Senator Fong. Antipersonnel bombs are used on antiaircraft crews in North Vietnam; is that correct?

Mr. Doolin. That is correct, SAM crews.

Senator Fong. To keep their heads down so they cannot aim straight?

Mr. Doolin. Yes, sir.

Senator Kennedy. Would you supply us with some information on the off-shore shelling by gunboats, as well, Mr. Doolin? Do you have that type of information?

Mr. Doolin. I do not have a break-out on that with me, Senator.

Mr. Sullivan. We are referring again to the policy.

The U.S. policy and the operational requirements placed upon U.S. forces stand in striking contrast to Hanoi's conduct of the so-called people's war in South Vietnam, Cambodia, and Laos. Hanoi's forces systematically attack innocent civilians and civilian population centers as part of a deliberate policy to terrorize people into submission. The attacks which have constituted the current invasion of South Vietnam have been characterized by some of the most brutal actions directed against civilians. In Quang Tri, it is estimated that between 1,000 and 2,000 civilians were ambushed and killed as they attempted to flee from the city at the end of April. In Binh Dinh Province it is estimated that more than 250 civilians were rounded up and executed during the brief period when North Vietnamese forces occupied the cities in the northern portion of that Province. Attacks on refugee camps have become almost routine.

These actions, as I have said, constitute a deliberate policy undertaken by the North Vietnamese armed forces, endorsed and directed by the leadership in Hanoi.

In placing our military actions in contrast to this policy I do not mean to suggest that ours are so antiseptic that no civilians become victims and that destruction is absolutely confined to military targets. The nature of warfare is such that targets are missed, human and mechanical error are made, and innocent civilians do suffer. We do not deny, for example, that some dikes have been damaged by our bombs, that civilian dwellings have been destroyed, and even that some civilian hospitals have been hit.

Senator Kennedy. I suppose our question is the extent of that damage, Ambassador Sullivan, both as far as the civilians themselves and civilian structures. This is really what we are interested in, and this is what we would like to know: The extent of this inadvertent damage.

Mr. Sullivan. I think the other question, of course, is the question of intent and purpose. I noticed in your opening statement that you said it could not be regarded as propaganda or accident, and I would like to suggest that they are not deliberate actions.

Senator Kennedy. Well, the question of intent is a very broad question. To start, you might say a policeman who is out in a crowd and he sees a criminal running down the street, and there is a big crowd of people behind, and he unloads a machinegun at him, he is obviously going to know that he will kill a lot of innocent people. It might have been his intention just to get the criminal, but he has to assume a certain responsibility for the course of his action, and what we are trying to measure at this point is the extent of the damage. And what we are very interested in gathering from you, is our responsibility to limit the extent of the damage and to let the American people understand what
the human costs really are. I think this is what we are attempting to do.

Mr. SULLIVAN. Yes. I think that in that analogy, what we are trying to demonstrate is that we were providing, or giving instructions to that policeman as to how he uses his weapon, and his weapon is a handgun rather than a scattergun or machinegun. And I think Mr. Doolin may have something.

Mr. DOOLIN. Well, on your analogy, Senator, to take that to a military target in North Vietnam, given that scenario you described, that military target would not be hit. In fact, targets in North Vietnam which are assessed that they would hit civilian populations and moderate casualties would result, such targets are not even sent back to Washington for nomination as targets.

Senator KENNEDY. We understand your intent, but what we are trying to do is to establish the extent of the bomb damage to civilian areas.

We ought to destroy North Vietnamese propaganda through the information that only your departments can provide to us: the pictures, the intelligence reports, that show the damage doesn't exist. That is why we would have hoped this could have been done in open session. I think that is the best way to meet the propaganda, and if we cannot disprove it, we ought to be able to understand the extent of the human costs and the extent of the damage. That, I think, is what we are interested in doing; at least, I am.

Mr. SULLIVAN. We will provide that sort of information, Senator. Again, I wish to say it has to be taken into perspective. Here we have these charges being made, very largely by a regime that, for example, denies that it has any forces in South Vietnam or Laos or Cambodia. It has over 120,000 men in the South, 10 divisions of men and yet it categorically denies that it has any. So, its credibility, the credibility of the charge, I think has to have some relevance to the source of the accusations.

Senator FONG. May I ask you, when the bombers go out on every mission, is there a specific target to be hit?

Mr. DOOLIN. Yes, sir, on the B-52 bombers, yes, sir.

Senator FONG. The men are instructed to hit specific targets; is that correct?

Mr. DOOLIN. Yes, sir.

Senator FONG. They are not instructed to bomb indiscriminately?

Mr. DOOLIN. No, no. Now, some of the tactical aircraft that are sent are sent on armed reconnaissance and can strike targets of opportunity.

Senator KENNEDY. Now, what does that mean?

Mr. DOOLIN. A truck, for example, a military convoy, a tank.

Senator FONG. But these are military targets. They are supposed to hit such military targets, are they not?

Mr. DOOLIN. Yes, sir.

Senator FONG. The specific instruction to each of the bombing crews is that they should hit only military targets; is that correct?

Mr. DOOLIN. Military targets only.

Senator FONG. If a hospital is hit, if a home is hit, it is incidental to hitting a specific military target, is it not? No other instructions have ever been given?

Mr. DOOLIN. They have been told—

Senator FONG. Not to hit a nonmilitary target, would you agree with that?
Mr. DOOLIN. They have been told not to hit civilian targets.

Senator FONG. No mission has been sent to hit anything but military targets? Is that correct?

Mr. DOOLIN. That is correct.

Senator KENNEDY. The only additional point, Ambassador Sullivan—and I am not interested in North Vietnamese statements; we are interested in U.S. statements—you say, well, the North Vietnamese tell us they do not have troops down south so, therefore, how do we know they tell the truth that those schools were really destroyed? What I am interested in is finding out what the facts are from the U.S. sources. You ought to be able to get that information.

Mr. SULLIVAN. As Senator Mathias pointed out, none of us have denied that schools have been hit, and none of us have denied that occasionally a dike has been damaged. But, let us go back to this campaign about dikes.

Two months ago, the North Vietnamese created enormous worldwide propaganda to the effect that we were deliberately trying or attempting to create great floods and ravage North Vietnam by the destruction of dikes. That would have been creditable prior to the peak of the rainy and potential flood season. That peak has passed now, and the propaganda campaign has dropped down. We do not hear any more charges from North Vietnam, although exactly the same type of bombing is going on because it does not serve their purposes.

What I am suggesting is we have to put these charges in context. We have to say that if we do occasionally, in the course of this bombing that Mr. Doolin is describing, incur some civilian damage, it is not a question of deliberate policy and instead they are regrettable byproducts of the violence which is the essence of warfare.

I should like to submit for the record, an interview on a carrier with some carrier pilots expressing their concern about the way in which these matters were being distorted (see following text). These pilots make strenuous efforts and expose themselves to additional risks in order to prevent these regrettable consequences from happening. They know they are not always successful but they also know that the overwhelming proportion of the damage which they cause does not happen to civilians or to civilian installations.

[From the New York Times, Aug. 12, 1972]

DIKE BOMBING DENIED BY U.S. CARRIER PILOTS

(By Joseph B. Treaster)

ABOARD U.S.S. SARATOGA IN THE GULF OF TONKIN, AUG. 8.—The pilots aboard this aircraft carrier swear that they have never tried to bomb the dikes of North Vietnam and they say they are hurt and irritated that so many Americans at home do not seem to believe them.

The pilots are troubled, too, they say, that some Americans apparently think they are deliberately bombing other civilian targets like schools and hospitals and residential areas.

"The thing that hurts us," said Comdr. Richard Bardone of Pittsburgh, the stocky, curly-haired leader of the pilots on this ship, "is that we make every effort to avoid the dikes. We do not, absolutely not, go after dikes."

Lieut. Comdr. Lew Dunton's eyes flashed, "There are a lot of prisoners in the Hanoi Hilton," he said, "because they were shot down trying to avoid civilian targets. It really galls me."

The pilots and their senior officers scoff at the foreign visitors to North Vietnam who have been quoted as saying they have seen dikes damaged by bombs.
and that they believed the United States had "deliberately tried to destroy the dikes."

The airmen argue that only isolated damage has been reported—the kind that might likely result from an accident—and they say none of the visitors so far appears to have been qualified to determine whether the damage was done by bombs or other explosives.

"The absurd part about it," one senior officer said, "is that somebody comes up with a hole in a dike and he translates that as meaning we're going after the dikes."

"If we were hitting the dikes with malice or aforethought," the officer continued, "we could clean all of them out in a week without many bombs."

The dikes, the pilots say, are not in well-defended areas and "they'd be a piece of cake."

It seems important to the pilots that they be believed. They put their lives on the line every day and they stand together under an old-fashioned code of military honor. They see themselves as patriots in the service of their country and their President. They would like to have been respected and appreciated. Now they will settle for being believed.

They insist that the President has proscribed the dikes as targets and they have sometimes increased the risk to themselves to comply with his orders.

An insight into the minds of the pilots came from one senior air officer, who said, "probably the best reason for not hitting the dikes is the fact that the President of the United States has advertised to the whole world that we are not hitting the dikes, and we don't want to make a liar out of him."

Not only are the pilots under standing orders not to bomb the dikes, they say, but before each mission they are specifically told again to stay away from them.

During prestrike briefings, the pilots say they pore over detailed maps and reconnaissance photographs. Dikes and other "no-no's"—hospitals, churches, clusters of homes and P.O.W. camps, for example—are pointed out and the paths for approaching and departing the targets are planned so as to minimize "collateral" damage.

In some instances, the pilots say, the North Vietnamese have incorporated into the dike system roads, gun positions and missile sites which the United States generally regard as fair game. But, the pilots say, these targets are "off limits" when they are on a dike.

Still, Bardone concedes, "there can be mistakes, especially in a hot environment"—where there is heavy antiaircraft fire.

"There is a possibility of a dike being hit," he said. "But I think this is very remote. If it did happen it would be purely accidental."

One pilot on the Saratoga is said to have reported that he accidently bombed a dike, but reconnaissance photographs showed no damage.

"Discussing the effect of the bombing on the civilian population of North Vietnam, Commander Bardone said, "most of the targets are isolated, but some are near the civilian population. There is a tremendous amount of secondary explosions and there is debris. There is a lot of overflow and I'm sure this gets over into the populated areas."

"I can't say absolutely that we do not put bombs outside the target area," he continued, "if we put a bomb a couple of hundred feet away from the target it might get into civilian areas. But I'd say 90 per cent of the time it's debris overflow that gets into the civilian areas."

The pilots say that the so-called "smart bombs" that are guided by laser beams and television have greatly reduced the margin of error in bombing. But, they add, even the smart bombs sometimes go astray.

It is routine procedure for pilots under attack by enemy planes to jettison their bombs so they can pick-up speed. These bombs are not armed and are not supposed to explode when they land, but since they weigh several hundred pounds they may have damaging impact.

Another danger to the civilian population, the pilots say, is debris and flak from North Vietnamese antiaircraft guns and missiles. "It all has to come down," said Commander Dunton, "who is from Melrose, Mass., and sometimes it comes down on their heads."

At least once foreign diplomats in Hanoi have said that damage attributed by the North Vietnamese to American planes had actually been caused by Communist missiles.

Citing an example of the official concern for civilian casualties, one senior officer said that before the first big raid this year in the Hanoi-Haiphong area,
the attack plan was routinely reviewed in Washington and "they knocked off some targets—some damn fine targets because they were too close to civilians."

Lt. Comdr. Grady Jackson, a bombardier-navigator from Indianapolis, said that he and his pilot turned back from a target in the vicinity of Haiphong a few weeks ago because they felt it was too close to civilians.

The pilots know, though, that no matter how painstaking they are, some civilians are likely to be killed.

"Let's face it," said Commander Duton, who is a boyish-looking 32, "some of the military targets are probably manned by civilians. If you rolled in on the Boston navy shipyard there'd be a lot of civilians hurt. But they are working for the Government war effort. We don't go after those people in their suburban homes and supermarkets."

But the supreme tragedy is that all of this destruction and violence could be stopped if the North Vietnamese leadership would only agree to a cease-fire and bring the warfare to an end throughout Indochina. Our cease-fire offer, which was made on May 8, stands today and the 11 old men who constitute the politburo of the Lao Dong Party could put an end to all this violence and all this suffering if they would only say the word. Instead, the words which they say are words which embody the ambition that has driven them for the past 30 years to seek dominance over their fellow countrymen and their neighbors in Indochina. Time and again they have stipulated that the only peace they seek is that—which would be achieved by victory on the battlefield.

All the world, including their major Communist allies, have tried to point out to these old men that there can be no victory and that peace should be achieved through negotiations and compromise. Their answer was given by their Prime Minister on September 2, when he said, "All illusions and all compromises on this crucial question will be very dangerous." We hope that position will change, and the politburo will be prepared to accept compromise rather than victory by force of arms. If, however, that position remains unchanged and violent warfare continues, I very much fear that civilians in all Indochina will continue to suffer and to die.

Senator KENNEDY. Just on the bombing of the dikes, there was a report in the Manchester Guardian of August 1972, about instructions issued to the U.S. Air Force and Navy regarding the types of bombs used for destruction of dikes and dams. I do not know whether the general, if he is familiar with this language or not, or Mr. Doolin, could respond; and I am reading now the quotes that were allegedly part of the instructions:

Objective: dams of heavy masonry of high altitude use the following weapons: 2,000 pound general purpose bomb with point 2 second fuse delay, and the bomb is aimed at the powerhouse close to the dam, and sometimes equipped with an M-N 103A1 fuse delay.

From low altitudes use the following: one 2,000 pound general purpose bomb, MK-84, sometimes with guided tip, possibly with data length for blind bombing. The bomb aim point is water 50 to 100 feet from the dam.

Mr. DOOLIN. What document is this supposed to be?

Senator KENNEDY. This is from the Manchester Guardian, August 19, 1972, allegedly quoting the U.S. Air Force and Navy on the types of bombs used for the destruction of dikes and dams.

Mr. DOOLIN. There have been no instructions issued to the Air Force or Navy calling—

Senator KENNEDY. You can state categorically.
Mr. DOOLIN. I can state categorically there is no such document that calls for bombing of dikes.

Senator KENNEDY. There is no language like that at all!

Mr. DOOLIN. No, sir.

Now, there is a very interesting comment, Senator, in a Hanoi newspaper back in June before they started making such a big thing of the dikes, June 20, the following warning about the neglected state of the dike system appeared in the official North Vietnamese newspaper, Hanoi Moi, and I quote:

In some places repair of the damaged portion that was damaged by torrential rains in 1971 has not yet met technical requirements. A number of thin and weakened dikes which are probably full of termite colonies and holes have not yet been detected for repair. Therefore, cadres and people in the Capital must absolutely not be subjective. Let each individual locality and unit actively participate in the present dike strengthening movement, especially firming and solidifying the important portions of the dikes. There is not much time before the torrential rain season.

No mention of any alleged U.S. policy of bombing the dikes, but talking about the fact that they did not repair the dikes last year, and that they have been—they have not searched these thin and weakened dikes for termite colonies.

Senator KENNEDY. How do we know when to believe the North Vietnamese and when not to? Before we were not believing them about civilian bomb damage because it is propaganda, and here we are using it as authority.

Mr. DOOLIN. I would say it is an accurate statement of the facts, because I know we are not bombing the dikes.

Senator KENNEDY. And the other allegations about the number of hospitals that have been destroyed and schools, is not accurate?

Mr. SULLIVAN. One way to make a distinction is when they address their own people and give them instructions to do something and the other in which they organize and orchestrate a campaign through their international media. This was a domestic document addressed to the population of Hanoi.

Senator FONG. This could be propaganda, could it not?

Mr. SULLIVAN. It could be, but it could be a way in which to get their own people to do more work; yes.

Senator KENNEDY. We are going to run out of time, I am afraid; the floor tells us we have about 1 more minute.

Senator MATHIAS. I would like to revert to the question of transportation and supplies which we were talking about earlier. I think you have said that the action to interdict supplies has resulted in a reduction of these supplies by 30 to 50 percent. As far as we can observe, has there been any surveillance of the flow of supplies across the Chinese border?

Mr. SULLIVAN. Well, I think the thing to understand is that since the mining of the ports, 100 percent of the supplies that come into North Vietnam come through Chinese territory and that this gives the Peoples Republic of China 100 percent control of North Vietnamese logistics. Anything that comes by rail, for example, as some items do from the Soviet Union across the territory of China comes at the stipulated tolerance and acceptance of the Peoples Republic of China. Anything that comes from, let us say, an East German ship through the Port of Canton or Whampoa comes down lines that are
controlled by the Peoples Republic of China. So, all that I am talking about that comes into North Vietnam, comes through the Peoples Republic of China. There has been some very minor flotation of rice, for example, from some ships that have anchored off the Port of Vinh that they have put in plastic bags and so forth, and put ashore, but that is peanuts.

Senator MATHIAS. What is the volume of supplies coming across the Chinese border? Has that been raised by a proportionate amount?

Mr. SULLIVAN. Yes; it has been raised because prior to May 8, nearly 90 percent of the imports of North Vietnam were brought through the maritime ports and of that about 90 percent came through the Port of Haiphong, itself. This means now that the previous 10 percent has been expanded up to between 35 and 50 percent coming across the land borders. So, there has been an increase in that in Chinese territory enroute to North Vietnam.

Senator MATHIAS. Is this not of very great historical importance? When you go back 20 years to the time that Mao Tse-tung captured the border areas from Chiang Kai-Shek, and the whole character of the war changed, and the commitment of the Peoples Republic of China became apparent then. Does this not really make a difference?

Mr. SULLIVAN. It makes a difference but perhaps in a reverse way from historical precedent. And we get into speculation at this point but speculation to the extent that North Vietnam, in mounting its major effort in April, depended very largely upon Soviet supplies. If the Lao Dong Party had been successful in that offensive and had taken control of all of Indochina, this would have constituted an area on China's southern border, which was indebted to and being supplied by the Soviet Union. We think Peking would have regarded this as a continuation of the encirclement process of China about which they are rather paranoid at this stage. Therefore, we think that the cutoff of direct Soviet access to North Vietnam was a matter of historic significance in Southeast Asia and the fact that Peking now has 100 percent control of North Vietnam's logistics means that it has a great deal to say and to do about the ultimate capability of the Lao Dong, to which these are objectives, and it is highly questionable whether Peking shares Lao Dong objectives in taking control of all of Indochina, or whether they would prefer to see the four small states neutralized.

Senator MATHIAS. A Balkanized state?

Mr. SULLIVAN. That is a word I have heard before; yes, sir.

Senator MATHIAS. I would like to thank Ambassador Sullivan. I think he has been candid and pragmatic. I also think he has been troubled, and I have to say it. He has told us very candidly and frankly that the hospitals and the schools and the churches and the homes and the dikes have been hit, and he says that it is not the policy of the Government to hit such targets. I accept one statement as I accept the other. And I thank him for them. I think it is the facts that we have to know, but I think Congress is left with the immediate responsibility and the American people are left with the ultimate responsibility for the situation in which we find ourselves.

The clear implication is that we are pursuing a policy that inexorably destroys hospitals and churches and schools and houses and dikes
while we are seeking different and independent goals. In spite of in-
structions to avoid civilian targets, I think we have acknowledged here
today that such instructions really cannot be obeyed when they are in
conflict with instructions to strike military targets in the same area. I
think that Ambassador Sullivan has stated the case very clearly for us
and I think that the American people have to face a choice between the
stated goals of our policy and the burden for achieving these goals.

Mr. Sullivan. Well, thank you, Senator. I agree with you that it is a
troubling situation. I think that no one pretends that this conflict in
Indochina is a comfort to anyone in the United States or elsewhere.
I would take exception to your use of the word "inexorable." I do not
think that it is an inexorable consequence of our action. I think that as
we will attempt to show in the executive session, that the instances in
which there has been destruction to civilian installations, are very,
very minor compared to the weight of the military effort, that our
pilots have been able to obey instructions and take great pride in their
ability to obey instructions. And I think that to the degree to which
they have conducted this war at a risk to themselves over the past 15
years now, is something that perhaps the American public ought to
know more about, and ought to feel some gratitude for.

Senator Mathias. I will look forward to being enlightened. I only
used the word "inexorable" in the light of the discussions here this
morning, which seemed to make it very clear that this damage while
(at least not intended, was unavoidable. Perhaps there is a difference
between unavoidable and inexorable. I will look forward to enlighten-
ment.

Mr. Sullivan. We will both look it up, also.

Senator Fong. Ambassador Sullivan, I also want to thank you for
being so frank in your statement. You have told us what the policy is,
and you have not denied that some of these hospitals and other civilian
targets have been hit.

In answer to my colleague's colloquy to the effect that the American
people would have to make a choice, I believe the American people
have made a choice. The polls repeatedly show that the American peo-
ple by their support of the President that they know what the war is
all about and what they want America to do. They know that it is a
war started under two other Presidents, not under President Nixon,
and it was with the support of the American people and the U.S. Sen-
ate. Only two Senators voted against the Tonkin resolution. At that
time, we said that the security of the South Vietnamese and the inde-
pendence of South Vietnam was fundamental to the security of the
American people.

We should leave all rhetoric aside, for we all agree that we should
get out of this war. That is precisely what President Nixon is trying
to do—trying to get out honorably. When we look at the picture that
was Vietnam when he first came into office, we can see that he has re-
duced our troop level from 550,000 troops to 30,000. He has withdrawn
all combat soldiers. He has ended the draft.

Today, his policy is approved by the majority of the American
people and the U.S. Congress. Only the day before yesterday, the
Senate rejected various efforts to attach an end-the-war amendment to
the foreign aid authorization bill.
So, let us get on with the job, in behalf of the American people of seeing that this war comes to an end—comes to an honorable end—because to do otherwise would be surrender, and I think the American people know and reject that.

If the North Vietnamese would just come to the bargaining table and negotiate, and accept our offer of a cease-fire, we could have an international commission supervise that cease-fire, then I think this war would come to an honorable end.

Thank you for being with us, and sharing your knowledge with us.

Mr. SULLIVAN. Thank you, Senator.

Senator KENNEDY. Just before you leave, of course, we are reminded of the President's own standard which he set for himself about 4 years ago, I think it was October 8: Those who cannot produce peace in 4 years, do not deserve another chance. Certainly for the civilians in the North, for the soldiers in the South, there is no peace in Vietnam and, to a large extent, their war has escalated. You might take comfort in the fact that the number of American combat troops has been reduced but, as far as the people in the South, and I daresay for the civilians in the North, this war has not been brought any closer to an end.

Let me just say finally, Ambassador Sullivan, as you have acknowledged and as we pointed out here this morning, there has clearly been a number of hospitals and schools and churches that have been destroyed. Can you tell us how many have been destroyed?

Mr. SULLIVAN. I cannot, personally, but I think Mr. Doolin can address some of the specifics that have been asked for, or perhaps General Pauly.

Senator KENNEDY. Can you tell me how many churches you have found to have been destroyed in the North?

Mr. DOOLIN. I am prepared in executive session to answer Mr. Clark's allegations in some detail.

Senator KENNEDY. Am not asking the question for Mr. Clark. You have acknowledged that some have been destroyed, and you have also acknowledged the fact that the American people must balance the loss to civilians in the North—destruction of schools or churches—against the military objectives sought. What I am trying to find out now is, how much damage has there been, what has the cost to civilians been, from your studies, not just the areas questioned by Mr. Clark from his brief visit. He has made certain allegations, but as those who have the responsibility of informing the Congress, the American people, about what that cost is, what the extent of collateral damage is, you should be able to tell us, for example, how many schools have been destroyed.

Mr. DOOLIN. The exact number, no, sir. But I would assume that the North Vietnamese make an example of each case.

Senator KENNEDY. I am not interested in North Vietnamese propaganda. I am interested in what your aerial surveillance shows after the various strikes have been made. You are photographing that country, I imagine every day, weather permitting, so can't you tell us how many hospitals you have seen destroyed?

Mr. DOOLIN. I am prepared to discuss those specifics in executive session, Senator.

Senator KENNEDY. Is there any reason the public should not know these figures? I mean, is there any reason we cannot get the number
Mr. Doolin. We do not know the answer to that, sir.

Senator Kennedy. You do not know the answer to what?

Mr. Doolin. As to how many hospitals have been destroyed. I would say the number is small but, I cannot quantify it for you.

Senator Kennedy. Pardon!

Mr. Doolin. I cannot quantify it for you. But, I would say the number is small because it is not our policy to bomb hospitals, or schools, or churches.

Senator Kennedy. Can you tell us how many bridges have been destroyed in the North?

Mr. Doolin. I cannot give you an exact figure.

Senator Kennedy. An approximate figure?

Mr. Doolin. I would have to provide that for the record, sir.

Senator Kennedy. But you have that figure, have you not?

Mr. Doolin. Yes, I am sure we do.

Senator Kennedy. And how many trucks are being destroyed going down the Ho Chi Minh Trail?

Mr. Doolin. Yes, sir.

Senator Kennedy. And do you know how many schools have been destroyed?

Mr. Doolin. As I said, Senator—

Senator Kennedy. Why is it more difficult to find out the number of schools that have been destroyed than the number of trucks or bridges?

Mr. Doolin. Senator, it is not more difficult. It is simply that we keep the books on what we target, on our legitimate targets, obviously, targets of military value. But, we do not target schools. If a school is hit it is a mistake.

Senator Kennedy. All right. But isn't it important to know how many schools have been hit, and what the actual result of our bombing policy has been, as it relates to civilian areas, as it relates to churches and hospitals? We have the North Vietnamese saying what it is; if we want to knock down their charges, if we want to show that it is propaganda, I think the best way is for the United States to say what the real number is and to offer proof—to say, here is the information to show it. Now, why is that so difficult? Why is that so unreasonable a request?

Mr. Doolin. I think I will be able to satisfy many of your questions in the executive session, sir.

Senator Kennedy. Well, I will be looking forward to that executive session, but I am just wondering why it is, why that information should not be made available to the American people in public, so that they have it? That way, as Senator Mathias has suggested, they can take the stated policy, as Ambassador Sullivan has reiterated it this morning that it is not our intention to bomb civilian areas, and match it to the actual number of churches and schools that have been hit and the civilian casualties it has caused.

We hear information that we have been able to destroy a capacity of the supplies going south and that we have saved a lot of American lives. But, why can we not know what that cost has been in terms of the North? Why do we not hear those statistics?
Mr. Doolin. Senator, as I said, I am prepared to address this to the best of my ability in executive session. Those are my instructions.

Senator Fong. Mr. Chairman?

Senator Kennedy. Yes, I yield.

Senator Fong. I will have to go now. We have a health, education, and welfare appropriation bill to mark up and if we do not mark that up we will never go home. So, although I would like to attend the executive session, I am sorry I cannot stay.

Senator Kennedy. Ambassador Sullivan, do you think that this is an unreasonable request, for the American people to understand what the cost has been?

Mr. Sullivan. I do not think it is an unreasonable request. I do not know whether our people are capable of providing this whole answer.

Senator Kennedy. Do you think they should be able to?

Mr. Sullivan. It is really quite out of my competence, Senator.

Senator Kennedy. Who does know about it? We have representatives here from the Departments of Defense and State; who does know about it? Who is checking on what is actually happening, rather than what we think should be happening because it is our intention? You talk about rules of engagement, and that instructions are not to bomb civilian areas; but who is looking out after what happens on the other end?

We sit here in the Congress trying to find out this information on other programs—on education bills, health bills—and after we pass legislation it is not unreasonable for us to ask what happens on the other end of a policy which affects people.

What can you tell us of the other end of the policy in North Vietnam? Could the general be of any help in that—General Pauly?

Mr. Doolin. Senator, I am under instructions. I think I can answer many of these questions for you in executive session. I cannot do it in open session.

Senator Kennedy. Is there anything you can add, General Pauly, in open session? Is there anything that you can help us with in terms of the actual results of a policy, which intends not to strike schools or churches or civilians? Is there anything you can help us with?

General Pauly. No, sir; not in open session.

Senator Kennedy. Well, I want to thank you for coming to the open session. We will go into executive session and see what we can find out. We will take about a 4-minute recess while we clear the room.

(Whereupon, at 11:05 a.m., the committee went into executive session.)
PROBLEMS OF WAR VICTIMS IN INDOCHINA: NORTH VIETNAM
(Executive Session)

THURSDAY, SEPTEMBER 28, 1972

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

The subcommittee met in executive session, pursuant to notice, at 11:10 a.m., in room 2300, New Senate Office Building, Senator Edward M. Kennedy (chairman), presiding.
Present: Senators Kennedy (presiding), and Mathias.
Senator Kennedy. The subcommittee will come to order.

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

Senator Kennedy. Do you have a number of prisoners released by the North Vietnamese who are now back on active duty?

Mr. Sullivan. I think the way in which that has been--
Senator Kennedy. Would you like to just tell us about it briefly, and then we will get into the other areas?

Mr. Sullivan. This would be something that may come from the Defense Department as a more accurate and precise statement. But an officer who comes back and who elects to stay in the military service is not denied that right. But great care is taken that he is not assigned to anything that is directly related to the Vietnam war. Now that, I think, has been a generally accepted interpretation of that convention, but on this we are going to provide you with a more accurate and precise statement of it.

Senator Kennedy. Could you?

Mr. Doolin. Yes.

1 Sections of this hearing have been deleted at the request of the Department of State and Department of Defense. Deleted material is indicated by the notation "[deleted]."

(39)
General Pauly. Mr. Chairman, in order to put the question which is the subject of the hearings in proper perspective, I would like to take just a moment to orient you in general on the air and naval gunfire operations in North Vietnam, to give you a feel for the overall situation.

As you know, as a result of the enemy offensive in South Vietnam this past spring, a program was initiated designed to interdict the flow of supplies to the North Vietnamese forces in South Vietnam.

At this time the North Vietnamese were moving approximately [deleted] tons per day into North Vietnam and down the logistic systems, which are portrayed in various colors on this chart, a good bit of it, of course, being consumed in the movement and in the Hanoi-Haiphong area, but a good bit of it moving down south.

Approximately [deleted] tons were moved in by sea at that time and about [deleted] tons per day by rail during the period January to April 1972.

Currently, in an effort to restrict and stop, if that is possible, the flow of this material, we are conducting three separate campaigns: (1) an air interdiction campaign which is called Linebacker—initiated shortly after the move of the North Vietnamese into South Vietnam; (2) a mining operation—initiated with the President’s announcement on the 8th of May; and, (3) a naval gunfire support campaign along the coastal regions of the North Vietnam panhandle up to approximately this location (indicating it on map).

This naval gunfire support is basically an interdiction program which is mounted against the main routes in this area here, farther to the south and the Hanoi-Haiphong area, which, of course, is close to the coast and vulnerable to naval gunfire support.

The objectives of the naval and air campaign are shown on the chart to the left.

[Deleted.] The basic rail lines involved are depicted in black on the chart, the major routes of the highway system are depicted in red, and the waterways, most of which are located in the Red River Delta area in this area.

[Deleted.] At the time of the initiation of this air effort, there was no pipeline system functional throughout North Vietnam. However, as you know, they have now succeeded in installing a pipeline to the Chinese border in this area and this pipeline system goes completely down to the metropolitan Hanoi-Haiphong area and down through the panhandle to South Vietnam.

[Deleted.] Of course, our efforts, in addition to the pipeline itself, have been against storage facilities throughout the area. He has learned a lot in terms of dispersal of all of his facilities. He will periodically stop to drain off this pipeline into large storage areas so that if something is knocked out above it, he still can draw from the storage area to keep the fuel flowing. We find these throughout the area with tactical storage. We find these throughout the area with tactical storage of POL down in the southern panhandle.

[Deleted.] Major among these, of course, are the logistical depots and support areas, the vehicle repair areas, locomotive repair and maintenance com-
plexes throughout North Vietnam. Likewise, the electrical power system, which is basically located in the fringe areas of the Red River Delta up in this area has likewise been a target since it contributes heavily to the war effort; and finally military complexes—training areas, tank training areas, tank storage, truck storage as well as repair facilities—throughout the area.

As part of our air effort, we have a program for knocking out the defenses which are substantial in North Vietnam. This must be done in order to make our operations possible.

He has at the present time some [deleted] SA–2 SAM firing battalions in North Vietnam. About [deleted] of these are in the Hanoi-Haiphong complex. Some [deleted] medium to heavy triple A guns likewise have been taken under attack. About [deleted] of these are radar-controlled facilities.

The interdiction program, looking at it in general, has had three features really that should be pointed out before we go any farther. One is the mining activities, which have closed the major harbors. Basically Haiphong, Hon Gai, Cam Pha in this area, together with the larger cities of Tan Hoi, Vinh and Quang Khe and Dong Hoi, as well as some additional mining activity to prevent him from coming across the beaches with his commodities from lighters.

This is, I think, one of the important points of difference from the previous efforts in 1965–68 to interdict the movement of supplies in North Vietnam. It is a highly effective sanitation that we have been able to give the coast through these mining activities.

The second effort is the point that you made on the use of the laser-guided bomb. The laser-guided bomb and the electro-optical bomb have proven to be highly effective weapons, particularly against pinpoint targets which previously would have been a campaign in itself to knock out. A bridge which took some [deleted] sorties to knock out in the previous effort, we were now able to bag the first day with about [deleted] aircraft. This is one feature which has enabled us to be more effective than last time around, on railroad bridges and highway bridges in the area to the northeast or northwest of Hanoi.

And the final factor is the weather. The weather has been a distinct problem in most of the North Vietnamese areas, both the panhandle and the Red River Delta.

It has been worse than could be expected during this period. While we are under the influence of the southwest monsoon which normally would leave good operating weather here and down in here, it has been spotty during the period in which we have been mounting attacks.

We have not gone on unchallenged, as I have pointed out. We have improved our capability, but he likewise has improved his with a larger MIG force than we have seen in the past. MIG tactics have improved, and we see new tactics on a weekly basis that attempt to stop our aircraft—in cases, the B–52 operations down in this area—better trained crews, and better MIG aircraft. [Deleted.]

Most of what is on this chart [indicating] has been covered in open session. Operating authorities are completely and from the beginning, have been based on attacks against military targets only.

Second, that dams, dikes, hospitals, schools, churches, pagodas, and so on, are specifically prohibited from strikes. Strike planning and execution throughout the campaign has had as its major tenant the
specific instructions to minimize civilian casualties and damage to population centers.

Taking just a brief look, if I may, at the operations in terms of the systems which have been specifically identified for strike, the rail lines, as I indicated, are the major system and it is the system that we have concentrated on from the very beginning.

We have been able to completely interdict the enemy rail lines, except for shuttling operations which takes place between knocked out bridges. The most important route for him to support himself from China—given the fact that he's no longer able to bring material into Haiphong—is down the northeast rail line in this area. This is a dual gage line, both narrow and wide gage. He has along this route some 92 bridges total, of which [deleted] have been identified as key bridges, most of which have been knocked out at one time or another. At the present time along this route there are [deleted] of the [deleted] bridges which are down.

As you know, he's very deliberate and determined in his efforts to bring these bridges back in, so we have to keep a close eye on them in terms of when they are brought back into operation and neutralize them again once he brings them in. So there are [deleted] bridges down here, along this route, and there are two bypasses so there are actually [deleted] interdictions along the route and the only capability he has on the road is to shuttle between these two. The more interdictions, the less he can shuttle to move his material.

The northwest line likewise is important, but not as important as the northeast. It has 129 bridges on that line. The terrain is extremely difficult up there, so there are a larger number of bridges, but a smaller type bridge as compared to the others. [Deleted] of these have been identified as key and [deleted] of these [deleted] are out at the present time.

In addition to this, he has a bypass route up here in the Thai Vinh area which likewise can be used and we are able to neutralize it. At the present time there is only [deleted] bridge out, but we average about [deleted].

Included in the bridges is the Red River bridge and the canal bridge in the Hanoi area. These were all taken out by laser-guided bombs. The primary route from Haiphong to Hanoi likewise is interdicted at three places and there are numerous bridges throughout the entire route. The railroad ends at Vinh and then basically goes to a narrow gauge for about 20 miles in this area which extends down to the Quang Khe area and then trucks with wheels utilize that.

Now, he has been restricted in terms of his capability on the rail lines, so our effort has been highly productive.

A by-product of this productivity, however, is the fact we have now forced him pretty much to use the highways. Obviously, the interdiction of the highways is a lot more difficult—more difficult because there are more of them, and more difficult because he can create bypasses more easily. He can put in pontoon bridges and what have you so the effort here is more complicated. However, we have made a large effort to interdict the main routes. The indications are that we have been effective—it is very difficult to quantify how much of the stuff we are actually stopping before it gets down. But he's being forced now to heavy use of waterways. [Deleted.] So this then is our third system
within the transportation system—the interdiction of waterways, particularly in the Red River Delta.

This brings to mind one of the major type targets that we find most lucrative—trans-shipment points. Since he again is moving his commodities probably from here by rail or highways, his efforts being stunted along the line, he trans-ships to another mode of travel, possibly from railway to truck to waterways. Each time he moves from one mode to the other, and he creates trans-shipment points. We have found these trans-shipment points to be extremely valuable because the stuff is sitting there waiting to be moved on and it is really an in-transit depot, if you will. So a good bit of our effort has gone toward identifying these and getting strikes on them while they are lucrative.

The POL system was pretty much covered in my initial remarks. It is a difficult system to interdict, so, a systematic effort on our part—

Senator Kennedy. Is that all underground?

General Pauly. A good bit of it is, sir, but not all. We have found, however, that he more and more is putting his storage sites below ground.

In this area, it is almost all underground. So he's more vulnerable up here and that's one reason why we want to get him as far north as we can before he can disperse it and before he can get it underground.

There are some [deleted] which have been struck, and that we have identified for strike in the POL system throughout all of North Vietnam. These depots maintain the capacity of about [deleted].

The war supporting systems—as far as electric power is concerned—he has a number of hydroelectric power plants throughout North Vietnam and we have identified those [deleted]. We have been able to knock out about [deleted] percent of his power capacity. For tactical use now, intelligence people tell us, he's pretty much restricted to local diesel power for his electric power capability at this time. We are watching these carefully, with the idea of keeping him at about that level, if not better, to cause him this additional problem.

The enemy defenses—he has at the present time some [deleted] MIG-capable airfields in the Hanoi-Haiphong area which takes a considerable amount of our effort to neutralize. He has, as I mentioned, [deleted] SAM batteries. [Deleted] of these have been destroyed and [deleted] of the [deleted] are in the Hanoi-Haiphong area and he has a considerable arsenal of triple A weapons, [deleted].

This is an important point because part of the problem of the effectiveness and the accuracy of the delivery of our weapons is in the overall climate in which they have to be delivered. And the fact that we have this large concentration of SAM's in the area of our major targets as well as triple A, with the MIG's always active, is a factor that the pilots must face. At the time they are delivering their ordnance, they consider these defenses.

Aside from SAMs, triple A and the MIG's, the weather is another factor which has to be contended with. The cloud cover is between three and five-tenths many days. The limited time the pilot has to acquire the target, maneuvering in such a way so as to avoid the SAMs and still get on the target, on a wet run, is no simple task.
As a general comment, I would like to point out that the importance of the Hanoi and Haiphong area can't be overlooked and I am particularly addressing the areas which were identified in your letter, Mr. Chairman, as well as Mr. Ramsey Clark's letter, and a word of description is probably pertinent.

Hanoi is a large, as you know, cosmopolitan city with a large cosmopolitan downtown area. It has war-making capability around the fringe of the city, out about 4 or 5 miles. In contrast, however, Haiphong is a port area. The population center is rather small. In the city itself are large warehouse areas, large ship repair areas, large waterborne logistics craft repair areas, and many bridges. It contains both indoor and outdoor storage areas, where the material has traditionally come off ships and moved into these distribution points before being moved out. So the complexion of the target area in Haiphong is very much different than Hanoi.

Likewise, in the other cities that are involved—and many of them likewise popped up in the questions that have been asked—Thanh Hoa, for instance, is a medium-sized city, but most of the war-making capability is out on the fringes of the city.

The old city per se was there long before the large facilities that they now have supporting their effort were brought into being. So, I will say a great majority of their military targets are out on the fringes of the city.

I pointed out their rapid repair capability which has given us some problems and we, of course, experienced the same thing during the last effort, "rolling thunder," back in 1965 to 1968.

Likewise, a point that is a strong point is the need to interdict this material as far north as we can before it gets dispersed.

As far as the results are concerned, before I proceed to that, my chart over here depicts or tries to quantify the problem in air defenses that we have had; in that the top portion is the enemy order of battle. Before the present campaign he had some [deleted] MIGs and now are reduced to [deleted] MIGs, with a confirmation of some [deleted] MIGs that have been shot down by U.S. aircraft. [Deleted.] Friendly losses have totaled some 82, [deleted] from SAM's, and [deleted] from MIGs. SAM statistics are something just over 2,000 SA-2's, fired at friendly aircraft. Most have been done up in this area with an effectiveness of some [deleted] percent.

The highway and roads have been successfully interdicted, however, we will never approach 100 percent interdiction because of their capability to bypass.

This bypass has forced them, as I mentioned earlier, to the waterways. There is a seeding program underway, at the present time, as well as attacks against the watercraft themselves.

About [deleted] percent of the POL storage has been reduced, available electrical power reduced by some [deleted] percent. The supply system has been severely taxed and imports significantly reduced.

Looking at this program that I have tried to give you a brief description of in toto, we have mounted some 31,000 strikes in the total program in North Vietnam. These strikes are mounted from three to
four carriers out in the Gulf of Tonkin, and the U.S. Air Force, airfields in Thailand.

Senator MATHIAS. What is the time frame, General, on 31,000 strikes?

General PAULY. That's from the beginning of the offensive through the DMZ, sir, beginning of April. There were some limited, as you recall, operations that began in this area [indicating] immediately after they came through, and we had gone after the support soldiers.

Back to the—

Senator KENNEDY. Are these strikes you pointed out from the aircraft carriers and northern Thailand, do they include the B-52 missions?

General PAULY. Yes, sir, the B-52 effort up north has been limited, as you know, up to now. We have had isolated strikes. One in Haiphong, two in Thanh Hoa, one at Vinh early in the game, about April, and the B-52s operating likewise down in the area we call Route Package I, [deleted] to the South.

Senator KENNEDY. But the 31,000 strikes you mentioned, are they included in that?

General PAULY. Yes, sir.

I would like to point out in passing that the complexion of the effort in this area versus the tactical effort that's going on down here, of course, is significant. We are putting a considerable amount of effort in here to interdict the material which has been fairly well dispersed, but which has a direct bearing on the outcome of the battles that are going on south of the DMZ.

A good bit of my next point was covered in the open session. In terms of the efforts to minimize civilian casualties, we feel that the entire air campaign is conducted with unprecedented attention to the minimization of civilian casualties. Our policy has been established that only military targets will be struck, and that the civilian casualties be minimized. Directives which have been issued from this level, from the level of CINCPAC, and from the operating forces have highlighted this as well, right down to the squadron level.

All of the targets which are scheduled for strike are selected only after close scrutiny at all levels; CINCPAC validates the targets basically for strike after close examination of the target itself, its military worth, and the possibility of collateral damage. The daily targets that are selected in the field are examined first by the senior commanders before they are authorized for strike and collateral damage is one of the main things that they are examined for—collateral damage as compared to the worth of the target.

As a result of this examination, efforts are made out in the planning levels, which is at carrier level or wing level, to select, having been assigned a target, the type ordnance that would be used to minimize civilian casualties, the route of attack to minimize civilian casualties, and the angle of attack, because you get more accuracy from a steep-angled attack. If there is a collateral population problem in the area, they go to a high angle attack to improve their accuracy, although in some cases it is a little more dangerous to the crews in this regard.

And lucrative targets are often rejected if, as a result of examination, we found that the collateral damage would be substantial.
The total effort is monitored at all levels. The results of the strike, once it takes place, are critiqued at all levels in the field. The reconnaissance is put in to identify what damage has been done to the target, and to identify, where possible, any collateral damage that has been done.

The critiques are done by the commanders and the crews alike with the idea of refining not only our capability of taking out the targets we are after, but likewise to minimize any possible collateral damage.

The LGB’s (laser-guided bombs), for those targets which are so important that they should be attacked, although there is considerable population around them, are used. The Haiphong downtown railroad yards and storage yards are a case in point, in which two LGB’s were utilized on that target and it was neutralized. Surrounding it were some populated areas, but it was being utilized heavily in the movement of material off-loaded from ships prior to movement into Hanoi.

Senator Kennedy. When they do these reports and critiques, are they available to the Defense Department or available to us or to whom and at what level?

General Pauly. We do not get distribution on the actual critiques. They do not come to our level. It is handled out in the field and the type reports that are kept I am not sure of at this time.

We get regular reports in the system back here—the report of the strike and then, the day after, a résumé of the strike. They do not necessarily in all cases contain any indication of collateral damage. In one case that I will point out, we did find in those reports that were identified, mention of collateral damage. The crews pulled off as they released because a SAM had been detected; it was an accident and that was identified. But the regular critiques are done at unit level.

Senator Kennedy. So you do not get any of these reports yourself, at the top level, as to the collateral damage that is being done?

General Pauly. No, sir, not a specific report as such.

Senator Kennedy. Only what filters through.

General Pauly. Examination of specific strike photographs and what have you, is done out at CINCPAC or at the strike force level. We monitor it in a more general sense here.

Mr. Doolin. But in response to a given example, for instance, the ones that Mr. Clark submitted to you, Senator, on those we have received extensive photography and have checked out the various instances that he cited.

General Pauly. In closing, I would just like to point out that the Hanoi city area has been relatively untargeted. The only things that have been targeted at all are those that are in the fringe at 4 or 5 miles out from town that I have mentioned. These are the warmaking facilities.

The only exception to this are the two bridges I mentioned that were taken out with LGB’s. We have verified that there was no collateral damage. When we have a sensitive situation, we will be looking specifically for collateral damage. Those were taken out clean and the downtown Hanoi area, as we will mention later, has relatively no damage. The only collateral damage that we have been able to identify in the specifics that have been provided have been tied in the immediate vicinity of a strike against nearby military targets in which a stray bomb had gone off or where the strike force had, in fact, for various reasons, missed their target.
This concludes my wrap-up, Senator.

I will be glad to answer any questions you may have.

Senator Kennedy. Well, thank you very much, General. This has been very helpful in getting an overview.

How difficult would it be for you to develop a procedure by which you would receive directly all information on the collateral damage? Would that complicate or add a great burden on people who are doing other things out in the field—if they were just able, as a matter of routine procedure, to give periodically this information and the results of strikes on civilian areas over a period of time?

General Pauly. Well, it is difficult to say how difficult it would be in terms of their normal work day, which is a 26-hour day now.

Senator Kennedy. I'm sure.

General Pauly. And, of course, it hinges on the availability of the tactical reconnaissance photography, other than those things that are reported by the crews themselves. Now, if it is reported by the crews themselves, and they know they hit some collateral area by mistake, then it will pop up in our reports, but there have been very, very few of those. It would be an analysis, in fact, of the total take of the reconnaissance effort out in the field. It could be done, but it is hard to quantify.

Senator Kennedy. I suppose, as you sat through the hearing this morning, you understand why it is awfully difficult for us to know how extensive the bomb damage to civilian areas is. We get various reports from different individuals who have recently visited the North, and other claims and photographs from various other sources and, as I mentioned in the open hearing, we would like to develop our own information on this as completely as possible. To have our own information—to have Government information—that we have confidence in would be enormously helpful, particularly photographic evidence.

I just do not know whether it is so difficult to develop this that it may seem prohibitive and serves as a matter of harassment for people who ought to be worrying about other matters. But, as you can well understand, it is a matter of considerable interest and concern to Congress and the American people as to how much collateral damage is caused by our bombing.

General Pauly. Let me assure you that this is something that is treated with a heavy hand in the field. The commanders are reminded regularly of their responsibilities in that regard. They have had instituted this critiques procedure as a true means of being able to get a handle on it.

The critique may take place 3 or 4 days after a strike, based on the availability of the photography or what have you. With every target that is validated by CINCPAC, or by us, for instance, a reminder goes out, “you are reminded again these targets will not be struck until the problem of the collateral damage is addressed.” If a strike is warranted at all, they must insure the minimizing of collateral damage.

Senator Kennedy. I suppose that is the question to me: what is the minimum? When does collateral damage get to the point where it is OK to bomb because the military objective seems worth it, and where has it been rejected because it would be too extensive?

I know you have that criteria; we don’t. We don’t know what that balance is. I know it is a subjective decision, obviously, because all of
these targets are somewhat different; but you can understand at least some of the difficulty we have in getting much of a feel for what the balance is and which way you lean.

I don't know if you say, well, if we can blow out one of those POL dumps, and that's a major source of support for the NVA, and that it is going to mean perhaps 20 civilian casualties, well, maybe that's OK because it is such a major target—yet you cannot hit something else that might produce five civilian casualties because that's not of much importance as a target. I have absolutely no feel for what your criteria are—and it is awfully difficult to gather it from what you've said. I think that that sort of information would be useful.

I do not know what you could do to help us. Perhaps you can give us some examples where you won't bomb because of the collateral damage, and other places you have decided it would be worth it. I think it would be useful for us to have that information in order to give us a feel for what the balance is. I don't know what you can do to help us.

Mr. SULLIVAN. For instance, Senator, [deleted].

General PAULY. That is correct.

Senator MATHIAS. In the central city?

Mr. SULLIVAN. Yes. But they are some of the major plants in the North and that's the sort of thing, as I say, it has to be a subjective judgment and somebody in the command has to make it as an individual in his responsibility for the judgment.

Senator KENNEDY. On these various observations of Ramsey Clark and some of the others—I will provide you with a complete list when you leave today and then if you could give us some kind of a documented response, we would appreciate it.

We give the reported date, the location of the damage, and who saw it. The most extraordinary example, I guess, that Mr. Clark saw was the hospital at Thanh Hoa which, as he points out, was out in the middle of a field; "six structures completely destroyed, surrounded by rice paddies." Then we talk to other people who say, well, maybe they had soldiers who were garrisoned there that night or maybe they had a SAM missile stored in the receiving room or whatever. What can you tell us about this hospital and some other sites we submitted to the Department in August?

Mr. DOOLIN. [Deleted.]

I spent most of the last 2 days going over photography of all of these and I can run through them if you wish, sir.

Senator KENNEDY. All right.

Mr. DOOLIN. [Deleted.]

[Deleted.]

[Deleted.]

Mr. SULLIVAN. [Deleted.]

Mr. DOOLIN. [Deleted.]

General PAULY. [Deleted.]

Mr. DOOLIN. [Deleted.]

[Deleted.]

[Deleted.]

Senator KENNEDY. Why don't you provide all this to us for the record?
Mr. DOOLIN. [Deleted.]

Senator KENNEDY. Can you provide this for us?

Mr. DOOLIN. [Deleted.]

Senator KENNEDY. OK. Well, if you could provide that for us, it would be very helpful.

Now, with regard to the aerial photography on this, Mr. Clark indicated to us that he saw these areas himself. Is there any reason why we cannot have from you the aerial photography of these particular areas?

Mr. DOOLIN. [Deleted], sir, but I searched these the last 2 days, in fact, to the early hours of the morning just one last time and I find it just extremely perplexing with these reports of damage and exact dates being given.

Senator KENNEDY. Well, Mr. Clark has his own pictures that show the destruction. Other witnesses have shown similar photographs. I mean that's the only way to show proof. I absolutely believe you that you spent many hours going over the aerial photography. But what can we do? Is there a reason we can't see the aerial photography? What is the problem?

Mr. DOOLIN. It is the sensitivity of the [deleted]. But I am just perplexed by it because we get specific dates, specific bearings, distance from Hanoi and I might say that this photography of the dikes where he gave a distance, where he was provided a distance and a bearing from a major point, we went not only out that far but if we couldn't find it we searched a 5-kilometer area on the off chance that the distance was wrong.

Senator KENNEDY. I will provide you with Mr. Clark's pictures and those that other witnesses have taken—and can you come back with a response? He has shown us pictures of civilian areas that have been destroyed. You apparently have pictures that show they were not.

Senator MATILDA. Well, I would suggest, Mr. Chairman, that we do just that; that we provide Mr. Doolin with copies of any photographs in the possession of the committee, and see whether they check with his list of—

Mr. SULLIVAN. Are they identified?

Senator KENNEDY. These photos here, that we have displayed, are different, but Ramsey Clark and others who have testified have a whole series of photos which we will formally submit to you.

Mr. DOOLIN. He stated in his letter to you, Senator, that he was only attaching a partial list, but I say, we checked out every item he sent over to you.

Senator KENNEDY. How difficult will it be for you just to go on over the areas of these photos we will provide? We should have someone review these materials, so that we can see the extent of any damage—so that we can try to avoid getting into debates over what the North Vietnamese say, or some other people say, or what you are asking us to accept. You say you can't give us the aerial photos because of [deleted] which I think is understandable. But I wish they could be made available because I think they would be useful. How can you help? Without them how can we respond to the kind of dilemma we are in? Although no one wants getting you in a situation where you say that you cannot provide such photos because [deleted]. But what can we do about that? For this situation is going to obviously continue to raise troubling questions—what are we going to do now?
Mr. DOOLIN. Well, one thing I hope that we can do, Senator, is continue to keep you as fully apprised as we can in sessions such as this.

Senator KENNEDY. Yes—again, I hope we can have more of this in open session.

Could I ask another question: Do we have some B-52's that have been taken out of the Strategic Air Force that are being used in Vietnam now?

General PAULY. Yes, sir.

Senator KENNEDY. Is it classified how many are going? What impact has this had on our whole strategic balance? I am sure this is enormously sensitive, too.

General PAULY. Yes, sir.

Senator KENNEDY. Alright. But, Mr. Doolin, could we provide these other lists of civilian bomb damage sites for comment? To the extent we can, we will get pictures and try and get them in to you for verification.

Mr. DOOLIN. General Pauly will go over those.

Senator KENNEDY. And we will give you the pictures. I think also, to the extent that you can tell us about the kind of weaponry being used, that would be useful. Someone, I believe Ramsey Clark, said that the mayor of a certain city provided him with the Guava type of weapon.

You perhaps can tell us if that was dropped such and such a night, or if that absolutely did not take place, or that you dropped it at a military target somewhere else, but we ought to know about it, to the extent that you can. Maybe that's awfully difficult.

Mr. DOOLIN. I know some are on this list that were not on the other.

Senator KENNEDY. But some are. You see, we saw the other day a film of a variety of different areas which were allegedly hit by anti-personnel weapons—schools and churches and village areas. Maybe they have those repair yards underneath or they have troops stationed there in SAM sites of whatever, but, you know, it just is enormously perplexing to explain the damage.

Mr. DOOLIN. There are a number of things that I found frankly strange about some of the footage that Mr. Clark brought back. For example, they show him a bomb crater that's got tall grass growing in it. Obviously that's not something that happened the day before yesterday. We have also got, some confirmed instances where North Vietnamese SAM's that went up came back down and impacted in residential areas. The Soviet SAM's, unlike our own, do not have an automatic destruct, so there has been some damage done by these as they come down and, as General Pauly pointed out, they are only at a success rate of [deleted] percent so there is a lot of stuff falling back down that is pretty lethal of their own.

Senator MATHIAS. What about the prisoner of war areas, have we fairly well identified them?

Mr. DOOLIN. Both in terms of known or suspected sites, we do not go near anything that's even suspected to be related to prisoner of war camps.

Mr. SULLIVAN. That's true throughout Indochina, anything that is a suspected camp, in Laos and Cambodia.

Senator KENNEDY. Do you know where some of those are?

Mr. DOOLIN. Yes, sir.
Senator Mathias. Is there a practice on the part of the North Vietnamese of placing these camps near sensitive areas that otherwise would be targeted?

Mr. Doolin. No, sir, they have not done that.

Senator Mathias. Why not?

Mr. Sullivan. I think because they themselves say each prisoner is a pearl, they want to save these prisoners because they regard them as their final bargaining card, and probably in the long run as a ransom. So I do not think—

Senator Mathias. They put a higher value on that than on whatever military deterrents they might provide.

Mr. Sullivan. That's our assumption. But they have not done this; not to our knowledge, anyway.

Senator Kennedy. If we could, we might just submit some further questions to you.

Mr. Doolin. Fine, and we would be pleased to look over some photography.

Senator Kennedy. Thank you very much.

Senator Mathias. Mr. Chairman, let me just say that I do thank General Pauly and Ambassador Sullivan and Mr. Doolin who really have exhibited an effort to help the committee, and I appreciate it.

Senator Kennedy. As always in the past, you have been very helpful, very cooperative, and we appreciate it.

General, thank you very much, and Colonel. I think you get some feel for the kind of problems that we have—and we know there are some very real problems in trying to go back and survey civilian damage. But do you ever send in American pilots to go over and find out whether you blew up a school or not? We ought to know. I think people ought to be realistic about the situation and not make unreasonable kinds of requests. But I think to the extent you can—and you have obviously been enormously responsive to the extent that that information has been available to you all, and we appreciate it very much. Thank you.

(Whereupon, at 12:05 p.m., the committee adjourned.)
APPENDIX I

RESPONSE OF THE DEPARTMENT OF DEFENSE TO CORRESPONDENCE FROM THE
SUBCOMMITTEE CHAIRMAN, SENATOR EDWARD M. KENNEDY

(Printed below are the texts of an exchange of correspondence between the
Subcommittee Chairman, Senator Edward M. Kennedy, and the Department
of Defense, on war-related civilian problems in Indochina. First, the text of the
letter of Mr. J. Fred Buzhardt, General Counsel of the Department of Defense,
and second, the original letter of the Subcommittee Chairman, dated May 3,
1972. Senator Kennedy inquired about the status of his May 3rd letter, and
requested additional information, in letters to the Secretary of Defense on
June 22, August 8, and August 18, 1972. See appendix to Part III of this series
of hearings for the texts of these earlier letters.)

I. TEXT OF DEPARTMENT OF DEFENSE RESPONSE TO A MAY 3, 1972 LETTER FROM THE
SUBCOMMITTEE CHAIRMAN

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,

Hon. Edward M. Kennedy,
Chairman, Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: The Secretary of Defense has asked that I respond
to your letter of 19 August 1972 pertaining to the Subcommittee on Refugees' inquiry into war-related civilian problems in Indochina.

The Rules of Engagement are highly sensitive documents which set the criteria and specify in detail the permissible offensive and defensive actions which U.S. forces may undertake under any given set of circumstances. They are very closely controlled because of their obvious and inestimable value to the enemy. To expose the rules governing the conduct of combat operations is to risk jeopardizing the lives of U.S. personnel charged with the responsibility for conducting those operations and would otherwise be detrimental to national security.

The President and the Secretary of Defense have repeatedly stated that our attacks upon North Vietnamese targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets is unintended and results not from any action on our part, but from the Government of North Vietnam's refusal to live in peace with her neighbors. A public listing of specific targets would permit the enemy to either move or better protect those targets and would result in the loss of American lives and make the destruction of these targets more difficult.

With regard to the allegations made by Mr. Clark and the enemy's strident assertions that we have a concerted and intentional campaign of bombing the dike system, the following appears appropriate. Several Congressional Committees including the Senate Foreign Relations Committee have been thoroughly briefed on this subject. The few dikes that have been hit are immediately adjacent to readily identified military-associated targets. The observable damage is minor and no major dike has been breached or functionally damaged. It further appears that even the minor collateral damage could be repaired in less than a week without the employment of machinery of any kind. The enemy has intentionally placed anti-aircraft sites, supply depots and essential lines of communication upon the dike system in an effort to immunize these military functions.

In fact, severe floods occurred last year in North Vietnam in the absence of bombing, whereas the high water season has now virtually passed without significant flooding.

Major General Pauly will accompany Ambassador Sullivan to the Subcommittee's hearing on 28 September 1972. If, at that time, the Committee wishes to inquire further and is prepared to go into executive session, General Pauly will be prepared to provide, on a classified basis, additional information.
In earlier inquiries, you had requested a complete glossary of terms which have been used officially and unofficially to describe American or American supported military activities in Indochina. In response to your request, you were provided with a copy of MACV Directive 525-13, "Rules of Engagement for the Employment of Fire Power in the Republic of Vietnam." To the best of our knowledge, this contains a complete glossary of terms which are used officially. As to unofficial terms, we have never compiled, or attempted to compile, a listing of Southeast Asia's lexicon. If you would care to submit a listing of such unofficial terms in which you are interested, we will be glad to provide you with an opinion, to the extent we can obtain adequate information upon which to base an opinion, as to the prevalent usage of such terms.

With respect to your request for a copy of the full text of the "Report of the Department of Army Review of the Preliminary Investigation into the My Lai Incident", commonly referred to as the "Peers Report", I would again suggest that this is an investigative report not subject to the requirements for public disclosure under the Freedom of Information Act. As you may be aware, the demand for disclosure of the so-called Peers Report was litigated in the case of Apel v. The Department of Defense, et. al., Civil Action No. 632-72; U.S. District Court for the District of Columbia. The court ruled that this report was not subject to the requirement for public disclosure.

We have previously provided you with statistics on U.S. military air operations in Southeast Asia, as will appear from the charts to which you were previously referred, which appear at pages 9009 et. seq. of the hearings of the Armed Services Committee of the House of Representatives on H. Res. 918 held on April 18, 1972. The latest available update of this reusable material is as follows:

Allied air munitions expenditures in Southeast Asia are released on a monthly basis. Compilation time results in lag time of approximately 15 days following end of month. Preliminary figures are usually available by the 15th of each month.

Annual tonnage figures since 1966:

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MONTHLY TONNAGES

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U.S. Strike Sorties in South Vietnam are released daily by the U.S. Military Assistance Command Vietnam in its daily press communiqué. These same communiqués are made available to the press corps by the DoD in Washington. Anditied U.S. strike sortie figures in South Vietnam are also available for public release on a monthly basis.

Since the resumption of bombing over North Vietnam in early April in response to the North Vietnamese invasion of the RVN, MACV is also reporting approximate strike sortie figures over North Vietnam in its daily press communiqués.

U.S. AIR STRIKE SORTIES FOR 1972

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Not available.