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**U.S. Says It Is Now Free
To Breach Vietnam Pact**

By **BERNARD GWERTZMAN**
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WASHINGTON, Jan. 14—The State Department said today that the United States was free to breach the Vietnam cease-fire agreements because the North Vietnamese had violated them.

In response to repeated requests for confirmation that the United States had resumed reconnaissance flights over North Vietnam in open violation of the accords, the department spokesman, Robert Anderson, referred newsmen to a 1973 statement that international law permitted one party to breach an accord if the other side had already done so.

Defense Secretary James R. Schlesinger, at a news conference today, virtually acknowledged the flights. When asked whether they were going on, he said, "The blatant failure of North Vietnam to live up to its commitments has created a set of circumstances different from those at the time of the signing of the Paris peace treaty."

Yesterday, the United States made public a diplomatic note in which it accused North Vietnam of "flagrant violation" of the agreements in stepping up

its military activity against the Saigon Government. The note said Hanoi "must accept the full consequences of its actions."

That note, as well as today's veiled justification of the reconnaissance flights, seemed part of a concerted Administration effort to persuade Congress to allocate more military aid to Saigon. The campaign also appeared directed at bolstering the South Vietnamese Government and at cautioning North Vietnam against launching a big offensive.

Mr. Schlesinger seemed to warn Hanoi directly not to think it could take advantage of the American law barring United States combat involvement in Indochina. He said:

"American opinion, indeed, is volatile. American opinion historically has reacted in anger to outright aggression, unprovoked massive attacks. Hanoi still recognizes that were a massive invasion of the type of 1972 to occur, that the President has the power to ap-

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proach the Congress and the Congress under those circumstances might well authorize the use of American force."

Aid Request Backed

Mr. Schlesinger said that he supported an increase in military aid to Saigon—now under active Administration study—because "it would be a serious error on the part of the United States, and I believe, a serious moral lapse for us to contemplate the semi-abandonment of an ally by failure to provide them with the appropriate financial resources."

As to the military situation in Vietnam, Mr. Schlesinger said it did not appear that Hanoi was likely to launch a large, countrywide offensive. Rather, he said, North Vietnam seems to be trying to weaken Saigon's control of the countryside.

President Ford, in his State of the Union address tomorrow, is expected to cite the need for additional funds for South Vietnam. Currently, Saigon is receiving \$700-million in military aid through June 30. The Administration is thinking about seeking Congressional approval of an additional \$300-million for the next six months, and about \$1.3-billion for the next fiscal year.

Similar Dialogue

The question of the reconnaissance flights came up at the State Department's regular news conference. Mr. Anderson refused to confirm that they were taking place. But he did refer newsmen to a similar dialogue between newsmen and the department spokesman, Charles W. Bray 3d, on April 20, 1973.

As part of the January, 1973, Paris cease-fire agreement, the United States agreed to "stop all its military activity" against North Vietnam. Officials at that time acknowledged that this included reconnaissance flights. And in April, Hanoi accused the United States of conducting such flights.

Noting that Hanoi had violated the January accord by stepping up its infiltration of men and supplies into South Vietnam, Mr. Bray justified American actions on the basis of a "well-known principle of international law."

Referring to a 1969 conven-

tion on the Law of Treaties, Mr. Bray said on April 20, 1973, that the convention provided that "a material breach of an international agreement by one party entitles the other party to suspend operation of the agreement in whole or in part."

Selective Violation Charged

Mr. Anderson said the United States stood by that statement, adding: "It is our view that this agreement isn't something that can be violated or only selectively respected by the other side."

In June, 1973, as the result of talks in Paris between Mr. Kissinger, then only the White House adviser on national security affairs, and North Vietnam's Le Duc Tho, the two sides issued a communiqué that said, in part:

"The United States shall cease immediately, completely, and indefinitely aerial reconnaissance over the territory of the Democratic Republic of Vietnam."

In recent days, Hanoi has accused the United States of resuming these overflights, and Administration officials have confirmed these reports privately. But the officials deny another Hanoi charge that American reconnaissance is directing South Vietnamese Air Force strikes against North Vietnamese forces in South Vietnam.

Communists React Sharply

SAIGON, South Vietnam, Jan. 14 (AP)—North Vietnam and the Vietcong reacted sharply today to a United States protest note accusing Hanoi of grave violations of the cease-fire. Both turned the charge back on the United States and accused it of increasing its military involvement in Indochina.

A commentary on Radio Hanoi said the State Department had distorted "the determination by the South Vietnamese people and armed forces of their legitimate rights to self-defense to punish the Saigon troops and defend the Paris agreement."