

Letters to the Editor of The Times

Progress in Vietnam To the Editor:

In December 1965 I wrote after my first trip to Vietnam, "Whereas before my trip, I felt we should settle for nothing less than a complete military victory, I feel now that if we could get a satisfactory negotiated peace I would gladly accept such a peace." After my second visit to Vietnam during much of which I was accompanied by the late Bernard Fall, I recommended to Secretary Robert McNamara that we stop the bombing of North Vietnam. Thus, I feel I can speak as neither hawk or dove but as one interested in an early end to the hostilities in Vietnam.

President Nixon didn't start the war; he inherited it. So let's see what he has done about it since taking office. By July 1971, he will have reduced military spending by almost \$10 billion, and the total military and civilian forces will have been reduced by 682,000 people, or about 15 per cent.

Reduction in Forces

By next spring he will have withdrawn 265,000 men from Vietnam, or just under 50 per cent. Secretary Laird has already hinted at a manpower reduction to a total of 2.5 million men by the end of fiscal 1972, and indications are that our defense budget in that year will be less in constant dollars than President Kennedy's first military budget. Thus, knowledgeable people are concerned that, at that time, we shall have to return to a dependence on a nuclear deterrent in our national policy, with all the dangers inherent therein.

A further consideration involves the number of U.S. troops in Vietnam. The withdrawal of the next 150,000 men, promised by May 1, 1971, will leave 285,000 troops in Vietnam. From the military point of view, the withdrawal of these troops will mean that we no longer will have the capability to assume any meaningful offensive within Vietnam itself, and certainly not in Cambodia or Laos.

Denying Tax-Exempt Status to Segregated Private Schools

To the Editor:

The recent action by the Internal Revenue Service to deprive segregated private schools of the tax privileges normally granted to all private schools is a serious intrusion into private relationships so long protected by our form of limited constitutional government.

While constitutional government by definition limits the application of any policy, such as integration, to those areas in which the corporate body of individuals surrenders its private regulation, this Federal action recognizes no such limit and hence no distinction between public and private.

Because the Constitution guarantees inalienable rights, summarized as individual discretion in one's private associations, the individual has the legal right to withdraw from public controls into segregated academies or parochial schools. Yet though the practices of such private associations should be immune to public controls, the Federal Government is attempting to eliminate indirectly what cannot be directly proscribed.

If the tax policy can be generalized that all private schools that adhere to legal demands should be granted tax exemptions, the I.R.S. action implicitly adds that to deserve these benefits, a school must

Of the troops remaining in Vietnam, less than 100,000 will be combat troops, and the great bulk of these will be dedicated to the defense of our logistic bases, for pacification work, or for limited fire-fighting operations. Thus, it is no wonder that our military leaders are unhappy about this phase of the President's plan, for it, of necessity, reduces by an order of magnitude the military options open to the U.S.

In summary, paraphrasing our youth, I would like to suggest that we view Vietnam "like it is." Certainly the military would have wished for more time, but they must realize that prolonging this unpopular war is not worth the cost to the moral fiber of this nation.

To those concerned people who wish for a speedier withdrawal, I offer the words of Dean Acheson, who wrote in Present at the Creation, "My constant appeal to American liberals was to face the long, hard years and not to distract us with the offer of short cuts and early solutions begotten by good will out of the angels of man's better nature."

I believe that the long, hard years in Southeast Asia are drawing to a conclusion and I am sure that all the people of this great nation hope that President Nixon can accomplish this result at the earliest possible time commensurate with a sound and restrained foreign policy for this nation.

ROBERT H. B. BALDWIN
Former Under Secretary, Navy
New Vernon, N. J.
July 23, 1970

Importance of Mideast

To the Editor:

Russia and China are vying with each other in their support of the Arab cause in the Middle East. Surely they are not doing it for altruistic reasons, no more so than their support of the Vietcong.

We are investing blood and treasure trying to stem the tide of Communism in Southeast Asia. Is not the Middle East,

also reflect the mere opinions of officialdom, opinions which are legally irrelevant to the value rationale for granting the privileges.

The charge that tax privileges "subsidize" segregation is a pervasively subjective substitute for noting that the freedoms of private dissent "subsidize" relationships, which, though legal, may offend popular opinion. Furthermore, a rationally tortuous charge that these academies have infringed public welfare is no more legally tenable than an attack on the Mormons or Black Muslims for unpopular dogma, discrimination in membership, or refraining from more general relationships. The analogous practice of tax exemptions for all churches has recently been safeguarded by the Supreme Court.

The portentous meaning of this Federal intrusion is the diminishment of the rights of private dissent by a Government seeking not to implement law through proper instruments but to "legalize" subjectivity through insidious means. The gravity of this action would be equivalent to termination of tax exemptions to a university that favors minorities in admission standards or even to a university which refuses to quell anti-Government dissent.

ROBERT J. BLAKE
Cambridge, Mass., July 22, 1970

at the crossroads of three continents, infinitely more important in this contest?

Disregarding Israel for the moment (after all, we are not in the business of altruism either), would not a Russian triumph in this vital area be tantamount to a knockout blow for the free world?

Can we afford to do less than to give Israel all the moral and material support she needs to prevent Russia from gobbling up the whole lot?

MOZES H. MARTON, M.D.
Yonkers, N. Y., July 27, 1970

Polish-German Border

To the Editor:

There is no question that in 1969 and 1970 Poland and West Germany moved a long way from the cold war toward a détente. The favorable climate is important as a prerequisite to normalization, but in itself it is not a guarantee for an understanding. The two major obstacles to improved relations remain. These are Polish support for the policies of the German Democratic Republic in a manner which to Bonn must appear detrimental to the goal of reunification, and the contested territorial issue.

The Poles will not accept any solution short of recognition by West Germany of the finality of their frontier along the Oder and the Neisse Rivers, a frontier which more or less was accepted 25 years ago by all victorious allies including the U.S.A.; approval of that frontier was left to final peace treaty.

The Poles feel, and on this issue Communists and non-Communists are all united—that the maintenance of the western territories is indispensable to their national survival. (Thirty-two per cent of the national industrial production stems from the new territories). From the national point of view the matter is simply not negotiable. In demanding formal recognition of their western border from all Germans, the Poles desire moral compensation for the murdering of six million Polish citizens during

To the Editor:

The Internal Revenue Service has recently announced that tax exempt status will be granted to private schools that publicly announce the adoption of racially nondiscriminatory admission policies. This policy would be in keeping with the July 10 I.R.S. announcement which called a halt to exemptions for those private schools which "practice racial discrimination." The I.R.S. has also stated that if such public announcement is made, it will be presumed that nondiscriminatory admission policies have been adopted and will be maintained in good faith.

While the tax exempt status of a school can be revoked if the I.R.S. determines on subsequent examination that a nondiscriminatory admission policy is not being followed, the announced I.R.S. position is that the deductibility of gifts and contributions made before the announcement of revocation will not be disturbed.

Thus, since it is extremely unlikely that such revocation will occur until long after the exemption has been granted, the I.R.S. position allows segregated schools to obtain the benefits of tax exempt status during the initial period when the major capital costs are incurred merely by announcing the adoption of a nondiscriminatory admission policy.

the last war. Conversely, the refusal to recognize the existing border as final is viewed in Poland as a denial by the Germans of their own defeat and an attempt to turn back history to 1939.

The Poles realize of course, that the renunciation of one-fourth of their former territory is not easy for the Germans, but they feel that after what happened during World War II a truly great sacrifice on the German part is necessary to restore justice in relations between the two nations.

Where love is no longer possible, a new understanding requires other ingredients: distance, respect, openness and openmindedness, and above all, goodwill on both sides. West Germany of today may well be wealthy, well behaved and part of the free world; nonetheless, in the eyes of the Poles and Western Europe, all this is outweighed by her intransigent refusal to acquiesce in that part of the postwar settlement which yielded the Oder-Neisse frontier. So long as that is not done freely, it would be unreasonable to expect the Poles to strive for much better relations and for German reunification. In the present world, there is absolutely no future in fighting each other.

STANLEY STEIN
New York, July 24, 1970

Hijacking as War Crime

To the Editor:

In your editorial of July 24 "Hijacking as Blackmail" you point out that the complicity of the Egyptian Government in this venture is indisputable since it was Cairo that had provided the hijackers a safe haven and a warm welcome. You then state that the issues raised by this outrage go far beyond the national interests of Greece since all international aviation is threatened by the specter of hijacking for political blackmail.

Your suggested counteraction of a boycott of Egypt by international airlines and a refusal of landing rights abroad to

Egyptian planes would not, it seems to me, get to the heart of the problem.

This action is an international crime and should be recognized as such. Even if this action could be considered as relating to a state of belligerency, the holding as hostages of civilian passengers in a neutral country would, under existing international law, be a war crime and a crime against humanity.

The government granting safe haven to the hijacking crew is legally a participant to the criminal act. The absence of an international police force or an international criminal tribunal, does not make that any less a crime.

Sir Hartley Shawcross, the Chief Prosecutor for Great Britain, in the closing statement to the International Military Tribunal at Nuremberg, stated: "Since when has the civilized world accepted the principle that the temporary impunity of the criminal not only deprives the law of its binding force but legalizes his crime." His further statement to the Tribunal, that "crimes do not cease to be criminal because they have a political motive," is particularly applicable here.

What is urgently needed now is for the United Nations to reaffirm the principle of law, and by appropriate action invoke the Nuremberg precedent; formalize the international crime of hijacking; provide that political or other motivations do not constitute a defense, and specifically include the language of the Nuremberg Charter that "leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit the foregoing crimes, are responsible for all acts performed in the execution of such plan."

MORRIS AMCHAN
Former Deputy Chief Counsel
For War Crimes, Nuremberg
Arlington, Va., July 26, 1970

Term of Copyright

To the Editor:

In his July 26 letter on the Copyright Revision Bill, Dr. Oscar Cargill asks "more" discussion of the provision which would establish copyright for the author's life plus fifty years.

As he knows, the provision has endured a decade of discussion: In Copyright Office panel meetings; then in several Congressional hearings, where opponents and proponents testified on it, exhaustively. The House committee said the "need" for increasing the copyright term was "conclusively demonstrated"; and the committee adopted life plus fifty years because it assures adequate protection and has other advantages.

Dr. Cargill ignored perhaps the most important advantage. Today, any unpublished work is protected perpetually by common law, as private property, even though widely disseminated. On publication it has another 56 years of statutory copyright.

The new provision would eliminate common law copyright and set one term of life and fifty years for all works, published and unpublished. Thus we would adopt the measurement system used throughout the world, following the current 1956 (not 1842) British Act. Since no author ever enjoyed perpetual life, experts agree that life plus fifty years satisfies the constitutional requirement of a "limited" term.

Dr. Cargill suggests that the new term gives authors 115

years of copyright. Not so. It would add an average of nineteen years to the present term; but often it would give less. When a new Hemingway novel is published this fall, the copyright will last 56 years (from publication) compared to 41 years if life plus fifty governed. (Hemingway died in 1961.)

Dr. Cargill argues that the proposed copyright term will not "spur" publishers to issue new books. Utterly specious. Those with the largest "back lists" often publish the most new books. If anything, income from older works helps underwrite the new ones.

The Constitution authorized copyright to encourage authors, not to "spur" publishers who are not even mentioned. The Cargill philosophy would only deny authors and their families a share of the income their works may produce in later years.

The public would not benefit from this Scrooge-like policy. We should, as other countries do, adequately protect the rights of authors whose talent create works of lasting value.

Dr. Cargill's arguments have been rehashed repeatedly in a decade of public debate. What we need is not more "discussion" but, rather, prompt enactment of the long-awaited Revision Bill.

JEROME WEIDMAN
President
ELIZABETH JANEWAY
REX STOUT
Authors League of America
New York, July 29, 1970

President on TV

To the Editor:

The case for splitting Presidential appearances among the three networks as presented by Don Hewitt (letter July 19) may sound quite workable to the layman, but the professional (and that includes Don Hewitt, whose "60 Minutes" program I admire greatly) really knows better. The very fact that three networks give simultaneous time to the President is what encourages audience tune-in, and I think that is what Mr. Hewitt finds objectionable.

As soon as the President is relegated to a single network, the general entertainment available on the other two channels will unquestionably outrate the President.

There is also some specious logic in presuming that the White House can predetermine the number of hours the President may request in the course of a year. If it is to become a fixed number of appearances, then it starts to take on program structure of a Hallmark Theater or National Geographic Special or some other event which has its own following without regard to the import of the moment.

Unfortunately, the President has to have access to all three networks at once or he should simply be put on Educational Television if the matter is that inconsequential. Perhaps the answer lies in the Congressional committee which supervises the activity of the F.C.C. Let them ponder the question of Presidential access to television and write into the Communications Act specific guidelines which in effect would require the President to demonstrate a need, rather than a desire.

The need would have to be based on a twofold criterion: It would have to be a matter of some urgency (meaning it could not wait for news gathering organizations to attend a press conference and ultimately print the story); or a matter in the

national interest demanding the largest possible audience including television and radio.

While this may not be foolproof, it would require the White House to demonstrate a genuine sense of responsibility in the demand for free network time as, if and when the situation calls for it.

RICHARD CARLTON
President
Schnur Appel Television Corp.
New York, July 20, 1970

Hormonal Imbalance

To the Editor:

I share Representative Patsy Mink's concern over Dr. Edgar F. Berman's charges that the "raging hormonal imbalance" of the menstrual cycle and menopause disqualifies women from key executive positions (news story, July 26).

Women do have periods of depression, but so do men. Suicide is one measurable manifestation of depression. In New York City, where the Medical Examiner's Office investigates more than one thousand suicidal deaths a year, the suicide rate among women is less than among men. Indeed, the incidence of suicide among female executives is much less than among male executives and much less than among women in general.

Much of the depression that women experience is probably due to indoctrination of the "scientific truths" of physiologic, psychologic and physical inferiority as expressed by Dr. Berman. Career women who overcome these prejudices may be much better able to handle their mood changes than men, or women who reluctantly accept housewife status.

At autopsy, men in middle life have much more arteriosclerosis of the blood vessels of the heart and brain and more damage to these organs than women of similar age; this, and the increased life expectancy of women, is largely due to their hormones. Is there not advantage in training a woman for a high position in which she may be able to function for many more years than a man?

If Dr. Berman means to point out that there are hormonal differences between men and women, I would raise no objection. But I cannot accept his *non sequitur* conclusions that, of the many factors affecting ability to perform in our complex society, female hormones *per se* prohibit women from assuming positions of great responsibility.

MICHAEL M. BADEN, M.D.
Deputy Chief Medical Examiner
of New York City
New York, July 27, 1970

Hunting From Planes

To the Editor:

In your searing editorial "Arctic Sports"—on the "challenge" of hunting polar bears by airplane—The Times neglected to mention a pending Congressional bill designed to help end this despicable and brutal "sport."

H.R. 15188, introduced by Representative John Saylor of Pennsylvania, a conservative leader in Congress, would prohibit shooting of any animal, bird or fish from an aircraft in flight over U.S. land or water, subject to a \$5,000 fine and/or prison. Hearings were held in March.

Those concerned about the fate of the majestic polar bear and other endangered species should support this legislation.

BARRIE T. COLLINS
Bethany, Conn., July 19, 1970