

U.S. PLANES RENEW RECONNAISSANCE OF NORTH VIETNAM

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Flights, Banned by the Paris Accords, Are Described as a Warning to Hanoi NYTimes

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WASHINGTON, April 20—

The United States has resumed military reconnaissance flights over North Vietnam, despite the ban on such activity in the Vietnam cease-fire agreement, officials of the State and Defense Departments said today.

This development, following the decision yesterday to suspend American minesweeping of North Vietnamese waters, was described by senior officials as a policy decision to violate portions of the Paris agreement, if necessary, to put pressure on the North Vietnamese to halt what Washington regards as the more serious violations of the accord.

Charles W. Bray 3d, the State Department spokesman, virtually acknowledged that policy when he justified American actions on the basis of "a well-known principle of international law," as reflected in a 1969 convention on the law of treaties. The convention provided that "a material breach of an international agreement by one party entitles the other party to suspend operation of the agreement in whole or in part."

'Message,' Secretary Says

Previously, the Administration contended that although North Vietnam was violating the agreement, the United States was scrupulously abiding by it. But President Nixon warned on several occasions that the United States would make appropriate responses if Hanoi's alleged violations did not cease.

Secretary of Defense Elliot L. Richardson said in an interview that the Administration was seeking by its latest actions, "to send a message" to Hanoi through means other than diplomatic protests.

He said that Hanoi should interpret the moves as "signals of possible retaliatory action." He also said that Administration officials had in the past not foreclosed the possibility that the United States might "invoke more extreme measures."

The Secretary added that he could not foresee "what fork in the road" might be taken by either side. He said the latest actions followed weeks of fruitless efforts through diplomatic means to get Hanoi to stop its alleged violations.

Mr. Bray, in his regular news conference, specifically called on North Vietnam to show "strict compliance" with article 20 of the cease-fire agreement.

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This calls on the signatories "to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries."

It also calls for foreign countries to end "all military activities in Cambodia and Laos," but without setting a deadline.

Mr. Bray said, in effect, that if Hanoi used its influence to halt the fighting in Cambodia and stopped using infiltration routes through Laos into South Vietnam; it "would find a prompt and quite positive response on our part."

"It is simply not possible," he said, "and it is certainly not in the spirit of the agreement, much less the letter, for the North Vietnamese to decide that they wish to observe some paragraphs of the agreement and protocols and not others."

The first word of American reconnaissance flights over North Vietnam came in a Hanoi radio broadcast.

When the Defense Department spokesman, Jerry W. Friedheim, was asked if the report was true, he said, "No comment." Previously he had consistently denied that American aircraft were flying over North Vietnam.

Privately, however, officials of the Defense and State Departments said the flights were taking place. It was understood that these included both pilotless aircraft equipped with automatic cameras and regular piloted craft.

The officials stressed that the purpose of the flights at this point was chiefly psychological—to tell Hanoi that the United States was "faking preparatory

steps for renewed bombing in case it felt that Hanoi's violations of the cease-fire had reached an unacceptable level.

A State Department official noted that the steps taken so far were easily "turn-offable."

Could Reverse Trend

He said that the minesweepers could quickly return to North Vietnamese waters, and the reconnaissance flights could be stopped immediately, if Hanoi began to meet some of Washington's demands.

Article 2 of the cease-fire agreement calls on the United States to "stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based." It also obliges the United States to remove, deactivate or destroy all the mines in North Vietnamese waters.

The agreement does not specifically refer to reconnaissance flights, but administration officials have acknowledged that such flights are barred.

Mr. Bray was asked why the United States did not take its complaint back to the international conference on Vietnam, which endorsed the agreement on March 2.

Favor Direct Communication

"We still consider that the more effective way of dealing with North Vietnamese violations of the agreement is by way of direct communication with them," he said. But a State Department official said the United States would send a detailed note of complaints about Hanoi's alleged violations to the other parties of the international conference.

Mr. Richardson, expressing frustration with what he said was the failure of Hanoi to respond so far to repeated diplomatic protests, said that on the basis of experience it seemed that the North Vietnamese sometimes understood the situation better if the message came by means other than words.

He acknowledged that efforts had been made to communicate with Hanoi directly and through Peking and Moscow. The Russians and Chinese, he said, have expressed the view that it is time to stop hostilities in Indochina, but it is not known whether they are exerting any pressure on Hanoi.

The Administration has not denied that South Vietnam has committed violations of the cease-fire accord. But both State and Defense department

officials have asserted that Saigon's transgressions are not of a level with Hanoi's.

Mr. Bray, in a lengthy exposition of American policy, said that "the Paris agreement was negotiated and signed as a whole."

"It was intended to provide the framework within which tranquility and, hopefully, political stability would be restored to Indochina," he added. "That was the spirit in which the United States entered into this interrelated series of undertakings."

"Now," he said, "I should like to repeat again that it is simply not possible, and it is certainly not in the spirit of the agreement, much less the letter, for the North Vietnamese to decide that it wishes to observe some paragraphs of the agreement and protocol, but not the others."

Mr. Bray said that "strict compliance with Article 20 of the agreement, which, as you will recall, has reference to Laos, Cambodia and South Vietnam, would have a dramatic effect on the American view of Hanoi's intentions to carry out the obligations it willingly entered into in Paris."

Peking Denounces U.S.

Special to The New York Times

HONG KONG, April 20 — China denounced today United States bombings in Laos and Cambodia and attacks by South Vietnamese troops along the Cambodian border, adding its protests to those of the Communist-led Pathet Lao, of the Peking-based Cambodian regime of Prince Norodom Sihanouk, of North Vietnam and of the Vietcong.

An article signed Commentator in the Jenmin Jih Pao, the Peking daily, and distributed by Hsinqua, the Chinese Press Agency, said actions by the United States and South Vietnam had "seriously violated" the Paris Peace Agreements.

According to the article, that the United States was attempting to rescue "the tottering reactionary dictatorship of the Lon Nol clique," in Cambodia and that such attempts were futile, since "the death-bed struggle of the Lon Nol clique can only speed up its own defeat and demise."

The article indicated solidarity with and support for the communist backed regimes, but as an expression of Chinese reaction was considerably less strong than would have been the case if a statement had been issued at Government level.