Cambodia or Laos, however, were ruled out by last January's Vietnam cease-fire agreement, and South Vietnam has so far not shown any desire to commit its forces outside its borders.

### STATEMENT

Senator Harold E. Hughes, (Dem-Iowa), a leading dove on the committee, promptly issued a statement saying that "the legislative intent" was "clearly to forbid any

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operations in the border areas of Cambodia."

"If the Saigon regime tries to intervene in Cambodia, all U.S. aid should cease immediately," he said. "If the Pentagon tries to open a loophole in the law by saying that the South Vietnamese are acting solely in their own defense, I shall support efforts to close that loophole once and for all."

Hughes, who originally asked Clements for the Pentagon's interpretation, said:

"We can't achieve peace in Cambodia if the South Vietnamese are allowed to rejoin the battle. This senator won't stand for such an illegal and dangerous use of billions of aid to Saigon. And I don't think American taxpayers will stand for it either."

### CONCERN

Hughes' reaction seemed to reflect the concern of many anti-war advocates: fear that despite the end to American combat activity in Indochina the administration would find some way to circumvent the congressionally imposed cutoff which went into effect Wednesday.

The administration has

persistently denied it has any intent to do so, and President Nixon, in a statement Wednesday, said he would "work with Congress" rather than try to act unilaterally in Southeast Asia.

Clements, in his letter dated August 14 and addressed to Senator Stuart Symington (Dem-Mo.), acting chairman of the committee, provided the Pentagon's legal interpretation of current law on whether Saigon could use American equipment in Cambodia.

### CLAUSE

He said the operative clause in the current law is that no funds could be appropriated "to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the government of Cambodia or Laos."

Clements said the legislative history of the clause, first sponsored by Senator J. William Fulbright, chairman of the Foreign Relations Committee, in 1971, and known as the Fulbright proviso, "makes it clear" that American aid "may be programmed and furnished

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to support operations by the Vietnamese and other free world forces in the sanctuary areas of Cambodia and Laos aimed at enemy operations which directly threaten the security of Vietnam."

Such activity would be "distinguished from operations by Vietnamese forces in those sanctuary areas or elsewhere in Cambodia or Laos which would be intended to support the government of Cambodia or Laos," he said.

### PURPOSE

Military aid, Clements said, "is not now, and has not been, provided to the Vietnamese forces to assist them in military operations designed to support the government of Cambodia or Laos."

He said that if Saigon undertook such operations, "we can interpret these restrictions on the use of Department of Defense appropriations as precluding replacement of any end items

of equipment which might be destroyed while engaged in those operations and from replenishment of any expendables, such as ammunition, POL (petroleum, oil, and lubricants) or spare parts so used."

"We have so advised the government of South Vietnam," Clements said. He added that in the spirit of the law, "we regard ourselves as constrained from taking any initiative to request the government of Vietnam to undertake such operation."

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