

Administration Confident On N. Viet Dike Bombing

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The Nixon administration believes it is dealing from strength as it faces Senate questions today about the bombing of dikes in North Vietnam.

"No major dike has been breached or functionally damaged," said the Pentagon's top legal officer in a letter to the Senate Refugee Subcommittee, which is holding the hearings.

J. Fred Buzhardt, Pentagon general counsel, added in his

letter to Subcommittee Chairman Edward M. Kennedy (D-Mass.) that "the few dikes that have been hit are immediately adjacent to readily identified military-associated targets.

"It further appears," Buzhardt continued, "that even the minor collateral damage could be repaired in less than a week without the employment of machinery of any kind."

And, in what both Defense and State Department officials consider the clincher argument, Buzhardt said that in

North Vietnam "the high water season has now virtually passed without significant flooding."

State Department officials said in interviews about the dike issue that even Hanoi has not charged that American bombing has caused floods in North Vietnam.

Buzhardt, in his Sept. 22 letter to Kennedy, said "severe floods occurred last year in North Vietnam in the absence of bombing."

The dike-bombing charges blew into big political news this past week. The issue of the charges was raised by attorney General Ramsey Clark, who, before the Kennedy subcommittee on Aug. 16, said he had seen damage to dikes while in North Vietnam.

"In terms of personal observations," Clark said at the hearing, "there is extensive damage to the dikes now."

Kennedy, in a Senate speech on Aug. 4 on the dike argument, expressed alarm about "the possibility that our bombing may help cause mass floods in North Vietnam the next month or two."

The senator added that the bombing of North Vietnam's

dikes is not just another part of the Vietnam debate, another political anti-war issue. If these dikes fall, one of the greatest human disasters of the 20th century would result."

With the dike issue undercut by the passing of the flood season, the Kennedy subcommittee in its hearings today is expected to focus on the civilian casualties from U.S. bombing of North Vietnam.

Buzhardt, in another part of his letter to Kennedy, said, "The correct rule of international law which has applied in the past and continued to apply to the conduct of our military operations in Southeast Asia is that 'the loss of life and damage to property must not be out of proportion to the military advantage to be gained.'"

He said his office reviewed ground, air and sea operations in Vietnam and concluded they were being conducted within that rule to "avoid damage to non-military property."

Slated to testify today are William H. Sullivan, deputy assistant secretary of state for the Bureau of East Asian and Pacific affairs; Brig. Gen. John W. Pauly, deputy director for operations of the Pentagon's Joint Chiefs of Staff, and Roger Shields, a prisoner-of-war specialist in the Pentagon's International Security Affairs Office.