

APR 18 1972

NYTimes APR 18 1972  
**Texts of Soviet Note and the U.S. Reply**

### Soviet Note

*Following are the texts of the Soviet protest note delivered Sunday to the United States Ambassador, Jacob D. Beam, and made public yesterday, and of the United States reply, also made public yesterday:*

On April 16, as a result of bombing and strafing during a raid by American aircraft over Haiphong, the Soviet merchant ships Simferopol, Boris Lavrenev, Samuil Marshak and Sejemdzha, anchored in the port, sustained damage in the form of numerous shell holes, including crew quarters.

The lives and safety of Soviet seamen were imperiled. There are dead and wounded among the port workers who were carrying on freight operations aboard the Soviet vessels.

These piratical actions by American aircraft are a gross violation of generally accepted norms of international law and freedom of navigation. The Government of the United States bears full responsibility for these provoc-

ative actions by American armed forces and for the possible dangerous consequences of such actions.

The Ministry of Foreign Affairs of the U.S.S.R., on instructions of the Soviet Government, presents a protest to the Government of the United States concerning the criminal act against the Soviet merchant ships in the port of Haiphong and insists that the American authorities immediately adopt strict measures to prevent similar provocations in the future.

### The U.S. Reply

Deputy Foreign Minister Kovalev on April 16 delivered a note to Ambassador Beam which contained a protest dealing with alleged acts against Soviet merchant shipping in the port of Haiphong. The United States Government has considered this protest and makes the following points:

1. Every effort is made to limit air strikes to military targets used in direct support of aggression against South Vietnam. Consequently, the air strikes were not aimed at

or intended to affect third parties and precautions were taken to prevent this from occurring.

2. If damage to shipping has in fact occurred, it could well be the result of anti-aircraft fire or misfirings from the North Vietnamese side.

3. If any damage to international shipping in the Haiphong area was produced by ordnance dropped by U.S. aircraft, it was inadvertant and regrettable.

4. In recent weeks, the North Vietnamese forces have launched massive invasions across the demilitarized zone and from points in Laos and Cambodia against South Vietnam. Countries which supply offensive equipment to the North Vietnames and enable them to mount an invasion of South Vietnam share responsibility.

5. Nevertheless, the Soviet Government may be assured that U.S. authorities will continue to make every effort to avoid any damage to international shipping.