PROBLEMS OF WAR VICTIMS IN INDOCHINA
PART IV: NORTH VIETNAM

HEARING
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE PROBLEMS
CONNECTED WITH REFUGEES AND ESCAPEES
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-SECOND CONGRESS
SECOND SESSION
SEPTEMBER 28, 1972

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Hon. William H. Sullivan, Deputy Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs, accompanied by Mr. Dennis Doolin, Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs, and Maj. Gen. John W. Pauly, Vice Director for Operations of the Joint Staff, Organization of the Joint Chiefs of Staff

TRANSCRIPT OF EXECUTIVE SESSION

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PROBLEMS OF WAR VICTIMS IN INDOCHINA: IMPACT OF THE WAR ON NORTH VIETNAM

THURSDAY, SEPTEMBER 28, 1972

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

The subcommittee met, pursuant to recess, at 9:20 a.m., in room 2228, New Senate Office Building, Senator Edward M. Kennedy (chairman), presiding.

Present: Senators Kennedy (presiding), Fong, and Mathias.
Also present: Dale de Haan, counsel; Jerry M. Tinker, staff consultant; Mrs. Dorothy Parker, assistant to Senator Fong; Miss Tina Marts, assistant to Senator Mathias; and Miss Patricia Carney, secretary to the subcommittee and Mave Ginsberg, assistant.

Senator KENNEDY. The subcommittee will come to order.

Today's hearing—after nearly 40 similar sessions since 1965—continues the subcommittee's public inquiry into the devastating impact on the civilian population of the tragic war in Vietnam.

Hearings in May reviewed the deteriorating situation in South Vietnam, Laos, and Cambodia—and the subcommittee remains deeply concerned over the continuing humanitarian crisis in these countries. In August the subcommittee received extensive testimony on civilian conditions in North Vietnam from a number of recent visitors to that area.

The hearing today will focus again on what is happening in North Vietnam.

Based on the testimony before this subcommittee in August—and the pattern of death and destruction which our military practices have brought to other areas of Indochina—there can be little doubt that thousands of civilians have been caught in the crunch of the air war over North Vietnam. The bombing of hospitals, schools, churches, housing, and other civilian installations cannot be dismissed by our Government as mere propaganda or accidents. There is too much damage—and too many people have seen it—and it all raises troubling questions about the purpose of the air war, and about the rules of engagement covering the bombing and shelling of North Vietnam.

Thousands of North Vietnamese civilians are suffering immeasurably as civilians do in all wars. But the combatants have a responsibility to make their warfare as civilized and restrained as possible.

I yield to no one in my condemnation of the brutality and excesses of the other side. But this cannot relieve our side's responsibility in minimizing the impact of battle on civilians. The American people expect this of their Government. But the record is clear that we have
not been so restrained in Indochina. We have not fulfilled our re-
sponsibility to minimize our contribution to the inevitable human
toll of the war. And we have never fully exercised our power to heal
and rehabilitate the hapless victims of the conflict.

The people problems of North Vietnam are part of Indochina's re-
gional crisis of people—and no border should ever separate or diminish
our Nation's compassion or concern over the needs of innocent civilians
cought in the crunch of any war on any side.

Until the tragic war in Indochina finally ends, this subcommittee will
regrettably, 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.

In conclusion, let me say, that, given the policies of the present ad-
ministration, the bloodbath in Indochina will continue. We will have
more war because we too often have missed the opportunities for
peace—because we are continuing to play great power games over the
future of Indochina, rather than allowing the peoples of the area to
sort out their own future.

I will see if there are other members of the committee who would like
to make opening statements.

Senator Fong. Thank you, Mr. Chairman.

We are, today, considering a question which is of interest to all
thoughtful Americans and most particularly to the people of my own
State of Hawaii who are linked to Asia by ties of blood, proximity, and
interest.

No one can be indifferent to what happens to the people in that conti-
nent or in any other part of the world and certainly not to the effect of
American actions.

We have had other witnesses testify before this committee on the
situation in North Vietnam. They told us what they saw in North Viet-
nam and what they were told were the effects of American military
actions in that country.

These reports, I fear, necessarily painted a one-sided picture. These
observers were shown the tragic consequences of war and they talked,
through interpreters, to North Vietnamese. In doing so they were, of
course, presented with the version of what was going on which Hanoi
wanted them to have. This was inevitable.

A stranger visiting a foreign country on a tightly guided and limited
visit, where the regime in power has total control of all information
that is given out, what the visitor is permitted to see, where he may go,
to whom he may speak, and where the visitor must use an interpreter to
communicate with the people, could hardly be expected to come away
with other impressions than those the foreign country wishes to have
described to the world.

We all know, however, that U.S. air and naval actions now being
conducted in North Vietnam are not taking place in isolation. North
Vietnam is not the innocent object of an unprovoked, despicable attack
by the United States. Hanoi, for over a decade, has been sending its
soldiers to bring death and destruction to the peoples of the other
Indochinese states. This is an attempt to impose the will of its rulers
over the peoples of Laos, Cambodia, and South Vietnam, whatever their
desires.
In this attempt they have not only sacrificed the lives of a whole generation of young North Vietnamese men, but have imposed the cruelest of wars on their neighbors. They have shelled cities, executed teachers, farmers, and government officials, coerced and enslaved, destroyed and robbed throughout Indochina.

The most flagrant example of this activity was their coldblooded execution of thousands of civilians in Hue during the Tet offensive of 1968. Tragically, Hue is not an isolated case and lesser acts of terrorism are carried out by the North Vietnamese every day.

There are over 1 million refugees as a result of this present North Vietnamese aggression.

There are over 45,000 civilian casualties as a result of this present North Vietnamese aggression.

There are over 15,000 civilian deaths as a result of this present North Vietnamese aggression.

And, I must stress that the North Vietnamese do this systematically, deliberately, as a matter of policy.

I am, therefore, pleased to have you here today to place in perspective the charges previously made regarding American activities in North Vietnam.

It is right and proper, of course, for the citizens of a democracy to question and demand accountability of their government, but they should be careful not to become the messengers of their country's enemies and scorn their own Representatives' explanations and motives.

I am sure that your statements here today will help to place what is happening in North Vietnam in perspective with the entire situation in Indochina and help concerned citizens to arrive at informed conclusions regarding the wisdom and justice of our country's actions.

Senator Kennedy. Senator Mathias?

Senator Mathias. Thank you, Mr. Chairman.

I want to thank you for calling this hearing, as you have in the past called other hearings on the important subject of refugees in Indochina. As the distinguished Senator from Hawaii has said, I think this is a subject in which there is a very widespread interest among the American people and I know that we all share the common goal of relieving the misery of thousands of displaced persons, who are faced daily with disease, hunger, and death.

I think we also must share a sense of responsibility for their plight. I am hopeful that we can arrive at some answers to the very difficult problems of repatriation or resettlement of those lives who have been disrupted by this war.

As a nation, Americans have always believed in the potential of a better life for everyone, everywhere. It is a paradox that some of our best efforts, over the years, have been counterproductive and I think that Vietnam is a case in point. And yet, I think that an abiding concern for the welfare of other people is still a dominant characteristic of our society, and I think it will be reflected in our actions, both at home and abroad.

I think it is desperately important that we avoid a feeling of moral exemption from the suffering of the thousands of Vietnamese who are thousands of miles from where we lead our everyday lives, and that as
we withdraw our troops from Indochina that we do not also withdraw our compassion for those that we are leaving behind.

These are human beings who need our help, and I think their lives must not be placed on a lower value scale than our own. We must not let our frustration with the war overcome our historical concern for the fate of others.

I would comment, Mr. Chairman, that the Senate has taken action within the past several days on several initiatives that may be useful and I hope that those who are going to testify today might consider commenting on the prospect of several of these. Two of the initiatives that I have in mind are contained in the foreign military aid authorization bill which passed the Senate this week. One of them is a provision which is similar to one I first advanced about 5 years ago urging the President to work with other governments in preparing a proposal to the Secretary General of the United Nations establishing an autonomous fund of the United Nations for Indochina. I might say, Mr. Chairman, that probably it will be the cruelest irony of the war that the acronym of this autonomous fund of the United Nations will be FUNI. I hope, however, that in spite of the acronym, this suggestion will be acted upon by the President. I hope it can be a successful effort, that it will receive the consideration of the member nations of the United Nations for humanitarian purposes in Indochina for postwar relief and for rehabilitation under international auspices.

Also in that bill, of course, is an authorization for a center for plastic surgery in Saigon, an authorization of $5 million for day care centers, orphanages, and school feeding programs for the most helpless victims of the war. These are, I suspect, mere tokens of the kind of effort the United States will have to make if we are to discharge our full responsibility to the refugees of all of Indochina.

Thank you, Mr. Chairman.

Senator Kennedy. Thank you very much.

Before we move on to the scheduled witnesses, the subcommittee had hoped, during the hearings to create as broad a public record as possible on the humanitarian problems confronting the people of North Vietnam. We regret that the Department of Defense has indicated it will be unable to discuss many of these questions in public session today, and has requested an executive session of the committee. As we move along this morning we will move into executive session of the committee if it seems appropriate, and the Department of Defense has assured us that they will expedite the public release of the transcript so that it will be available early next week.

Since we have General Paulv here, who is Deputy Director of Operations of the Joint Chiefs of Staff. I think, with the indulgence of the committee and the witnesses, I think every American today is, of course, tremendously interested in the return of the three American prisoners of war that will be arriving home this evening. We all share a sense of relief for their families and a sense of hope for the well-being of all the prisoners still held.

I was wondering, General, whether there is anything that you might be able to tell us in the open session this morning as to how these three men will be treated when they return to the United States. I think in the early editions of the newspapers this morning, there has
been a number of comments made about the fact that they have refused to come back on military aircraft, and that they can be considered AWOL. Is there anything that you might be able to tell us, just before we get started on the refugee problem, on this question?

General PAULY. No, sir; I would not be able to add—

Senator KENNEDY. Would you just come up here for a minute, and we will talk about this for a brief period. This is Gen. John W. Pauly, Vice Director for Operations of the Joint Chiefs of Staff.

Is there anything you can tell us about how they will be treated, what they might expect from the military services when they come back?

General PAULY. No, sir; there is nothing I could provide this morning. Perhaps the DOD representative, Mr. Doolin, could provide something.

STATEMENT OF HON. WILLIAM H. SULLIVAN, DEPUTY ASSISTANT SECRETARY OF STATE FOR THE BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, ACCOMPANIED BY MR. DENNIS DOOLIN, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR EAST ASIAN AND PACIFIC AFFAIRS, AND BY MAJ. GEN. JOHN W. PAULY, VICE DIRECTOR FOR OPERATIONS OF THE JOINT DIRECTOR FOR OPERATIONS OF THE ORGANIZATION OF THE JOINT CHIEFS OF STAFF

Mr. Doolin. Senator, Mr. Shields has gone to New York to meet with the released airmen, for it is our intention to simply provide any medical assistance that they may require and to get them back into a normal life pattern as soon as possible. There is no consideration being given to classifying them AWOL.

Senator KENNEDY. Well, is it the feeling of the Department that they will be furloughed when they come back and have time available for their private lives and their families and, if they so desire, will they be able to go to their own doctors, for example, or will they be required to take their medical treatment from the military? Has that been thought out at all?

Mr. Doolin. Yes. I believe medical treatment, if it is required, will be by military doctors. There are established procedures for handling the released airmen and we have the best medical attention that they could possibly receive, if it is required.

Senator KENNEDY. Under the Geneva conventions—I think it is article 117—that when prisoners of war are released before hostilities are terminated, that no repatriated prisoner may be employed in active military service. Will that article be respected?

Mr. Doolin. Is that the full quote, Senator?

Senator KENNEDY. Yes; it is article 117. That is on page 45 of the reprint of the Geneva Convention Relative to the Treatment of Prisoners of War, and it says in just one line: "no repatriated person may be employed in active military service."

Mr. Doolin. I confess, Senator; I cannot answer the question. I will provide it for the record. I was not aware of article 117.
The United States has and will continue to respect the Geneva Conventions in the armed conflict in Southeast Asia. Article 117 appears in the Geneva Convention Relative to the Treatment of Prisoners of War (12 August 1949) in Part IV, entitled TERMINATION OF CAPTIVITY, Section 1, entitled DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES. As the leading commentator and an internationally recognized legal authority on the Geneva Conventions, Jean S. Pictet, (Commentary, 1960) points out, Article 117 is dependent in its operation upon Articles 109 and 110 which describe persons who are to be subject to Article 117 as prisoners of war sent to a neutral country, or those who are so seriously wounded or seriously sick that they must be repatriated directly back to the United States or able-bodied prisoners of war who have undergone a long period of captivity and are repatriated by agreement with North Vietnam. No prisoners of war have been repatriated to the United States under the provisions of Article 109 and 110, and those who have returned have been returned unilaterally by North Vietnam. Notwithstanding the requirements of Article 117, "The United States in accordance with its policy as to the armed conflict in Southeast Asia does not return any men to the theatre of combat or to active military service associated with the combat activities in Southeast Asia once they have been repatriated or returned to the United States from enemy prisoner of war camps."

Senator Kennedy. Well, many people believe this is terribly important in terms of the possibility of freeing other prisoners of war.

Is there anyone here from the Defense Department that could make some comment?

Mr. Doolin. I do not know, Senator, whether that has been interpreted to mean returned to a combat zone? I am just not sure, but I will certainly check it out.

Senator Kennedy. Could you?

Senator Fong. Is there any reason why these men should be treated any differently from all of the others who have been freed?

Mr. Doolin. That they will be treated any differently?

Senator Fong. Will they be treated any differently from other prisoners of war who have been freed?

Mr. Doolin. No.

Senator Fong. Is there any reason why the Department of Defense should be more harsh on them than you have been on others?

Mr. Doolin. Not to my knowledge, Senator,

Senator Fong. You will expect they will be treated the same?

Mr. Doolin. That would be my expectation; yes, sir.

Senator Kennedy. Well, have the others been maintained in the military service? Are any of them in combat roles now?

Mr. Doolin. In combat, I believe not, Senator. Again, I will check that.

Senator Mathias. Mr. Chairman, may I suggest that when Mr. Doolin provides us with further information, he cover the military status of all repatriated prisoners, with specific reference to the Geneva Convention.

Senator Kennedy. Could you do that?

Mr. Doolin. I certainly will.

Senator Kennedy (continuing). At the earliest possible time? I am sure this has been well thought out but just this morning, I was watching it on television and wanted to raise these questions. I did not have an opportunity, in fairness to you, to indicate what they would be, but I am sure you would be very much interested in it, and if you could
provide that as soon as possible, today, later in the day, for I am sure these questions have been thought out.

Mr. DOOLIN. We will be pleased to, Senator.

Senator KENNEDY. Thank you very much.

Also, I want at the outset to thank you for your response to my letter of May 3, and reiterated on August 19, on the rules of engagement. Mr. Buzhardt responded on September 22, 1972, and we want to thank you for that letter. I would like to include the exchange of correspondence in the appendix of the record as well. (See app. 1.)

Mr. DOOLIN. Yes, sir.

Senator KENNEDY. I just wanted to acknowledge that.

Do you want to proceed?

Mr. SULLIVAN. Thank you.

Senator KENNEDY. We want to welcome you, Ambassador Sullivan. I look out there and you have appeared so often that I forget to introduce you—a person who has been very much involved in this area, now as Deputy Assistant Secretary of State for East Asian and Pacific Affairs. You have appeared before this committee on many occasions, and we welcome you back.

Mr. SULLIVAN. Thank you, Mr. Chairman, Senator Fong, Senator Mathias.

I have a brief statement I should like to read into the record.

On March 30 of this year the North Vietnamese military forces launched massive attacks against three widely divergent areas of South Vietnam using the equivalent of 10 divisions equipped with 350 tanks and hundreds of pieces of heavy artillery and involving a total of about 100,000 men. The attacks were directed against population centers at An Loc in military region III, Kontum in military region II, and Quang Tri in military region I, and included intense shelling and rocketing of the civilian population at all three places.

The nature of the so-called Easter offensive was notably different from the warfare experienced in Vietnam over the previous 3 years, primarily because it included heavy use of conventional forces which, in turn, required a large and sophisticated logistical structure.

At the time of the invasion, the United States was engaged in a rapid reduction of our forces from a total of 536,000 in January 1969, to a level which, on April 1, amounted to less than a fifth of the peak number. These 96,000 men were engaged mostly in noncombat, roles in logistical work, training, and advisory duties. Therefore, their security depended essentially on the capability of the South Vietnamese soldiers to defend against the North Vietnamese attacks. The United States also had deployed in the general vicinity of Indo-china 400 aircraft (down from 1,200 in 1968) based both on land and on carriers at sea. These aircraft had been confined to flying support missions in South Vietnam, Laos, and Cambodia, except for a limited number of protective reaction strikes in North Vietnam. Throughout the first month of the North Vietnamese invasion our aircraft remained restricted to these general operations.

In the first shock of the invasion, South Vietnamese forces, contrary to the expectations of Hanoi, held and managed to stall the offensive on two fronts—at An Loc and at Kontum. In these actions, the South Vietnamese were assisted by U.S. air support, but the bulk of the fighting and of the casualties was sustained by the South
Vietnamese. On the Quang Tri front, which was closest to the North Vietnamese supply structure, some South Vietnamese Army elements under the pressure of attack by four North Vietnamese divisions temporarily collapsed and permitted the North Vietnamese to invade Quang Tri Province, including its capital city. However, within a few days a defense line was established and stabilized south of that city, and the ancient, imperial capital of Hue, which seemed to be the prime political target of the Communist assault, was given protection by an effective defense screen.

Nevertheless, the fury of the North Vietnamese attacks had other tragic consequences: thousands of South Vietnamese civilians were killed outright in the fighting; thousands were wounded and about a million were forced to abandon their homes and become refugees. It is significant that there is no recorded instance of refugees voluntarily going north to join the invading forces; rather they fled to seek the protection of the Government of Vietnam.

Senator KENNEDY. In trying to put this into perspective you, of course, recognize full well that a major part of the creation of refugees has been caused by the activities of the GVN and allied bombing. This fact is acknowledged in your State Department telegrams. Let me read from one telegram dated August 18, which is unclassified, that summarizes the overall refugee situation, saying “The total number of refugees and war victims generated since the beginning of the enemy offensive now stands at 948,300, up 13,000 over last week, and up 82,400 from the total at this time last month.” And then it goes on: “The major reason for the increase is that some people escaped from the northern districts of Binh Dinh as the Government of Vietnam conducted a major counteroffensive there.”

Now, your studies, both the ones USIS undertook in Laos and the ones that the Defense Department have conducted in South Vietnam in the past, show very clearly that a major factor in refugee movement is U.S. air bombardment and the artillery barrages of the North Vietnamese and South Vietnamese. It is the offensive and counteroffensives that create refugees. We are not obviously excusing the creation of refugees or casualties by the North Vietnamese. But, I think in trying to present a realistic picture here, we have to, as your studies show and as newspaper articles constantly point out, that a very significant part of refugees and civilian casualties are caused by the Government of Vietnam activities—

Mr. SULLIVAN. I think that the message that you read and what you said was that a small increase in a period of 1 week or so was the result of an effort by the South Vietnamese forces to recapture some of northern Binh Dinh Province. But, I do not think the logic would hold up in saying that 1 million people fled their homes because the South Vietnamese were defending them. The attacks were the beginning of this, the attacks that came from the North Vietnamese were causing the situation that prevailed in South Vietnam in the early part of this year, to change from one in which there was relative stability to one in which there was a holocaust. We cannot say the cause of this is anything other than the North Vietnamese attack. This is, I think, the logic of the situation and very clearly so.

Senator KENNEDY. Well, when the North Vietnamese move through an area, the nature of their attack, although involving rockets, does
not rely on massive aerial bombardment. But the Government of Vietnam counteroffensive, with all of the aerial bombardment of the United States at its disposal, with all of the artillery, and with all of the mortar fire; are you prepared to make some estimation of which creates the greatest number of refugees—offensives or counteroffensives?

Mr. Sullivan. Well, let us take the beginning of this, Senator. The three cities which were brought under attack were brought under attack by; first of all, heavy shelling from long-range, 130-millimeter, 120-millimeter artillery, and by rocketing. Now, the situation at Quang Tri City is a particularly gruesome one. This city was brought under attack, it was nearly encircled by North Vietnamese forces. The civilian population fled. Those that could not get out, those that were trapped for awhile, tried to get out at a later date, to get out and come south on Route 1, and they were deliberately ambushed by the North Vietnamese and killed.

Senator Fang. What is the population of the city of Quang Tri?

Mr. Sullivan. What is it now?

Senator Fang. No; what was it at the time of the attack to which you refer?

Mr. Sullivan. It was not much more than about 10,000 and nearly one-tenth of them were killed in the action south of the city as they were attempting to get out. But, I think the point is that these North Vietnamese attacks deliberately aim at population centers. This is what is meant when they talk about peoples war. Peoples war, I think, is understood by some Americans to be some sort of a spontaneous uprising of the oppressed population. But if you read the writings of some of the generals who conduct these peoples wars, particularly General Giap, you will see what he means by peoples war is that you use population in the same way that the old European classic generals used terrain—when they tried, as Napoleon did, to take a military advantage by seizing a hill, or a road crossing or something that was of logistic value.

What the North Vietnamese do is to try to seize population centers and they have attacked deliberately in population centers in order to deliberately terrorize and victimize civilians.

Senator Kennedy. What do we do to get at them?

Mr. Sullivan. It is mostly a moral problem, and this is exactly what they are talking about. I think I cannot make a better statement of this than the Israeli Foreign Minister made the other day about the way in which terrorists operate. They deliberately imbed themselves in the civilian milieu against innocent people, so they pose the contending power, and the contending authority with the moral problem of trying to go in and dig them out, knowing that it is going to risk civilian casualties. This is deliberate on their part; this is the nature of their warfare.

Senator Kennedy. All right. And so, as a result of this, the disruption of cities, our bombs are used—

Mr. Sullivan. Certainly.

Senator Kennedy. And the result would be attendant civilian casualties? Well, that is what we want to find out, Ambassador Sullivan. We want to find out what the price is in human lives, and I do not think we want just the military making decisions about whether that price
is too high to pay. The American people want to know what these "attendant" costs are. In putting this in some kind of a perspective, I think that it doesn't do much good to simply say that refugees and civilian casualties are caused by the North Vietnamese.

What we ought to say is that, in order to carry on the war, these human costs will continue—that there will continue to be many hundreds of thousands of civilians killed in order to root out the Vietcong, because this is the tactic of the North Vietnamese, and that many woman and children will continue to fall victim to this war. Let us find out if that is the price we are willing to pay.

Mr. Sullivan. I think that is exactly the situation, Senator. I think you have phrased it extremely well, and I think the American people are entitled—

Senator Kennedy. This is why we feel strongly that we would like to have that kind of information, in terms of the destruction of various hospitals in the north, schools in the north, and civilian casualties in the north, and find out if the Defense Department is prepared to release pictures on the extent of bombing damage to civilian areas in the north.

We see pictures like this one that was recently given out by the Defense Department, showing a recent air view of part of Haiphong Harbor. But when we ask for an air view of other parts of Haiphong where a couple of hospitals or churches are allegedly bombed, according to the testimony of different people that saw them leveled, we cannot be provided with those photos.

Mr. Sullivan. I do not think the witnesses here today are going to deny that there have been hospitals and churches and schools and civilians that have been damaged and hurt. But, I think what I would like to make in my statement here is the stipulation of what the policy is, what our purpose is and Mr. Doolin—

Senator Kennedy. And what the human cost is?

Mr. Sullivan. How we try to minimize the cost to civilians. We do not deny that there is a cost.

Senator Mathias. Mr. Chairman, if you will just yield to me for just a moment?

Senator Kennedy. Yes.

Senator Mathias. I have glanced ahead at Ambassador Sullivan's statement and do not see that we have any statistical breakdown of this cost. I would hope that somewhere in the course of the morning we would come to grips with figures, with numbers of casualties, numbers of refugees, according to the best information we can get.

Mr. Sullivan. We can provide certain statistics and figures which are, as you say, the best we can do. They have to be estimates for South Vietnam. We cannot provide anything of any value on North Vietnam, and the North Vietnamese Government has never made any statements concerning the numbers of civilians or the actual statistical compilation of damage that has been done in the north. So, we cannot provide you much of anything of any value for the north.

Senator Fong. Ambassador Sullivan—

Senator Kennedy. Just on this point, could I?

Of course, in the Kissinger memo of 1969—the National Security Study Memorandum No. 1—it estimated before March 31, 1968, bombing limitation, that at least 52,000 civilians were killed in North Viet-
nam by U.S. air strikes. So, we do have in the past this and other Defense Department estimates of civilian casualties in North Vietnam. We recognize full well that those have to be tentative figures. But, I think what Senator Mathias was pointing out, and which I would certainly hope would be what we get this morning, are best estimates. We know you cannot do a head count, but we would like some statistical estimates of civilian casualties.

Mr. Sullivan. No——

Senator Kennedy. We want to make sure that someone is thinking about those numbers, and what the air war is costing in civilian lives, and I would hope that you could provide us at least with some information on that.

I thank the Senator.

Senator Fong. Ambassador Sullivan, is it not fair to say that if the North Vietnamese had not started this massive offensive that there would not be these 1 million South Vietnamese refugees?

Mr. Sullivan. That is the sort of logic that I would adduce; yes, Senator. It seems to me that if we are talking about cause and effect, that the initial cause, the original cause, is the massive invasion that the North Vietnamese mounted. There would not have been any military action if it had not been for that.

Senator Fong. You say the North Vietnamese infiltrate population centers, expecting the South Vietnamese to push them out. That is their method of warfare; is it not?

Mr. Sullivan. It is their tactic. It has been repeated time and again.

Senator Fong. So, the natural consequences of the nature of their attacks are these refugees—whether they are caused by our counter-attacking or their attacking in the first instance?

Mr. Sullivan. That is correct.

Senator Fong. Then, you cannot put the blame on the United States or the South Vietnamese for creating these refugees. These refugees were actually caused by the North Vietnamese attack on South Vietnamese towns?

Mr. Sullivan. That is the logic of the incipience of the violence; yes, sir.

Senator Fong. Thank you.

Mr. Sullivan. May I continue, Senator?

Senator Kennedy. Yes.

Mr. Sullivan. As April came to a close the North Vietnamese, though checked on the battlefield, pressed their attacks and began to step up the flow of manpower and military equipment southward to sustain the invading forces. One of the two divisions engaged in military action in northeast Laos was pulled out and moved toward the combat zone in South Vietnam. The only reserve division which had been held in North Vietnam’s Panhandle was also committed to action. Subsequently even a training division of the North Vietnamese Army was sent south.

Throughout that month of April, President Nixon sought, through various diplomatic channels, to obtain a surcease from the North Vietnamese attack. On April 25, we agreed to resume the Paris plenary meetings—which for over a month we had declined to attend because of the other side’s failure to negotiate seriously. We specifically proposed that Hanoi end its invasion and begin withdrawing its forces,
stating that such actions would bring about a corresponding reduction in the level of retaliatory responses. On May 2, private meetings were also resumed in Paris.

But it was clear that Hanoi had no intention of lifting the attack. It was also clear that to sustain their invasion the North Vietnamese were importing and transporting to the South the largest volume of military and military-related supplies in the history of the war. Therefore, after long and careful consideration of all alternatives, and of all the likely consequences, the President decided, on May 8, to take decisive action. He announced that in response to North Vietnam’s continuing invasion he had ordered military counteractions to interdict the flow of military supplies and that these measures included mining of North Vietnam’s harbors and air attacks against North Vietnam’s lines of communication and warmaking potential.

Senator Kennedy. May I ask you, Ambassador Sullivan, about what the Kissinger memoranda of 1969 says about how effective the first U.S. bombing campaign was over North Vietnam? That memo was a review of the whole bombing policy, a review of whether it was achieving its aims in destroying Hanoi’s warmaking potential, of halting materials coming south, of making the cost of the war too high, of crippling the transport system, destroying the economy, and whether it was destroying morale in the north. It concluded that, point by point, it was not successful. And it questions the whole effectiveness of the bombing.

What makes you believe that it is going to be any more successful now than the observations that were made of it in the Kissinger memorandum of 1969? Do the intelligence reports that you have available now either support this thesis or not?

Mr. Sullivan. I think that no one, certainly since World War II, has attempted to contend that airpower or bombardment used in an interdictory role can actually cutoff completely the flow of military supplies, or destroy the potential of a government and a country to continue military action.

On the other hand, our estimates of the effects of the current operation are that the flow of supplies into North Vietnam and the movement of supplies to the south has been reduced to between 35 and 50 percent of last May’s total. So that there is an effect. But, we do not say it is 100 percent airtight. Obviously, it does have an impeding effect.

Senator Kennedy. What is that negative impact equivalent to, about 1967 or 1968? There had been a sizable increase in material, had there not, in the last 2 years?

Mr. Sullivan. Yes; some.

Senator Kennedy. So, where does that put it—equivalent to what year’s level?

Mr. Sullivan. I would have to look that up in terms of the precise equivalency, but I suppose it is around the 1966 level, somewhere around there.

Senator Kennedy. 1966 to 1967?

Senator Fong. Did our bombing and blockade of North Vietnam divert men from their duties as soldiers to see that materials were transported from one place to the other?

Mr. Sullivan. Some of them. Some of the transportation inside of North Vietnam is done by military or quasi-military units. A lot of
it is done by women and by people who would otherwise not be militarily engaged.

Senator Kong. Did this cause a manpower—

Mr. Sullivan. It causes a manpower diversion, and it causes an obvious disruption in their capability to continue the level of activities in the south. It seems to me one of the consequences is the fact that their 100,000 man, 10 division attack, has been rolled back which demonstrates there has been some efficacy and some assistance by this. We realize the bulk and the brunt of this has been borne by the South Vietnamese ground fighters, taking enormous casualties. And while we are talking about that, the greatest number of casualties that these North Vietnamese have suffered, have been the North Vietnamese young men taken out of the farms and pressed into the military and sent into Laos, South Vietnam, and Cambodia. We think over 700,000 of them have been killed.

Now, that is the sort of—

Senator Kennedy. I could not agree with you more, Ambassador Sullivan. That is why we put these figures on the real blood bath in the Record the day before yesterday, and, including all casualties without any estimates of North Vietnamese civilian casualties, well over 374,000 people have been killed in the last 2 years of the war alone. That is 374,000 in just the last 2 years, people that have been killed, and I find that this is a blood bath of enormous proportions?

So I share the concern of the killing of anybody—soldier or civilian, South Vietnamese or North Vietnamese.

Now, on the effect of the bombing, it is your estimate that anywhere from 35 to 50 percent of the military supplies have been interdicted and that they are at approximately the 1966-67 level. But weren't they able to conduct a reasonably intensive military operation in the south during that period of time. Then we had about, I suppose, 300,000 U.S. soldiers before the big buildup.

Mr. Sullivan. They had an additional advantage, which they do not now have. They had a line of communication and logistics across Cambodia through the Port of Sihanoukville which was sustaining their forces in the two southern military regions. And we think the tortuous nature of the Ho Chi Minh Trail, and supply system, and restraints coming in through the panhandle, would give them more difficulty, particularly in sustaining this effort in the populated part of South Vietnam; 70 percent of the population of South Vietnam live south of the Highlands in military regions III and IV, and we doubt that with the current strength of it, and the capabilities of the South Vietnamese Army, that they could mount in that area the sort of intensive fighting that they did mount in the periods that you are speaking of.

Senator Kennedy. Let me, just before asking you to continue, ask you this. With the increased military activities from the north, and the increased bombing and activities in the south, where the majority of the bombing is going on now, what has been the impact on the whole pacification program and resettlement program?

Mr. Sullivan. Naturally in the immediate areas of the conflict it has had a very serious effect. Obviously, in Quang Tri Province, and in the western portion of Thau Thien Province, where a good portion
of the refugees have come from, and Kontum and Pleiku Provinces, where attacks were made by the 2d and 320th Divisions and in Dinh Tuong Province in the south and in the southern part of the Quang Ngai where there have been forces brought in—those areas have been set back but they have been set back because of the presence, in our judgment, because of the presence of the regular North Vietnamese forces. But, by and large, the setback insofar as we can measure it in the percentage basis has not been that wide across the country, perhaps 15 percent at the most as a setback.

Senator Mathias. You mentioned the word Cambodia a minute ago, and the importance of the denial of facilities at Sihanoukville. Could you comment, since that has come up, on the present situation in Cambodia?

Mr. Sullivan. Military?

Senator Mathias. Yes.

Mr. Sullivan. Political, economic, which? All three dimensions?

Senator Mathias. All three dimensions.

Mr. Sullivan. Well, it is rather hard, Senator, to—

Senator Mathias. I mean, let me put it in context. Very frankly, I have heard reports of increased terrorism and instability in the country, which are obviously reflected in all three dimensions.

Mr. Sullivan. The North Vietnamese forces control the Northeastern Provinces. There are local Communist forces which now have picked up some support from Sihanouk supporters, but which are still a minor percentage relative to the size of the North Vietnamese forces present, which do have control over significant areas of the country.

But, the main population centers are still very much in the hands of the Government, and these includes the ricegrowing areas. There was a brief interdiction of Route 5 from Battambang on down to the city, so there was a rice shortage recently, a localized shortage.

On the political side, I think it is very difficult for us to make an estimate. We really do not know enough about the internal dynamics of Cambodian society. The resilience of these societies is always surprising, and it certainly was surprising to me, in the 4½ years I spent in Laos, with the resilience, political resilience of that society. Things which in a highly urbanized, articulated society would cause the society to crack, and the whole thing to fall apart, are absorbed very simply and the society is built so much around individual families, around local villages, and so forth, that it has a much greater sense of elasticity than we have in our society.

Economically, of course, it has been considerably depressed because the rubber plantations and the teagrowing areas are pretty much in Communist hands. This means that there has to be some external assistance and it is being provided as you know, by an international consortium of countries, the Japanese contributing, the British, the Australians, and so forth. But, Cambodia is not at the current moment and we would be surprised if it were to become the central thrust of the North Vietnamese attack. The Lao Dong Party program, which they have not varied in 30 years, has been to seize control of the Red River area and then control South Vietnam, and then control of Cambodia, and then control of Laos. In other words, we have not seen them change their priorities. This would still be No. 3 on their priorities and they have not moved on that yet.
Senator MATHIAS. But, have they increased their level of activity?

Mr. SULLIVAN. Not recently. In fact, with the invasion from April on, with the invasion of South Vietnam, there has been a decrease in activity in both Laos and Cambodia because they have pulled their units out of those areas and sent them into South Vietnam. The 5th, 7th, and 9th Divisions which are based in Cambodia are very largely deployed, what is left of them, in South Vietnam now. They were badly, very badly mauled at An Loc.

Senator FONG. Would you say that in view of the small size of the country and the situation which they faced, that they have done admirably well?

Mr. SULLIVAN. The Cambodians?

Senator FONG. Yes.

Mr. SULLIVAN. I would hesitate to give a military judgment, or a judgment on the military capabilities of their forces. But I think as a country they have absorbed a very severe shock and from a very placid, very light country to this, they have absorbed it with great resiliency.

Senator FONG. Most, or quite a few people were anticipating Cambodia would collapse when the North Vietnamese started their invasion of Cambodia.

Mr. SULLIVAN. I think, as I said before, this is a misreading of the nature of the society in Southeast Asian countries. They are cellular in the sense they are built around families and villages and hamlets, and they will sustain quite a bit of dispersion in the way a highly centralized country such as ours would not.

Senator FONG. Would you say it is remarkable that the Cambodians have been able to withstand the assaults and still control quite a lot of their own country?

Mr. SULLIVAN. Yes, sir.

Senator KENNEDY. Do you have any reaction, while we are talking about Cambodia, on the story that appeared last night in the Evening Star that talked about American aid to Cambodia, paying for supplies which go to the Communists, with the acquiescence of the Cambodian Government—supplies for the North Vietnamese Army which includes medicine, salt, condensed milk, and other items, according to private sources close to the trade?

Mr. SULLIVAN. I did not see the Evening Star, Senator, but I gather from what you have just read that the accusation is that the North Vietnamese are getting some equipment and supplies from the economy of Cambodia.

Senator KENNEDY. That is right, out of American aid I will put the whole article in the record, but part of it reads:

"The goods are imported legally into Cambodia with funds from the U.S. Agency for International Development. Local payment is made in riels," the local currency. "Local merchants then buy them and ship them into the provinces."

And it is condensed milk, medicine, salt, and other such items and they supplement the supplies that go down the Ho Chi Minh Trail.

Mr. SULLIVAN. If you will put it in the record, we will provide the written answer for the record also, Senator.

Senator KENNEDY. Yes; I will.
PHNOM PENH, Cambodia.—American aid to Cambodia is paying for supplies which go to the Communists, apparently with the acquiescence of the Cambodian government.

The supplies for the North Vietnamese army and Khmer Rouge (Red Cambodian) guerrillas include medicine, salt, condensed milk and other items, according to private sources close to the trade.

A high government official confirmed this and added fishhooks as another example of items being imported into Cambodia with U.S. money to satisfy a Communist need.

Various sources agree that the Cambodian government has shown little interest in where aid imports go, so long as it collects import duties.

**IMPORTED LEGALLY**

But some services added that it was doubtful whether the government had the administrative machinery to prevent such smuggling to its enemies, even if it wanted to.

The goods are imported legally into Cambodia with funds from the U.S. Agency for International Development. Local payment is made in riels, the weak Cambodian currency. Local merchants then buy them and ship them into the provinces.

**SALT AN ESSENTIAL**

Salt is essential for the diet of Communist soldiers. Condensed milk is valued as an energy food, trade sources said.

The ability to get such items and medicine locally relieves the North Vietnamese supply route down the Ho Chi Minh trail by a little. Communist forces control extensive rice-growing areas of Cambodia, so trail shipments can concentrate on weapons and ammunition.

Before the ouster of Prince Norodom Sihanouk 2½ years ago, which touched off the war in Cambodia, the Communists were importing hundreds of tons of arms and ammunition through this country for use in South Vietnam.

There is no suggestion that is developing again. The indirect supplying of Communist forces now seems to be more a matter of government inefficiency and corruption.

The importing with U.S. money of more medicines and other goods than the government-controlled part of Cambodia needs so that the Communists can be supplied too, adds to factors which caused criticism in Congress of the AID program here.

The program was started in 1970 to enable Cambodia to obtain essential imports which it could no longer pay for itself as a result of wartime disruption.

**FOREIGN EXCHANGE**

In a liberalization of economic controls a year ago, however, foreign exchange from the U.S. funds became available for general imports. The American Embassy supported this to help keep the economic situation normal.

Television sets and home air conditioners began to arrive along with essentials for wartime survival.

One prominent businessman here says business is now better than ever, because the people have more to spend.

The government pumped money into the economy through soldiers' wages and other results of deficit financing have been indirectly supported by the U.S. aid and by Japan and a few other countries.

"The businessman said, "Practically everything that comes in now is paid for by the United States."

Aside from imports that go to the Communists, some are smuggled to South Vietnam and Thailand, sources said. These include things as large as refrigerators.
Phnom Penh appears prosperous. Part of the reason is the large number of cars, a noticeably high proportion of them air-conditioned Mercedes sedans.

(Subsequent to the hearing, the following information was submitted.)

The article appearing in the September 27, 1972 edition of the Washington Evening Star and Daily News contains several inaccuracies, as well as implications of poor management by the U.S. Government, with which we are not in agreement. To begin with, the A.I.D. Commodity Import Program in Cambodia finances a wide variety of items needed by the Cambodian people, which in peacetime are normally financed by export earnings. Some of the specific commodities mentioned in the newspaper article, medicine, salt, fishhooks and air conditioned Mercedes sedans, are not eligible for financing by the U.S. economic aid program.

Condensed milk, or more specifically, certain of the raw materials used in manufacturing condensed milk in Cambodia are eligible for A.I.D. financing and have been provided in recent months. Likewise, other commodities considered essential for the restoration of a viable Cambodian economy have been purchased by Cambodian importers through the A.I.D.-financed Commodity Import Program. Each transaction is reviewed in AID/Washington for commodity eligibility prior to approval for A.I.D. financing. Both the U.S. and the Cambodian Government have instituted arrival accounting, customs inspection and other procedures in efforts to insure that A.I.D.-financed goods are not diverted before they are received by the importer who in many instances is a manufacturer purchasing raw materials, e.g., chemicals or other commodities necessary for production. Although end-use checks are made (within the limits of personnel and security restrictions), there is no feasible way in which we and the Cambodian Government can guarantee that some North Vietnamese or Khmer Rouge agents may not purchase certain supplies from retail stores in urban and rural areas. Our own end-use utilization and intelligence reports have not indicated diversions of the kind described in the newspaper article.

The article implies that the United States is providing more economic assistance than is needed by that part of Cambodia controlled by the government. The aid program started slowly last year as Cambodian importers and consumers gradually adapted themselves to U.S. procedures and goods. Demand in recent months for A.I.D.-financed imports has increased substantially as stockpiles in Cambodia have been depleted. However, we have no indication that the United States is financing more commodities than are needed in government-controlled areas.

While it is true that the United States, under its aid program, is providing a much larger portion of Cambodia's imports than was the case before the war (in 1969 only 3 percent of Cambodia imports were from the United States), it is hardly the case that practically everything in the way of imports is paid for by the United States, since the $35 million Exchange Support Fund (to which we contributed $12.5 million in 1972) is the source of financing of a large portion of Cambodian imports. Cambodia buys a substantial portion of its imported goods from Japan, France, and nearby Southeast Asia countries.

In summary, while some AID goods are undoubtedly being purchased by enemy agents at the retail level, these goods do not represent a major source of supply for the enemy. The remainder of this article contains allegations and inaccuracies which are either untrue or misleading.

Mr. SULLIVAN: I think that the last paragraph of the article is misunderstanding. The Japanese, the Australians, and several others are making considerable contributions to Cambodia.

Senator KENNEDY: Are we giving Cambodia any humanitarian aid now?

Mr. SULLIVAN: Yes, sir. As a result of action, I think very largely by you and your committee, there has been an introduction of refugee assistance, and we can also give you some documentation on that.

Senator KENNEDY: Could you do that? Could you supply that for us?

Mr. SULLIVAN: Yes.

Senator KENNEDY: To the extent that you can, in as great detail as you can, and we will make that a part of the record.
(Subsequent to the hearing, the following information was submitted:)

U.S. ASSISTANCE TO CAMBODIAN REFUGEES

Following the completion of a UNDP survey of displaced persons in Cambodia and in recognition of Congressional interest in this subject, we have been further investigating refugee needs. While the United States has not yet begun an aid program specifically designed to assist refugees in Cambodia, we are exploring whether one or more international organizations in Cambodia can undertake programs to assist refugees under a trust fund arrangement. We will also give consideration to other ways to aid refugees. For example, during the overrunning of Svay Rieng Province (Parrot's Beak) by NVA troops, a large number of Khmer villagers moved to the besieged Province capital. These some 10,000 refugees plus the normal population are being fed for the most part by continuous USAF airdrops of U.S. provided rice. We shall continue to assist in this fashion as the occasion arises.

(Subsequent to receiving the above information, the following elaboration was received:)

The first humanitarian assistance, apart from our regular import program, has been the provision of rice which was air dropped by the United States Air Force to the civilian population besieged in Svay Rieng town. Additionally, longer-range programs are currently in the process of gestation. A team of AID specialists has been in Cambodia examining the problem and has made certain recommendations which we are now attempting to put into effect. Their implementation will, of course, depend upon action by the Congress in appropriating the funds which have been authorized for this purpose by the Foreign Aid Authorization Bill. If these funds are appropriated we hope to be able to channel them through the International Committee of the Red Cross and organizations within the United Nations system. We would hope that the UNDP, which now has representation in Phnom Penh, or UNICEF, which is represented in Bangkok, would be willing to administer an assistance program which will meet the intermediate term needs of refugees for food, clothing, shelter, medical care and an opportunity to resume a more productive existence. The UNDP has been preparing a master plan for Phnom Penh's urban development, which would be useful in helping to plan the temporary resettlement of refugees within the perimeter of greater Phnom Penh pending the development of conditions permitting a return to their homelands. We hope that the immediate short-term needs of the refugees in camps can be met by our making a contribution to the International Committee of the Red Cross, which is working through the Khmer Red Cross.

Mr. SULLIVAN. Well, back to my statement.

However, the President coupled this announcement with a new and generous offer of peace. He proposed that the killing be stopped with an internationally supervised cease fire throughout Indochina and that the American prisoners of war be returned and those missing in action be accounted for. He stated that if the other side agreed to these proposals all American forces would be withdrawn within 4 months. The Communists have rejected this peace offer.

Because the peace offer was rejected and because the North Vietnamese invasion effort continued unabated, U.S. air and naval forces began their bombing and bombardment of military targets in North Vietnam. This campaign has continued now for nearly 5 months and has given rise to a great deal of commentary, some of which has been made in testimony before this committee. Some of those comments have questioned the purposes of the attacks being conducted by U.S. forces. Others have suggested that they constitute a campaign to harass and destroy the morale of the civilian population of North Vietnam. Still others have accused the U.S. Government of a deliberate effort to destroy the dike system, to create a flood, and to wipe out
a major portion of the country. Finally, there have been those who have suggested that it is our Government's purpose and policy to attack innocent civilians, hospitals, schools, and orphanages in a calculated campaign of terror.

I am sure there is no one on this subcommittee who believes these charges and I will not therefore dignify them by answering them. I will, however, repeat for the record the President's clear and simple statement of purpose in ordering this military response to the North Vietnamese invasion. On May 8, he said:

* * * Hanoi must be denied the weapons and supplies it needs to continue the aggression. In full coordination with the Republic of Vietnam I have ordered the following measures * * *

All entrances to North Vietnamese ports will be mined to prevent access to those ports and North Vietnamese naval operations from these ports. United States forces have been directed to take appropriate measures within the international and claimed territorial waters of North Vietnam to interdict the delivery of any supplies. Rail and other communications will be cut off to the maximum extent possible. Air and naval strikes against military targets in North Vietnam will continue.

This means that our military forces have been directed to limit their attacks to targets of military significance. It means that there is no policy to attack targets of a purely civilian nature.

Senator Kennedy. You see on this point, Ambassador Sullivan, it is unquestionably part of the North Vietnamese propaganda to talk about a policy of terror as it relates to the civilian population in the north, and that schools are destroyed, churches are destroyed, pagodas are destroyed, and we have your comment here that because this is a part of the propaganda you will not dignify them by answering them. Well, I suppose the best answer to the propaganda are the facts, and that would be the kind of response that I think only you or the Defense Department could provide—by showing us either the pictures of the areas which allegedly have been destroyed, showing that they have not been destroyed, or that they are still standing, that the charges made by the North Vietnamese are inaccurate.

It seems to me that that kind of a response would be much more devastating to their propaganda than the lack of willingness to provide information or photographs or comments about the destruction of these civilian facilities—the churches, schools, hospitals and the rest. This is the dilemma we are in.

We have had people that have come before the subcommittee and provided information that documents these allegations of civilian damage. The subcommittee has assembled this information on 41 different sites, either hospitals or schools, or other facilities that could only be related to civilians. And we have indicated where the location is, and, to the extent that we have been able to, the date that they were struck, who it was observed by, and the observations that were made. We also were provided with many pictures. I believe that it would be enormously useful in order to be able to either label these comments or statements as inaccurate propaganda or as accurate fact, if we were able to get the same kind of photographs showing that, just as the Defense Department provides photos of, say, Haiphong Harbor to show foreign ships letting off military supplies. I just raise that, and I am interested in what reaction you have to it.
Senator Mathias. Mr. Chairman, let me interject here. In fairness to Ambassador Sullivan, I think he has been very candid with us. He had said earlier, if I recall his testimony, I did not jot it down at the time, that churches have been hit, hospitals have been hit, and schools have been hit. What he is denying is that this is a deliberate policy of the Government; is that right?

Mr. Sullivan. That is exactly correct, Senator Mathias.

Senator Mathias. I think the chairman is right in saying that if hitting schools and hospitals and churches is the cost of the operation, then that is the cost we have to assess. I think that is very right. But, I think you have been frank and candid in presenting the facts.

Mr. Sullivan. The costs are relevant. What I am attempting, and what our witnesses this morning will attempt to do is to provide you with the facts. It seems to me the first fact that we have to address is that it is not the policy of the United States deliberately to hit civilian installations or purposely to terrorize the civilian population. That is the fact that I would like to put on the record now, and what I would like to address is the policy the Government has stipulated for the type of war we are carrying on, and knowing the costs that are involved, and there are, as Senator Mathias says——

Senator Mathias. Well, while I will defend your candor up to that point, what I think becomes important to the Congress is whether that price is worth paying.

Mr. Sullivan. Well, I assume the Congress is aware of these matters but those are the next points we would like to make, and the next facts we will present. Mr. Doolin will address the way in which that policy is implemented. Then in restricted session, General Pauly is prepared to give you more details on the specific items that you listed and that Ramsey Clark provided you in his memorandum of August 22. I think it was attached to your letter of August 19.

Senator Kennedy. Well, we will accept your comments and your statement about the intention of the bombing policy. What we are trying to find out, as was mentioned here earlier, is what that cost is in human terms, and in responding give us information that will permit us to evaluate that cost.

We want to have information as to the destruction of various civilian facilities—churches, schools, hospitals, and other structures that even under the wildest of imagination are certainly not military objectives or targets and if they are, well, they should not be. If you are prepared to say they store SAM’s in the schools or hospitals, we would like to hear about it and see photographic evidence. But, we have had these allegations, we have seen pictures, and we have had eyewitness accounts, and I think the best way to back up your statement is providing us with as detailed information as possible on those sites.

Mr. Sullivan. I assume the committee and the Senate and the American public are also interested in what our policy is and this is what I have been attempting to stipulate because the accusation has been made, the extrapolation has been made from the fact, the acknowledged fact, that there is knowledge that some schools or hospitals have been hit and that this constitutes a deliberate policy of the part of the U.S. Government. I am trying to indicate that it is not our policy.

Senator Kennedy. Well, as the President said, “look at what we
do, not what we say." What we are trying to do is to find out what is done, not what is said is done. And in order to make that kind of an evaluation, it will be enormously useful to have as much information as we can on civilian areas in North Vietnam and find out if there is a gap between policy and performance.

Mr. Sullivan. I think we can provide you that, Mr. Chairman, in the course of our testimony this morning.

Senator Fong. Mr. Ambassador, we had a previous witness before us in the last session who visited Haiphong, and who was also in Hanoi. He described how many houses were hit. I asked him how far were these homes in Haiphong from the waterfront and he said about a mile. Now, wouldn't you expect that a home might be hit when you tried to hit the strategic or military targets of Haiphong? I asked him as to the homes that were hit if any were near bridges, and he stated that many of them were near bridges. Now, isn't it expected that these homes or schools near the Haiphong dock area, or bridges, might be hit; would you not say so?

Mr. Sullivan. It is always our hope when these—and I think I had better not attempt to preempt Mr. Doolin or General Pauly's testimony—but it is always our hope when a military target is targeted and orders are written to go after that target that the destruction of that target can be accomplished without any collateral civilian damage. But, I think that the fact is that many of these targets do have civilian installations nearby and a small mechanical or human error can result, unfortunately, in civilian casualties. That is part of the cost that Senator Mathias was talking about that has to be calculated, not only by the individual military commander making the tactical decision but in the overall sense of the type of war we are addressing.

If I can go back to this whole question of terrorism again, because I think that this is something that needs to be understood, when a man hijacks an airplane he puts in jeopardy all of the passengers on that airplane. The pilot of that airplane has to decide what he does to protect the passengers or to protect or to stop the hijacking. It is a very difficult decision.

This problem has been addressed in different ways. We have fortunately, so far, averted major casualties in all of this but this has been the sort of decision and the sort of value judgment that has to go into this type of a problem.

Senator Kennedy. Of course, we want to condemn our terrorism as well. When talking about——

Mr. Sullivan. I think, Senator, terrorism is a word that in my judgment would imply intent. In other words, if it is our deliberate intent to terrorize, then we are terrorists. What I am saying this morning is that it is not our intent.

Senator Kennedy: How do you, in your judgment, characterize the U.S.-supported Phoenix program? Is that terrorism?

Mr. Sullivan. No, sir. The Phoenix program is an intelligence program.

Senator Kennedy. I have here a South Vietnamese Government document, published by the Ministry of Information, Saigon, in 1971. It says that the Phoenix program was launched August 1968 in order to “eradicate Communist infrastructure” with the following results: 40,994 people killed by assassination.
Mr. SULLIVAN. Does it say by assassination?

Senator KENNEDY. No; it just says killed.

Mr. SULLIVAN. Well, there is a difference. It says killed; assassination is quite different.

Senator KENNEDY. Well, killed how? How do you kill them?

Mr. SULLIVAN. Some could have been killed in taking part in military action. Many of these cadres are people who pose as civilians during the day and run ambushes during the night and they are caught in the middle of military actions.

Senator KENNEDY. Are you defending the Phoenix program?

Mr. SULLIVAN. Defending?

Senator KENNEDY. Are you defending the Phoenix program?

Mr. SULLIVAN. Yes sir, we are defending it; yes, sir. I am not defending the distorted pictures that have been made of it. The Phoenix, basically, is only a program for the interchange of information and intelligence.

Senator KENNEDY. Well, then, how do they kill—how do these people get killed? How are 40,000 people killed—in shootouts in their little homes, or something?

Mr. SULLIVAN. Many of them are, but I would reject the word assassination.

Senator KENNEDY. Do you have a blacklist of Communist agents over there?

Mr. SULLIVAN. The South Vietnamese Government has information which could constitute an intelligence list; yes.

Back to the policy which was established on May 8.

It means, even beyond that, that our military forces are under direction to conduct their actions in such a way as to afford maximum protection to the civilian population of North Vietnam.

To carry out this task, pilots of our Air Force and Navy have had to operate under the most trying and difficult circumstances.

Senator KENNEDY. Let me ask, just before moving on, in connection with the response to the question from the Senator from Hawaii about that little house or school that is a mile from the Haiphong dock being destroyed: What about all these “smart bombs”? Every day we read about how the smart bomb can come within 8 or 10 yards of the target.

How accurate are they? Can you tell us, Mr. Doolin?

Mr. SULLIVAN. General Pauly probably can address that in the restricted session.

Mr. DOOLIN. I can provide some information on that in open session, sir.

With regard to the steps taken in the target selection to avoid civilian casualties, every target is personally selected or approved by General Vogt, commander, 7th Air Force. These targets are studied and very carefully selected through photography and other intelligence information. Targets which require specific aiming points or targets situated where the populace surrounds, or adjacent areas contain a civilian populace are struck with guided bombs.

When unguided ordnance is used the entire target complex is searched for possible collateral damage areas. If the possibility of collateral damage is high the target is rejected, or the attack is planned so as to minimize collateral damage. Targets of this nature are only
struck with hard, high-angle delivery ordnance. Area type weapons such as CBU are not used when the possibility of collateral damage is high. Post strike photography is closely analyzed to determine bomb impact points and every bomb, including duds, is accounted for whenever possible.

No ordnance is jettisoned in populated conditions or over populated areas except in case of emergency. Special instructions or Spins are transmitted as an integral part of each Linebacker fragmentary order. These instructions contain information on target sensitivity when civilian casualties are a factor. Spins are a mandatory briefing item for all participating aircrews.

Senator Kennedy. Did that apply to the so-called "carpet bombing" in Haiphong? Or about these high velocity weapons used in Haiphong Harbor? As I understand, the Defense Department has admitted to carpet bombing in Haiphong. I was wondering about this in relation-ship to what you have said, that you do not have that kind of high-velocity weaponry being used in areas where there is civilian population?

Mr. Doolin. Are you talking about the B-52 strikes?
Senator Kennedy. Yes.
Mr. Doolin. They are extremely accurate.
Senator Kennedy. They use carpet bombing tactics on occasions, do they not?
Mr. Doolin. Carpet bombing to help hit what are called cells, but carpet bombing in the sense of World War II, no.
Senator Kennedy. There has been considerable mention of carpet bombing in the press, indicating that B-52's fly in three-plane missions hitting blocked areas. As I understand, these were used in the Haiphong area. I guess they are called boxes in the Air Force.
Mr. Doolin. Target boxes, yes, or cells.
Senator Kennedy. Do they use high explosives when they use carpet bombing in those instances?
Mr. Doolin. Well, Senator, I would not refer to it as carpet bombing.
Senator Kennedy. Box bombing. Let us call it box bombing, then?
Mr. Doolin. It is extremely accurate.
Every Linebacker mission is critiqued with authoritative representation from every unit involved. The high level of interest and concern over civilian casualties is stressed to the maximum extent possible at these critiques.

The rules of engagement specified by the Joint Chiefs of Staff for Linebacker operations is briefed, studied, tested, and certified in writing on every aircrew prior to participating in Linebacker operations. This is accomplished at unit level and maintained as a matter of record.

Senator Kennedy. Do you have to give in closed session the percent of smart bombs being used versus nonsmart bombs?
Mr. Doolin. No, sir.
Senator Kennedy. Can you provide that for us?
Mr. Doolin. I would have to figure out the percentage but in terms of the laser-guided or the electro-optical bombs, 4,260.
Senator Kennedy. Number of bombs dropped?
Mr. Doolin. Mark 84's, yes, sir.
Senator Kennedy. That is over how long a period of time?
Mr. DOOLIN. Since the start of the campaign, the renewal of the air operations.

Senator KENNEDY. Since April, is that it?

Mr. SULLIVAN. May.

Senator KENNEDY. May. Four thousand and how many?

Mr. DOOLIN. 4,260.

Senator KENNEDY. Bombs themselves?

Mr. DOOLIN. Smart bombs.

Senator KENNEDY. Smart bombs?

Mr. DOOLIN. Yes, sir, Mark 84.

Senator KENNEDY. What percent is that of the total bombs dropped?

Mr. DOOLIN. I would have to figure that out. I could supply it for the record.

(Subsequent to the hearing, the following information was submitted:)

The percentage of smart bombs dropped in North Vietnam since the current campaign began in May is 1.77 percent.

Senator KENNEDY. About 10 to 15 percent; is that right, approximately?

Mr. DOOLIN. I think that might be a little high.

Senator KENNEDY. OK.

Mr. SULLIVAN. May I continue, Senator?

Senator KENNEDY. Before that, Mr. Doolin, could you tell us also how many Napalm bombs have been dropped in the North?

Mr. DOOLIN. Little, very little Napalm used, and that has only been in Route Package 1, which is the southernmost part of North Vietnam; 27.

Senator KENNEDY. Twenty-seven bombs?

Mr. DOOLIN. Napalm.

Senator KENNEDY. How about phosphorus?

Mr. DOOLIN. Some riot control agents have been used for search and rescue operations, but that is the only time that that is used.

Mr. SULLIVAN. I do not think there is a phosphorus weapon, Senator.

Mr. DOOLIN. That is correct.

Senator KENNEDY. How about the antipersonnel bombs, the Guava, and that sort of thing. What can you tell us about their use?

Mr. DOOLIN. So-called cluster bomb units, as I said, Senator, we do not use that in any area where collateral damage or damage to civilian population is high.

Senator KENNEDY. In summary, I want to submit to you this list of civilian sites hit by U.S. bombs, as far as the committee has been able to gather—various hospitals, schools, and areas in which antipersonnel weapons allegedly have been used. I would appreciate it if we could provide that to you and see if you could give us further information. It would be helpful if you could find out whether these sites were bombed or not, and if there was some military reason for it.

Mr. DOOLIN. On the ones that were included in Mr. Clark's letter of August 22, I am prepared to address those in some detail in executive session, Senator.

Senator KENNEDY. All right, but I will put the list in the record at this point.

(The material referred to follows.)
## LIST OF CIVILIAN DAMAGE WITNESSED IN NORTH VIETNAM AS COMPILED FROM TESTIMONY AND REPORTS TO THE SUBCOMMITTEE TOTAL: 42 SITES

<table>
<thead>
<tr>
<th>Place</th>
<th>Location</th>
<th>Date reportedly struck</th>
<th>Observed by</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ha Ly District</td>
<td>Haiphong City</td>
<td>July 31, 1972</td>
<td>Ramsey Clark</td>
<td>Acres of destruction to residences, business area; hundreds allegedly killed.</td>
</tr>
<tr>
<td>Truong Chinh Workers</td>
<td>Hanoi City</td>
<td>June 27, 1972</td>
<td>Ramsey Clark, John Sullivan</td>
<td>Total destruction of large housing development and damage to nearby school.</td>
</tr>
<tr>
<td>Lac Van suburb housing project</td>
<td>do</td>
<td>Apr. 16, 1972</td>
<td>do</td>
<td>Several 2-3-story building (apartments) totally demolished.</td>
</tr>
<tr>
<td>Hang Sat St.</td>
<td>Haiphong City</td>
<td>May 23, 1972 12:05 a.m.</td>
<td>Ramsey Clark</td>
<td>Several blocks of small workers' houses in total ruins.</td>
</tr>
<tr>
<td>Hang Dong St.</td>
<td>do</td>
<td>do</td>
<td>John Sullivan</td>
<td>Several blocks of small workers' houses in total ruins (ruins still smoking from day before); also high school.</td>
</tr>
<tr>
<td>Textile factory</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>Roof damaged, etc.</td>
</tr>
<tr>
<td>Guest house</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>Roof damaged, windows broken, Also several unexploded &quot;perforating bomblets&quot; in ground near building.</td>
</tr>
<tr>
<td>Gia Lam suburb</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>Outdoor motion picture hit (People's Theatre)—unexploded bomb. Residential area near bridge, ruins of buildings and several huge bomb craters.</td>
</tr>
<tr>
<td>Minh Khi St.</td>
<td>do</td>
<td>July 4, 1972</td>
<td>George A. Perera, John Sullivan</td>
<td>1 bomb crater seen, 33 homes demolished, told 1 dead, 4 hurt.</td>
</tr>
<tr>
<td>Textile workers homes</td>
<td>80 km. south of Hanoi</td>
<td>do</td>
<td>do</td>
<td>Moderate to extensive damage; told 4 dead, 15 hurt.</td>
</tr>
<tr>
<td>Nam Dinh City</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>Damage and destruction to hospital, school, cultural center, bakery, textile factory, homes, etc., city largely evacuated.</td>
</tr>
<tr>
<td>Hang Tien St.</td>
<td>Nam Dinh City</td>
<td>May 23, 1972</td>
<td>Jane Fonda</td>
<td>3 families killed, 3 homes destroyed.</td>
</tr>
<tr>
<td>Ha Hung Vu Tung St.</td>
<td>do</td>
<td>June 20, 1972</td>
<td>do</td>
<td>Destroyed completely, 2,000 lb. bomb used.</td>
</tr>
<tr>
<td>Cultural complex (children's center, workers and people's cultural center and large pagoda)</td>
<td>do</td>
<td>June 22, 1972</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Thanh Hoa Hospital</td>
<td>Approximately 6 km. from Thanh Hoa City</td>
<td>Apr. 27, 1972 (0850)</td>
<td>Ramsey Clark, Banning Garrett</td>
<td>6 buildings demolished; others extensively damaged. Facility out of operation.</td>
</tr>
<tr>
<td>Bach Mai</td>
<td>On highway to Ninh Binh, 6 km. south of Center of Hanoi City.</td>
<td>July 31, 1972</td>
<td>Ramsey Clark, Jane Fonda</td>
<td>Administration building and medical treatment facility destroyed; barracks-like housing for patients damaged.</td>
</tr>
<tr>
<td>Vietnamese-Czech Friendship Hospital</td>
<td>Haiphong City</td>
<td>Apr. 16, 1972 (0900)</td>
<td>William Zimmerman, Paul Mayer</td>
<td>Large crater in a courtyard, destruction of 1 wing of hospital; damage to other wings and adjacent buildings.</td>
</tr>
<tr>
<td>Ky Dong Hospital</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>Surgical ward and operating room hit.</td>
</tr>
<tr>
<td>University of Hanoi Medical School Clinic</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>Fragmentation bombs used.</td>
</tr>
<tr>
<td>Soviet-Vietnam Friendship Hospital</td>
<td>1 km. from center of Hanoi</td>
<td>do</td>
<td>do</td>
<td>Various clinic buildings leveled.</td>
</tr>
<tr>
<td>University of Hanoi Medical School</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>University of Hanoi Medical School Clinic</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>Soviet-Vietnam Friendship Hospital</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>University of Hanoi Medical School</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>University of Hanoi Medical School Clinic</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>Soviet-Vietnam Friendship Hospital</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>University of Hanoi Medical School</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>University of Hanoi Medical School Clinic</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>Soviet-Vietnam Friendship Hospital</td>
<td>do</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
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<td>Place</td>
<td>Location</td>
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</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------</td>
<td>------------------------</td>
<td>------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Main hospital</td>
<td>Nam Dinh City</td>
<td>June 20, 1972</td>
<td>George A. Perera</td>
<td>Pediatric ward, first aid center and medical supply ward destroyed.</td>
</tr>
<tr>
<td>Number One Hospital</td>
<td>Nam Dinh</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>Almost total destruction; no longer in use; identified large General Hospital.</td>
</tr>
<tr>
<td>3 churches near Vu Van</td>
<td>Within 2 km. of Vu Van village in Thai Binh province</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>All badly damaged from bombing.</td>
</tr>
<tr>
<td>Alang Route No. 1</td>
<td>50 km. South of Hanoi</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>2 or 3 churches seen within a kilometer of road which appeared extensively damaged.</td>
</tr>
<tr>
<td>3 churches near Vu Van</td>
<td>Hoang Village</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>2 or 3 churches seen within a kilometer of road which appeared extensively damaged.</td>
</tr>
<tr>
<td>Senior high school</td>
<td>Haiphong City</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>Total destruction of Xan Ai; damage to remainder of village; allegedly 23 killed, 33 wounded.</td>
</tr>
<tr>
<td>Polytechnique Institute</td>
<td>Haiphong City</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>Total destruction of Xan Ai; damage to remainder of village; allegedly 23 killed, 33 wounded.</td>
</tr>
<tr>
<td>Chiang Dang Ling Secondary School</td>
<td>Nam Dinh City</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>Total destruction of Xan Ai; damage to remainder of village; allegedly 23 killed, 33 wounded.</td>
</tr>
<tr>
<td>Phuc Loc</td>
<td>Approximately 7 km. east southeast of Haiphong City</td>
<td>June 20, 1972</td>
<td>Ramsey Clark, William Zimmerman</td>
<td>Extensive damage to adjacent diking, concrete base, destruction of lifts housing, gates, superstructure.</td>
</tr>
<tr>
<td>Thien Ho</td>
<td>Approximately 25 km. from Than Ho City</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>Total destruction of Xan Ai; damage to remainder of village; allegedly 23 killed, 33 wounded.</td>
</tr>
<tr>
<td>Vu Van</td>
<td>Approximately 6 km. southwest from Thai Binh</td>
<td>June 20, 1972</td>
<td>Ramsey Clark</td>
<td>Total destruction of Xan Ai; damage to remainder of village; allegedly 23 killed, 33 wounded.</td>
</tr>
<tr>
<td>Sao Ngu</td>
<td>20 km. from Nam Dinh</td>
<td>June 20, 1972</td>
<td>Ramsey Clark, William Zimmerman</td>
<td>Extensive damage to adjacent diking, concrete base, destruction of lifts housing, gates, superstructure.</td>
</tr>
<tr>
<td>Phu Ly</td>
<td>20 km. from Nam Dinh</td>
<td>June 20, 1972</td>
<td>Ramsey Clark, William Zimmerman</td>
<td>Extensive damage to adjacent diking, concrete base, destruction of lifts housing, gates, superstructure.</td>
</tr>
<tr>
<td>Nam Sach</td>
<td>Approximately 25 km. east southeast of Thai Binh City within several kilometers of sea.</td>
<td>June 20, 1972</td>
<td>Ramsey Clark, Jane Fonda</td>
<td>Extensive damage to adjacent diking, concrete base, destruction of lifts housing, gates, superstructure.</td>
</tr>
<tr>
<td>Nam Dinh dike</td>
<td>Nam Dinh</td>
<td>June 20, 1972</td>
<td>Ramsey Clark, Jane Fonda</td>
<td>Extensive damage to adjacent diking, concrete base, destruction of lifts housing, gates, superstructure.</td>
</tr>
</tbody>
</table>