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Subcommittee To Investigate Problems Connected With Refugees and Escapees

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(III)
PROBLEMS OF WAR VICTIMS IN INDOCHINA

Part III: North Vietnam

WEDNESDAY, AUGUST 16, 1972

U.S. SENATE,
SUBCOMMITTEE ON REFUGEES AND ESCAPEES OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:05 a.m., in room
2228, New Senate Office Building, Senator Edward M. Kennedy
(chairman), presiding.

Present: Senators Kennedy (presiding), Hart, and Fong.

Also present: Dale S. de Haan, counsel and Jerry M. Tinker, staff
consultant; Patricia Carney, secretary to the subcommittee, and Marc
Ginsberg, assistant.

Senator Kennedy. The subcommittee will come to order.

The hearing this morning continues the subcommittee's public in-
quiry into the problem of war victims in Indochina.

On May 8 and 9, the subcommittee held its 34th hearing since 1965,
on the problems of refugees and civilian casualties in South Vietnam,
Laos, and Cambodia. Today we seek to better understand the impact
of this war on the civilian population of North Vietnam. As this sub-
committee has done regularly in the past, this morning we are seeking
the observations and impressions of private Americans who have re-
cently returned from the field, and tomorrow we anticipate hearing
from representatives in the Departments of State and Defense.

Our concern here is to provide accurate information on humanitarian
problems that exist among the people of North Vietnam. Just as this subcommittee is concerned over the escalating violence from both sides,
and just as we condemn all those who continue this violence from both
sides, so, too, are we concerned over the humanitarian problems that
affect war victims on both sides. No border should ever separate or
diminish our country's concern over the needs of an orphaned child or
the suffering of a wounded mother.

There can be little doubt today that we are witnessing a human
disaster of historic proportions in Indochina. The plight of civilians
is worse today than at any time since the war began, including the Tet
experience in 1968.

As we meet this morning Indochina's regional crisis of people esca-
lates. Each day of war brings another day of needless human suffering.
More civilians become casualties or die; more refugees flee devastated
villages and towns in North and South Vietnam, and in Laos and
Cambodia.
As of June 30, our country has dropped 6,857,858 tons of bombs over Indochina. This is over three times the tonnage dropped during all of World War II. It is over 10 times the tonnage dropped during the Korean war. In 1972, the tonnage of bombs dropped over Indochina has risen sharply from nearly 56,800 tons in January to nearly 112,500 tons in June. The total for just the first 6 months of 1972 is 504,185 tons. With added tonnage over the last 6 weeks, the total bombs dropped over Indochina since January of this year alone exceeds the tonnage for the entire Korean war. The bulk of this tonnage was dropped over North Vietnam. For anyone to suggest these bombs have little impact on civilians or in the creation of war victims, defies understanding and common sense.

Until this tragic war finally ends, this subcommittee will regretfully, but with determination, continue to make the case that the civilian population and the plight of war victims throughout the area must be a matter of vital concern to the American people and their Government.

If we can try to suggest what we have to do at this point in time, the first need is to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. In the meantime, we should be planning a program for what our great Nation can do in concert with other nations to insure a rebuilding process for the people who have suffered so much, in so many ways, throughout Indochina.

So we welcome here this morning some Americans who have had the opportunity of seeing firsthand what the air war is bringing to the people of North Vietnam.

Senator Hart?

Senator Hart: No, I came, as you suspect, Mr. Chairman, to welcome Ramsey Clark back and to tell him I think, as he knows, that he was indeed a great Attorney General, and I think he is about the only man I know to persuade my wife to pay her taxes at the moment and I feel just the same way about him.

Mr. CLARK: Thank you, Senator Hart; it is good to be back.

Senator FONG: Senator Hart.

Senator FONG: Thank you, Mr. Chairman.

In view of the very short time we have available for this witness and to hear the other witnesses scheduled for appearance today, I will reserve my opening statement for a time later. For now I just want to welcome Mr. Clark and want to hear what he has to say about his visit to North Vietnam.

Mr. CLARK: Thank you, Senator Fong.

Senator KENNEDY: We want to extend a warm welcome to you, Mr. Clark. Your visit to North Vietnam follows in the tradition of other Americans who have visited the north, going back to Harrison Salisbury in 1967; Tony Lewis of the New York Times; Joe Kraft; George Wald, a Nobel Prize winner; and a number of other distinguished labor leaders and clergymen who have visited the north and have taken the opportunity to inform the Congress about their impressions. We want to extend a warm word of welcome to you.

This subcommittee is a part of the Committee of the Judiciary, so most of us have had an opportunity as members of the Judiciary Committee to have heard testimony from you as Attorney General, and we
always benefited from your appearances and we want to extend a cordial welcome to you this morning. We appreciate very much your being with us.

STATEMENT OF RAMSEY CLARK, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. CLARK. Thank you very much, Mr. Chairman and members of the committee. It is good to be in this room again. I have been here many times and testified before all of you and I respect this institution.

Let me describe briefly in an outline where I went and what I did, and mention a few specific things; but I think perhaps it will be more efficient if you elicit what you want to know through questions.

I arrived in Hanoi on Saturday afternoon July 29. It was about 2 or 3 o'clock in the afternoon. The airport is quite close to the city itself and there were two air alerts before we got to the city. I don't think it is 3 or 4 miles, but it took probably 3 or 4 hours. I was ready to get to the hotel because we had been flying for 26 hours, but it didn't happen that way.

I spent the next several days in Hanoi. I visited bomb-damaged sites there, including schools, one hospital, several housing areas, a tile factory—such things as that. I had conferences with many leaders. I will outline generally the types of conferences and not go into the details.

I met with several Ministers, including the Prime Minister, the Foreign Minister who is also the Vice Prime Minister, and the Minister for Culture and his Deputy, also the Minister for Foreign Trade, as well as probably five provincial presidents—who are roughly analogous to our Governors—and mayors, village leaders, and a good many others.

The process of asking permission and getting to do what you want to do is quite difficult and quite time consuming. I had a list of things I wanted to do that expanded constantly. I wanted a helicopter and to go see Laos; I wanted to see Vinh Linh by the DMZ; I wanted to go to the Chinese border and, of course, these things just could not be done within 2 weeks. I was, however, provided with automotive transportation—it was a jeep. We clocked, by my measurement, over 1,200 kilometers between cities and many more than that within cities and villages.

I was in about six provinces. I went down to Thai Binh and saw damage to the dikes and sluices and schools and a leprosy hospital that had been bombed 3 days before I got there. I saw three churches in one little village of Vu Van—why they built the churches so close together, I don't know—but there they were, and all three were severely damaged.

I might talk a minute about churches, as long as I am on that point. At 5:30 p.m. on the second Sunday I was there, there was a Mass in the Catholic Cathedral in which not fewer than 1,000 and perhaps as many as 2,000 people participated. They knew the liturgy; I don't think they had been coached for my purposes; I don't know where they all came from, but there were children, women, and men—the service was wide open. On the Friday before I left—and I have a few still
pictures of this—I went to another quite beautiful little church in Hanoi. I don’t know what you would call little Catholic churches, but it wasn’t a cathedral. They had a Mass for Fathers Philip and Daniel Berrigan, and, as they said, other Americans who have tried to save their children; a couple of hundred people were there. It was barely daylight. The church was situated within 500 yards of the building in which I met with the Prime Minister; it is on the same main street; the doors open right onto the street. Everybody was singing the hymns, if that is what they are. I have tape recordings; I couldn’t understand the language, but I had some translation.

I also went to Haiphong and saw bomb damage to dikes and other things in villages in between Haiphong and Thai Binh. I went to Phu Loc and some of the areas around Haiphong which had been described by Tony Lewis and others, then back to Hanoi and then out again down south to Thanh Hoa. It is quite a drive to Thanh Hoa; it took us 15 hours. We left as soon as it was dark and we didn’t make it while it was still dark. We had to race in the morning hours to get in. They drive at night because it is a little safer.

There are bomb shelters all over the place. I never imagined there were as many bomb shelters as there were. If half the energy that had been put into bomb shelters had been put into homes and things, why, the place would look like Camelot; and they are really serious about those bomb shelters. They get into them fast and stay long. There is a lot of discipline and patience about that sort of thing—more than I would have and more than I think the average American would have.

The cities like Ninh Binh and others are severely damaged; the urban damage is easily understood. You see Haiphong and it reminds you of World War II. Right after World War II I went through every country in Western Europe, except Bulgaria, and as far out as Moscow, and I saw what had happened to cities like Warsaw, Frankfurt, Schweinfurt. I lived in London for a while and remember the ruins around there. This trip took me back 27, 28 years, to things I would like to forget and had hoped would never happen again.

Those cities had been bombed to the earth; a lot of people were killed. They had statistics that they gave me on their claim as to the numbers of hospitals hit and numbers of schools hit. I obviously was not able to see all that they say have been hit, but I was able to see a good many schools and hospitals, a number of dikes and two sluices and other places that were obviously the object of extensive bombing.

I should say that there was not a day that I didn’t walk by myself in any direction that I chose, wherever I might be, and see whatever I could find and I would say I averaged a couple of hours a day like that. There was never an occasion on which anybody said, “No, you can’t go there. Who are you? What are you doing here?” I was looked at with great curiosity as you will see from some of the movies I took. The kids are first shy and then they start running toward you and laughing and then look through your camera and you are lucky if you ever get away because they will look through it all day.

I don’t know if the people thought I was a Russian or what they thought—that hurts a little bit, too—but they treated me uniformly with curiosity but with respect and dignity.

I spent almost 24 hours in a little village called Thieu Minh where 2,900 people live. That village goes back 500 years, to their knowledge,
when three hamlets were combined. Most of the people had lived there all their lives and never had been out of shouting distance from the village. They told me a foreigner had never been there, and I believe that.

I saw another village three kilometers away, called Thieu Hoa—which means flowers, I was told Thieu is just a surname. If I were they and in the propaganda business, I wouldn't have given anyone that name because it reminds you of somebody who lives down South. It was in the wrong place though. It got hit by B-52's on April 13 and it didn't look pretty when I saw it, and a lot of people were killed there. The survivors were still stunned; they didn't want to look at me. That was after I spent 24 hours in the other village where I was treated to as generous, kindly, curious, and friendly a reception as I have ever had among people who had never seen a white man before.

I left North Vietnam on August 12, which was a Saturday, and by coincidence I read in the papers later that it was the greatest air bombing of the war. I saw planes; I have tape recordings of anti-aircraft; you could hear the bombs every day in the distance. During 2 weeks, I averaged about six air raid alerts a day. I didn't happen to be in close proximity to where the bombs fell, but I saw planes within 1,000 yards and you could see the markings very clearly.

I think questioning would be more efficient now.

Senator Kennedy. Can you tell us about the impact of this war on the civilian population; what kind of impressions did you get about the burden to civilians caused by the bombing?

Mr. Clark. Well, the war has changed their lives rather drastically, especially in the cities. In the villages it is different. In the villages, unless you are unlucky, the war passes you by. It takes your sons, your brothers, maybe your father—and they may not come back—but unless the bombs happen to hit you—and there are a thousand of these villages—the violence passes you by.

But the cities are, to a very considerable degree, evacuated. Even high governmental officials will tell you that they miss their wives who have been gone since April. The wife is out north here, 25 kilometers away in a village. The three children are not with her; the 3-year-old is out—down here, and the 9-year-old is down there, and the 11-year-old is in another village.

Senator Kennedy. Why is that?

Mr. Clark. They separate them because they say it is terribly sad to lose a wife or a child, but to lose a whole family is unbearable, and, therefore, they have separated the wives and the children; only the workers remain.

Senator Kennedy. How long has that been their policy to divide up the family?

Mr. Clark. I think that it began in April, although it is hard to say for sure. Probably it was May before it was extensive. A number of women told me they had never been separated from their children before. You know this was something that was hard for them.

In the cities life is disrupted daily a number of times. I think in the 24 hours I was in Hanoi there were 11 air alerts. They get you up in the night—or, at least they try to—and get you down in a bomb shelter. Whatever you happen to be doing in the middle of the day is liable to be interrupted at any time by an air alert. So the war affects
daily movements in the life of the people. Even in the villages, the
air alerts are constant; they have a network; if you are out on the
highway you hear the gongs—in the city they use sirens. I have got
tape recordings of all these noises from little villages, and every so
often on the highway there is kind of a homemade air alarm. The
variety seems infinite. There would be a brake drum, or piece of scrap
metal, and somebody will hit it with a hammer. They make a lot of
noise and you can hear the noise, moving from place to place across
the paddies, and they seem to transmit the alert that way.

Most of these areas in the outlying districts don't have electricity
but they have battery powered transistor radios and they have got
music and other broadcasts that almost permeate the countryside. I
never saw anything quite like it. In that sense, you could say the nation
is a captive audience, and it is from these radios and music that begins
at 5 o'clock in the morning, and there is talking, too.

Senator KENNEDY. What is the nature of the weapons that have
affected the civilian population? Do people get hit sort of incidentally
because they are living in an area which is proximate to a military
target? Also, what can you tell us of your impressions about how
civilians have been affected, say, by the kinds of bombs that are being
used in heavily populated areas?

Mr. CLARK. I am not a military expert and I can't elaborate at
length on that. When I got there I said, "Look, I don't want to see
military operations or guns or things like that because that is not my
line." But in all the walks and travel around the cities, I didn't see
military activity. Every once in a while you see a SAM missile that is
on a portable carriage, but I didn't see military installations. You
don't see many police; you don't see guns at all like you do in the
United States where officers stand around with guns on their belts or
anything like that. I really don't know that there are significant mili-
tary concentrations around these cities. I doubt it.

They are big on railroads and they are quick at repairs. Driving
south from Hanoi one night I came by a place where a bomb had
fallen near the railroad just a few hours before and the cars were
blown off on the side, One big oil tank car was ripped open and laid on
its side; they had already repaired the track and they had trains
running up and down, so we are hitting that sort of target.

The people themselves, a lot of them, have been killed, especially in
an area like the Ha Ly area of Haiphong. They told us there was a
raid on July 31. I went there August 3 and August 4, and there were
simply acres of debris and waste. I have some pretty good movies and
I hope some still shots of that area and they claim the raid just killed
a score of people. I don't see how it could have killed so few. They
also claim that there were both perforating and antipersonnel or
fragmentary bombs.

I am no military ordnanceman, but perhaps there is somebody in
these United States who could tell us whether these things [illustrat-
ing] were, in fact, built here and, in fact, dropped on the cities
and the civilian populations of North Vietnam.

This is what, as a guy who doesn't know any more than a former
marine corporal, I would call a fragmentation bomb—it is a lot better
instrument of death than the hand grenade we practiced with down at
Parris Island when I was there in 1945. Those would have 60 on 80
pieces of metal that would fly out. These have several hundred. These are called bomblets by the people in North Vietnam and hundreds of them are contained in what is called a mother bomb. There are casings of mother bombs all over the place and they are great big, long metal cylinders. After the mother bomb falls from the planes, they open and they scatter these bomblets—and there are several hundred of these, depending on the type of the bomb, and when they hit they throw shrapnel all over the place.

Now, they have one purpose and that is to kill people. They don't do much damage to property because it is just little pieces of shrapnel; they are not going to tear a house down although they may puncture a locomotive tank or something like that. But these are antipersonnel weapons.

Now, the mayor of Hanoi gave me that and he said that it was dropped in a highly populated area of the city of Hanoi. It didn't go off. As I understand, 2 percent are duds, as we might call them; they don't go off, and this was one of those.

If that is true, then I know of no justification in law or morality for the use of that kind of weapon against civilian personnel. I was given this by—

Senator Kennedy. Did you in your visits to the hospitals, either in Hanoi or any of the other places, see civilians who had been wounded by antipersonnel bombs?

Mr. Clark. I went to a number of hospitals and I saw a number of what they called were victims of antipersonnel bombings, but, you know, I am a professional person, I have some discipline, but when I see a person in the hospital and they show me he is hit here, here, and here, I don't know how it happened so I can't really judge that. I can only tell you what they told me; they told me these people were hit by fragmentary bombs; they told me that plastic casing on these bombs are not detectable by an X-ray and, therefore, if you happen to get hit by that, the movement of your body is going to cause it to cut and cause pain but it is very difficult for a doctor to locate it. Maybe the Department of Defense can explain that in a different way; I don't know, but that is what they say and I am not trying to make their case here, heaven knows.

I think that there are, you know, many, many civilians killed; I don't think there is any doubt that there are little babies and old men and women killed. There is no way that you could destroy the buildings that I saw destroyed in Hanoi and Haiphong and not kill a lot of people because those buildings were homes and some were apartment units and some were schools.

Take villages like Thieu Hoa or Phuc Loc—what could be there? I just don't know what could be there to justify hitting it. Phuc Loc is near Haiphong; it would be a pretty big miss since it is a number of kilometers away, but it is conceivable in the rain or something like that, that you could just miss. But Thieu Hoa, that is nowhere.

I must say, too, that Vietnam is a foreign country to me; I don't know it; I have to ask directions and have to get explanations of what things are. But the hospitals that I saw—and this does not include the medical dispensaries that you can see going along the street—the hospitals I saw were all damaged. There was one particularly, in Thanh Hoa, a provincial hospital, that was opened in 1969, they told me. It
had been a tuberculosis rest place before that. The old provincial hospital had been at the provincial capital which is a number of miles—kilometers as they measure distance—away. It had been so badly damaged in 1968 they decided to relocate it and they built this new large hospital complex with many buildings spread over 6 to 8 acres, and it was bombed into the ground; six buildings were totally demolished. Walking through there, you could see radiology equipment; you could pull out patient records; the place has been abandoned.

Getting up on some of the ruins, you can see forever, and there is no habitation within a couple of kilometers from that hospital; it is standing out in the middle of rice paddies and fields and nowhere. It may be that there were troops bivouacked there the morning it was bombed; I don't know; I was not there that night. It was, I think, 8:15 in the morning. But there was nothing in the debris that indicated that there was any military activity there. The debris indicated, as did the gate through which you entered, that this place had been a hospital and nothing more. The people you talk to, including the head of the medical team, said it was a hospital, and you could see hospital beds and you could see everything else that told you it was a hospital. There might have been racks of SAM missiles standing there on that day; I don't know, because I wasn't there. But I don't know what in the world they would be doing out there, and even if they were there I don't know why you have to fly over them.

Senator KENNEDY. What was the condition of this hospital?

Mr. CLARK. It was demolished. I have got some extensive movies of it. I would like to give the committee copies of all the films I have. They are Eastman Kodak film and I carried them into the country and put them into the camera and I pressed the button and I carried them out.

Unfortunately, I am not a mechanically oriented person. Originally, I had a man going with me who speaks Vietnamese and who knows how to take pictures but he was not allowed in, so I had to carry these cameras and take the pictures myself. I have 800 or 900 feet that came out, 200 or 300 feet of pictures of prisoners of war. To me, I am awfully pleased with them because the families will get copies of them so the families can see how their husband or son looks.

I have a lot of tapes I would like to give you, including close to an hour and a half of tape of free interchange with 10 prisoners of war—during which there were no holds barred. I negotiated for about 30 minutes with the commandant of the prison camp. I was the first person, I am told, to visit a prison camp since December 1970; shortly after Son Tay, except for a Canadian newspaperman. I was permitted to see every room, see every man in the room, and I was able to have this discussion and I have tapes; I spent a couple of hours there, I was also permitted to take a letter from each man and to have each man send a private message to whomever he chose on the tape recorder and the tape recorder remained in my possession throughout. They may have some technique of getting something out of that recorder—I don't know what it would be, but I would like for you to have a copy of that tape.

I think the tape is awfully important.

Senator KENNEDY. How recent were these prisoners? Are these the prisoners recently captured, or are they old ones?
Mr. Clark. Well, they varied. I was as unreasonable as I know how to be—which most people will tell you is pretty unreasonable—and I wanted to see the oldest prisoner, a man named Alvarez, and I wanted to see the most recent prisoner.

I arrived in Vietnam on Saturday and the very next day four pilots were captured. Some of the people in the hotel—and there were people from the Netherlands and Sweden and Denmark and France and a number of other countries staying in the hotel—went out to one of the sites where the plane fell, but I just wanted to see the pilots who were prisoners.

Anyway, they didn’t let me see those four. They had these ten men in this one wing and they said, “This is the way we want to do it.”

These men told me how long they had been in the wing, told me where else they had been and told me about four or five other prison camps they had been in. They told me about other prisoners in this camp to some degree, but I didn’t want to get them into trouble and since the prison authority didn’t want to tell me how many men were in this camp I didn’t ask the men because they would be there after I left and I didn’t want to get them in trouble.

The oldest prisoner of war in terms of captivity, went back to 1967 and the most recent was captured in May of this year, so they spanned that period pretty generally.

There were two pairs, back seat or front seat in the same plane, and I asked the men how many of them knew each other before that. Two had known each other before somehow; I think maybe it was in pilot training school or something, but the rest had all been strangers to each other.

Senator Kennedy. What can you tell us about their condition?

Mr. Clark. I can tell you what I saw and what they said. I think their greatest anxiety, disregarding for the moment their enormous desire to come home, was that their families should believe that they are well. Some of them were injured and they are not well, because getting shot down in a plane is not an easy experience. One man has severe damage to an eye. He said he could see light and shadows. One man has a pretty bad hearing loss. One man thought he was going to lose his arm; it still hurts him some, but with his jacket on I couldn’t tell until he told me. I think I may have noticed if I had been able to watch longer—that he was favoring it a little bit. But he was recovering well.

They get all they want to eat. They don’t get to choose their menu and the kind of food that they would like most which they just don’t have over there, but they say they eat a lot of rice, a lot of fish and a lot of pork and chicken. They eat a lot more than the Vietnamese people because, as they pointed out, they need a lot more because they are a lot bigger.

They get exercise; they had an exercise yard right outside their rooms that I could see, and I could see a basketball backstop outside. I wanted very badly to get there in the daylight; I wanted to have a meal with them. That didn’t work out.

They had a little garden area that they did some gardening in. One man said he put on ten pounds; most of them lost a little. They seemed to me to be strongminded, tough, good American men, regular guys. One was a black, born in Tampa. I talked to his wife; she was from
New Orleans and he had gone to Morehouse College in Atlanta and I said, "That is not a bad school but I am a Clark College man myself." He said, "Wrong, man, wrong." He knew what he was talking about—for Morehouse and Clark are rivals. I don't think he had been brainwashed.

There was a guy from Oklahoma there and I had a lot of fun kidding him about his being born on the wrong side of the Red River.

Of course, they want out, they want to come home, and I respect them.

Senator Kennedy. What can you tell us, Mr. Clark—and then I will yield to Senator Hart and Senator Fong—about the damage to the dikes and the dams? How extensive is it?

Mr. Clark. There are a number of people who are studying that carefully and some are experts, demographers, geographers, and engineers, and they will be able to tell you—I don't know when, because, as you know, it takes these guys a long time to study anything—but they will be able to tell us one day in some detail what they have seen.

The Government of North Vietnam itself claims that there has been a clear and purposeful attack on critical points in the dikes, the sluices, the canals, and the gates. They will tell you that they are bombed on the concave side so that the current will erode them out. They will tell you they are bombed near the coast because that is where the villagers are in the greatest jeopardy. In the province of Thai Binh, they told me the highest point is less than 2 meters above the mean high tide of the South China Sea.

On the coastal plain of the Tonkin Delta, the villagers are below the highwater within the levees and the river so, if there is a breach of those levees you have a major risk of mass drowning. If you breach it so seawater comes in, they have lost six or eight crops. They have three or four crops a year so you are talking about a couple of years and millions of people starve.

I saw the Lan sluice which is famous—they have written about it in books. They told me it was a multipurpose water-control facility that affects 48,000 acres of land where 600,000 people live, and I can tell you that somebody has made big holes all around—that thing on the land side, and that levee—it is a low, fairly long concrete structure which looks like a low dam—is all pockmarked up. There were superstructures that had been there, heavy steel I-beams and gates and lifts, and they were all demolished and twisted and snarled around.

They gave me a half dozen dates that they said it had been attacked and I noted in their reports in Hanoi that it was alleged to have been attacked the day after I left.

I saw another place, just a bare dike in Thai Binh, where there must have been 50 craters, right up by the dike. These were earthen dikes and this is alluvial land; it is very fine; it won't compact when it is wet. This is the rainy season and therefore they make emergency repairs and every place I saw I would say out of a half dozen where dikes had been hit there were people swarming all over trying to repair it but they say these are emergency repairs; they can only last hopefully through the highwater. There will have to be a complete restoration where they cut out huge segments of the dike during the dry season when they can get the compaction they need.
It is hard for us to understand the meaning of the dike system. To me a dike was always only a pile of dirt. I didn't know what they were for except to hold water back. But you get the sense there that they believe their civilization depends on those dikes; they see the handprint of their ancient ancestors on the dikes; they go back as far as recorded history, and they are essential for the control of water that keeps people from drowning and keeps crops from drowning and dying.

All the farming I saw was wet farming and that means you have to have efficient water control and the water control is just incredible. You can look out in an area and you can see 20 different levels of water which may be 6, 8 inches different here and 10 feet over here where there is a canal coming through; and if they can't control that water, they are either going to starve or drown.

Senator Kennedy. Given the fact that there are some 2,700 miles of dikes in North Vietnam, and some 300 air sorties a day, whether the hitting of the dikes is accidental or deliberate may be uncertain, but it is certainly predictable. Do you think it is also reasonable to predict that there will be more extensive damage to the dikes with a continuation of the bombing?

Mr. Clark. I think I can say not in the way of predicting, but in terms of personal observations, there is extensive damage to the dikes now.

Senator Kennedy. Now?

Mr. Clark. Right now; yes. That doesn't mean that we have flattened out 2,700 miles of dikes; that just means that every so often you find a place where there are big cracks and holes where people are trying to fill them up and I saw a couple of sluices, concrete, where things had been chipped up and smashed up.

They had a bunch of statistics they gave me, and maps, and I don't know what to make of them. Some of the experts that were there in Hanoi with whom I talked, and I can't vouch for their objectivity, although they seemed objective to me, said that from what they had seen about 80 percent of the damage was in what they would call the coastal plain—and that is the vulnerable part—and the places they had seen were places that, in their judgment, would be critical points on the dikes.

You don't need to level a whole dike. If you hit a critical place and the water starts coming through, it will take care of the rest because it will wash it all out, as the people in the Northeastern part of the United States will recall from our recent experience here this last spring.

Just bombing the dikes may not do the job; there has to be some coordination with nature and if the water isn't high this year, if the runoff isn't great, then, in spite of the damage to the dikes, there might not be a great loss of life or a great loss of crops. But the two experts with whom I talked on the plane flying out—a man named Yves Lacoste from Paris and a man named Daniel Mandelbaum, who is an engineer while Lacoste is a geographer—they had all these books and materials they were still studying, and they said their estimate was that the chances were 50-50 that there would be severe flooding and loss of life and loss of crops because of the bombing damage.

Senator Kennedy. Senator Hart!
Senator Hart. Mr. Clark, I was called to the phone just as you began your testimony, so if you have already answered this tell me so and I will read it in the record. Otherwise, I would like you to state for the record the answer to the question as to why you went to North Vietnam? Did you state that?

Mr. Clark. No; I didn’t. Of course, I have been asked that a number of times, as you can imagine.

I went for many reasons. I am not sure I could name them all. I had sought to go—and I haven’t really gotten back to figure out the exact date—but sometime in the winter of 1969-70, I tried to go to do something about the prisoners. A friend went to Paris and worked with me and called me every once in a while and said, “I think we are going to make it.” We didn’t make it and I dropped it.

Earlier, I had worked for 2 years to go to the Republic of South Africa and I finally got in. But I have worked since 1970 to get into Russia to study Soviet Jewry and I haven’t made that yet.

Well, coincidence, while I was working on a trip to Moscow to see about what I was concerned were new persecutions of Soviet Jews. I had called on the State Department and had arranged to visit them the next day on that subject when I got home that night and had a telegram from Stockholm inviting me to go to North Vietnam with a commission. It is a commission headed by Gunnar Myrdal, whom we all know is a famous Swedish sociologist, the author of “An American Dilemma,” and who contributed so much to the recognition of racism in America.

I wired back and said I wanted to go; I could not go as a member of the commission or in connection with it; I could only go as an independent, private citizen of America; and, after awhile, they got back in touch with me on the phone and said it had been cleared and that I could go; and I went.

From the moment I got that telegram I knew I had to go. A man has to live with himself and what would I think at breakfast the next morning if I don’t go when I could have gone and when it might have made a difference; when I might have helped a prisoner; when I might have learned something or seen something to help tell the American people what we are doing to them and to ourselves...

So I went—and I will never be able to question that decision. I would go again in a minute.

Senator Hart. Unless my question suggests that I have a different point of view, I don’t. But let’s not kid ourselves; I think the general public’s reaction to it probably individual, especially a prominent one going to Hanoi, is that they might be mucking around when the President is trying to make an arrangement with our adversary.

I think that is a regrettable assumption. At least your answer would suggest, to those who automatically criticize, that you didn’t go over there to try to put yourself between Hanoi and Washington in negotiations, but rather to inspect the situation. I am correct in that, am I not?

Mr. Clark. You are quite correct.

As you may know, I highly disapprove of personal diplomacy within or without government. I just don’t think that you can put the fate of billions of people on this planet into the hands of some globetrotter. I think you have to work through institutional processes and I am not about to get into personal diplomacy, whether I am a Presidential
assistant or an Attorney General or just John Q. Public—which is what I am.

But I believe the citizens of a free country have a responsibility, and they have to face the truth, and it is very difficult to get the truth today in America. I think we can barely see it and I think the distortions are enormous. I would urge every American who cares about his children, and the children of this world, to go over there and see for himself.

I urged the North Vietnamese Government—I said, “Let them in.” Bring people who have talked bad about you and people who have talked good about you; try to bring objective people, but don’t try to bring people who are only “friendly,” but get them in here and let them see, because the truth is the most powerful problem solver that the Lord has given man on earth.

Senator Hart. So you are suggesting that there is a citizen’s right, and perhaps a moral obligation, if the opportunity presents itself, to check on your Government, to audit your Government—particularly when, either with justification, or just from appearance, some conduct of your Government seems to offend your moral standards?

Mr. Clark. Well, I think it is more than a citizen right. I think it is a citizen duty—and not just in a hackneyed sense that “eternal vigilance is the price of liberty,” but in the sense of the complexities of a mass, technologically advanced, urban society. If we give the impression to our leaders that we think they can or have solved our problems, we will have done an injustice to the people because the American people are going to have to search hard as individuals for the truth and, if they don’t, they are not going to make it, in my opinion.

Senator Hart. Mr. Chairman, let me thank Mr. Clark for going to North Vietnam and for the report he has made. I join him in his wish that others of us could go and see, and have them see us. The identification of truth is difficult enough even when you have all the facts. It is folly to think that you know for sure if you don’t have all the facts.

Senator Kennedy. Senator Fong!

Senator Fong. Mr. Clark, prior to going to North Vietnam, did you get a briefing from the State Department or the Department of Defense to get our side of the story before you went there?

Mr. Clark. I received that telegram at home, which is a bad place for me to receive telegrams because I don’t get home that often. The next day I was at the State Department. I had already made an appointment by coincidence; I had had an appointment in the Office of European Affairs to discuss Soviet Jewry and I asked that they arrange an appointment with the Bureau on the Far East. I talked to Ambassador Sullivan, who, as you know, is Deputy Assistant Secretary of State for the Far East and who has testified before your committee, and I talked with Frank Sieverts, who, I assume you know, is the American official in the Department of State who has the greatest responsibility and most knowledge about the prisoner-of-war, missing-in-action individuals.

Senator Fong. You did not see anyone in the Department of Defense?

Mr. Clark. No. I am not a military man. It is just not my line.

Senator Fong. But they would have been able to give you some idea as to what is going on over there—so that you at least would have an open mind.
Mr. Clark. Senator, I love this country and I believe in the goodness of our people—but I am not happy with the Department of Defense. You know when I read the “Pentagon papers,” I just wonder. I know that they have their problems, but I wanted to make an individual judgment. I have been anxious about this war for a good many years, as have you, and I have read everything I could get my hands on and I have listened to everybody I could listen to and I have studied it as hard as I could and I saw no reason to go by the Department of Defense.

I said when I got back that I was happy to talk to Mel Laird or anybody else over there who wanted to talk to me and I would be happy to talk to anybody in State and I intend, of course, sometime today, hopefully, to talk to the people in State that I talked to before, and report back to them.

For instance, Mr. Sieverts—I guess it was him—was the intermediary who gave me 102 letters that he had gathered to take to prisoners held by the PRG, the Provisional Revolutionary Government, and they were quite anxious about these because these are letters to prisoners that are not in North Vietnamese prisons so far as we know. These were men who disappeared in the south and I said, of course, I would take them and do everything I could to get them delivered.

I met with the PRG people four or five times in Hanoi and they called me Friday night before I left and said they were going to do everything they could to get the 102 letters delivered. They didn’t know whether they had the men, they said; they didn’t know where they were but they would do everything they could to deliver them; and I asked them also to get me any letters they could possibly get to bring back, because, you know, I know the enormous anguish and suffering of these families. They gave me a handful of letters from the south to bring back. I have not checked, but I will do it immediately, to see how to get these letters to members of the families. I took over 400 letters altogether and brought back a big batch; I have not counted them.

Senator Fong. How can they justify their reluctance to have the International Committee of the Red Cross visit these prison camps?

Mr. Clark. Well, as you know, that argument has been batted back and forth for years and years. They didn’t have to justify anything to me and they didn’t spend a lot of time trying to justify it. They just said they don’t have confidence in it.

Senator Fong. Did you ask them about it?

Mr. Clark. Of course I asked them about it. I don’t know why people are making a big issue out of it here because we all know that it has been hammered and hammered into the ground and I didn’t know how, after all the effort that had been made, I would be able to make much headway with it, but I tried, yes.

Senator Fong. Did they say they just didn’t have any confidence in the International Committee of the Red Cross?

Mr. Clark. That was the conclusion I drew from what they said.

Senator Fong. When you visited these prisoners, were you all alone with them?

Mr. Clark. When I walked into their rooms, there were two in each room and the three of us would be there, but only for several minutes.
They had cameramen, cameramen who came in and they would take some pictures there and leave and then we walked down to the dining room, or what they call the dining room, 10 of us—the 10 of them and me—11 sat in the dining room and people came in and out. I would say there was a man there who sat by me and said nothing all the time, who had driven out with me, whom I had met several times after I got there, named Tran Trong Quat. I guess they were press people who came in with cameras and tape recorders from time to time. I tried to record everything and, as I indicated, I have several hours of recording.

Senator Fong. You always had other people present with you?

Mr. Clark. There were other people with us all the time; the room may have been bugged for all I know.

I had worked out with the commander of the prison camp an agreement—whether he would live by it or not, I didn’t know, but he did—that each man could take a tape recorder and send a private message. The way we worked that was that 10 of us at a time would be standing over by the door and we would continue talking because it seemed like time was very precious—and I can tell you those guys could talk for a month.

One at a time, one man would take the machine—this little tape recorder, you know, that you talk into—and he would go over into the corner, the far corner; there was nothing between us and him, and he would stand over in the corner and talk into the tape recorder. These were private messages. I only asked him to say to whom he wanted it sent and told him only one person would listen to it, although one person would have to listen to it beforehand to cut the tape and send it to whom they wanted it sent to. Of course, I don’t know what they said on those tapes and I have not yet been able to send the tapes physically to the wives or parents, although I promised them when I saw them this Friday night. I arrived at San Francisco early Monday morning and I promised the men I would call the person that they indicated that day and I got nine out of the 10 on Monday and I only got the 10th on Tuesday. She was the mother of a captain who lives here in the District, by coincidence.

Senator Fong. Was there anyone with you when you asked them questions?

Mr. Clark. Well, as I said, there were people in or around all the time; yes.

Senator Fong. So, they never were alone with you?

Mr. Clark. We were alone only to the extent that I have already indicated. There is no question that certainly I was sensitive to their predicament.

Senator Fong. Yes, sir.

Mr. Clark. Prisoners.

Senator Fong. You didn’t ask them questions which were really sensitive; did you?

Mr. Clark. No; as I said at the beginning—and I don’t know what you mean by sensitive—I said “I do not want to talk about anything military because I just don’t think we should; I won’t talk about politics or anything like that; I want to find out what you are thinking, what you are doing, what I can do to help you, what anybody in America can do to help you and what you want.” And each one talked for a
little while into the microphone on those subjects. Nobody was listening to that, really; there was no way anybody could listen because there would be two guys talking over here and this guy talking into the machine over there. I will say this: My privacy with them far exceeds the privacy I had in San Quentin about 2 months ago talking to a man there, and it far, far exceeds any privacy I have ever been able to have with Father Philip Berrigan in the U.S. Federal penitentiary, and I once headed those institutions. There is no comparison.

When I walked in there in North Vietnam, I had three big bags because I didn't have anybody to help me carry the cameras, and I had a movie camera; I had to have lights, didn't know how to work them exactly; had to have batteries, and a still camera and tape recorder, and, you know, the guard didn't even look in those bags.

But you listen to the tapes. I hope you will listen to the tapes.

Senator Fong. I will.

Mr. Clark. I hope you listen carefully and I think you will be impressed by the self-confidence, the humor—by the way, those men interrelate to each other—and by their deep concern about their families, about their lonesomeness.

Senator Fong. Is it true that these are the same men who have been paraded time and again?

Mr. Clark. Well, I don't know why you say "paraded." I think that belittles those men. I respect those men.

Senator Fong. Maybe "paraded" was not appropriate; perhaps I should have said "seen."

Mr. Clark. I don't think they are puppets. I think they are good, strong Americans. I don't know why you say "paraded." I think when we say those men are "brainwashed," and they don't know what they are doing, we do a terrible disservice to them.

Senator Fong. I haven't said they are brainwashed.

Mr. Clark. Well, they are going to come home and people will say they have been brainwashed. How do we know?

Senator Fong. We have been told these men, who you saw, are the same men who have appeared in pictures time after time; is that correct?

Mr. Clark. Well, how many times have you seen pictures?

Senator Fong. I haven't seen many.

Mr. Clark. How many times have they been interviewed? Do you know of one man who has been to a prison camp in the last 2 years?

Senator Fong. This is what they have said.

Mr. Clark. Do you know one man who has seen 10 prisoners?

Senator Fong. And you have seen—

Mr. Clark. I haven't been there all these other times. How do I know?

Senator Fong. You have only seen one wing of a prison; haven't you?

Mr. Clark. No. I saw other parts there. I went through their auditorium that seats 150 people, where they showed movies. There was nobody in there.

Senator Fong. Where was this?

Mr. Clark. The prison was in the Hanoi area. They took me in the dark and drove me a good 30 minutes. When I asked to go there I said, "I know you have problems. Lock me in the trunk of the car and take
me out later. I don’t care. I want to see those men; I don’t care to know where they are.”

But I think that the Son Tay raid was insane. It was the same mentality that caused the Bay of Pigs because it was the best way to get those men killed, to get paratroopers to go in there and try to rescue them. What is going to happen to other camps? That’s a cowboys and Indians thing that will never work.

Senator Fong. Going back to the sluices and dikes, did you feel after seeing the damage to the sluices and gates and dikes that it was done deliberately by our planes?

Mr. Clark. I am a lawyer, as you are. I know how hard it is to determine intention. You can only determine intention from the intending and from the circumstances. That is the only way.

God knows I don’t want to think it was deliberate; but I don’t know how all those bombs happened to hit on those dikes. I don’t know how there could have been so much damage to the Lan sluice. You can say maybe they had a bunch of SAM missiles there; I don’t know—but why would they have them there? What would be the point of that?

Senator Fong. How about oil drums and other materials; did you see any storage of such materials beside the dikes?

Mr. Clark. No.

Senator Fong. I have here with me three pictures taken on July 24 and 29 in the Hanoi-Haiphong area, showing oil drums and other things stored within the dikes. Let me show them to you.

Mr. Clark. I would like to see them.

Senator Fong. I ask you if you saw anything like that on your trip?

Mr. Clark. I have quite a few hundred pictures that I hope you will take the time to look at—although I have my thumb in most of them.

Senator Fong. Each of these three pictures shows the sluice gate; each shows the dike areas. [See following photographs supplied by the Department of Defense.]

Mr. Clark. I assume that we have all these photographs—that the Pentagon has tens of thousands of them. I think the F-1’s are just flying over there and taking pictures of everything that happens. Rather than have the Department of Defense select three pictures they want to show us, I would like them to show us any pictures they took of Thanh Hoa Provincial Hospital area the day before, the day of and the day after the bombing and see what is in those pictures. That would be pretty interesting; wouldn’t it? That is a big country over there. I assume around some dikes they have some things.

Senator Fong. Did you see anything like what is depicted in these pictures?

Senator Kennedy. Let me say, Mr. Clark, that I can sympathize with your desire to see the aerial reconnaissance photos of some of the other parts of North Vietnam because I have written to the Secretary of Defense now for the past several months and we can’t get any pictures at all from him indicating the impact of the air war on the civilian areas of North Vietnam.

So, it is interesting that we are getting these pictures here this morning, yet we can’t get them on my request.
Mr. Clark. You know, I can't look at that picture and identify anything that I have seen with my own eyes; I couldn't be positive if these are in Indochina and not in Hawaii for that matter.

Senator Fong. They tell me it is Route 11 between Haiphong and Hanoi.

Mr. Clark. Yes, Senator; they tell you—

[Laughter.]

Mr. Clark. I can say—

Senator Kennedy. Let's be in order.

Mr. Clark. I can say, though, sir, that I have seen places where there is a railroad line near a dike. I think it would be impossible to build all dikes and railroads in that country where there wasn't a railroad line near a dike. I have seen places where it looked like what I would call light manufacturing near a dike, I wouldn't have any doubt that you are going to have to carry oil drums and things like that past dikes. You couldn't get around the country if you didn't carry them around dikes from time to time.

But I can say that I did not see a gun mounted on a dike at any time; I did not see a SAM missile mounted on a dike at any time. They may have removed them when they saw me coming, but it doesn't make a lot of sense to me that they could or would ever put them up there. Most of the dikes I saw were away from the cities because when I was in the city I looked at the city. I saw miles and miles of countryside and paddies and the dikes and there wasn't anything near the dikes except people working in the fields.

One of the first things I did when I visited any site that had been damaged, whether it was a hospital or anything else, was to try to get some sense of the whole surrounding area. Around the Lan sluice I didn't see anything that could look like a military target. We had to walk in there; you couldn't truck anything in.

Senator Fong. Mr. Chairman, I ask these three photos to be received as part of the record.

Senator Kennedy. They will be made a part of the record.

Senator Fong. These photographs were taken in the Hanoi-Haiphong area on July 24 and July 29, 1972, and show the positioning of supplies close to the dikes.

(The following aerial reconnaissance photographs were submitted to Senator Fong by the Department of Defense):
Supplies positioned along a dike (Route 11A) in North Vietnam.

Pol Drums along a dike (Route 5) in North Vietnam.
Senator Fong, Mr. Clark, in your talk with the Prime Minister and other high officials here, did you get to ask them why was it that they had mounted this tremendous invasion of the south, especially at a time when we were withdrawing our troops and deescalating?

Mr. CLARK. Well, I asked them—and as you can imagine, it wasn't a smart thing to do, was it, because I got a long speech just as I would have gotten a long speech if I had asked you a question like that. Basically, what they said was, "As Ho Chi Minh said, nothing is more precious than freedom and independence." Well, that is what they said. I had some problems, too. When I would go to a village—a little village—and the man who had lost most of his family would look at me and ask: "Why did you bomb us?"

Senator Fong. Did you ask them, "Why did you mount this invasion in the first place?"

Mr. CLARK. Of this man in the little village who had lost all of his family? No, I didn't ask him.

Senator Fong. In your talk with the Prime Minister, didn't that come up as one of the subjects—why they mounted this very massive invasion of the south?

Mr. CLARK. You know, you said a number of things that I don't know we can demonstrate. I don't know what caused a million refugees in the south: I don't know whether it is entirely their invasion or our bombing.
I know that many people in the north feel that this is in considerable part a civil war. One editor in a very sensitive way said, "This isn't the most important war in history but it is the most suffering," and I said, "Well, I think it has to be the most important war because it has to teach us that we can't do this anymore," and he said, "Well, you know, we would hope that, but I know it is the most suffering war, and the greatest suffering by far has been in the south," he said.

Senator Fong. And did he add that this was the most devastating of all battles?

Mr. Clark. No question; they always said the greatest damage was in the south. They say that while the American bombing in the south has driven the people from the villages into the cities, in the north American bombing has driven the people from the cities into the villages.

I don't know why if we say we are withdrawing why we are increasing the bombing. I don't know why we do that. To punish! What is the purpose? If we are getting out, why don't we get out? How do you possibly justify increasing the bombing? And never doubt that they believe that this is an accelerated war and the Prime Minister said—or at least the interpreter said he said—"Of course, this is a war of genocide; of course the bombing of the dikes and dams and sluices is deliberate." Now I just tell you that is what he said. What he believed, I don't know.

Senator Fong. But my question to you was, Why is it when you are decelerating the war that they mounted this massive invasion of the south? Didn't they have any answer to that question?

Mr. Clark. They had—you know they have—and the answers that they give all the time I just got through telling you; they say they are fighting—I don't know whether they believe it—they say they are fighting for freedom and independence. They say there is a repressive government in the south; you know they say that. You hear it more often than I have, I imagine, and that is essentially it.

Senator Fong. I think we told them, "Let's have a general election."

They refused to have one.

Mr. Clark. Well, you are telling me that; I don't know. They told me they wanted a tripartite government of national concord, whatever that is. But they told me they do not want a Communist government there; that was not their objective. The PRG [Provisional Revolutionary Government of South Vietnam]—I asked the PRG, a man named Soai. I said, "Do you want, when the war is over, an immediate unification with the north?" He said, "That is not what we are talking about at all." He said, "We want freedom and independence and then we will let nature take its course."

Whether he was putting me on or not, I don't know.

Senator Fong. Mr. Chairman, I have two more questions and I will be through.

In your discussion with the Ministers and Prime Minister, did you go over the peace terms again as to what they would accept for a negotiated peace? Do they still cling to or hang on to what they said they wanted—the overthrow of Thieu, our getting out completely? Did they reiterate that?

Mr. Clark. As I said earlier, I don't believe in personal diplomacy and all I was trying to do was listen, really. They said they believed
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that the Nixon administration was more interested in the Thieu government than in the American prisoners of war. That is what this was really all about. They said that it is impossible to have a military settlement without a political settlement; that the war had been fought for political motivations and that the two have to go together and they said they wanted this "tripartite government of national concord" and they thought the PRG should be one-third of it and, you know, it gets a little complicated when you get much beyond that.

Senator Fong. Do you feel that they will not release our prisoners of war as long as there is fighting going on between us?

Mr. Clark. Well, this is obviously a matter of judgment. I am not sure they know what they will do, and perhaps chance is still in control of a man's destiny to a considerable degree. But my impression is that the chances of their releasing American pilots while there is American bombing of the north is nil, except as a symbolic gesture; they may release one or two or three. I urged them to as hard as I knew how. They said, "How do we explain it to our people?"

Senator Fong. I think you stated that if Senator McGovern were elected President, they would release the prisoners immediately?

Mr. Clark. No; I didn't say that. I wish people would be more careful because I was quite precise. I said I had a long meeting with the editor of the largest newspaper in Hanoi. Editors are usually informed people and usually interesting people, and this man was quite interesting. One of the main things that I wanted some sense of confidence about was that if there was a total settlement the prisoners would be released and I pressed him on that as I pressed every official that I met. And I must say they all looked at me like it was a silly question because what they seemed to say was, "Why not? Why would we not release them? Who is telling you we would not release them? Of course we would release them. Why would we want to keep them?"

Anyway, this editor said he thought that if Senator McGovern was elected that some prisoners would be released the day he took office, and all would be released within 90 days; that is what he said; that is just an editor talking and I have seen a few editors wrong.

Senator Fong. You didn't get that from the Prime Minister?

Mr. Clark. No, no. The Prime Minister said, as did everyone, "Of course, the prisoners would be released." The Foreign Minister gave me a letter in which he said that had the seven points and the two settlements been accepted, the prisoners would have all been returned long ago. He also said in private conversation he would guarantee it, but how can he? When I was Attorney General I couldn't guarantee something—I could only do my best.

Senator Fong. You went there at the instigation of a Swedish commission?

Mr. Clark. That is not my impression. I heard from them that I had an invitation to go with them, but my impression is the people in control were the people in the Government of Vietnam.

Senator Fong. You went there at the invitation, did you say, or at the expense of the people of North Vietnam?

Mr. Clark. At the expense?

Senator Fong. Yes.

Mr. Clark. I don't know what you mean, "expense."
Senator Fong. Did you go at the expense of the North Vietnamese government?

Mr. Clark. Money?

Senator Fong. Yes.

Mr. Clark. We ask every question, don’t we? No, I didn’t.

Senator Fong. I say did you pay your own way?

Mr. Clark. Yes, I paid my own way. But I am going to get my money back, my expenses back. I am going to write and tell the people of America what I saw and if there is any money left it is going to go to the Vietnam Veterans Against the War, a group of men I respect, and other groups. [Applause.]

Senator Kennedy. Let’s have order.

Just a couple of final questions of Mr. Clark. We have to recess; there is a call for a full Judiciary Committee meeting at 10:30, so we are not permitted to meet after that time.

You have been a practicing lawyer, Assistant Attorney General, Deputy Attorney General as well as Attorney General, and under the laws of the United States what are the kinds of limits on a citizen visiting places such as North Vietnam, speaking there and speaking on his return?

In your own opinion, does this kind of visit, the kind of comments that you make, would any American citizen come close to violating a law of the United States?

Mr. Clark. Well, I guess this is kind of self-serving. You know the old saw that a lawyer who represents himself has a fool for a client. I care about the law; and I love the law, but I love life more and I think that this is what we have to work for. I think the law has to serve life.

My impression of the cases is that in spite of the policy of the administrations, and I say that in the plural, we are a free people; that is what the Constitution says and that is what the Supreme Court has said. You have a right to travel and if the passport says you can’t go someplace, you can go there because we believe in freedom and we believe that truth is found from experience and not from the inside of a building where people have got stacks of papers lying around; so I believe that there is a right—and I am quite confident there is an established right—to travel, and I think it is imperative that there be a right for all of the members of a free society to travel anywhere. I don’t know of anybody complaining about that from a legal standpoint.

As to talking I think the first amendment follows the American citizen. I believe in the first amendment and I believe it is the way we find the truth and it is the way we come to understand. Long before I got back from North Vietnam, people started accusing me of talking over Radio Hanoi. I didn’t talk over Radio Hanoi.

Senator Kennedy. Would you tell us about that?

Mr. Clark. Yes. I was asked whether I would speak over Radio Hanoi to the people of North Vietnam and to American servicemen in the area. Now, frankly, I think that that is something that an American citizen should feel free to do and perhaps should do in terms of dialog and communication, particularly speaking to the people there, but I wasn’t built that way, so I told them no, and I gave them reasons
and the reasons were essentially these: I don't speak Vietnamese, therefore, I really can't speak to the people over their radio; I didn't think I wanted to speak to American servicemen over their radio, because I can speak to them Stateside or shipside, I told them.

Now while I was there, there were press people in North Vietnam from most countries, not ours—although I had one fellow say he was from the Paris Herald Tribune. There were reporters from most of the countries in Western Europe, and I guess they are like the press everywhere. They bother you; they stick microphones in your face; they are taking pictures of you all the time. Thomas Jefferson said at the height of the Revolutionary War that human nature is the same on both sides of the Atlantic and nearly got run out of the country for that; and I think, among the press people, human nature is the same on both sides of the Pacific and both sides of the DMZ, and while I was there I made observations and said what I thought from time to time. When I say something publicly it is public property so far as I am concerned. I am a free man; I can state my opinion; and if that is played on Radio Hanoi, that is their responsibility. If they distort it, that is their responsibility. They could take what I am saying now, what you are saying now, what President Nixon is saying in a radio address and they could put it on or put somebody else's voice and say that is President Nixon and he says such and such. What are we supposed to do about that? I think it is absurd to think if they are going to be devious about those things, that you are going to have to tape your mouth the whole time you are there and not say anything.

Besides that, I don't know how you go to a little secondary school that was bombed 3 days before you get there and stand in front of six of the teachers, even if there are some press present and not say, "I believe in schools; I believe in those signs on the wall. You tell me that one says 'Honor thy teacher.' You tell me that one says 'Teach well; learn well.' And I hope this isn't the lesson America teaches or the lesson that North Vietnamese children learn. I hope they can understand the American people are essentially good, and I want to tell you I am awfully glad the children were not in that school when the bombs hit."

Now, if anybody wants to play that anyplace in the world, so far as I am concerned, they can.

Senator Kennedy. I want to thank you very much for appearing here, Mr. Clark. I don't think over the period of the last 11 or 12 years of this war have we had a more vivid or eloquent comment about the conditions in the north, the impact of our policy on the people of North Vietnam. It is not a pretty picture; it is perhaps one of the ugliest chapters in our history; and it doesn't do us very much good just to condemn the other side. So much of what you have presented here is being done in the name of the United States that I can't help but believe many millions of Americans are deeply distressed by that.

Senator Fong. Mr. Clark, do you intend to visit Hue and Quang Tri and see the damage in the south?

Mr. Clark. I would like to, but I don't imagine I will. One of the men I met was the vice mayor of Hanoi, an interesting man, 73 years old, very distinguished looking; he had been a mandarin leader; he had lived many years in Paris; he was born and raised in Hue; he is an ardent anti-Communist and a lawyer.
He told me that he wonders if anything is left of the city of his youth.

Senator Fong. It would be good if you could visit Hue and Quang Tri and such places in South Vietnam.

Mr. Clark. It would be, yes; I would like to.

Senator Fong. I trust you will then give a report to the people of the United States of what you find there.

Mr. Clark. I would like to go to Vinh Linh and other places, too, and I will be interested in seeing what sort of reception I can get there. I would be interested in seeing whether I could walk the streets as safely in Saigon as I can in the north. I wonder if there is the unity of purpose there and security of life there. I wonder if I can walk off military bases without being concerned about someone shooting me or stepping on a mine or something. It would be interesting to see and I am ready to go.

Senator Fong. Thank you.

Senator Kennedy. We want to thank you, Mr. Clark.

We had intended to hear this morning Mr. John Sullivan, who is the director of the American Friends Service Committee. But we have run out of time, so we hope he can appear tomorrow morning.

I think you have been enormously helpful to us, Mr. Clark, and I believe you performed a very important public service by this trip, as you have in the past. Thank you very much.

Mr. Clark. Thank you very much.

Senator Kennedy. We will adjourn until 9 o'clock tomorrow morning.

(Whereupon, at 10:30 a.m., the hearing was adjourned, the subcommittee to reconvene at 9 o'clock a.m., Thursday, August 17, 1972.)
The subcommittee met, pursuant to recess, at 9:05 a.m., in room 2228, New Senate Office Building, Senator Edward M. Kennedy (chairman) presiding.

Present: Senators Kennedy and Fong.

Also present: Dale S. de Haan, counsel, and Jerry M. Tinker, staff consultant.

Senator Kennedy. The subcommittee will come to order.

We resume this morning the subcommittee's inquiry into the problems of war victims in Indochina, seeking additional information on the impact of the war on the civilian population of North Vietnam.

Previous hearings of the subcommittee since 1965 have served to document the problems of war victims in South Vietnam, Laos, and Cambodia, but very little information has been available on conditions in North Vietnam. Until recently, few American observers have visited this area of Indochina.

Yesterday we heard from former Attorney General Ramsey Clark, and today we will hear from additional visitors to North Vietnam.

The people of Indochina, particularly both Vietnams, are taking a ferocious beating, the worst since the war began. There is escalating violence from both sides, from enemy rockets and American bombs. Each day brings more refugees and civilian casualties and war victims of all kinds.

It is easy for our national leadership to express public concern for the plight of civilians. It is easy for them to blame civilian suffering on the other side. But common sense alone tells us that we are also part of the bloodbath. So does the record of our involvement in Indochina. And whatever our military planners are saying today about the precision of the new strategies and weaponry on civilian targets, and whatever they are doing to drum up a public euphoria for winning the war, instead of negotiating the peace, the fact remains that the human cost of the war to the people of Indochina is appalling and our rising contribution to this cost should outrage the conscience of all Americans.

Before we move on to hear our scheduled witnesses, let me just say that the subcommittee deeply regrets that spokesmen for the Administration have not taken the opportunity to appear before the committee.
this morning. We had hoped to create as broad a record as possible regarding civilian problems in North Vietnam during these 2 days of hearings and for that reason we had invited representatives from the Departments of State and Defense.

The Department of Defense has declined to send a representative, suggesting that the issues before this subcommittee are outside the Department's jurisdiction. Apparently the Department can supervise an air war over North Vietnam but it does not feel free to discuss the impact of our bombing on the civilian population.

The Department of State has also declined to send a representative, suggesting that it needs more time to prepare.

It distresses me that the administration finds it so easy to issue press statements critical of American visitors to North Vietnam but refuses to discuss the troubling issues raised by these visitors. It distresses me even more that the administration through the release of a few selected reconnaissance photos can dismiss these issues and pretend there is no serious discrepancy between officially stated military policy and practice, and the actual performance in the field. The Department cannot hide behind the five selected photos released yesterday.

In the light of the growing evidence of civilian casualties and extensive bomb damage to civilian installations in North Vietnam, I am writing again to Secretary Laird requesting additional photos of areas of North Vietnam allegedly hit by American bombs. [For the text of this letter, see appendix 1.]

The "people problems" of North Vietnam are part of Indochina's regional crisis of people; and as I suggested yesterday, no border should ever separate or diminish our Nation's compassion or concern over the needs of innocent civilians caught in the crunch of war.

Senator Fono. Thank you, Mr. Chairman.

There is no question but that the bombing in North Vietnam is hurting the North Vietnamese. There is no question but that there has been much havoc and much destruction of North Vietnamese property—both civilian and military—all the very, very destructive things that have happened to North Vietnam because of U.S. bombing. One must also take into consideration that there has been much missile firing, with the military hitting the civilians in Quang Tri, Binh Dinh, Hue and other places in South Vietnam.

This bombing can be stopped very easily. It was North Vietnam that started this escalation of the war. It was North Vietnam that started this massive infiltration of the south. It was North Vietnam that escalated the war and hit the cities of South Vietnam which forced the United States to mine the harbor of Haiphong and to bomb North Vietnam.

Now these bombings can easily stop if North Vietnam would only agree to a cease-fire and negotiate. There is no reason why North Vietnam shouldn't agree to a cease-fire and negotiate unless their desire, sole desire, is to topple the Government of South Vietnam and to take over South Vietnam.

As I said, we could easily stop this bombing and all of the havoc and destruction being wrought on the people of North Vietnam as well as on the people of South Vietnam can cease.

I do regret that the State Department and the Defense Department have not seen fit to have witnesses here today. I do hope that before this hearing ends that they will send witnesses here to tell us what the
policy of the United States is in relation to the bombing of civilians and the bombing of dikes and sluices and gates in North Vietnam.

Thank you, Mr. Chairman.

Senator Kennedy. Our first witness this morning will be Mr. John A. Sullivan, associate executive secretary of the American Friends Service Committee of Philadelphia, who visited North Vietnam this past July.

We regret very much we couldn't hear your testimony yesterday, Mr. Sullivan. I think you recognized our particular time problem with the meeting of the full committee which excluded our continuing the hearing during the course of the morning, but we appreciate very much your rearranging your schedule to be with us today. We are very interested in your comments.

STATEMENT OF JOHN A. SULLIVAN, ASSOCIATE EXECUTIVE SECRETARY, AMERICAN FRIENDS SERVICE COMMITTEE

Mr. Sullivan. I am very glad to come down.

Senator Kennedy. You have a written testimony which we will include in the record, but before you begin, perhaps you could tell us just a little bit, as Mr. Clark did yesterday, about the circumstances which took you to North Vietnam.

Mr. Sullivan. Very well, Senator.

The American Friends Service Committee, of which I am a staff member, has had a program of medical assistance and relief to the people of Vietnam, to civilian war victims, over a number of years and this is carried on both in South Vietnam, where we have a physical rehabilitation center for amputees, and in North Vietnam, where we have delivered over a period of time several shipments of open heart surgical equipment which is a kind of equipment that is not getting into North Vietnam otherwise, and which we are satisfied is principally useful for civilian purposes, people with heart disease, heart defects, and so forth. As a matter of fact, when Dr. George A. Perera, who is a Quaker doctor and who accompanied me on the visit to Hanoi July 15 to 22, when he and I brought the equipment to Hanoi, we were very gratified to receive within a few days a photograph and then subsequently to examine a premature baby whose life had been saved by one of the pieces of equipment we had brought in just a few days earlier.

We undertook this voyage with passports validated by the State Department for such travel and the equipment that we brought was taken to North Vietnam under export licenses of the U.S. Government.

As I say, we were there from July 15 to 22. Our principal purpose was to bring in this equipment, to see it delivered, to talk to the doctors who use it, to see some of the patients who are benefiting from it and to discuss with the North Vietnamese future medical equipment deliveries.

While we were there we had the opportunity to do two or three other things of some importance. One, of course, was simply to see Hanoi during a period of air bombardment and air alerts and the other was to travel, necessarily briefly, since our stay was only for a week, to another portion of the country which had been extensively damaged.

I would like to describe very briefly those two things, if I may.
During the time we were there we went through 44 air alerts, most of them in Hanoi. These occur morning, noon, and night. If you follow the rules, you are forced to get up out of your bed in the middle of the night, sometimes three or four or five times, because of the air alerts and, of course, everyone in the city who experiences this is going through the same kind of process.

Our conversations during the day with hospital officials, with Red Cross officials, and with governmental representatives, were on many occasions interrupted by air alerts and we had to descend into air raid shelters and continue our conversations there.

My observation of the people of Hanoi was that they are taking this thing in stride. I saw no evidence of panic; there was one very bad air raid that occurred while we were in Hanoi on the day we were leaving, July 22, and I had, really, ample opportunity to observe the way the population is responding to that sort of thing.

I might add that Hanoi is said to be about 50 percent evacuated. There are still plenty of men, women, and children there. In fact, Dr. Perera and I were very surprised at the number of children still in the city.

The people, when these air alerts occur, go about their business as usual, riding bikes, walking the streets, doing their work. When the planes come closer to Hanoi and the air raid sirens go off, traffic stops, work stops, people get off their bicycles and they go to shelters. They don't necessarily go into them. That was interesting to observe; in fact, I still have a mental image of the shelters across the street from the hotel where we stayed where people would ride up on their bikes, stop and get off and sit outside the shelters and some of them were reading newspapers.

When the actual gunfire begins, or when planes are seen overhead, then people really get into them; but otherwise it seemed to me that despite the obvious interruption of the normal course of life that these air raids cause, the people have found a way to live with this situation.

I would also observe that in all our conversations with North Vietnamese officials and with neutrals who are in Hanoi, whether they are press people or diplomats, we got the same kind of verbal comment about the conduct of the population: they are tolerating the punishment that is coming from the air and the punishment that is coming in the form of the interruption of their lives through the incessant air alerts.

The North Vietnamese officials with whom we talked said such things as "We are at the bottom now; why should we give up? We have lost virtually everything we have to lose but we will fight on." And every visible evidence that we could see with our eyes seemed to confirm that statement.

Because we had a medical purpose to our mission, we were particularly interested in some of the hospitals we visited, both in Hanoi and in the city of Nam Dinh, which is the provincial capital of Nam Ha Province, some 80 to 100 kilometers south of Hanoi.

Two of the hospitals were very badly damaged. Bach Mai, which is said to be the largest in North Vietnam, is located in Hanoi and had been damaged by bombs and rockets from an American Air Force raid. Several sections of the hospital had been knocked out of commission and while the hospital was still functioning and while patients were
still being admitted, it was very evident to me as a nonmedical layman that the work of the hospital was considerably interrupted.

From the city of Nam Dinh, we visited what they called the No. 1 hospital in that city, and it is no longer functioning; the damage has been so severe. We visited several areas, residential areas, where bomb damage had occurred and rendered the places hit completely uninhabitable.

Clearing up work was going on in many of them as we watched.

We visited some dikes in Nam Dinh and saw the bomb damage there and the repair work there.

Because I thought it was important to have something more than oral evidence, I used my camera as much as I could during these trips and I have selected some pictures that I would like to submit to the subcommittee showing some of the damage that is described in my written testimony which you already have. There are inscriptions on the back of the photos so that you can clue them into the written testimony and see just what they are referring to.

These are—

Senator Kennedy. We will accept them and make them a part of the files.

Mr. Sullivan. I beg your pardon?

Senator Kennedy. We will accept them and make them a part of the subcommittee file.

Mr. Sullivan. Very good.

Senator Kennedy. To the extent that we can use the photos for the record, we will.

Mr. Sullivan. I would like to stress these are my photos, not North Vietnamese photos; they were taken with my camera and my film and I will pass those up to you when we are through.

I did arrange to have two of the photographs blown up into considerable size so that we could look at them because I suspected that one of the things you might want to talk about would be the dikes.

The top photo on the easel [see following photographs] is of a primary dike on the Red River at Nam Dinh. You will notice that it is a curved area and this was described to us as one of the key points in the dike system since at the curve in the river and the dike, the dike itself is at its weakest and it was just at this point that the bomb damage was said to have been done on July 3, a little over 2 weeks before we, ourselves, walked on it.

You can see in the photograph there are metal pontoon boats floating on the river surface which were used in the construction work and which had not yet been taken away.

The light, shaded area in that photograph is the replaced section of the dike.

Running off that primary dike is a secondary dike and the bottom photo shows that. There were two cuts in that secondary dike similar to the one that is shown in the photograph. In the group standing at the top in the checked shirt is Dr. Perera. I am not in the picture because I was taking it.

Those two cuts in the dike, in the secondary dike, were still there when we visited the place in mid-July.

Senator Kennedy. This hospital, where had that been damaged? How much time had elapsed before your visit?