

## The "Mistaken" Bombing of Laotian Villages

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IN VIEW OF the admitted American policy of destroying villages in Vietnam, Congressman Waldie and I in April of 1971 were interested in ascertaining U.S. policy toward the rural villages of Laos.

According to ex-Ambassador William Sullivan, some 3,500 villages once existed in the northern and eastern half of Laos, which has been contested or under Pathet Lao control since 1962. Prior to our visit to Laos, we had received some harrowing reports of heavy bombing of these villages, and from government documents we had determined that nearly 700,000 out of the million or so original inhabitants of these villages had become refugees during the previous ten years. We were further advised that in 1969 and 1970 we had dropped nearly one million tons of bombs in Laos—nearly twice the total of the prior two years.

Ambassador Sullivan had testified before the Senate Refugee Subcommittee on May 7, 1970, that only eight villages had been hit by mistake in the four and a half years he had served in Laos, terminating in March of 1969. This testimony was difficult to reconcile with an article by Daniel Southerland which had appeared on March 14, 1970, in the *Christian Science Monitor*:

This correspondent visited four refugee camps and talked with refugees from six different locations in and around the Plain of Jars.

After questioning a large number of them, it was possible to get a picture of the devastation unleashed by American fighter bombers in northeastern Laos over the past two years, and it is not a pretty one.

After the United States halted its bombing of North Vietnam on November 1, 1968, it stepped up as much as 10-fold its bombing raids—support which started on a minor scale in mid-1964—against Pathet Lao-occupied northeastern Laos. The number of bombing sorties by United States Air Force and Navy jets rose to as many as 300 a day.

This bombing campaign, code-named Barrel Roll, is separate from the other, more-publicized campaign. The latter, code-named Steel Tiger, is directed against the Ho Chi Minh Trail in Southern Laos.

The refugees said about 9 out of 10 of the bombing strikes flown over the past two years in the Plain of Jars were carried out by American jets and the rest by propeller-driven Royal Lao Air Force T-28s.

In most areas of the plain, the bombings forced the people to move out of their homes and into trenches, caves, and bunkers where they lived for the most part of two years. . . .

In the Plain of Jars area, the bombing destroyed the main towns of Xien Khouang, Khang Khay, and Pnong-savan. The refugees said the bombs flattened many villages in and around the plain and heavily damaged others. They said no villages they know of escaped the bombing.

The refugees said they were sometimes forced to leave their villages and bunkers to do portage—carrying rice

and ammunition—for the Pathet Lao and North Vietnamese. But they added that in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages. . . .

Some refugees said they moved four or five times, each time farther away from their villages, to escape the bombing. But the bombs always followed them. Even at night the bombers came, and finally, even the rice fields were bombed.

“There wasn’t a night when we went to sleep that we thought we’d live to see the morning,” said one refugee. “And there wasn’t a morning when we got up and thought we’d live to see the night.” . . .

“My wife and three children were killed,” said a man in his thirties. “There were no troops [Pathet Lao or North Vietnamese] anywhere near our village.”

All this raises some basic questions about the bombing in northeastern Laos. What has been its purpose?

It is impossible to get the United States Government side of the picture in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos.

The pilots who fly the raids from air bases in Thailand and South Vietnam and from carriers in the Gulf of Tonkin are under instructions not to discuss the details of their missions. . . .

A number of other reputable reporters wrote similar descriptions of interviews with refugees. A *Life* magazine article on April 3, 1970, said: “From all reports, the wholesale bombing of civilian centers in the Pathet Lao areas goes beyond anything the North Vietnamese have experienced.” Robert Shaplen of *The New Yorker* indicated that the government of Laos, “aided by the wider scope of American

bombing, was doing its best to keep the Communist supply lines cut and to destroy the social and economic fabric in the Pathet Lao areas.” Twenty-one IVS volunteers wrote to President Nixon from Laos on March 15: “The extensive bombing of civilian areas is particularly vicious . . . refugees told of being forced to live in holes and caves, of having to farm at night, of the systematic destruction by U.S. war planes of the human basis for a society.”

How does one, aided by highly sophisticated bombing techniques and weapons, destroy the social and economic fabric of an area and systematically destroy the human basis for society? Might there not be some temptation to destroy the hundreds of villages around which that social and economic fabric and human basis for a society is centered? The State Department, however, continued to deny any knowledge of the bombing of villages other than by an occasional mistake. Ambassador Sullivan was to testify later, on April 21, 1971, that “later on, when they were out of them, apparently the villages were damaged by bombing.”

All in all, there is now voluminous testimony from hundreds of refugees from at least seven provinces in Laos that their villages were hit by U.S. bombing under conditions which had to be deliberate.

In view of the conflict between the testimony of State and Defense Department officials and the reported testimony of the refugees, Congressman Waldie and I decided to take three days from our Southeast Asia trip to visit Laos and Thailand. On April 13, 1971, we first visited the headquarters of the Thirteenth Air Force in Thailand and then went on to Vientiane. We were assured by the commanding general of the Thirteenth Air Force, Major General Evans, and by Ambassador Godley in Vientiane, that we were not bombing and had not bombed villages; to their knowledge any villages that had been hit were hit purely by accident.

Ambassador Godley and General Evans stated that all targets in Laos had to be approved by the ambassador or by U.S.-Lao aerial forward air controllers, called FACs.

On the evening of April 13, at a dinner in Ambassador Godley's home, we were told by various ranking Country Team officials, in the presence of both the ambassador and Deputy Chief of Mission Monteagle Stearnes, that (1) we had not bombed villages except by occasional mistake, (2) no surveys of refugee attitudes had been made, because of lack of staff, (3) bombing was certainly no more than one of the factors, and certainly not a major factor, in causing refugees to leave their homes, and (4) neither the United States nor the royal Lao government had forced refugees to leave their homes; they left voluntarily.

The dinner party lasted over five hours, and we were repeatedly assured of the validity of the foregoing four points. I think it is fair to say that Congressman Waldie and I went to bed that evening believing that we had been told the truth by sincere and dedicated men and that the rural villages of Laos had not been subject to deliberate U. S. bombing.

On the following morning, April 14, however, I found reference in my notes to a specific refugee study made by the political section of the embassy in July 1970. A young political officer at the embassy confirmed that a report of refugee opinions did exist. He went with me to the office of Deputy Chief of Mission Stearnes, whom I asked to show me the document in question. Mr. Stearnes picked a sheaf of papers off his desk, leafed through them, and finally and somewhat reluctantly handed them to me at my request. The report, dated July 10, 1970, was entitled "Xieng Khouang Province Refugees in Vientiane Plain." It summarized the responses of over two hundred refugees, from ninety-six separate villages in the Plain of Jars area, with respect to the

bombing of their homes. Quoting from pages 5 and 6 of the report: "Seventy-five percent of 190 respondents said their homes had been damaged by the bombing. . . . Seventy-six percent said the attacks took place in 1969. . . . The bombing is clearly the most compelling reason for moving."

Both the facts stated and the conclusions drawn in this report, which was addressed personally to Mr. Stearnes by the United States Information Service, were in square contradiction to the testimony furnished the Senate Refugee Subcommittee by Ambassador Sullivan in May 1970, as well as inconsistent with the facts and opinions expressed so positively to us the previous evening.

It is clear that Mr. Stearnes deliberately intended to give Congressman Waldie and me a rosy, less than complete picture of refugee attitudes and bombing. The embassy prepared for us, prior to the April 13 dinner discussions, what purported to be a careful "briefing book" on refugees. Three of the eight sections in the book were specifically related to Xieng Khouang province—the province referred to in the refugee survey report of July 10, 1970. We accidentally learned from the author of that report, Mr. Albert, on April 16, that Mr. Stearnes had called him into his office on the afternoon of the thirteenth (just prior to the dinner) and asked if he was the one who had prepared it. Bearing in mind that this report and a shorter report of a similar survey of refugees in a more northerly camp were the only reports in the embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U.S. ambassador. The omission of this report from the so-called "briefing book" was clearly deliberate.

After finally obtaining possession of the reports in ques-

tion, we were able on the morning of April 15 to visit one of the refugee camps, Ban Na Nga, located about forty kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been personally recommended by the ambassador as "unbiased."

We talked to sixteen separate individuals and various groups of refugees who had come to the camp from at least seven separate villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang province. The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T-28 and jet aircraft as well as the use of CBU cluster bombs and white phosphorus. In all but one of the villages, the refugees had seen people killed by the air strikes, the most numerous being in Ba Phone Savanh, a village of thirty-five homes where nine were killed and fourteen wounded. We personally observed and talked with a number of people bearing scars from CBU pellets or white phosphorus.

In talking to the refugees, Congressman Waldie used Father Menger as an interpreter for the first five persons interviewed, and I used Reverend Roffe and a Chinese interpreter named Wong. After several hours, we compared notes and found that we were receiving identical information from the refugees, except in one respect. The refugees interviewed by Congressman Waldie said, as interpreted by Father Menger, that Pathet Lao soldiers were living in the villages at the time of the air strikes. The refugees with whom I talked, interpreted by Reverend Roffe and Mr. Wong, stated that the Pathet Lao were situated some distance from the village, with the closest soldiers being at least five hundred meters away and generally as far as two or three kilometers.

We decided to exchange interpreters, although I retained Mr. Wong to monitor Father Menger's interpretations, as we were advised by several local people accompanying us that Father Menger had a reputation for inaccuracy. Thereafter, all persons interviewed agreed that Pathet Lao soldiers had *not* been living in their villages. Most important, Congressman Waldie reinterviewed one of the men who had first stated, according to Father Menger, that the Pathet Lao lived in his village. This time the refugee was unequivocal in stating that no Pathet Lao lived in his village and that his earlier comments had been misinterpreted. The ambassador's "unbiased" interpreter, Father Menger, either had been in error or had deliberately lied to us. We learned from reporters stationed in Vientiane that he had a reputation for "favorable" interpretation—favorable to the official U. S. position.

(This would not be the last I would see of, or hear from, Father Menger, then serving in a dual capacity in Laos as program director for Catholic Relief Services and as missionary. Shortly after I returned to Washington and began to speak out on discrepancies between what I had been officially told and what I had otherwise seen or observed, Father Menger rather mysteriously appeared at a Congressional hearing, apparently to monitor my testimony. When one of my staff aides inquired what he was doing there, he was not quick to respond. Later, however, when the hearings were over and the possibility of his being cross-examined had lapsed, he gave an interview to the United Press International, suggesting that my information was "inaccurate." The interview, it developed, had been arranged by Administration sources; Father Menger had been called to the United States by the Nixon Administration for unspecified "consultations"—presumably at government expense, since consultants are entitled to travel expenses. Though

Father Menger has no official government position in Laos, he is very much the hawk. In a statement to Congressman Waldie he indicated that Americans were "too yellow to fight in Southeast Asia." To me, at one point, he said, "Even though our American bombing has killed people, I don't care if they're hundreds or thousands—all I can say is, thank God for that bombing. Otherwise this country wouldn't be free today." I am hopeful that someday there will be a chance to cross-examine Father Menger.)

The refugees commonly told of the killing of their water buffalo, and of having had to live in holes or caves, farming only at night, when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet Lao soldiers killed by the bombing of his village; the soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his villagers had been evacuated from the Plain of Jars in early 1970 *on the orders of the province governor*. U. S. planes had provided the airlift capability.

The Air Force briefings from General Evans and his staff had conclusively demonstrated the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial-reconnaissance photography which precedes and follows bombing strikes. It was clear that the Air Force was only following orders, and that all fixed targets were cleared and approved by the State Department.

It is clear, therefore, that American Embassy officials, on the night of April 13, deliberately misled Congressman Waldie and me in four particulars: (1) Although they denied it, nonaccidental bombing of villages *had* taken place in northern Laos during 1969. (2) At least 76 percent of

ninety-six small villages had been hit by such bombing. (3) Reports had been made and were in the possession of the embassy, showing that bombing was clearly the most compelling reason for the refugees' leaving their homes. (4) Some of the refugees had moved because of the direct orders of the royal Laotian government, not voluntarily; transportation was furnished by U. S. aircraft.

It is apparent that cluster bombs and white phosphorus were used against the civilian population of a country against whom the United States had not declared war. The bombing was done under the direction and control of the State Department, not the United States Air Force. Both the extent of the bombing and its impact on the civilian population of Laos were deliberately concealed by the State Department between July 10, 1970, when the refugee report was completed, and April 13, 1971, when the report was reluctantly handed to me by Deputy Chief of Mission Stearnes in Vientiane.

On April 15 I again met with Major General Evans, commander of the Thirteenth Air Force, and on April 16 I met with Major General Hardin, vice commander of the Seventh Air Force. General Evans confirmed that the rules of engagement in Laos required that no bombing take place within five hundred meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I had circled at random eight villages on a map of northern Laos and asked for aerial photographs of them. General Evans said he would be glad to have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and he showed me two photographs blown up to approximately twenty-four inches square. It was evident from the photographs, and General

Evans confirmed it, that these two villages were no longer in existence. They had literally been bombed off the map.

I asked General Evans for the photographs, and he replied that he would first like to get permission for their release from his superior, General Clay, commander of the Seventh Air Force, in Saigon. He would go to Saigon the following morning, he said, and request permission from General Clay for their release to me prior to my scheduled departure from Saigon at 5 P.M. the following day. In the early afternoon of the next day, April 16, I called Seventh Air Force headquarters at Saigon and was referred to Major General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me; I should request the pictures and any other Air Force data and information from the Air Force liaison office in Washington.

I did this by letter to the Office of Legislative Liaison at the Pentagon on April 19, 1971. On April 20, I submitted a list of 196 villages to the Pentagon, requesting recent photographs; by an earlier letter of March 17, 1971, I had requested a list of the villages in northern Laos which had been hit by U.S. bombs since such bombing commenced. A frustrating exchange of letters followed, with various Pentagon officers declining to furnish the requested information. On May 19 I submitted a further comprehensive request, and ultimately I received the following letter from the Department of Defense, dated June 11 (emphasis added).

DEAR MR. McCLOSKEY:

Mr. Johnson has asked me to reply to your letter of 19 May 1971.

I have reflected on your various requests for photographs of villages in Laos. Your understandably humane interest in the effect of the war on the civilian population

in Laos is shared by the many in the Defense Department who over the years have wrestled with this problem. I hope our basic agreement on motives is not obscured by the differences we may have over issues of management.

With regard to management, we have explained repeatedly that we have established restrictions up to the limits of the safety of our pilots in order to minimize the effects of the war on civilian populations. Ambassador Sullivan, along with knowledgeable and competent witnesses from State, AID, and Defense, has discussed the refugee situation thoroughly with cognizant bodies in the Congress. As you know, we are convinced that the overwhelming cause of refugees in Laos is the offensive military activity of the North Vietnamese Army. Finally, when civilians have been caught up unavoidably in the web of warfare, we have given strong support through AID to ameliorative programs.

*It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos.* Much of Laos is inhabited by itinerant groups who establish their villages temporarily and then move on. The abandoned villages, in various stages of decrepitude, dot the countryside. Those which have suffered military damage may be indistinguishable from those ravaged by the weather; those which have suffered identifiable military damage may have been struck by the enemy rather than by US bombs; finally, even if it appears from current photography that US bombs might have damaged a village, we come back to our assertion that only valid military targets come under attack as an unavoidable consequence of enemy activity, an assertion which you implicitly are challenging.

*In sum, I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of pho-*

*tographs.* The public record is as complete regarding our efforts to minimize the effect of the war on Laotian civilians as we can make it without disclosing information which the enemy would certainly use further to endanger the lives of our pilots. Let me assure you that we are resisting a ruthless and aggressive enemy as humanely as the circumstances permit.

Sincerely,

Dennis J. Doolin  
Deputy Assistant Secretary

This letter is a classic example of executive-branch attitude toward the Congress. In the Deputy Assistant Secretary's opinion, it was not "useful" to furnish photographs to an inquiring Congressman. Cleansed of the semantic niceties, this meant that I was being told to go to hell. No one claimed that the photographs should be withheld because they were "classified"; members of Congress are quite often given information classified secret or top secret, and we are accustomed to treating such information as such; not one hint of the development of the atomic bomb escaped the lips of Congressmen who knew something of its potential. Nor was executive privilege claimed. It was simply not "useful" to let two Congressmen get complete information on a sensitive point.

Yet, as early as 1964, the photographing of Laos was deemed of paramount importance to the Defense Department. A Joint Chiefs of Staff memo of January 22, 1964, to Secretary McNamara discussing "bolder actions" in Southeast Asia mentioned the need to "overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence." A cablegram from Admiral Sharp to the JCS on August 17, 1964, said: "Continuous and effective pressure should be applied to the Communists in

both the PDJ [Plain of Jars] and panhandle [southern Laos]. Consequently concur in continued RECCE [aerial reconnaissance] of DRV, panhandle and PDJ." On November 7, 1964, a State Department memo, apparently from Deputy Assistant Secretary Marshall Green to Assistant Secretary William Bundy, included the comment: "We have also recently told MACV that we have a high priority requirement for night photorecce of key motorable routes in Laos. At present about 2 night recce flights are flown along Route 7 areas within a two-week span."

If photographs were so useful to the conduct of a war under the control and direction of the United States ambassador in Laos, what constitutional basis can be claimed for refusing their delivery to two admittedly antiwar members of the only body in the nation with the duty to determine whether or not to authorize and fund that war? Considering that it is the obligation of the Congress to make decisions on facts rather than on executive-branch opinion or on prejudice, the tenor of Mr. Doolin's letter is insulting in its assumption that the delivery of factual photographic evidence would not be "useful." Again, a document apparently establishing a reasonable *procedure* was being ignored by executive-branch *practice*.

The greatest tragedy of the Laos village bombing issue, however, was the action of Congress which followed.

Failing to obtain the list of bombed villages and the photographs of villages alleged to have been obliterated by bombing, I filed with the clerk of the House a motion for a resolution of inquiry. The resolution of inquiry, an ancient procedure dating from the earliest days of the House of Representatives, is a formal resolution of the House, requesting a designated government official to furnish specific information to the House. Under House rules a motion for such a resolution is privileged and must be reported to the

floor of the House within seven days after referral to the committee of jurisdiction.

The resolution (H. Res. 492) was simple. It requested the Secretary of State to advise the House "to the extent compatible with the national interest" of the extent of American operations in Laos under the direction of the United States ambassador. After brief argument, the resolution was disapproved in July, 1971, by a vote of 261 to 118. The House of Representatives was thus indicating its own acquiescence in the continuing concealment of material facts about a war costing over \$1 billion per year and countless American and Asian lives.

Close examination of congressional action over the years discloses that congressional abdication of both the responsibility to ascertain the truth and the responsibility to knowledgeably provide for the common defense has been the rule rather than the exception during the last decade. Congress has repeatedly allowed the Administration to conceal from it, and from the American people, facts which were highly relevant to its own decision-making process and the support of its constituents.

For years we in Congress permitted the Administration to conceal the fact that it was bombing in Laos well beyond the area of the Ho Chi Minh Trail; American ground combat forces have been sent into Laos and told to conceal the fact; the wives of American pilots shot down over Laos were instructed by our Defense Department not to reveal that their husbands had been shot down over Laos; we pursued the fiction that American combat operations directed by the United States ambassador and by civilian employees of the Central Intelligence Agency in Laos did not really constitute American combat activity at all.

Perhaps most amazingly of all, we permitted the Administration to conceal from most of us in Congress the precise

amount of the Defense Department appropriations necessary to conduct the war in Vietnam and Laos. Understandably, an Administration which wants to retain popular support for a war in Southeast Asia may not want the American people to know how much that war is costing. That is no excuse, however, for the failure of the House of Representatives to insist that the Administration disclose both to us and to our constituents the true cost of the war and the diversion of defense funds authorized for other purposes which we might have felt could be used more appropriately than in the rice paddies and jungles of Southeast Asia.

As *L.A. Times* reporter Arthur J. Dommen was later to candidly admit from his experience in Southeast Asia: "There were many reasons for this policy [executive branch secrecy over Laos operations]. Among them was certainly *the desire to avoid possible congressional inquiries into what was going on, and thus possible restrictions on the operations.*" [Italics added.]

The war in Vietnam has furnished the basis for the greatest untruths on the part of government in our history. Our goals and our methods of achievement of those goals cannot be truthfully described without filling Americans with horror and shock. Consequently, the government has lied to us—deliberately and with considerable skill. Every American in the chain of command in the Defense or State Department has understood full well that loyalty to the Commander in Chief required that the public be kept in the dark as to what happens when cluster bombs, napalm and white phosphorus hit villages in Laos and Cambodia. The CIA activities in Laos could not very well be described publicly; neither could the village burning or the interrogation procedures in Vietnam. If the President felt the war had to go on, the truth could not be told.