Long-Term Consequences of the Vietnam War

ETHICS • LAW • POLICY

REPORT TO THE
ENVIRONMENTAL CONFERENCE ON
CAMBODIA • LAOS • VIETNAM

LONG-TERM CONSEQUENCES OF THE VIETNAM WAR

ETHICAL, LEGAL & POLICY ISSUES

This is one in a series of reports produced in connection with the Environmental Conference on Cambodia, Laos and Vietnam which was held in Stockholm during 26-28 July 2002. The purpose of the conference was to review the long-term consequences of the Vietnam War, which also afflicted Laos and Cambodia.

Over a quarter-century has elapsed since the war's formal conclusion in 1975, and more than half the current population was born after that date. This means that an entire generation has now grown up in an environment exposed to the massive impact of modern warfare, so that it is now possible to study the long-term implications. Among its other effects, the Vietnam War left a legacy of environmental contamination and destruction that has yet to be thoroughly examined.

That legacy was the focus of the Stockholm conference, and the review of the war's long-term consequences was conducted by subcommittees for each of four main areas: ecosystems; public health; economic and social impacts; ethical, legal and policy issues.

The reports of the subcommittees, all of which are available on the conference web site, may be regarded as initial attempts to deal with highly complex issues for which significant categories of data are often lacking. Furthermore, the resources available for the project were extremely limited.

Accordingly, much remains to be done. It is hoped that the work of the subcommittees will stimulate further study and analysis of the Vietnam War's long-term consequences. The subcommittee reports and related information are available on the conference web site at:

www.nnn.se/environ.htm

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PREFACE

This report deals with issues that are subject to heated dispute. They include military aggression, violations of international law, war crimes, ecocide, imperialism, and responsibility for widespread, prolonged human suffering.

It is difficult to avoid controversy when dealing with such matters, and it is virtually impossible in the case of the Vietnam War. For one thing, many of those directly involved are still alive and are emotionally committed to one or another interpretation of its history.

Another aggravating factor is that any discussion of these issues necessarily involves the most powerful nation on earth— a superpower which exercises a degree of global hegemony that is without precedent. The United States supported and largely financed France's attempt to reassert its colonial rule with the First Indochina War during 1945-1954, and was the driving force of the Second Indochina War (as the Vietnam War is also known) during 1954-1975.

The story does not end there. Although it was formally concluded over a quarter-century ago, the Vietnam War continues to exert a powerful impact. For Cambodia, Laos and Vietnam, it left a bitter legacy of death, disability and destruction that will continue to plague those countries long into the future.

The United States also experienced a measure of death and disability. Although U.S. casualties were few in comparison with those suffered by the peoples of Indochina, they all represent human tragedies for the victims and their families.

As for physical and environmental destruction of the United States, there was none: There are no flattened buildings or giant bomb craters in the U.S. landscape, no unexploded landmines or toxic chemicals like those still lurking in the soil of Indochina.

But even though the consequences of the Vietnam War have been quite limited in comparison with the catastrophe inflicted upon the three countries where it took place, it has continued to play a significant role in U.S. politics. The memory of the war is kept alive by several constituencies with various grievances and historical perspectives, often presented with great emotional fervor. These include veterans and their families, exiles connected with the defeated regime in southern Vietnam, certain political interests, etc.

In addition, the country as a whole has been confronted with the fact of its defeat by an opponent whose size, military technology and economic resources were vastly inferior to those of the United States. This has given rise to a number of theories and accusations about the causes of the defeat, and also to the notion of a harmful "Vietnam syndrome" which successive U.S. governments have claimed to have vanquished.

All of this has resulted in an often volatile mix of anger, shame, outrage, guilt, remorse, sorrow, revenge and other strong emotions that make it difficult to discuss the ethical, legal and policy implications of the Vietnam War on the basis of verifiable facts and simple logic.

That difficulty is compounded by the enormous power of the United States in the world today, including its influential mass media. The current conventional wisdom regarding the Vietnam War, including its history and consequences, has been strongly influenced

by the dominant interests of U.S. society. To a large extent, those interests are the same today as when the war was being planned and executed.

This report does not reflect those interests. It is part of a larger project to review and assess the long-term consequences of the Vietnam War for the countries most gravely affected— Cambodia, Laos and Vietnam. Accordingly, for anyone whose understanding of the issues has been influenced by the conventional wisdom of the United States and its allies, much of the following analysis may be difficult to accept. For the reasons noted above, it is difficult to avoid that influence.

It should therefore be noted that this report is, to a large extent, based on official U.S. documents and the testimony of U.S. officials directly involved in the planning and conduct of the war. Sceptical or hostile readers, in particular, are urged to begin with Appendix B which summarizes *The Pentagon Papers,* the official U.S. history of the war. That account is far from complete; but it does reveal enough of the U.S. government's behavior and motives to refute some of the more common myths in circulation— for example, that it was essentially a civil war into which the U.S. reluctantly was drawn, or that "South" Vietnam was a sovereign state receiving mere assistance from the United States in order to resist Communist aggression.

It has been suggested that it may be harmful to raise such issues at this point in time, when so many veterans and others with painful memories of the war are still alive. Such an open and candid discussion may provoke negative reactions which impede the necessary process of reconciliation between the former combatants, it is argued.

That concern is no doubt well-intentioned. But it is not possible to build genuine reconciliation on a foundation of double standards, ignorance and historical falsifications. There is, in fact, a process of reconciliation already underway, and it is being conducted for the most part by individuals who share the basic perspective of the analysis presented here.

Given the purpose of this report, it would hardly be suitable to avoid painful truths for fear of offending those who cannot find it in their hearts and minds to accept them. The task is rather to affirm the truth as best it can be determined, to support those who are willing to live by it, and to increase their numbers if at all possible.

Needless to say, it is not our wish or intent to arouse unnecessary anguish and bitterness. But the people of Cambodia, Laos and Vietnam have been the victims of a great calamity whose consequences will continue long into the future. That state of affairs raises profound issues that are far from resolved, and are unlikely ever to be if not confronted openly and honestly.

Given the nature of the issues and the often intense emotions surrounding them, their resolution will no doubt require a great deal of patient dialogue. Toward that end, all interested parties— including those who may be offended or otherwise disagree with this report— are invited to submit their comments and questions for publication and response on the conference web site at: www.nnn.se/environ.htm

The report has been prepared by the conference Subcommittee on Ethical, Legal & Policy Issues (see p. 90), which is solely responsible for its contents. The Subcommittee gratefully acknowledges the valuable comments and suggestions of Len Aldis, Lady Borton, Charles W. Brown, Noam Chomsky and Wayne Dwernychuk.

"Our whole relationship to Vietnam
is so shameful, I can hardly talk about it."

— Grace Paley, U.S. author

HISTORICAL BACKGROUND

FOR OVER THREE DECADES following World War II, Vietnam was subjected to nearly continuous warfare, resulting primarily from the intrusion of external forces. When those forces finally withdrew, they left behind a legacy of environmental destruction, severe economic hardship and widespread problems of public health, the effects of which will continue to be felt long into the future. The neighboring countries of Cambodia and Laos have also been severely affected.

This traumatic history raises obvious questions of human ethics and international law that are still highly relevant today. The answers are also fairly obvious, but their discussion and resolution are complicated by an ongoing process of historical revision conducted by a variety of interests for a variety of reasons. Within the space of a single generation, the same kind of propaganda that was orchestrated to justify the Vietnam War, in the first place, has again become widely accepted.

It can be a risky business to challenge that distorted view of history. Among other things, there is some concern that digging up the ugly past could result in additional suffering, as there are powerful interests in the United States which continue to seethe with resentment at the superpower's military defeat in Vietnam. This is a very real threat, one not to be taken lightly. But to submit to it would be to render meaningless the concepts of ethics and law that are at issue here. Evading or ignoring the reality of the war is not an option in this context.

It is therefore essential to review the background and history of the Vietnam War in order to provide a suitable framework for a discussion of the ethical and legal issues it raises. To anyone who is unfamiliar with or confused about the facts, the following brief account may be very difficult to accept or even tolerate. But it is based on a large body of reliable information from a wide variety of sources, including many U.S. government officials and reports. Two of the most important sources are summarized and excerpted in appendices A and B; others are documented in the Notes and References.

The essential facts of the Vietnam War and its origins are as follows. . . .

The French War

The rape of Indochina by western powers began in 1858, when French troops landed near Danang to establish colonial rule in the region now occupied by Vietnam, Laos and Cambodia. The French then established what came to be regarded as one of the most brutal and exploitative colonial regimes in Asia, including elements of slavery and other forms of oppression.

At the Versailles Conference in 1919 following World War I, a man who later came to be known as Ho Chi Minh attempted to get a hearing for Vietnam's plight, but was totally ignored. It was during this time that he became a founding member of the French Communist Party, attracted by its strong condemnation of colonialism

In 1941, the French submitted meekly to Japan, then administered Indochina as servants of the Japanese empire. U.S. President F.D. Roosevelt was determined that France should not resume control after the war, because: "The case is perfectly clear. France has had the country for nearly 100 years, and the people are worse off than they were at the beginning. They are entitled to something better than that."

Memories of Occupation

"When insects ate most of your harvest, the landlord took whatever was left, and then the landlord took back his land, and he would take your house, and if you had a pretty daughter, he took her. If you still couldn't pay, he beat you! Do you hear me, Child, the landlord beat my grandfather to death. We were slaves," Senior Uncle said.

"These were French landlords?" I asked.

"The Vietnamese landlords paid the French," Second Harvest said. "We were starving. That's why my parents joined the Uprising. . . ."

"We only had banners and signs," Senior Uncle said. "No weapons. Still, the French burned our houses and rice. I escaped, but it was worse for the others. With my own eyes, I saw the French soldiers drive nails through my neighbors' hands. The French roped my neighbors together and dragged them to the river until the water filled their mouths and choked their cries."

* * *

"In 1940, everyone bombed us," said Fifth Virtue. "First, after the Uprising, the French. Then the Japanese invaded us. Then the Americans bombed us because of the Japanese. The Americans were the worst. They bombed everywhere."

* * *

"The hunger was worse in the north," Autumn said. "The Japanese forced the peasants to grow jute to make rope for their war industry. . . . In all, two million people died during the first six months of 1945. One person of six. . . .

"The corpse cart made a *re re re re* sound as it came. Terrible. A cart with bodies stacked like sticks of firewood. I was ten. I would hide whenever I heard the *re re re. re re re*. Once I saw a dead woman leaning against a neighbor's door. It was early morning, with mist all around. The woman's dress was open. The baby at her breast was still alive, sucking at the corpse. That's when I understood the meaning of dead."

* * *

"What was my father's life? A slave to the French, that's what he was! The French were locusts. They consumed everything."

* * *

"I thought beheading [by guillotine] stopped with the French Revolution!"

"Maybe in France," muttered Autumn.

"Everyone had to watch," Fifth Harmony said. "If you shuddered when the head hit the dirt, the Diem soldiers said you were a Communist. You'd be next. . . . The beatings. . . .

"The Diem soldiers were arresting our women to be prostitutes, our children to be their soldiers. They were poisoning us in prison. And the guillotine taking our leaders, head by head. Someone had to take responsibility, or we would all be killed."

— *Vietnamese voices from* After Sorrow, *by Lady Borton*

Winston Churchill later reported that President Roosevelt had been "more outspoken on that subject than on any other colonial matter, and I imagine that it is one of his principal war aims to liberate Indohina from France."

But Roosevelt died and his successors chose to accommodate France, partly to enlist its support in the emerging Cold War. Another key factor was strong pressure applied by Great Britain to avoid any concessions to independence movements that might jeopardize its colonial authority in India and elsewhere.

A French occupation force, including a large contingent from the defeated army of Nazi Germany, was equipped and transported to Vietnam by the United States and Great Britain for the purpose of reinstating colonial rule.

Numerous resistance groups had emerged over the years, but the most effective was the broad-based coalition led by Ho Chi Minh. Known as the Viet Minh, the movement was firmly rooted in the rural masses that comprised over eighty percent of the population.

As a local resistance leader in northern Vietnam later explained: "We'd had guerrillas as long as there was memory, There were resistance movements, guerrilla bases, guerillas attacking here, guerillas attacking there, but there was no organization, no concerted effort. When Uncle Ho declared independence, he opened a single road for us to follow. Then the French invaded a year later, and we were drawn once again like oxen under the French yoke. But we'd seen the starvation the colonists bought us! We knew it was better to die fighting than to starve slowly."

An admirer of the principles expressed in the U.S. Declaration of Independence, Ho Chi Minh entreated the United States on numerous occasions to support Vietnam's liberation, basing his appeals on the U.N. Charter with its insistence on the right of self-determination. He never got a reply.

Before the French army of reoccupation began to arrive in late 1945, the Vietnamese August Revolution overthrew the remnants of Japanese rule and proclaimed an independent nation, the Democratic Republic of Vietnam (DRV). The only other claimant to national leadership, the French-supported Emperor Bao Dai, abdicated to the DRV.

At first, France recognized the new government as a free state within the "French Union"; but in 1946 it launched a war of reconquest by invading Haiphong and Hanoi.

It soon became evident to France that it had little hope of defeating the Viet Minh, and it began to consider withdrawing. But the 1949 Communist victory in China unleashed hysteria in the United States, which now paid the French to keep on fighting, eventually covering almost eighty percent of the costs. As late as 1948, U.S. analysts could detect no evidence of outside influence over the Viet Minh. But with escalating French/U.S. aggression, the liberation movement was forced into increasing reliance on "Red" China and the Soviet Union. (For an account of these events and their implications by a well-placed U.S. observer, see Appendix A.)

The French were finally defeated in the spring of 1954, after having destroyed much of the country and a great many of its people. But that was a mere foretaste of what was to come.

The American War

At the 1954 peace conference in Geneva, the DRV was pressured by the United States, China and the Soviet Union into accepting a military demarcation line that established two regrouping zones, north and south of the 17th parallel. This temporary division was later used as a pretext by the United States to assert that two separate nations, South Vietnam and North Vietnam, had thereby been created. But Article 6 of the Final Declaration of the Geneva Conference states explicitly that, "the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary".

The Geneva Accords also stipulated that national elections were to be held in 1956, to be followed by reunification. No government in either Saigon or Hanoi ever recognized the existence of two separate nations; each claimed authority over the single nation of Vietnam.

Further, the Accords prohibited outside forces from interfering with the reunification process. The United States promised to comply, but it had already begun to take over in the South and to cause havoc in the North while the conference was still in progress. The client regime it installed in the South was dominated by

the urban Catholic elite that had flourished under French rule and represented some ten percent of the population.

However, not even the small Catholic minority fully supported the United States or its client regime. A group of 93 Vietnamese Catholic exiles, claiming support from many other countrymen of their faith "whose names cannot be opportunely published", issued the following statement in 1969: "In our opinion, the real obstacles [to peace] are that the U.S. government does not recognize that the American intervention in Vietnam, the presence of half a million of its troops in this country, and the massive bombardments which have annihilated all the villages, yesterday in the North and today in the South, are criminal acts which violate the fundamental rights and the sacred sovereignty of our people. . . . It is now evident that this tragicomedy has been entirely staged by the government of the United States."

In any event, the vast majority of the population consisted of Buddhist peasants who rejected the U.S.-imposed dictatorship, which soon gained a reputation as one of the worst violators of human rights on earth. Amnesty International reported that the prisons of southern Vietnam contained over half of all known political prisoners in the world at the start of the 1960s. The Diem regime also refused to honor the agreement on elections in 1956 because, as U.S. President Eisenhower and others observed, Ho Chi Minh was certain to get some 80 percent of the vote. According to Daniel Ellsberg, a U.S. official involved in the planning of the war (see Appendix B), "Ho Chi Minh, dead, could defeat any candidate we ever backed in Vietnam."

Fifteen years later, U.S. national security advisor Henry Kissinger would confide to China's Prime Minister Chou En-Lai that, "The lesson they [the DRV] have learned is they were tricked. The lesson we have learned is that, if they are tricked again, they will fight again."

The initial response of the DRV was cautious and restrained, even though—according to a leading U.S. authority on international law— it was entitled to seize control of the entire country after the 1956 election was scuttled. No northern troops were reported in the South until 1964, when some 25,000 U.S. troops were already present along with vast quantities of war materiel.

It was the resident population of the South, including a great many women, which rose up against the oppressive regime installed by the United States. Despite severe disadvantages with regard to weapons and other resources, the rebellion was so broad-based and highly motivated that it made rapid advances. Ellsberg has described a scene that took place in 1961 when Edward Lansdale, the United States' foremost counter-insurgency expert, dumped a pile of old weapons on the desk of Secretary of Defense Robert McNamara:

"They all looked homemade, as they were, except for an old French rifle. The grenades and

> "I have never met an American, be he military, OSS, diplomat or journalist who had ever met Ho Chi Minh who did not reach the same belief: that Ho Chi Minh was *first and foremost* a Vietnamese nationalist. He was also a Communist and believed that Communism offered the best hope for the Vietnamese people. But his loyalty was to his people. When I was in Indo-China, it was striking how the top echelon of competent French officials held almost exclusively the same view."
>
> *— Abbot Low Moffat, head of State Dept.'s Southeast Asia division, 1945-47*

> "The communists have scored a whole series of political, organizational, military and— one has to say it— moral triumphs. What impressed me most, alas, was the moral fervor they had inspired among the non-communist cadres and the strong support they had obtained from the peasantry. . . . I could hardly imagine a communist government that was also a popular government, and almost a democratic government. But this was just the sort of government the palm-hut state was, while the struggle with the French continued. The Viet Minh could not possibly have carried on the resistance for one year, let alone nine years, without the strong and united support of the people."
>
> *— Joseph Alsop, conservative U.S. journalist, 1954 & 1955*

mines looked especially homely, along with the blocks of wood with nails protruding, for penetrating boots along jungle trails. McNamara wasn't happy to see these dirty weapons on his clean desk. He said, 'What's all this?'

"Lansdale said, 'Mr. Secretary, I thought you ought to see how the enemies we're fighting in South Vietnam are armed. You see, the troops we're advising and paying all have the latest American equipment. They have American rifles and uniforms; they have a lot of artillery; they even have tanks and airplanes. Their enemies don't have any of these things. They have old French weapons they've captured from our side; they make their own mortars and grenades and mines in the jungle. They wear black pyjamas like these, and they wear these rubber sandals they make from truck tires. They're beating the shit out of us.'"

"I have never talked or corresponded with anyone knowledgeable in Indochinese affairs who did not agree that, had elections been held, possibly 80 percent of the population would have voted for the communist, Ho Chi Minh."

— President Dwight D. Eisenhower, 1963

"For years now in Southeast Asia, the only people who have been doing anything for the little man, to lift him up, have been the communists."

— former U.S. ambassador to "South" Vietnam, Henry Cabot Lodge, 1966

"I went to Vietnam, a hard-charging Marine second lieutenant, certain that I had answered the plea of a victimized people in their struggle against communist aggression. That belief lasted about two weeks. Instead of fighting communist aggressors, I found that 90 percent of the time our military actions were directed against the people of South Vietnam. . . . We are engaged in a war in South Vietnam that has little or no popular support among the real people of South Vietnam. By real people, I mean all those who are not war profiteers, or who have not sold out to their government or to the United States because it was the easy and/or profitable thing to do."

— letter to U.S. Senator Fulbright, 1967

They continued to do so in the years that followed, and it eventually became apparent even to the men in the White House that the unpopularity of their client regime in Saigon was so intense and widespread that no amount of money and munitions could enable it to survive on its own.

Confronted with the failure of its proxy war and determined not to "lose" Vietnam as China was said to have been lost fifteen years before, the U.S. government decided in 1964 to invade the South and attack the North. Before it was done, over 2.5 million U.S. troops would pass through Vietnam and some 15 million tons of explosives would rain down upon the land and its people.

During eight years of intensifying destruction, the United States tried in vain to pummel and terrorize the defiant nation into submission. It is generally agreed that 1968 was the year in which U.S. policymakers were forced to accept the fact that, short of an all-out nuclear assault*, the United States would never be able to inflict a military defeat on Vietnam.

Nevertheless, the war was made to continue for seven more years, due mainly to the internal politics of the United States. The ideology of anti-communism and its adherents exercised such a powerful influence on U.S. foreign policy that none of the presidents responsible, Lyndon Johnson and Richard Nixon in particular, felt that it was possible to simply withdraw. Howls of outrage and accusations of betrayal by cold warriors of all political stripes could easily be predicted. (They were and continue to be heard, anyway, despite efforts to portray the United States' forced departure from Vietnam as "peace with honor"; see "The Propaganda War", p. 11.)

No one understood this iron law of U.S. political life better than Nixon. He was among those chiefly responsible for the virulent anti-communism that had given rise to the war, in the first place. The solution he chose was to gradually withdraw U.S. troops while intensifying the air war. In effect, he replaced ground

*Such an assault was, in fact, discussed; see page 6.

troops with massive bombing, and attempted to shore up the doomed client regime in the South long enough to permit a less-than-ignominious withdrawal. This is how Nixon described the problem to his White House associates:

"*America* is not defeated. We must not lose in Vietnam. . . . I want that place bombed to *smithereens*. If we draw the sword, we're going to bomb those bastards all over the place. . . . . Here's the world [pointing to a map on his desk]. Here's those little cocksuckers. Here's the United States. . . . Here's the Soviet Union, here's the Mideast. . . . Here's the silly Africans. . . and the not-quite-so-silly Latin Americans. Here we are, the United States. Here's what we're gonna do. We're gonna get through it. We're going to *cream* them. . . .

"I'll see that the United States does not lose. I'm putting it quite bluntly. I'll be quite precise. South Vietnam may lose. But the United States *cannot* lose. Which means, basically, I have made the decision. Whatever happens to South Vietnam, we are going to *cream* North Vietnam. . . . For once, we've got to use the maximum power of this country against this *shit-ass* little country."

That was one commitment which a U.S. president kept. During Nixon's years in office, over four million tons of bombs were dropped on all of Indochina, compared with just over three million tons during the presidency of Lyndon Johnson. Also bombed to smithereens in the process were the neighboring countries of Laos and Cambodia.

Sideshow in Laos

The boundaries of Laos were established in 1893 after negotiations between France and Thailand, which thereby created a nation of some sixty disparate ethnic groups. Organized resistance to French colonial rule began to build after World War I; the strongest group to emerge was the communist Pathet Lao (Lao Nation) which helped the Vietnamese to expel the French in 1954.

Conflicting Lao groups then formed a Coalition Government of National Unity that held

"The nuclear bomb, does that bother you?"

The possibility of a nuclear assault on Vietnam was actually considered, particularly by Richard Nixon when he was vice president in the Eisenhower administration during the final stages of the French War, and when he himself was president during the final stages of the American War. But this option was ultimately rejected, primarily due to the risk that it might trigger a nuclear war and/or massive military intervention by Vietnam's neighbor, China, as in the Korean War. In short, the risks to the United States were too great. The predictably devastating consequences for Vietnam and its people appear to have played little or no part in the decision to refrain from nuclear bombing— apart from the outraged world opinion that could be anticipated.

Those considerations are reflected in the following excerpts from the tape recording of a conversation between President Nixon and his advisor, Henry Kissinger, released in connection with the Watergate scandal that began with an attempt to soil the reputation of Daniel Ellsberg after he had disclosed *The Pentagon Papers*:

Nixon: I'd rather use the nuclear bomb. Have you got that, Henry?

Kissinger: That, I think, would just be too much.

Nixon: The nuclear bomb, does that bother you? . . . I just want you to think big Henry, for Christsakes. . . .

Nixon: The only place where we disagree is with regard to the bombing. You're so goddamned concerned about the civilians, and I don't give a damn. I don't care.

Kissinger: I'm concerned about the civilians because I don't want the world to be mobilized against you as a butcher.

together for several years. But the United States, opposing any solution that included communist elements, encouraged hard-line royalists and military leaders to seize control. The result was a sort of civil war that broke out in 1959, with the United States propping up a succession of ineffectual right-wing governments, directing military operations, and training a force of ethnic Hmong to oppose the Pathet Lao.

But as the United States escalated its war against Vietnam in the 1960s, it came to regard Laos as a minor sideshow— "the wart on the hog of Vietnam", as President Johnson's secretary of state put it. From 1963 onward, U.S. policy in Laos consisted largely of massive, indiscriminate bombing, as well as spraying with herbicides.

On a *per capita* basis, Laos became the most intensively bombed country in world history. Between 1964 and 1973, the United States and its collaborators dropped over two million tons of explosives on Laos— more than two tons per inhabitant— with a combined force of over one hundred Hiroshima A-bombs. Hundreds of towns and villages were flattened, people were killed and wounded by the tens of thousands, and hundreds of thousands were made homeless.

The country that the Pathet Lao took over unopposed in 1975, following the U.S. retreat from Indochina, was devastated by the bombing and filled with unexploded ordnance (UXO). The latter includes an estimated 27 million cluster bomblets, more than five for every Lao currently alive. Since 1973, UXO has killed or maimed over 12,000 Lao, in a population of roughly five million. The corresponding figure for the United States would exceed 600,000.

Sideshow in Cambodia

Until 1969, Cambodia managed to avoid direct involvement in the French and American wars against Vietnam and Laos. In order to remain neutral, it had tolerated Vietnam's use of Cambodian border zones as sanctuaries and transport routes in the struggle against the United States.

But the government of Prince Sihanouk came under increasing pressure to expel the Vietnamese trespassers and, when it failed to comply, the United States went on the attack. Between 1969 and 1973, it conducted massive bombing and a series of limited invasions that resulted in heavy civilian casualties, huge waves of internal refugees, and large-scale destruction of agriculture leading to mass starvation. Official statistics indicate that rice production during this period decreased by over eighty percent, from 3.8 million to 655,000 metric tons.

The total number of deaths from all this may have been as high as 750,000. (Given that Cambodia's population at that time was estimated to be roughly seven million, the corresponding figure for the United States would have been around 26 million dead.) Casualties and debilitating malnutrition were, of course, much more widespread.

The U.S. attacks also led to the fall of the Sihanouk government and its replacement by an inept military regime that was soon overwhelmed by a dogmatic communist movement called the Khmer Rouge. According to a subsequent U.S. government analysis, the bombings played a crucial role in this process, by chasing the people into the arms of the Khmer Rouge.

What followed was a mass slaughter of Cambodians by their fanatical new leaders. The exact death toll is not known, but may have been as high as two million— i.e. over one-fourth of the entire population.

The slaughter was brought to a halt by the Vietnamese who invaded and occupied Cambodia in 1978. The invasion was widely condemned as an unprovoked violation of international law. But it was hardly unprovoked, having followed two years of Khmer Rouge assaults on southern Vietnam and genocidal attacks on ethnic Vietnamese in Cambodia. (The United States and its allies have repeatedly violated international law with far less reason and far less benevolent results.)

Initially opposed to the Khmer Rouge, the United States came to regard the movement as a useful instrument for impeding the post-war recovery of Vietnam. It was also supported by China, which in 1972 entered an informal alliance with the United States and resumed its traditional animosity toward Vietnam (see "Aggressive war" on page 21). China now punished Vietnam by invading its northern provinces, causing heavy casualties and destruction.

Even after the Khmer Rouge were defeated and their horrific crimes exposed, they continued to be supported by China, the United

States and other western powers, especially Margaret Thatcher's Great Britain. Among other things, these three permanent members of the Security Council induced the United Nations to recognize an exile coalition dominated by the Khmer Rouge as the legitimate representative of Cambodia, and to impose a destructive embargo on the *de facto* government supported by Vietnam. They also supplied the Khmer Rouge movement with money and guns, encouraging its efforts to regain power.

All during this time, Vietnam was subjected to continual pressure and criticism for its occupation of Cambodia, which was used to justify the worldwide embargoes on both countries. Thus, the country that had put an end to the genocidal regime in Cambodia and stayed behind to prevent its return was severely punished by the United States and its allies, which continued to support the Khmer Rouge long after their appalling crimes were exposed.

Subsequent efforts to establish a judicial process for dealing with the crimes of the Khmer Rouge have been met with rather selective interest from their powerful allies. One explanation for this has been suggested by a Cambodian defense lawyer for the Khmer Rouge: "All of the foreigners who have been involved must be called to testify, and no exceptions will be allowed. . . . Madeleine Albright, Margaret Thatcher, Henry Kissinger, Jimmy Carter, Ronald Reagan and George Bush.. . . We will invite them to explain to the world why they supported the Khmer Rouge."

It is highly unlikely, however, that such issues and such individuals will be involved in the proceedings, should they ever come to pass.

Bitter prophecy fulfilled

In a warning to France in 1946, Ho Chi Minh prophesied that, "If we must fight, we will fight. You will kill ten of our men, but we will kill one of yours. And in the end, it is you who will tire."

That is pretty much how it went in both the French and American wars, although the final toll turned out to be far greater than he or anyone else could have imagined. Among other things, the killing was not limited to combatant men. The entire population suffered enormous casualties during the war, and continues to do so from its lingering effects.

Over 58,000 U.S. soldiers lost their lives during the two decades of the American War. For the Vietnamese, the full consequences defy description, but they include the following:

- Munitions exploded by the U.S. and its allies totalled over twice the amount used during World War II, on an area less than four percent that of the United States. Some 23 million bomb craters were gouged into the landscape.
- Over 80 million litres (22 million gallons) of toxic chemicals were sprayed from the air to destroy ca. 40 percent of the South's forests, over half of its valuable mangrove swamps, and large areas of prime cropland. The chemicals are suspected of causing widespread health problems, including cancer and birth defects (see Hoang in References).
- One-third of the South's population became internal refugees, their traditional way of life destroyed, forced to live for years in the misery of refugee camps and overcrowded cities, with widespread prostitution and other social problems as a result.
- Although it is for several reasons impossible to determine exactly how many Vietnamese were killed during the war (estimates range from 2–5 million or more), a moderate figure is 3.5 million. Proportionately, that corresponds to 17.5 million citizens of the United States, its population being about five times larger at the time. This is the figure used to calculate the length of the as yet unbuilt "American War Memorial" (see illustration on p. 9).
- Since the war ended for the United States in 1975, nearly 40,000 Vietnamese (U.S. equivalent = 200,000) have been killed by residual explosives, including an estimated 3.5 million land mines. Many more have been crippled for life.
- A decade after the war, over thirteen percent of Vietnam's population (corresponding to ca. 33 million U.S. citizens) were still suffering from some war-related physical injury. The psychological, social, and cultural effects were and are much greater.
- The destruction of the environment, infrastructure and way of life has led to starvation and malnutrition for tens of millions.
- These and related factors ensure that the effects of the American War will continue to haunt the land and the people of Vietnam for many generations to come.

To this can be added the devastation of neighboring Laos and Cambodia, briefly outlined above, and similar ongoing consequences for those two countries.

The Vietnamese were able to repel the military onslaughts of France and the United States because they possessed two crucial resources— a desperate longing for liberation from foreign domination, and an extraordinary capacity to endure suffering and hardship. But against two other kinds of attack they have been virtually defenseless, and that vulnerability has been exploited by the United States and its allies to pursue ends which they were not able to achieve by military means.

The economic war

After nearly a century of colonial exploitation and three decades of intensive warfare, the economy and infrastructure of Vietnam lay in ruins. Following World War II, the United States had invested heavily in reconstructing the economies of defeated Germany and Japan. But having lost a war for the first time in its history to "this shit-ass little country" (as designated by President Nixon), the U.S. was to give Vietnam a very different treatment.

For nearly two decades following 1975, the United States continued its assault by economic means. Applying pressure to the allied countries and international lending agencies that it dominates, the U.S. set out to inflict further damage on Vietnam's already shattered economy. Vietnamese assets in the United States were frozen. Reconstruction loans were blocked, foreign aid was restricted or denied, and strict limitations were placed on scientific and cultural exchanges, access to modern technology, etc.

As a U.S. political scientist has explained: "If the United States never sent a soldier or an aid dollar beyond her shores, it would still wield enormous power over other nations, particularly in the third world, by virtue of the fact that it is the world's largest customer. The power to cut off imports from a one-crop country is as effective an instrument of control as occupying its capital. The United States has the dominant voice in the World Bank and the International Monetary Fund, and private U.S. financial interests control much of the world money market. Countries struggling to industrialize are heavily dependent upon U.S. machinery."

The trade embargo imposed on "North" Vietnam at the start of the war was expanded to include the entire country upon its reunification in 1975. As explained by a committee of the U.S. Congress in 1991, "Vietnam is subject to the most strict and complete kind of economic sanctions and, along with North Korea, Cambodia and Cuba, is classified as a 'Group Z' country—denied access to virtually all U.S. exports. . . . U.S. regulations bar virtually all trade and financial transactions by prohibiting exports to and imports from Vietnam. U.S. citizens and U.S.-controlled entities (banks, for example) may not conduct any financial dealings or invest in Vietnam. . . . The original embargo was imposed in an attempt to cripple and punish the communist regime in Hanoi."

With the notable exception of Sweden, the complicity of the "developed world" was nearly total. British Prime Minister Margaret Thatcher,

The Vietnam Veterans Memorial, an inscribed wall of some 164 yards' length, is an invisible pinprick on this map of the Washington capitol region. A similar wall with the names of the Vietnamese dead would have to be nearly 30 miles (45 km) long— and that is only part of the story.

for example, persuaded the precursor of the European Union to stop deliveries of milk to Vietnamese children, aggravating the serious malnutrition resulting from the war.

A report sponsored by the U.N. Development Program illustrated the effects on technological development with the following example: "It has been difficult for Vietnamese firms and institutions to obtain the best electronic equipment and other information technology for the money available. Solutions such as hand-carrying computers into Vietnam did not address problems such as long waiting periods for new equipment, high costs, lack of spare parts, and lack of after-sales service."

Meanwhile, China— whose communist revolution had triggered the hysteria that led to the war in the first place— had been granted normal trade relations, full diplomatic recognition, and even military assistance by the United States.

Washington did not begin to loosen its grip on Vietnam until the 1990s, after the end of the Cold War and the Vietnamese withdrawal from Cambodia. A key factor in the relaxation of sanctions was the mounting concern of the United States and its business community about the potential loss of profits and influence in the region and in Vietnam— the twelfth most populous country in the world, and the second most populous in Southeast Asia.

"The embargo had a huge impact on Vietnam, a total impact. It brought Vietnam to its knees, economically."

According to the Congressional committee cited above, "Many U.S. companies and business groups, including banks, oil companies, and the chambers of commerce in Hong Kong and Bangkok, have expressed severe frustration at having to stand on the sidelines while foreign firms expand investments in Vietnam."

The chairman of the President's Export Council warned in 1992 that, ". . .the United States will lose substantial competitive ground in Southeast Asia in the immediate future if we do not begin some relaxation of the embargo on Vietnam".

There were also important geopolitical considerations, as pointed out by one of the United States' chief foreign policy ideologues three years later: "Strategically, the big issue in Asia is the containment of China, whose military might, and appetite, will grow as China grows."

Presumably for these reasons, the embargo was ended in 1994, diplomatic relations were restored the year after, and a bilateral trade agreement between the United States and Vietnam went into effect in year 2000.

But as a condition, Vietnam was required to assume responsibility for $146 million of the debt incurred by the U.S. client regime in the South. In effect, the victors are being forced to reimburse the United States for the war of aggression it conducted against them. As for the over four billion dollars in reparations to which President Nixon committed the U.S. government in 1973 (see "Reverse reparations", p. 44), not a penny has been paid.

No one has yet attempted to calculate the total costs of the trade embargo and related policies, but they are generally assumed to have been very great. The Congressional report noted above observed that, "Vietnam is one of the poorest countries in the world. . . . Under the embargo, Vietnam's GNP [Gross National Product] has grown at much lower rates than its neighbors: In the late 1970s, Vietnam's GNP growth averaged 0.4%, while that of [neighboring] ASEAN countries was over 15%."

According to some analysts, the accumulated social and economic damage resulting from the U.S. policy of diplomatic isolation and economic aggression has rivaled the devastation of the military war. There is little doubt that the negative effects on public health, education, poverty levels, and society in general have been enormous.

This is confirmed by the experience of Thanh Bui who, as an official of the U.S. client government in the South, was astonished to learn that the medicine and books he tried to send to a family in the North were routinely destroyed by U.S. customs agents. Now a consultant to the national government in Hanoi, he is certain that, "The embargo had a huge impact on Vietnam, a total impact. It brought Vietnam to its knees, economically. Hanoi's leadership was ignorant of the economic weapons the United States could wield."

Despite the recent trade agreement, those weapons are still being wielded— often with the

encouragement of various interests that include vengeful exiles from southern Vietnam, certain veterans' groups, and like-minded politicians. For example, a rapid increase in imports of Vietnamese catfish has drawn a protectionist response. Among other things, Congress has passed a law forbidding the Vietnamese to label their catfish as catfish.

A congressman from one of the three leading catfish-producing states has opposed the imports on the ground that Vietnamese fish may be contaminated with dioxin residues from the toxic chemicals sprayed in vast quantities by the U.S. during the military war. "That stuff doesn't break down," warned Marion Berry, an Arkansas Democrat. An advertising campaign was launched against the invading food product with messages such as, "They've grown up flapping around in third world rivers and dining on whatever they can get their fins on."

For those dedicated to "the projection of U.S. power", it has been crucially important to obscure the origins and nature of the Vietnam War.

Accordingly, U.S. government agencies ruled in the summer of 2003 that imports of Vietnamese catfish were, by any name, harmful to the domestic industry, and were being dumped on the U.S. market. They were hit with an import duty of over 60 percent, raising concerns that other products from Vietnam may be subjected to similar treatment.

The reasons for the post-war persecution of Vietnam are fairly obvious, and were cited by Le Linh Lan of the Hanoi Institute for International Relations at an academic convention in Chicago in 2001: "While the U.S. quickly mended its relations with countries such as Japan and Germany after the war, one would naturally ask the question why it took so long for the U.S. to normalize relations with Vietnam. . . .

"The central reason may have been that the U.S. has been so traumatized and divided because of the American war in Vietnam and its consequent defeat, the only defeat in the U.S. history, that building consensus to establish relations with Vietnam was a painful process for successive U.S. presidents. The humiliation of defeat still affects the U.S. relations with Vietnam today, when some people in the U.S. are talking about winning in peace what it lost in war. The Cold War environment was also partly responsible for the long-drawn-out hostility between the two countries."

The propaganda war

The humiliation of defeat is never easy to bear, especially for a warrior society like the United States which had never before tasted it. The demons aroused by such an experience can take a very long time to exorcise, as illustrated by the lingering resentments and divisions associated with the U.S. Civil War which ended nearly 150 years ago.

"Ever since the South lost the Civil War, it has been trying to win the memory of the war," notes a student of that process. "A central part of that has been trying to deny what the Confederacy was really all about. Slavery was at the center of what the South was fighting for and, ever since, there has been an attempt to deny that and to say it was a noble cause."

Efforts to cope with the much more recent trauma of the Vietnam War have taken a variety of forms, in response to a variety of needs and objectives. For those dedicated to what has been euphemistically referred to as "the projection of U.S. power"— whether in the name of anti-communism, anti-terrorism or some other anti-cause— it has been crucially important to obscure the origins and nature of the Vietnam War in order to preserve as much as possible of the moral authority with which the United States emerged from World War II.

Otherwise, it might be difficult to justify to the U.S. populace and to the rest of the world the continued practice of violent intrusion into the affairs of other nations. Accordingly, it has been essential to put a suitable spin on the history of the war— a project that has been greatly facilitated by the emergence of the United States from the Cold War as the world's one and only superpower, and by the demonstrated effectiveness of its global propaganda apparatus. As George Orwell observed, "Who controls the past controls the future. Who controls the present controls the past."

There has also been a strong element of revenge, of course. According to one analysis of political developments in the United States,

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Variations on a Bloody Theme

The United States had promised the world a bloodbath if Vietnam were ever reunited under Communist rule. When that did not occur, the same propaganda that had been used to justify the war was simply repeated, and post-war developments were interpreted as proof of the Hanoi government's evil nature.

The bloodbath alarm was based primarily on two great crimes attributed to "North" Vietnam: a brutal land reform launched in 1953 that was said to have resulted in as many as half a million deaths; and an alleged massacre of some 4,700 innocents in the city of Hué during the American War.

Both stories are based entirely on U.S. and allied sources, and neither has been confirmed by independent research. The main source for the land reform tragedy is a book written by a resident of "South" Vietnam who worked for both the Diem regime and the U.S. Information Agency. The book was paid for and distributed internationally by the U.S.I.A. and a front for the C.I.A.

A land reform was, indeed, carried out in the North during 1953-1956, and it did get out of control as resentments accumulated during centuries of feudal oppression erupted into violence. But according to U.S. historian D. Gareth Porter, "The number of landlords executed was probably around 1000–2500."

"It is also true," wrote Bernard Fall, a highly regarded French historian who served as a consultant to the United States, "that Ho himself stopped these land-reform excesses and fired the party hacks who were directly responsible."

Of the alleged massacre in Hué, Porter has noted: "Although there is still much that is not known about what happened in Hué, there is sufficient evidence to conclude that the story conveyed to the American public by the South Vietnamese and American propaganda agencies bore little resemblance to the truth. . . . [The story] provides a revealing glimpse into efforts by the U.S. press to keep alive fears of a massive 'bloodbath'. It is a myth which has served the U.S. administration's interests well in the past, and continues to influence public attitudes deeply today."

Post-war developments have also been useful for maintaining the propaganda pressure on Vietnam. This includes the fate of Vietnamese in the South who had helped a foreign power to destroy the land and slaughter millions of their countrymen. The worst that happened in most cases was that they lost their privileged positions. Some were herded into "re-education camps" for a year or two— and in the case of several high-ranking military leaders, up to a decade or more— along with a large number of prostitutes and other victims of the occupation.

It was a relatively mild treatment compared, for example, with the far more brutal and often deadly re-education centers of the Diem regime, or with Europe following World War II, when thousands were executed and many thousands more were otherwise abused for similar or lesser offenses. Nevertheless, the camps were emphatically and repeatedly denounced in the world press as inhuman concentration camps which, if not as useful as a bloodbath, were made to sound almost as horrifying.

The same kind of spin was applied to Vietnam's occupation of Cambodia (see "Sideshow in Cambodia", p. 7) and the chaotic flight of ethnic Chinese from southern Vietnam. Both were highly complex events, involving deep-rooted historical conflicts, and ongoing tensions with the United States and China. But they were depicted in the world press as plain and simple evidence of Vietnamese depravity.

Those and other developments rooted in the tragic history of Indochina have been used to alienate world opinion from Vietnam, create sympathy for the "well-intentioned sacrifice" of the United States, and justify the embargoes on Cambodia and Vietnam.

The wave of sympathy and solidarity with the afflicted countries that developed during the war has, to a large extent, dissipated in critical disillusionment or indifference.

"The radical right wing of the Republican Party, led by Ronald Reagan, joined forces with elements in the national security apparatus bent on revenge for the humiliating defeat in Vietnam, and with neo-conservative Democrats from the hardline anti-communist wing of that party."

It was during the eight-year presidency of Ronald Reagan that the falsification of the Vietnam War's history was consolidated and the interests responsible for it were restored to power in Washington, where they continue to exercise great influence to this day. The rewriting of history, including that documented in the government's own Pentagon Papers (see Appendix B), proceeded without any notable resistance. In 1982 President Reagan could deliver the following twisted account with impunity:

"When France gave up Indochina as a colony, the leading nations of the world met in Geneva with regard to helping those colonies become independent nations. And since North and South Vietnam had been, previous to colonization, two separate countries, provisions were made that these two countries could, by a vote of all their people together, decide whether they wanted to be one country or not.

"And there wasn't anything surreptitious about it, that when Ho Chi Minh refused to participate in such an election. . . and when [people] began leaving by the thousands and thousands from North Vietnam to live in South Vietnam, Ho Chi Minh closed the border and again violated that part of the agreement.

"And openly, our country sent military advisers there to help a country which had been a colony have such things as a national security force, an army, you might say, or a military to defend itself."

Almost none of this is true, of course. But by the time this presidential history lesson was recited— only seven years after Vietnam's long-delayed reunification— the myths of the "two separate countries", the perfidious Ho Chi Minh, selfless U.S. aid to a beleaguered nation, etc., were well on the way to becoming established in the United States and in many other parts of the world.

The ease with which such myths have been implanted is no doubt due to the fact that major constituencies have been eager to embrace them. For ordinary soldiers and their families, there has been a natural desire to believe that their sacrifice and suffering were meaningful and worthwhile— that they had been engaged in a "noble, selfless effort", as presidents Nixon and Reagan proclaimed it to be. For many, it has been comforting to believe that, despite the military defeat in Vietnam, the protracted war had helped to stop the spread of communism and win the Cold War.

Another widespread belief is that Vietnam has deliberately withheld information about the remains of some 2000 U.S. soldiers missing in action (M.I.A.) and may even have kept a few of them in captivity after the war ended— for some mysterious purpose that has yet to be discerned.. The M.I.A. issue has been used to justify the United States' failure to pay any compensation for war damages, while Vietnam has been pressured to invest scarce resources and additional human lives in the continuing effort to satisfy U.S. demands (see "Deadly Ghosts of the Vietnam War", p. 14). Regarding the estimated 300,000 Vietnamese M.I.A.s— corresponding to roughly 1.5 million in the United States— the U.S. government has never expressed the slightest interest or concern.

Among the general public, there is no apparent eagerness to challenge the myths that enshroud their country's responsibility for the Vietnam War and its consequences. National pride is a powerful social-psychological force, and it can take a very long time for unpleasant historical facts to be accepted or even considered.

That common syndrome is illustrated by the controversy that has arisen over a recent book by Henry Kamen, *Spain's Road to Empire*., which challenges popular myths about the conquest of South America. According to *The Guardian's* correspondent in Madrid, "Mr. Kamen's book has shaken the accepted, school-taught Spanish view of the New World *conquista* as an epic tale of organised empire-building carried out by brave, loyal Spaniards for the greater glory of their country and monarchs. The historian has, instead, painted the destruction of the Inca and Aztec civilisations as the work of ruthless, self-interested entrepreneurs and mercenaries who used the Spanish crown as little more than a

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shield for their ambitions. . . . Mr. Kamen's crimes, his critics have said, include pointing out that much of the *conquista* of Aztecs and Incas was done by native peoples allied to Spain."

This is hardly news to the affected peoples of South America, nor to individuals elsewhere who are familiar with the history of the events in question. But nearly 500 years later, the "proper" interpretation of that history evidently continues to be a matter of grave concern in Spain. Hardly surprising, then, that there should be a widespread reluctance among U.S. citizens to confront the painful reality of events that have occurred within living memory.

Two relatively small but influential interests with their own special needs for historical revision are the military establishment and some elements of the Vietnamese exiles associated with the defunct Saigon regime. Most of the

Deadly Ghosts of the Vietnam War

The United States has been underwriting or waging war against Vietnam, ever since that nation declared its independence in 1945. After the peace agreement signed almost two decades ago, direct military attacks have been replaced by devastating economic and political warfare. Only one justification for these hostilities has spanned the entire period from 1969 through 1992: the P.O.W./M.I.A. issue. First concocted by Richard Nixon and Ross Perot in 1969 to prolong armed conflict, this pretext has been employed by each "post-war" administration— Nixon, Ford, Carter, Reagan and Bush— to renege on key terms of the 1973 Paris Peace Agreement, to justify a political embargo and political quarantine, and to block normalized relations. . . .

On July 17 and 18, 1991, came one of the most artfully staged media spectaculars of U.S. history. A photograph allegedly showing three P.O.W.s from the Vietnam War still held captive in Indochina exploded as the lead story on national TV and radio networks. The men were identified as John Robertson, Albro Lundy Jr. and Larry James Stevens, pilots shot down over Vietnam and Laos between 1996 and 1970. Within a week, photographs ostensibly showing two more P.O.W.s in Indochina— identified as Daniel Borah Jr. and Donald Carr— hit the media. According to a *Wall Street Journal/NBC News* poll, 69 percent of the American people now believed that P.O.W.s were being held in Indochina, and 72 percent were convinced the government was derelict in not getting them back. A headline in the August 2 *Wall Street Journal* read, "Bring on Rambo". . . .

The photos that launched the Senate Select Committee [to investigate the M.I.A. issue] proved as bogus as all the "evidence" of live P.O.W.s in the past two decades. "Daniel Borah" turned out to be Laotian highlander who happily posed because he had never had his photograph taken before. "Donald Carr" was a German bird smuggler photographed in a Bangkok rare bird sanctuary. "Robertson, Lundy and Stevens" were subjects of a 1923 photo reproduced in a 1989 Soviet magazine discovered in the Phnom Penh national library; the three men were actually holding a sign proclaiming the glories of collective farming (mustaches had been added and a picture of Stalin subtracted).

— *H. Bruce Franklin,* The Nation, *7 December 1992*

The ghost of the Vietnam War claimed more victims at the weekend when a helicopter carrying 16 people crashed in the central Vietnamese highlands. Its passengers had been taking part in the dogged U.S. search for soldiers still missing in action a quarter of a century after the conflict ended.

The team of nine Vietnamese and seven American servicemen had been scouring Quang Binh province for the remains of downed US aircraft and their crews. . . . Instead, after an as yet unexplained accident on Saturday, it was *their* bodies that had to be recovered yesterday from a hillside 280 miles south of Hanoi.

— *The Guardian, 4 April 2001*

latter have settled into their new lives in the United States, and many have assisted relatives in the old country, while adopting a conciliatory attitude toward its Communist government.

However, as one knowledgeable observer has explained, a "barrier to treating Vietnam as a normal country has been the influence of reactionary Vietnamese-American (*Viet kieu*) politics. Like their Miami Cuban counterparts, former South Vietnamese soldiers and officials refuse to accept current political realities, preferring to live in an imagined past. Although they do not represent the majority of Vietnamese-Americans, extremist *Viet kieu* groups wield a disproportionate voice in U.S. policy and at times resort to threats and even violence to silence others."

As in the case of Miami-Cuban militants, the *Viet kieu* are assisted in their vengeful program of propaganda, lobbying and sabotage by kindred spirits in Congress and the administration. A prime example is Rep. Robert Dornan who, to cite a relatively mild example, challenged the seating of democratically elected Tom Hayden in the 1986 California Assembly. In the words of Dornan: "This traitor, Tom Hayden, helped bring about the peace of death that reigns in Indochina today. He is a liar. He is a coward. He is a traitor to all men all over the world." Hayden's offense was that he had been a prominent leader of the national protest movement against the Vietnam War.

Some elements of the military establishment responded to the defeat in Vietnam by attributing it to a weak and indecisive government which refused to permit a sufficient level of destruction: Still more bombs and still more deaths would have done the job nicely, so the story goes. This has given rise to a myth of political betrayal, famously expressed by the cartoonish Hollywood figure of "Rambo" with his accusatory question: "Do we get to win this time?"

Political leaders have also exploited the betrayal myth, as when President George Bush (the elder) declared on the eve of the Persian Gulf War in 1991: "We won't make the same mistake in Kuwait that we did in Vietnam. This time, our generals' hands won't be tied behind their backs." Afterward, he proclaimed that, "By God, we've finally kicked the Vietnam syndrome once and for all."

These and other forces have combined to produce a mythology that is now widely accepted as historical truth in the United States and many other countries. Not even Robert McNamara who, as Secretary of Defense in the Kennedy and Johnson administrations was primarily responsible for administering the war, has been able to dispel the fog of distortion.

Although less than completely candid, and concerned almost exclusively with the war's negative consequences for the United States, McNamara has admitted enough of the truth in a series of writings and appearances to discredit the most blatant distortions. But his relatively modest disclosures have provoked an outraged reaction in many quarters, and more subdued criticism in others. The editors of the *Washington Post*, for example, sought to remind him that the war was in fact a noble U.S. effort to defend South Vietnam from "an armed takeover by an outside Communist regime".

Naturally, the *Post* and other mass media have played a key role in the ongoing process of systematic distortion. Hollywood began rewriting history while the war was still in progress, with *The Green Berets*— "a film so unspeakable, so stupid, so rotten and false in every detail that it. . . becomes an invitation to grieve," wrote film critic Renata Adler, among many other things. After documenting its numerous absurdities, war correspondent Charles Mohr noted in the *New York Times* that, "At fadeout, [John] Wayne walks down the Danang beach into the sunset. But unless they have moved the South China Sea, the sun disappears majestically into the east."

But despite or because of its mirror image of reality, the film was a great financial success, demonstrating to the entertainment industry that there was a market for reassuring depictions of heroic U.S. icons triumphing over the yellow peril in its Vietnamese manifestation.

There has since been a rash of films based on that fundamental theme, including the "Rambo" series and *The Deer Hunter*, a spectacle of violent racism that received Hollywood's Academy Award for the best picture of 1978. The tragedy of Vietnam— for the United States— has also been a *leitmotif* of countless television programs.

Often, the message is presented in fleeting references that reinforce the conventional mythology, as in *The Substitute*, a 1996 film in which a former CIA officer explains to a group of high

school students what the war was all about: "The gangs in the North tried to take over the gangs in the South."

David Putnam, a producer acclaimed for very different types of film, has observed that, "America is a complex country which, in a childlike way, is only able to deal with certain truths. We like them simple and, if necessary, we'll have them distorted. . . . . I think the drip, drip, drip of [many] films. . . has created an image [of the Vietnam War] which is going to take generations and generations to eradicate."

Bobby Muller, President of Vietnam Veterans of America, adds: "You've had the culture, and then you've had a lot of influence from the office of the president, particularly under Reagan, exploiting all of these negative issues— like the missing-in-action, prisoner of war issue— to portray the Vietnamese as vile, rotten, evil people holding our boys in bamboo cages. Those are emotional buttons in America that have been pushed very successfully."

Of course, there have been some exceptions to the general pattern. For example, the three films which comprise the "Vietnam trilogy" of director Oliver Stone offer a more brutally honest, albeit still very American, perspective on certain aspects of the war. A large body of accurate information is available in print for those who take the trouble to seek it out, and there are a number of excellent documentary films.

But the preponderance of information and entertainment that average citizens encounter in the course of their daily lives is hardly calculated to inform. One student of the subject noted in 1992 that, "Sometimes it looks as if American culture of the past fifteen years has done little but rewrite the history of the Vietnam War, and then obsessively rewrite the rewritings."

An interesting example is provided by the award-winning television program, "The West Wing", which in recent years has entertained huge audiences in the United States and abroad. Often accused of "liberal bias", the program features a fictional president portrayed by actor Martin Sheen, a "Hollywood lefty" who distinguished himself as an sharp critic of the U.S. war against Iraq in the spring of 2003. One episode of the TV series includes this history lesson:

> "If I could put myself anywhere in time," laments the chief advisor to the president, "it would be the Cabinet Room on August 4, 1964, when our ships were attacked by North Vietnam in the Tonkin Gulf. I'd say, 'Mr. President, don't do it. You are considering authorizing a massive commitment of troops and throwing in our lot with torturers and panderers— leaders without principles and troops without conviction'."
>
> The president listens attentively in apparent agreement.

In reality, the attack on U.S. ships in the Tonkin Gulf almost certainly never occurred, as reported by one of the commanders involved within hours of the apparently false alarm. But it did serve as a convenient excuse for launching bombing raids and a large-scale invasion that had been planned long in advance. In any event, the ships had previously been involved in a series of attacks on northern Vietnam. As for the "leaders without principles", they had been installed by the United States and maintained in power against the will of the people; and they were clearly not the only leaders involved who lacked principles. The torture referred to was often carried out under the watchful eye of U.S. "advisors". The lack of conviction and the tendency to mutiny among U.S. troops was a source of constant worry to their leaders, etc., etc.

This is an example of the historical insight offered by individuals who are widely regarded as among the most progressive in the United States today. The situation is not much better abroad. Even in Sweden, credited by Daniel Ellsberg as "the one honorable exception" among Western countries with its consistent opposition to the war, the process of revision is well advanced.

Svenska Dagbladet, Sweden's second-most influential newspaper, has in recent years conducted a propaganda campaign against Vietnam, and has editorially expressed its regret that the United States failed in its honorable military purpose. Swedish public radio, roughly comparable in national scope and status to Great Britain's BBC, chose to mark the 25th anniversary of Vietnam's reunification by concentrating on the suffering of a U.S. veteran in New York City, who nevertheless assured the radio audience that all the death and destruction were worth it: "Absolutely! Absolutely, 100 percent. Yes, I do. I really do [believe that]. Because a direct result of the war in Vietnam was the Berlin War falling, and the demise of the evil empire of the Soviet Union."

Not a single Vietnamese voice was heard, and no alternative point of view was presented.

LEGAL ISSUES

THE VIETNAM WAR represents a catastrophic failure of international law. But that very failure illustrates why the principles of international law were developed in the first place, and why they are still widely regarded as legitimate and worthwhile: For, the Vietnam War is the sort of thing that happens when there are no effective restraints on the abuse of military power.

Thus, despite its failure to provide a secure framework of protection for the countries of Indochina, international law remains highly relevant. This is partly because it has not been entirely without effect: "Violated or ignored as they often are, the rules are observed enough of the time so that mankind is very much better off with them than without them," observes Telford Taylor, lawyer, U.S. Army general and author of *Nuremberg and Vietnam*.

Furthermore, laws do not become invalid simply because some choose to violate them. Murder, rape and larceny have apparently been committed throughout human history, but that has not resulted in the abolition of laws against them. Likewise, military aggression, genocide and mass destruction have not become matters of indifference simply because they occur with depressing regularity— on the contrary.

Even though international law has often been violated with impunity, it provides a frame of reference for evaluating the conduct of nations which is especially useful when the issues involved are complex and/or charged with emotion. It may be regarded as a lowest common denominator of international ethics— a set of principles that have been agreed upon by a broad spectrum of nations, political leaders and scholars.

This function has been illustrated by a leading U.S. authority on international law, as follows: "The standards of law provide a yardstick that is relied upon by responsible groups in our society who seek to express their opposition to a line of policy. For instance, the Clergy Concerned about American Policy in Vietnam issued a strong moral condemnation of the American involvement in Vietnam, documented by reference to instances of United States departure from the traditional standards of behavior embodied in the laws of war. This was an instance in which legal norms provided an aura of objectivity that served to anchor moral judgement."

In this way, the legality of foreign policy becomes a matter of public debate; and governments— especially those whose legitimacy rests on democratic theory— usually attempt to demonstrate that their behavior toward other nations is perfectly legal. Such assurance is always useful and often necessary for mustering public support, minimizing opposition and, in cases of military action, sustaining fighting morale. It is also useful for enlisting, or at least neutralizing, world opinion. Even the government of Nazi Germany, hardly a model of democracy, sought to explain that it was fighting to uphold international law against the violations of wicked enemies.

For these and other reasons, the principles and institutions of international law retain their urgency. Certainly, the problems they address have not become less relevant: Much of the controversy surrounding the recent war against Iraq, for example, involved the same legal questions and documents that were at issue during the Vietnam War.

Basic components

International law, which includes the laws of war, is largely a Western construct. Its history is usually traced to the Peace of Westphalia, the European conference held in 1648 to resolve the Thirty Years' War.

There is no single document that embodies the entire law of war. It is derived from a variety of sources, including treaties, general legal principles, rulings of military courts, the customary practices of nation-states, etc. The body of law that has emerged from all this is based on the theory of "just war", which holds that: warfare is only permissible under certain limited conditions; it must be conducted in such a way as to minimize suffering and destruction; and innocent victims must be compensated to the fullest extent possible.

U.N. Charter

These and related principles are reflected in a number of treaties and declarations which comprise the basic texts of international law. The most generally relevant is the Charter of the United Nations, established in the wake of World War II "to save succeeding generations from the scourge of war". The first article of the Charter states that the purposes of the United Nations include the following:

"1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

"2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace. . . ."

Article 2 also enjoins all member-states to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered", and to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.…"

This emphasis on the peaceful resolution of disputes is repeated in Article 33: "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. . . . "

The single, and very limited, exception to this general rule is formulated in Article 51:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

This article has been the subject of much debate. Among other things, it has been used by the United States to justify its assault on Indochina and, more recently, its war against Iraq. The legality of such actions therefore depends to a great extent on the meaning and intent of Article 51 (see "Aggressive war", p. 21).

Another key section of the Charter establishes the International Court of Justice, often referred to as the World Court; its task is to rule on certain kinds of disputes between nations.

Nuremberg Principles

Following World War II, the victorious allies conducted military tribunals in Europe and Japan, as well as the special Nuremberg Tribunal which dealt with various war crimes of the Nazi leadership.

The post-war tribunals applied a strict standard of responsibility. General Yamashita of the Japanese Army, for example, was sentenced to death for atrocities committed by his troops while retreating under chaotic circumstances at the end of the war— even though there was no evidence that he had ordered, approved or even knew of the crimes committed.

In confirming the death sentence, U.S. General MacArthur wrote: "This officer, of proven field merit, entrusted with high command involving authority adequate to responsibility, has failed this irrevocable standard [of military conduct];

has failed his duty to his troops, to his country, to his enemy, to mankind; has failed utterly his soldier faith. The transgressions resulting therefrom, as revealed by the trial, are a blot upon the military profession, a stain upon civilization and constitute a memory of shame and dishonor that can never be forgotten."

According to the final judgement of the Nuremberg Tribunal, the most serious crime of all is to launch an aggressive war: "War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world. To initiate a war of aggression, therefore, is not only an international crime; it

The Nuremberg Principles

Principle I. Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

Principle II. The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III. The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.

Principle IV. The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle V. Any person charged with a crime under international law has the right to a fair trial on the facts and law.

Principle VI. The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace;

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War Crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation of slave-labor or for any other purpose of the civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhumane acts done against any civilian population, or persecutions on political, racial, or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

Principle VII. Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole."

The United States was the driving force behind the Nuremberg Tribunal and its chief prosecutor, Robert H. Jackson, emphasized that the principles which it sought to uphold must apply to all nations: "If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or Germany does them. . . . We are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us. . . . If it is to serve any useful purpose, it must condemn aggression by any other nations, including those which sit here now in judgement."

The continuing relevance of the Tribunal was stressed during the Vietnam War by Telford Taylor, Jackson's successor as chief prosecutor at Nuremberg: "However history may ultimately assess the wisdom or unwisdom of the war crimes trials, one thing is indisputable. At their conclusion, the United States Government stood legally, politically and morally committed to the principles enunciated in the charters and judgements of the tribunals. . . . Thus the integrity of the nation is staked on those principles, and today the question is how they apply to our conduct of the war in Vietnam, and whether the United States Government is prepared to face the consequences of their application."

"The question is how the [Nuremberg Principles] apply to our conduct of the war in Vietnam, and whether the U.S. is prepared to face the consequences."

The seven Nuremberg Principles were codified by the International Law Commission at the request of the U.N. General Assembly, which formally adopted them in 1950 (see page 19).

Geneva Conventions

The four Geneva Conventions of 1949 and the two Additional Protocols of 1977 are primarily concerned with minimizing human suffering during the course of a war. They prescribe humanitarian rules of conduct for the treatment of prisoners and civilian populations. For example: The sick and wounded "shall be protected against pillage and ill-treatment"; and "indiscriminate attacks on civilian populations and destruction of food, water, and other materials needed for survival" are outlawed.

Genocide Convention

The Convention for the Prevention and Punishment of the Crime of Genocide was adopted by the U.N. General Assembly in 1948. It defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."

The actions specified as punishable are genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide, and complicity in genocide.

The Convention was formulated with the Nazi Holocaust fresh in mind, but the concept has since been applied in other contexts. For example, the U.N. General Assembly in 1982 denounced as genocide the massacres of several hundred Palestinians in the refugee camps of Sabra and Shatilla. In 1998, a Spanish prosecutor charged Chilean dictator Augusto Pinochet with genocide for crimes committed during and after the military coup that he led.

The application of the genocide concept to these two cases has been disputed. But there has been no such dispute concerning the mass killings by the Khmer Rouge in Cambodia; efforts continue to establish a tribunal to deal with that case (see "Sideshow in Cambodia", p. 7).

Customary law

In addition to specific treaties and agreements, there is something called "customary international law" which consists largely of general principles that have emerged from past

practices and legal precedents. With regard to the tactics and weapons used in the pursuit of military objectives, four such principles apply:

- The *principle of necessity* prohibits unnecessary human suffering.
- The *principle of humanity* forbids the use of tactics and weapons that are inherently cruel, and which "offend minimum and widely shared moral sensibilities".
- The *principle of proportionality* stipulates that any deaths, injuries or destruction inflicted must be in "reasonable" proportion to military objectives.
- The *principle of discrimination* requires that any tactics and weapons used must discriminate between military and non-military targets, and forbids any that are inherently incapable of distinguishing combatants from non-combatants.

These principles are obviously quite vague and imprecise, partly because they must be adapted to changes in technology and "moral sensibilities". Nevertheless, they are recognized as valid and have been invoked in proceedings such as the Nuremberg Tribunal.

Problems of interpretation

These are some of the more important components of international law, and there is widespread agreement on the principles they express. But it is seldom a simple matter to apply those general principles to specific events. The devil is in the details, and information may be lacking, inadequate or confusing.

Adding to the uncertainty and confusion are the effects of propaganda. Those who are able to dominate the flow of information have an obvious advantage in portraying their actions as legally justified. This is clearly demonstrated by the considerable success of the United States in depicting its assault on Indochina as a legitimate response to aggression from "North" Vietnam, and in keeping that myth alive even after its falsehood has been disclosed by unimpeachable sources, including its own official history (see "The Propaganda War", p. 11).

Another source of difficulty is that the neat categories of legal documents may not correspond precisely to less well-ordered realities. The laws of war can be most readily applied to conflicts between clearly identifiable armies representing clearly independent states. They become more difficult to interpret when such distinctions are blurred, as in the case of conflicts that involve popular uprisings, guerrilla movements, puppet governments, etc.

Such difficulties are not limited to international law, of course. Problems of evidence and interpretation also arise in the application of local and national laws. Otherwise, there would be no need for trials, lawyers courts or judges.

At the international level, however, there is no universally recognized system of justice with the authority to codify, interpret and enforce the laws of war. In this regard, it has proven difficult and often impossible for the United Nations to perform even the limited role envisioned for it (see "Law of the jungle", p. 36).

In short, there is plenty of room for interpretation and disagreement; and nations— especially powerful nations— usually have no trouble finding legal experts who are prepared to justify military action, no matter how unprovoked and needlessly destructive it may seem to be.

For all of these reasons, there has yet to be issued an authoritative judgement as to whether or not serious crimes were committed in connection with the Vietnam War. That would be the task of a war crimes tribunal, if such a proceeding were ever to take place— and if it were able to function properly.

But enough is known about the origins and conduct of the war to suggest the main legal issues involved.

Aggressive war

Certain crude facts of the Vietnam War are well-established. It started after World War II with an attempt by France— assisted by England and, especially, the United States— to recolonize Indochina. After that attempt failed, the United States violated the terms of a valid international agreement, which it had sworn to uphold, by installing in the southern part of Vietnam a client regime which it knew to lack popular support, and by establishing a military presence in what was supposed to be a neutral zone (see pp. 3-5).

This was the start of a process which eventually led to the transport of over 2.5 million U.S. troops across the Pacific to Vietnam and, on an area roughly five percent that of the United

States', to the use of bombs and other munitions in amounts far exceeding those expended everywhere on earth during all of World War II. The ratio of U.S. munitions to those of the Vietnamese defenders is estimated to have been as high as 500 to 1.

All of this took place on the territory of Vietnam and, to a lesser extent, that of Cambodia and Laos. Not a single Vietnamese soldier was ever sent to attack the United States; not a single bullet, bomb, napalm canister, grenade, mortar, landmine or toxic chemical was ever put to use on U.S. soil.

"The Government's argument, therefore, appears not only to be inconsistent with Article 51, but to deny altogether the letter and spirit of the U.N. Charter, which demands that states seek peaceful solutions wherever possible."

Given these and related facts, the Vietnam War appears to represent a clear-cut case of aggression. But the United States argued that its actions were justified on several grounds, in particular the right of collective self-defense referred to in Article 51 of the U.N. Charter (see above). and the need to resist the spread of communism.

The resort to Article 51 was based on the claims that there was a legitimate sovereign state called South Vietnam and that it had been subjected to armed attack from a separate state called North Vietnam. Neither claim was true, as the U.S. government's own history of the war confirms (see Appendix B), and it experienced some difficulty in maintaining its own fiction. For example, the title of the legal memorandum issued in 1966 by the State Department to justify the war refers to the defense of "Vietnam", while the text refers to "South Vietnam".

The Article 51 argument was quickly refuted by a number of U.S. legal authorities. In its response to the State Department memorandum, the Lawyers Committee on American Policy toward Vietnam pointed out that, "A separate state or nation of 'South Vietnam' has never existed." Even if it did, observed the Committee, the United States' use of Article 51 to justify its military attacks would be invalid.

For one thing, the State Department "merely alleges the occurrence of an armed attack by North Vietnam 'before February 1965', but fails to offer any evidence that such an 'armed attack' occurred." For another, Article 51 only applies to situations that "require *immediate* military reaction to avoid disaster", and not even the United States claimed that.

"The State Department memorandum supplies most of the refutation of its own contention that an 'armed attack' occurred," noted the Lawyers Committee. "Its description of the long-smouldering conditions of unrest, subversion and infiltration establishes a situation that is the very opposite of an emergency demanding immediate response. . . . The Government's argument, therefore, appears not only to be inconsistent with Article 51, but to deny altogether the letter and spirit of the Charter, which demands that states seek peaceful solutions wherever possible", as stipulated by articles 2 and 33 of the U.N. Charter.

Regarding the assertions of "subversion and infiltration" from the North, the Committee's response cited a report by Senator Mike Mansfield which demonstrated that infiltration from the North prior to 1965 "was confined primarily to political cadres and military leadership", whereas "United States military advisors and service forces in South Vietnam totalled approximately 10,000 men" as early as 1962.

To this it may be added that the "political cadres and military leadership" said to be infiltrating from the North were in most cases southerners returning home after temporarily moving to the North in anticipation of the reunification that was prevented from occurring in 1956 as agreed. In any event, the division of the country into North and South was artificial, and had no historical or legal validity for the vast majority of Vietnamese.

An analysis prepared by a U.S. government-sponsored research institute concluded: "In their struggle to establish independence, the [insurgent forces], especially those of the older generation, see themselves as the legitimate rulers of an independent Vietnam. They certainly do not regard the present war as a struggle between North and South Vietnam, or between Communists and anti-Communists, but as a struggle between the legitimate leaders of an independent Vietnam and usurpers protected by a foreign power." (See also p. 24.)

The other principal justification of the war was the need to "contain" communism by

preventing its spread from China through Vietnam and, ultimately, to India and Australia. Such an argument has no legal basis, however. There is no provision in international law for justifying attack, under any circumstances, on the basis of ideological differences.

Neither can anxiety about possible future events justify aggression under national or international law, for the obvious reason stated in 1957 by President Eisenhower's Secretary of State, John Foster Dulles: "If you open the door to saying that any country which feels it is being threatened by subversive activities in another country is free to use armed force against that country, you are opening the door to a series of wars all over the world." (Apparently, this stern warning did not apply to the United States even then. Dulles was himself a dogmatic anti-communist and an architect of the Vietnam War. The practice he condemned, now labelled "pre-emptive war", is official policy of the current U.S. government.)

"In terms of the U.N. Charter and of our own avowed ideals, it was a war of foreign aggression, American aggression."

The applicability of the containment strategy to Vietnam was also rejected by its principal author, the U.S. diplomat George Kennan who told a Senate hearing in 1966 that: "Success in the war would be hollow, even if achievable, due to the harm being done by the spectacle of America inflicting grievous damage on the lives of a poor and helpless people, particularly on a people of a different race and colour. . . . This spectacle produces reactions among millions of people throughout the world profoundly detrimental to the image we would like them to hold of this country."

The containment defense collapsed completely in 1972 when the United States formed a sort of alliance with China— mainly against the Soviet Union, but also against Vietnam— while the war was still raging. In the following years, the United States joined forces with China and the Khmer Rouge of Cambodia to combat Vietnam on several fronts.

With publication of the official U.S. history of the war (see Appendix B), there ceased to be any doubt about its legal character: "In terms of the U.N. Charter and of our own avowed ideals, it was a war of foreign aggression, American aggression," states Daniel Ellsberg, the former U.S. official who disclosed *The Pentagon Papers*.

It is difficult to see how a competent and impartial war crimes tribunal could arrive at any other conclusion.

American war crimes

The purpose of war is to kill, maim and destroy. But as noted above, international law prescribes rules of military conduct that are intended to minimize casualties and destruction. Those rules are often violated.

But here, again, there are difficult problems of interpretation, especially since many of the rules are flexible in relation to "military necessity". Warriors tend to define every act of war as a matter of necessity, no matter what the consequences. This was famously illustrated by the U.S. officer who, having supervised the complete destruction of a town in Vietnam, explained that, "It became necessary to destroy the town in order to save it."

One of the tasks of a war crimes tribunal would be to determine whether such acts really were necessary, and the following discussion reviews some of the more important issues that it would likely choose to consider. For the purposes of this analysis, the combatants are sorted into two main categories: the American forces, consisting primarily of U.S. troops and those of the Saigon regime; and the Vietnamese forces, including both the liberation movement in the South (NLF) and regular troops from the North (see "The Responsible Parties", p. 24).

Most of the issues that have been raised in this context involve the policies and behavior of the American forces. These are reviewed first, followed by a discussion of possible Vietnamese war crimes.

Aerial bombardment

A Canadian journalist who travelled through northern Vietnam in 1969 reported that, "Urban civilization had been erased in a region containing one-third or about six million of the North's population. . . . Across the whole landscape, journeying far from the highway, not a single habitable brick edifice could be seen; the schools, hospitals and administrative buildings that had certainly once existed were now, like the factories, just so many heaps of rubble."

The Responsible Parties

Accounts of the Vietnam War usually refer to four separate armed forces— those of the United States, its client regime in Saigon (ARVN), the liberation movement in the South (NLF) and regular troops of the national government in Hanoi. This is somewhat misleading, however. The NLF movement did arise and operate independently of Hanoi during the early years. But as the war intensified and troops from the North were drawn in, co-ordination of the two forces increased. In any event, they shared common goals— a united Vietnam and freedom from foreign domination— and the American forces treated them as the common enemy.

Formally, ARVN's command structure was separate from the United States'. In practice, however, it was subordinate to the U.S. military. This was very clear to observers from both countries, including a government-affiliated researcher from the United States who visited Saigon in 1965 and met "the people who 'ran' Vietnam. These were the assistants to the top military and embassy brass. The thing I always found interesting was that the Vietnamese were seldom mentioned; it was as though the Americans were not advisors at all, but in direct command. USAID ran its economy, the Air Force bombed and sprayed it, the Marine Corps and Army rearranged it."

This view of the relationship has been confirmed by Nguyen Cao Ky, who had served briefly as prime minister of the Saigon regime and for a longer period as the head of its air force. He explained that, "[The Americans] eliminated Diem and replaced him with a bunch of generals who were more dumb than Diem, himself. . . . Now they saw that the Americans could do that to Diem, there was no way they could go against the rule of the Americans because they, too, would be eliminated right away. . . .

"I doubt that even the Vietnamese government at that time was consulted by the Americans. With my experience later on, I think all the important military or political decisions were made in Washington, and they let us have maybe 24 hours' warning. . . .

"I told them that what South Vietnam needs is a man like Ho Chi Minh, a true leader, not an American man. But that they never understood. . . . It was true when the propaganda of the communists condemned us as not nationalists, but puppets and lackeys of the Americans."

There is some question about the combatant status of the civilian population, since most of it was involved in the effort to defeat the American forces. In the occupied South, civilians supplied the NLF with guerrilla fighters, food, shelter, intelligence, etc.

Essentially, the liberation movement was an expression of the yearning for unification and independence that appears to have been shared by the vast majority of the population. As a consequence, the American forces experienced great difficulty in distinguishing between civilians and "the enemy". In most cases, there was no distinction to be made, and this became increasingly evident as the war dragged on.

But it was hardly possible for the U.S. to openly acknowledge this fundamental reality, as it would have meant that the people they claimed to be protecting were, in fact, the enemies they were attacking with massive quantities of munitions and toxic chemicals.

All this has clear implications for the analysis of possible war crimes. For one thing, it is evident that the U.S. and its military leaders had primary responsibility for the conduct of the war and, thus, for any crimes committed by forces of all nationalities under its direction (including the small contingents supplied by allies such as Australia and South Korea). Also, the extensive involvement of the civilian population complicates the task of applying the rules of war.

For the purposes of this discussion, the U.S. and ARVN troops are considered to have formed one of the two opposing forces, the other consisting of the NLF and northern troops. Unarmed civilians are regarded as non-combatants, which was the official position of the American forces

The mayor of Ha Tinh, just north of the "temporary" demarcation line between North and South, reported that his province had been bombed 25,529 times between 1965 and 1968. The bombing in the occupied South was even more extensive, covering vast areas of forest and farmland.

The principle vehicle for this destruction was the B-52 bomber, whose appropriateness for conditions in Vietnam was questioned by many U.S. military analysts, including Daniel Ellsberg: "The pilots and bombardiers were trained to achieve accuracies that were adequate with nuclear weapons, measured in hundreds to thousands of meters. Miss-distances like that with 'iron bombs', as strategic commanders contemptuously referred to high explosives, would mean that you couldn't destroy any military target. . . . To avoid antiaircraft fire, it would be dropping its weapons from 30,000 feet, too high even to be seen from the ground, using radar. This, not against structures that could be seen on radar but against guerrillas who couldn't be seen on the ground yards away in the jungle. As someone said, it was like using a sledgehammer to attack gnats. Most if not all of the victims would be peasants in fields or clustered in villages six miles below. For this effect we would be wielding one of our most technically complex, advanced weapons systems against combatants in rubber sandals and black shorts."

Another aerial weapon that reaped a heavy toll of civilian victims was napalm, whose effects produced an iconic image of the war—a young girl with scorched flesh, fleeing in terror after a napalm attack. She was hardly unique. A 1965 report in the *New York Times* noted a sight which by then had become common: "A recent visitor to the hospital [in Quangngai] found several children lying on cots, their bodies horribly burned by napalm."

Many did not survive: "In a delta province, there is a woman who has both arms burned off by napalm and her eyelids so badly burned that she cannot close them. When it is time for her to sleep, her family puts a blanket over her head. The woman had two of her children killed in the air strike which maimed her. . . and she saw five other children die. She was quite dispassionate when she told an American, 'more children were killed because they do not have so much experience, and do not know how to lie down behind the paddy dikes'."

Millions of civilians were killed or injured by these and other means which appear to have violated international law, including the Nuremberg Principles which forbid "murder or ill-treatment" of the civilian population, and the Fourth Geneva Convention "Relative to the Protection of Civilian Persons".

Odd as it may seem, there is some question about the legal status of aerial bombing, as Telford Taylor has explained in a response to Vietnamese claims that U.S. bomber pilots could be tried for war crimes on the basis of the tribunals held after World War II: "The Nuremberg and Tokyo judgements are silent on the subject of aerial bombardment. Since both sides [during World War II] played the terrible game of urban destruction— the Allies far more successfully— there was no basis for criminal charges against German or Japanese, and in fact no such charges were brought."

Nevertheless, Taylor continues, "If the silence of Nuremberg answers no questions about what 'ought' to be the law, it certainly asks them, and these unanswered questions are especially relevant to American bombing polices [in southern Vietnam]. Is there any significant difference between killing a babe-in-arms by a bomb dropped from a high-flying aircraft, or by an infantryman's point-blank gunfire?"

However obvious the answer to that question may be from the standpoint of morality and human ethics, it has yet to be articulated in the laws of war. Given the continuing use of massive aerial bombing, the lack of a definitive answer must be regarded as a major deficiency. A tribunal on crimes of the Vietnam War would provide an opportunity to impose clarity on this matter of life, death and injury to millions of human beings.

Free-fire zones

In an effort to isolate the NLF from its supporting population, the latter was removed from large areas which were then declared to be "free-fire zones". Any human that remained in such an area could be shot or bombed on mere suspicion of belonging to the NLF (also referred to as Viet Cong, or V.C.) Regarding one such zone of some 200 square kilometers from which 17,000 residents had been removed, a U.S. Air Force major explained, "We've cleared most of the people out of there, and anything that's left has got to be V.C."

This was a convenient assumption with very little basis in fact. For various reasons, some civilians were never removed from free-fire zones and others returned. As a result, many non-combatants were killed and wounded, often at random.

A U.S. journalist who observed the establishment of two free-fire zones in 1967 described the process: "More than 6000 peasants in the Iron Triangle, a Front [NLF] stronghold, were hustled out and penned up in a camp like cattle. Their villages were razed and the area was declared a free kill zone. It was an orgy of killing, burning, bulldozing, resettling, mass demolition. . . . For one reason or another, no more than half the civilians in the 40-square-mile Triangle were evacuated— some because they hadn't heard, others because they wanted to stay. . . The pattern was repeated when 15,000 residents of hamlets in and just below the demilitarized zone were ordered to resettle to the South near Cam Lo. A number of families refused to leave when the trucks came to take them away. It would soon be harvest time, and their rice fields were thick with grain. The Americans responded by hitting the offending villages with rockets and bombs, napalm and machine-gun fire. Among the 'refugees' evacuated two days later were an old woman and a six-year-old girl who had been lying in a shelter, roasted by napalm and helpless in their pain."

"They seemed to fire whimsically and in passing, even though they were not being shot at from the ground. . . . They did it impulsively, for fun, using the farmers for targets as if in a hunting mood. They were hunting Asians."

Arbitrary killing was commonplace in other areas, as well. A Japanese reporter described the actions of a helicopter crew as it flew over a village in the Mekong Delta: "They seemed to fire whimsically and in passing, even though they were not being shot at from the ground, nor could they identify the people as NLF. They did it impulsively, for fun, using the farmers for targets as if in a hunting mood. They were hunting Asians."

This pattern of behavior, which was widespread among the American forces, is indisputably criminal. According to Telford Taylor, "This certainly is not the method for dealing with civilians suspected of hostile activity which is required by the laws of war, and is unlawful for the same reasons that the Son My killings [see below] were unlawful."

Mistreatment of refugees

The free-fire zones comprised one of several programs by which large numbers of civilians were removed from their ancestral lands and placed in refugee camps, or simply left to fend for themselves. They joined the flood of refugees which by 1968 exceeded *one-third* of the population in the South.

"In a rural culture, when the people leave their homes, the cohesion of village life is broken," a doctor with the West German Medical Mission to Vietnam explained. A few were able to find work near U.S. military bases, "as coolies, as boys— this for the men. And women to work as bar hostesses, as prostitutes. Very often the children begin careers as thieves, pickpockets, and as procurers for their mothers and sisters."

Those who chose or were forced to live in refugee camps often did not fare much better. A U.S. Senate subcommittee found that the resources allocated to the care and resettlement of refugees amounted to less than four percent of expenditures on air force operations, alone.

Conditions at the refugee camps, described on one U.S consultant as "horrible", reflected those priorities. A U.S. journalist visited several camps in 1967 and described "the rows of concrete barracks, unfurnished; the bodies malnourished even by Vietnamese standards; the garbage in a dry well; the women and children and old men clustering about one another in the dust, with no work and nothing to do; and often, the barbed wire and armed guards barring exit."

Visiting one such camp, a U.S. scholar spoke with an official of the U.S. Agency for International Development: "All refugee operations are horrible, he agreed, remarking further that he might justly be convicted as a war criminal for his role in this one." He had good reason for that concern, inasmuch as Article 49 of the Fourth Geneva Convention prohibits "individual or mass forcible transfers".

There is a measure of uncertainty about the applicability of that clause, given that the relocations were usually approved by the U.S. client

regime in Saigon— the question of its legitimacy would first have to be resolved. But there is no uncertainty regarding the criminal nature of the associated killings and casualties (see "Free-fire zones", above). The Convention also stipulates that, "The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition."

Clearly, those obligations were neglected, resulting in severe consequences for millions of civilians, nearly all of whom were women, children and elderly persons.

Assassination program

"Phoenix" was the name given to a CIA-directed program of imprisonment, torture and assassination which was aimed at civilians suspected of belonging to the NLF leadership and, to a lesser extent, at Cambodian officials suspected of co-operating with the Vietnamese.

"Suspicion" is the key word: Individuals could be targeted on the basis of mere gossip or the personal animosity of informants. As a result, the majority of victims appear to have been innocent civilians.

"Quite obviously, someone was being killed, but it wasn't the Viet Cong," relates one C.I.A. participant in the program. "And I wrote a memo to Mr. Colby [regional CIA director] and never got an answer. And that is how you became a collaborator in the work of the terrorist programs, in the most atrocious excesses of the U.S. government."

Colby, who later became head of the CIA, acknowledged the assassination of more than 21,000 civilians; but that figure referred only to primary targets. One of Colby's agents has explained that, "going into a village to hit a particular cadre, to kill that cadre, you killed several others". According to other sources, including the Saigon regime, the actual number of killings may have been as high as 40,000 or more.

They were perhaps the lucky ones. Methods of torture included rape, electric shock, water torture, hanging from the ceiling, beatings and more. One CIA agent told the U.S. Congress that, "I never knew, in the course of all those operations, any detainee to live through an interrogation. . . . There never was any reasonable fact that any one of those individuals was in fact co-operating with the Viet Cong. But they all died."

Such actions are clearly criminal under the laws of war. Equally clear is that the military and political leaders of the American forces were primarily responsible.

Mistreatment of prisoners

Captured prisoners were routinely tortured and otherwise abused. Summary executions were commonplace; a popular technique was to toss bound prisoners out of airborne helicopters.

Numerous observers reported that, while the torture was in most cases administered by ARVN troops, their U.S. comrades-in-arms usually observed or assisted. Torture appears to have been widely accepted and conducted openly, as reported by a *New York Times* correspondent: "Many a news correspondent has seen the hands whacked off prisoners with machetes. Prisoners are sometimes castrated, or blinded. In more than one case a Viet-Cong suspect has been towed after interrogation behind an armored personnel carrier across the rice fields. This always results in death in one of its most painful forms."

"Quite obviously, someone was being killed, but it wasn't the Viet Cong."

So many accounts and photographs of such behavior appeared in the world press that the British author, Graham Greene, was moved to observe: "The strange new feature about the photographs of torture now appearing is that they have been taken with the approval of the torturers and published over captions that contain no hint of condemnation. They might have come out of a book on insect life. 'The white ant takes certain measures against the red ant after a successful foray.' . . . . These photographs are of torturers belonging to an army which could not exist without American aid and counsel. . . . The long, slow slide into barbarism of the Western world seems to have quickened."

A West German doctor working in southern Vietnam explained that, "The Americans, with their hygienic spirit, have an obsession with not getting their hands dirty. So they use the South Vietnamese police and the South Vietnamese so-called elite troops to carry out the tortures. . . .

The Americans remain to the side with tape recorders; they record what people say. The Americans hypocritically say, 'These are cruel people. One can do nothing about Asiatic cruelty'. . . . This was, for me, one of the most disgusting aspects of American behavior in Vietnam, as was the blind bombing of villages."

All such actions are, of course, serious violations of the Geneva Conventions. In addition to the actual torture, it is prohibited to turn visitors over to known or suspected torturers, or to assist in any way.

Massacre of civilians

Numerous massacres of civilians took place in southern Vietnam, often in reprisal for real or suspected support of the NLF. The death or wounding of a single American soldier from sniper fire could result in the slaughter of several hundred nearby villagers.

The most widely reported incident took place in 1968 at the cluster of hamlets identified variously in the press as Son My or My Lai. American forces attacked it because an NLF unit had been reported in the area and, by the time they were done, some 500 unarmed civilians had been murdered with the full knowledge and supervision of commanding officers. In *Nuremberg and Vietnam*, Telford Taylor draws a direct parallel between Son My and a similar massacre committed by Nazi troops in Ukraine during World War II.

News of the massacre at Son My did not emerge until long afterward, due to a nearly successful effort by U.S. military authorities to cover it up. Among those who apparently participated in that effort was a young major named Colin Powell.

This was hardly unique, although other cover-ups were usually successful. For example, a much larger massacre appears to have taken place at Balang An, less than five miles from Son My. According to a survivor's account recorded by a Japanese researcher, some 1750 unarmed civilians were murdered, most of them by drowning: "1200 suspects were put into jute rice bags, each in one, with many bags containing two children, and dumped into a number of small fishing boats linked up, while American soldiers in a motorboat then trailed behind them at high speed. The motorboat was then banked at full speed, turning the fishing boats upside down. Jute bags that remained on the surface were strafed."

That episode did not receive much attention, nor did a great many others.

The most ambitious effort to disclose the extent of such behavior was the "Winter Soldier Investigation" organized in 1971 by Vietnam Veterans against the War whose executive secretary pointed out that, "My Lai [Son My] was not an isolated incident". In his opening statement to the three-day hearing, Lt. William Crandell compared the official rationale for the war with the results:

"We went to preserve the peace and our testimony will show that we have set all of Indochina aflame. We went to defend the Vietnamese people and our testimony will show that we are committing genocide against them. We went to fight for freedom and our testimony will show that we have turned Vietnam into a series of concentration camps. . . . We intend to show that My Lai was no unusual occurrence."

"We went to preserve the peace and our testimony will show that we have set all of Indochina aflame. We went to fight for freedom and our testimony will show that we have turned Vietnam into a series of concentration camps."

The hearing then proceeded to document just that. But it was largely ignored by the press and had little effect on public opinion. The only soldier convicted of participating in the Son My massacre was a lowly sergeant who was soon granted a full pardon by President Nixon. It appears that no one else involved in the cover-up of that event or any of the many others like it was ever disciplined. Major Colin Powell, for one, went on to a dazzling military and political career, and is currently Secretary of State.

The issue briefly surfaced again in early 2001 when it was disclosed that Bob Kerrey, former senator and governor of Nebraska, had been the officer who led a massacre of civilians in the Mekong Delta in 1969. That disclosure and the ensuing discussion prompted Human Rights Watch, in a letter to U.S. Secretary of Defense Donald H. Rumsfeld, to urge a comprehensive inquiry: "In accordance with the U.S. government's legal obligations as a State Party to the Geneva Conventions, we urge you to initiate

without delay a full and independent investigation to establish whether, during the Vietnam War, certain U.S. military policies, orders and practices— in particular, those regulating special operations and unconventional warfare— constituted or led directly to the commission of war crimes."

It is highly unlikely that Mr. Rumsfeld will heed that call for action. He is currently occupied with a "war on terrorism" and attempts to justify an unprovoked war of aggression against Iraq (see "The Exploitation of Fear", p. 50.)

Genocide

Genocide and related concepts turn up frequently in the literature on the Vietna1m War. A C.I.A. agent in the Phoenix program describes it as "the vehicle by which we were getting into a bad genocide program". An analyst from a U.S. research institute refers to "a whitewash of genocide" committed by his country's air force. An Army sergeant condemns "the systematic destruction of a people, that is genocide".

A U.S. lawyer points out that, "In North Vietnam, we have bombed hospitals and schools. . . . We have moved agonizingly close to genocide by *any* definition as we have bombed the fragile system of dikes which represents the margin of life for ten million people. . . . In the South, and in Laos and Cambodia, we bomb everywhere. . . . The pervasive reality of U.S. behavior in Indochina is the repeatedly indiscriminate, grossly disproportionate use of firepower on the ground and in the air, and the consequent devastation of the civilian population."

A U.S. writer asserts that, "Not since the days of the American Indian wars has the United States waged such unrelenting warfare against an entire people." A French historian and consultant to the United States warns that, "Vietnam as a cultural and historic entity is threatened with extinction. . . The countryside literally dies under the blows of the largest military machine ever unleashed on an area of this size". A U.S. historian refers to "a level of firepower that so far exceeds distinctions between combatants and noncombatants as to be necessarily aimed at all Vietnamese".

There is no indication that U.S. leaders ever targeted the people of Vietnam for destruction simply because they were Vietnamese, in the way that the Nazis sought to exterminate Jews and gypsies on the sole basis of their ethnic identities. But the legal definition of genocide is not limited to such motives. The Genocide Convention refers to the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group" by, among other things, killing members of the group, causing them serious bodily or mental harm, or "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

> She pointed out to me that passages [in *The Pentagon Papers*] about alternative bombing programs were filled with phrases about "a need to reach their threshold of pain. . . the resumption of bombing after a pause would be even more painful to the population of North Vietnam than a fairly steady rate of bombing . . . water-drip technique. . . the 'hot-cold' treatment. . . painful surgical strikes. . . one more turn of the screw. . . ."
>
> My wife's eyes were filled with tears. She said, "This is the language of torturers."
>
> — *Daniel Ellsberg*, Secrets

For Richard Falk, a prominent U.S. authority on international law, there was not much doubt: "In the Vietnam War, the use of bombing tactics and cruel weapons against the civilian population appears to me to establish a *prima facie* case of genocide against the United States."

Falk has also argued that the Vietnam War, pitting a popular guerrilla movement against a high-tech power like the United States, tended to produce a "genocidal momentum", in that "once the guerrillas have won the support of a substantial segment of the population, it becomes virtually impossible to separate the guerrilla from his popular base. So, those who have the means simply begin to destroy everyone in 'infested' areas. The rules of war are kicked aside."

It is certainly evident that there were few, if any, restraints on the amount of death and suffering that U.S. leaders were prepared to inflict on the peoples of Indochina in pursuit of their aims. The eagerness of Richard Nixon to use nuclear weapons has already been noted (page 6).

To Henry Kissinger, Pres. Nixon's foreign policy advisor, Daniel Ellsberg once posed the

question: "What is your best estimate of the number of Indochinese that we will kill, pursuing your policy in the next twelve months?" He never got an answer, but apparently there was no limit of any kind. "The deaths of 'noncombatant people' have never been regarded by officials as being relevant," states Ellsberg.

In combination with such stressful factors as the unfamiliar culture, climate and jungles of Southeast Asia, the genocidal policies of the U.S. leadership were inevitably reflected in the attitudes and behavior of troops on the ground. A West German doctor referred to the "aggressive racism" of U.S. troops which was expressed in many ways, including such marching songs as the following:

> *Bomb the schools and churches,*
> *Bomb the rice fields, too.*
> *Show the children in the courtyards*
> *What napalm can do.*

One foot soldier explained: "Pretty soon you get to hate all these people. You get to fear them, too. . . . You don't know which ones are your enemies and which ones are your friends. So you begin to think that they're all your enemies. And that all of them are something not quite human, some kind of lower order of creature. They become dinks and slopes and slants and gooks, and you begin to say, and believe, 'The only good dink is a dead dink.' You echo the comments of your buddies that, 'One million of them ain't worth one of us. We should blow up all those slant-eyed bastards'."

The primary responsibility for such attitudes and the tragedies they produced lay with U.S. policymakers and military leaders. That principal was clearly established by the Nuremberg Tribunal in a case involving crimes very similar to those committed by American troops in Vietnam. "Somewhere, there is unmitigated responsibility for these atrocities," argued the Nuremberg prosecutor. "Is it to be borne by the troops? Is it to be borne primarily the hundreds of subordinates who played a minor role in this pattern of crime? We think it is clear that it is not where the deepest responsibility lies. . . . The only way in which the behavior of the German troops in the recent war can be made comprehensible as the behavior of human beings is by a full exposure of the criminal doctrines and orders which were pressed on them from above."

As the mother of a soldier who had participated in the My Lai massacre put the matter: "I raised him up to be a good boy and I did everything I could. They come along and took him in the service. . . . look what they done to him— made a murderer out of him."

Ecocide

The Vietnam War gave rise to the term, "ecocide", which refers to the large-scale destruction of ecosystems with bombs, heavy machinery and toxic chemicals. The damage was sufficiently vast to trouble even the Saigon regime's minister of information, who in 1968 wrote that ordinary Vietnamese were "horrified and embittered at the way the Americans fight their war. . . . Our peasants will remember their cratered rice fields and defoliated forests, devastated by an alien air force that seems at war with the very land of Vietnam".

Prior to the Vietnam War, however, there was nothing in international law which specifically prohibited the destruction of the natural environment *per se*. In fact, the war coincided with the emergence of the modern environmental movement and the correspondingly recent development of environmental law as a separate discipline.

To the extent that international law applies to the environmental destruction of Indochina, it would be on the basis of indirect consequences such as loss of livelihood, damage to food supply, danger of flooding, etc. Here, the Geneva Conventions and the customary-law principles of humanity and proportionality would appear to be relevant.

With regard to the "food denial" program, for example, one U.S. official who observed the consequences reported that, "Evaluations sponsored by a number of official and unofficial agencies have all concluded that a very high percentage of all the food destroyed under the crop destruction program had been destined for civilian, not military use. . . . [The program] created widespread misery and many refugees."

It is also possible that the Nuremberg Principle regarding "crimes against humanity" might be invoked. There is a precedent from the Nuremberg Tribunal, involving nine German officials who were charged with pillaging Polish forests for their parts in administering a policy of ruthless exploitation that had been ordered by Hermann Goering.

One treaty which may apply to the herbicides, CS gas and other chemical weapons used by American forces is the Geneva Protocol of 1925 on the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare.

The United States argued that herbicides were not covered by the Protocol. But in 1969 the U.N. General Assembly clarified the issue by adopting Resolution 2603 A (XXIV) which:

"*Declares* as contrary to the generally recognized rules of international law, as embodied in the Geneva Protocol, the use in international armed conflicts of any chemical agents of warfare: chemical substances, whether gaseous, liquid or solid, which might be employed because of their toxic effects on man, animals or plants."

These considerations all relate to possible criminal charges which have yet to be acted upon, and are unlikely to be. However, U.S. veterans of the Vietnam War who claim to have suffered negative health effects from exposure to Agent Orange have already taken action in U.S. civil courts against manufacturers of that herbicide. An out-of-court settlement of a class-action suit was agreed upon in 1984, and the U.S. Supreme Court ruled in June of 2003 that veterans not included in that settlement may file additional suits.

These civil actions do not involve the vast majority of those who may be suffering from the effects of Agent Orange and the dioxins it contained. As a Canadian environmental scientist has pointed out, "U.S. personnel were subject to exposure only during their relatively brief tours of duty. The native population, on the other hand, was exposed to constant risk during all the years of the U.S. spraying program, and they have continued to be at risk during he 30-plus years since the spraying stopped."

Again, none of this applies directly to the natural environment in its own right. "Even the 'source' of international environmental law, the 1972 U.N. Conference on the Human Environment's Stockholm Declaration," observes one analysis of the subject, "bases the need to protect the environment on the rights of present and future generations. . . . International environmental law is in its infancy and, since its origin, environmental protection has been marked by an anthropocentric approach."

However, the Vietnam War did give rise to an amendment to the Geneva Conventions and an international treaty which partly address the issues involved. Article 35 of Protocol I to the Geneva Conventions, adopted in 1977, prohibits the use of weapons that "are intended or may be expected to cause widespread, long-term, and severe damage to the natural environment". Of course, the potential utility of this clause is lessened by inclusion of the qualifiers, "intended" and "may be expected." Also, the specification of "widespread, long-term, *and* severe damage" sets a high threshold of liability. Someone would have to judge whether all of the necessary conditions applied.

The international treaty which resulted from the Vietnam War is the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques ("ENMOD"), which was adopted by the U.N. General Assembly in 1976 and went into effect in 1978. Among the activities it prohibits are the use of herbicides, deforestation, creation of storms and the destruction of crops.

The environment remains more or less defenseless against military attack.

The ENMOD Convention developed from an initiative of U.S. senators who were critical of the environmental destruction caused by their country during the Vietnam War, in particular the widespread use of Agent Orange and other toxic chemicals. The text of the treaty is largely a product of negotiations between the two competing superpowers of the time, the United States and the Soviet Union. Not surprisingly, the Convention reflects their national/imperial interests, and has been criticized as ineffectual.

Among other things, the criteria are so stringent that no state is ever likely to be found guilty, or even formally accused, of a violation. Even if that were to occur, no mechanism for assigning penalties is provided: States can be held responsible, but not liable. Possibly due to such weaknesses, the Convention has been ratified by fewer than half of the U.N. member-states and is largely ignored.

In short, the environment remains more or less defenseless against military attack, and has no legal "standing" upon which to base claims for damages. The United States has played a key role in preventing any meaningful change to the *status quo* (see "War and the environment", p. 37).

Vietnamese war crimes

There is little evidence to suggest that the Vietnamese forces could be charged with most of the war crimes reviewed above. Clearly, they were not guilty of the "supreme international crime", aggressive war— they were victims of it. They had virtually no air force or navy, and were thus incapable of carpet bombing their own country even if they had wanted to.

They did not establish free-fire zones, use the civilian population for target practice, create waves of refugees or herd them into concentration camps. They did nothing that could be remotely described as genocide or ecocide.

Mistreatment of prisoners

They did assassinate government officials, and also violated provisions of customary law and the Geneva Conventions relating to treatment of prisoners. Many captured pilots and other U.S. personnel imprisoned in northern Vietnam reported being tortured, especially during the years 1965-1969. The torture was apparently not as widespread or brutal as was the case with the Phoenix Program (see p. 27), but there were some fatalities.

There were also reports of torture, summary execution and other abuse of ground troops in the South. In at least one case, three U.S. captives were executed by the NLF in reprisal for executions of their comrades by the Saigon regime (reprisals for any reason are forbidden). There is little information from independent sources on how widespread such abuses might have been among the Vietnamese forces.

They did not establish free-fire zones, use the civilian population for target practice, create waves of refugees or herd them into concentration camps. They did nothing that could be remotely described as genocide or ecocide.

Requirements of notification and communication were routinely ignored, which has most likely contributed to the persistence of the M.I.A. myth (see p. 14). It is primarily the government in northern Vietnam, where society continued to function despite the effects of massive bombing, which could be held responsible for such violations. Given the nature of guerrilla warfare, it would have been much more difficult to fulfill communication requirements in southern Vietnam where most of the fighting took place.

An analyst with the Rand Corporation, a research institution largely funded by the U.S. military and deeply involved in the Vietnam War, has placed the abuses of Vietnamese forces within the following context: "In the ranks of the NLF it was well known that, if you were captured, you were tortured. . . . Torture of NLF prisoners has a special poignance in the present [1972] political climate because of the way Nixon has manufactured a phony issue out of the plight of American POWs in North Vietnam. He has accused Hanoi repeatedly of withholding the names of prisoners, while throughout Vietnam I found one prison after another that had no record of the people caged up inside. Even more outrageously, he complains of mistreatment of American prisoners when throughout South Vietnam, in the nearly two dozen prisons I visited, the prisoners live an indescribably inhumane existence."

Assassinations

The assassinations carried out by the NLF did not take place in a vacuum, either. They were largely a response to political repression, including the Diem regime's replacement of traditional village elders with loyal agents who, following the betrayal of the Geneva Accords (see p. 4), attempted to crush all opposition. According to one estimate, 75,000 were killed outright and over 50,000 were imprisoned.

Diem's military chief of staff would later write: "They resorted to arbitrary arrests, confinement in concentration camps for undetermined periods of time without judicial guarantees or restraints, and assassinations of people suspected of Communist leanings. Their use of Gestapo-like police raids and torture were known and decried everywhere.. . . . [The victims included] people who simply opposed the regime, such as heads or spokesmen of other political parties, and individuals who were resisting extortion by some of the government officials."

This assessment was confirmed by the RAND analyst cited above: "The 'bloodbath' of most significance was the one perpetrated in the years following the first Indochina war. . . . Diem's bloodbath was a central factor in stoking a rebellion that grew into the second Indochina war."

Under such conditions, the emergence of a resistance movement was more or less inevitable, and a U.S. authority on international law has argued that, "The insurgent faction in an underdeveloped country has, at the beginning of its struggle for power, no alternative other than terror to mobilize an effective operation."

There was, in any event, no apparent swelling of outrage among the civilian population. Even those who advocated peaceful resistance found it difficult to condemn the killings. A young teacher who was active in a non-violent Buddhist movement explained that, while disapproving, "I do know that the [government] teams are very much detested by the people. They are nothing but spies and secret policemen. They don't do anything for the people. They have no ideal. Every Vietnamese knows that those secret police wouldn't be there without the Americans."

At least some of the crimes attributed to the NLF were, in fact, committed by agents of the C.I.A. for propaganda purposes. This was disclosed by U.S. Senator Stephen Young, who in 1965 said he had been informed by high officials that the C.I.A. had paid some Vietnamese to execute village elders and rape women in the guise of NLF guerrillas.

Massacre of civilians

The most horrible crime attributed to Vietnamese forces was the alleged massacre of several thousand civilians in the city of Hué during the Tet Offensive of 1968— a widely-distributed accusation that has become a standard feature in the ongoing revision of the war's history. However, it is based entirely on U.S. military sources and there is no certainty that it actually occurred (see "The Propaganda War", p. 11).

On the other hand, it is well-documented that the massive American assault left Hué in ruins. Townsend Hoopes, Under-Secretary of the U.S. Air Force, described "a devastated and prostrate city" in which three quarters of the residents were left homeless, and looting by ARVN troops was widespread. In his memorandum, Hoopes quoted a U.S. combat photographer with many years' experience dating from World War II: "The Americans pounded the Citadel and surrounding city almost to dust with air strikes, napalm runs, artillery and naval gunfire, and the direct cannon fire from tanks and recoilless rifles in a total effort to root out and kill every enemy soldier. The mind reels at the carnage, cost, and ruthlessness of it all."

There is little doubt that the vast majority of civilian casualties were the result of this onslaught by air and land. The accusations of a massacre carried out by Vietnamese forces thus appears to obscure a slaughter of civilians carried out by American forces.

> "Those who talk about the massacre of South Vietnamese at some future date if our troops leave the battlefield are apparently oblivious to the fact that a massacre of the Vietnamese people has been going on for five years, and much of the bloodshed has resulted from U.S. fire power."
>
> *— Col. W.A. Donovan, U.S. Marines, 1970*

In general, all stories of mistreatment of the civilian population by Vietnamese forces must be regarded with scepticism, given the demonstrably high degree of cohesion among most elements of Vietnamese society during the war.

In the North, "The Hanoi regime is perhaps one of the most genuinely popular in the world today," reported another RAND analyst in 1971. "The 20 million North Vietnamese, most of whom live in their agricultural cooperatives, like it there, and find the system just and the labor they do rewarding. . . . Without a doubt, the greatest source of strength in its struggle against us has been the morale and motivation of its soldiers."

With regard to the South, the unity of the NLF and the civilian majority has been previously noted. It was a fundamental reality that was repeatedly confirmed by numerous observers. Among the latter was an ARVN colonel and deputy province chief who explained: "The Viet Cong were often from the same hamlet. Most of the time they lived among the people; they shared the misery of the people, they shared all the concerns of the people in their area, so that they were really protected by the people and their information. They were not separate from the people."

There were undoubtedly many exceptions. Individuals commit foul deeds in times of peace, and even more in time of war when the normal

restraints of society are relaxed or suspended. But the general picture that emerges from a wide variety of sources, including several field studies commissioned by the U.S. government, is one of strong and persistent solidarity between the vast majority of the population and the military forces of Vietnam. They did not massacre themselves.

Legal context

None of this provides a legal excuse for any crimes that may have been committed by the Vietnamese forces. The laws of war clearly prohibit the mistreatment of prisoners and the assassination of public officials, however great the provocation. But the circumstances outlined above do provide a context that a war crimes tribunal would almost certainly take into account.

The most crucial of those circumstances is, of course, that none of the crimes on either side would have been committed if there had been no war. That is why aggressive war is condemned so emphatically by international law: It "contains within itself the accumulated evil of the whole". Another significant fact is that the number of crimes attributed to the Vietnamese forces were a mere fraction of those evidently committed by the American forces.

"We seem to think that the way to eradicate the Vietcong is to destroy all the village structures, defoliate all the jungles, and then cover the entire surface of South Vietnam with asphalt."

These and related factors have moved international lawyer Richard Falk to pronounce the following judgement:

"There has been a persistent failure by the United States throughout the Vietnam War to adhere to the specific rules of international law governing recourse to and conduct of war. . . . The American violations involve the reliance upon hyper-modern modes of warfare to devastate, on an indiscriminate basis, a relatively underdeveloped and undefended society. There is a David-and-Goliath category of international conflict in which it is a mockery to ask whether the weaker side is also guilty of illegal behavior."

The Nuremberg precedent

On the technologically stronger side, there were many who were quite aware that their actions could be judged harshly. Daniel Ellsberg "betrayed" his government and disclosed *The Pentagon Papers* because he had come to the conclusion that, "I was participating in a criminal conspiracy to wage aggressive war."

The issue was clearly on the minds of those at the pinnacle of power, as well. President Nixon was advised by his foreign policy advisor, Henry Kissinger, to use caution in prosecuting Ellsberg because: "I would bet he has more information that he's saving for the trial. Examples of American war crimes that triggered him into it. . . . Once we've broken the war in Vietnam, then we can say this son-of-a-bitch nearly blew it. Then we have, then we're in strong shape— then no one will give a damn about war crimes."

Four years prior to that conversation in the White House, the chief assistant to Secretary of Defense Robert McNamara had suggested that something was amiss: "We seem to think that the way to eradicate the Vietcong is to destroy all the village structures, defoliate all the jungles, and then cover the entire surface of South Vietnam with asphalt."

McNamara evidently shared that concern, and expressed it in a letter to President Johnson: "The picture of the world's greatest superpower killing or seriously injuring 1000 non-combatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one."

Thus far, McNamara has been unwilling to admit to any crimes. But he has indicated a willingness to consider the possibility: "Henry Kissinger was travelling in Europe the other day and there were suggestions that he should be brought before the Criminal Court. Now, I'm not certain what the allegations were or what rule of international behavior he had violated that would justify bringing him before the court, but I can think of rules that would in my case. For example we used Agent Orange— which allegedly killed people. Or we used napalm to burn individuals. Were those in accordance with the accepted rules of war or not? Well that subject needs a lot more discussion."

(continued on page 36)

The Russell Tribunal

The spirit of Nuremberg was briefly revived in the midst of the Vietnam War, with a "people's tribunal" initiated by the eminent philosopher, Bertrand Russell. Formally titled the International War Crimes Tribunal, its purpose was to gather evidence and stimulate awareness of the crimes being committed throughout Indochina by the United States and its allies.

It was originally scheduled to be held in Paris, but the French government refused permission at the last minute— presumably under pressure from the United States. Alternative venues were hastily arranged in Stockholm and Roskilde (Denmark) where the tribunal was held in two separate sessions during 1967.

In addition to Russell, the tribunal included a number of prominent writers, academics and political leaders, including philosopher Jean-Paul Sartre, author James Baldwin, historian Isaac Deutscher and former president of Mexico, Lazaro Cardenas. They made no pretence of impartiality, and Russell set the tone at their first meeting:

"I cannot help thinking of the events of my life, because of the crimes I have seen and the hopes I have nurtured. I have lived through the Dreyfus Case and been party to the investigation of the crimes committed by King Leopold in Congo. I can recall many wars. Much has been recorded quietly during these decades. In my own experience I cannot discover a situation quite comparable. I cannot recall a people so tormented, yet so devoid of the failings of their tormentors. I do not know any other conflict in which the disparity in physical power was so vast. I have no memory of any people so enduring, or of any nation with a spirit of resistance so unquenchable."

Strong sympathies had also informed the Nuremberg proceedings, of course. But then the "leader of the Western world" had been the accuser. Now it stood accused, and many of the led were disconcerted and/or hostile. Most of the mainstream press savaged or belittled the tribunal in advance, and largely ignored it afterward— a pattern that was to be repeated with the Winter Soldier Investigation (see "Massacre of civilians", p. 28).

A German newspaper wondered indignantly how "a neutral country like Sweden can allow the Russell Tribunal to be held within the nation's boundaries". Students demonstrating outside the Swedish embassy in Brussels accused the government in Stockholm of being "a tool of Communism". Needless to say, the government of the United States was not pleased.

"In my own experience I cannot discover a situation quite comparable. I cannot recall a people so tormented, yet so devoid of the failings of their tormentors."

The two public sessions consisted largely of expert testimony on the background, weaponry and conduct of the war. Some of its victims travelled from Vietnam to describe their experiences and display their wounds. The findings of the tribunal, indicating that serious and extensive war crimes were being committed by the United States and its allies, were widely ridiculed and condemned as biased and unprofessional. But they were subsequently confirmed by *The Pentagon Papers* and other sources that were not so easily dismissed.

One favorable assessment of the tribunal was offered by Östen Undén, a former foreign minister of Sweden: "[Since] there is essentially no functioning system of international justice. . . it did not seem strange that the renowned philosopher, Bertrand Russell, overwhelmed with a sense of powerlessness in the face of the appalling scenes that are being played out in Vietnam, resolutely grasped the sword of justice in his own hand and sought to compensate for the absent legal system with a symbolic alternative."

As indicated above, there was widespread concern among ordinary soldiers that they, too, were involved in "a criminal conspiracy to wage aggressive war" and that they were doing so in a highly criminal fashion. At the conclusion of the Winter Soldier Investigation, Sergeant Don Duncan summed up the testimony of the preceding three days:

"We find that in 1963 we were displacing population, we were murdering prisoners, we were turning prisoners over to somebody else to be tortured. We were committing murder then, and in 1970 we find that nothing has changed. Every law of land warfare has been violated. It has been done systematically, deliberately and continuously. It has been done with the full knowledge of those who, in fact, make policy for this country. No active step has ever been taken to curtail those acts in Vietnam. . . . Our country has set out very systematically to kill whatever number of people is necessary in Vietnam to stop them from resisting whatever it is we are trying to impose on that country. . . . Any time you engage in the systematic destruction of a people, that is genocide."

"We have smashed the country to bits, and will not even take the trouble to clean up the blood and rubble."

The obvious reference is to the Nuremberg Tribunal and the principles on which it was based: "It is difficult not to reach a harsh verdict," concluded Telford Taylor, who served as chief U.S. prosecutor at Nuremberg. "How could it ever have been thought that air strikes, free-fire zones and a mass uprooting and removal of the rural population were the way to win 'the allegiance of the South Vietnamese'? By what mad cerebrations could a ratio of 28 to 1 between our investments in bombing, and in relief for those we had wounded and made homeless, have been contemplated, let alone adopted as the operational pattern?

". . . And so it has come to this: that the anti-aggression spirit of Nuremberg and the United Nations Charter is invoked to justify our venture in Vietnam, where we have smashed the country to bits, and will not even take the trouble to clean up the blood and rubble. . . . Somehow we failed ourselves to learn the lessons we undertook to teach at Nuremberg; and that failure is today's American tragedy."

Law of the jungle

Over a quarter-century later, the tragedy evoked by Telford Taylor remains unresolved and largely ignored, due in part to a successful project of historical revision by a variety of interests (see "The Propaganda War", p. 11). That success is clearly based on the enormous power of the United States, including its influence over mass media at home and abroad.

Many of those in the current U.S. government, including the secretaries of defense (war) and foreign policy, were deeply involved in the prosecution of the Vietnam War. But their actions have never been reviewed by anything like the Nuremberg Tribunal because the United States has yet to be occupied and subjugated as were Germany and Japan in World War II.

Nor is that likely to occur within the foreseeable future. There is no international government or agency with the power and authority to compel a thorough judicial review of the Vietnam War.

The United Nations is certainly not capable of performing that function. Although the U.N. Charter is routinely invoked both to condemn and to justify acts of war, the organization is ill-equipped to resolve such matters when the perceived interests of powerful nations are at stake. This problem was evident from the outset, as the *Manchester Guardian* observed in a prophetic editorial dated 27 June 1945:

"The Charter clearly reveals a conflict between the idea of a new and enlarged Concert of Great Powers and the principle of collective security. . . . It was an unequal contest because the Great Powers made it plain, when in danger of being outvoted, that it was a choice between a world organisation on their conditions or no organisation at all.

"The result can be seen in the complete dominance of the Security Council over the Assembly, and still more in the right of veto given to the five Great Powers, which places them above the law and removes them from any fear of action or even inquiry by the United Nations. . . . In other words, the principle of collective security applies to the Small Powers and not to the Great. This is an injustice which may rise to vex the United Nations in its later career."

There are still five permanent members of the Security Council with the right of veto. But,

especially since the end of the Cold War, one of them is clearly dominant— the one responsible for the Vietnam War. This largely explains why the United Nations never took any action to end that war* or the genocide of Cambodians which followed, why the perpetrators of that genocide were subsequently allowed to represent the surviving population in the U.N., why the United States and its allies could conduct a punishing economic war against Cambodia and Vietnam for nearly two decades with impunity, why there has never been any serious effort to rectify or even document the ecocide that was committed throughout Indochina, etc., etc.

In short, where the national interests of the United States are involved, the law of the jungle applies. That was evident throughout the Vietnam War, and it was evident in the reaction to the 1986 ruling by the World Court that the U.S. was guilty of unlawful aggression against Nicaragua and must pay substantial damages: The Reagan administration of that time simply ignored the ruling, and announced that the United States no longer recognized the jurisdiction of the court which it had been instrumental in establishing some twenty years before.

The same attitude is reflected in the refusal of the current government to acknowledge the recently established International Criminal Court, and to undermine it by pressuring other nations to do likewise in cases involving citizens of the United States.

The United States' disregard for international law has also been evident in its most recent wars of aggression, those against Yugoslavia, Afghanistan and Iraq. The first was said to be a "humanitarian intervention" in a bloody civil conflict to which the U.S. and its allies had themselves contributed. The second was openly described as a reprisal (forbidden under international law) for two brief terror attacks carried out by forces previously armed and financed by the United States. The third was supposed to prevent an attack by weapons of mass destruction yet to be found but presumed to be included in the arsenal and plans of a vicious dictator long supported by the U.S. and its allies.

None of these wars was authorized by the Security Council, as required by the U.N. Charter. But all have been legitimated after the fact by various decisions of the Council. For example, it placed its stamp of approval on a clearly biased tribunal on crimes allegedly committed during the civil conflict in Yugoslavia, and has consented to U.S. occupation of Iraq following the recent invasion of that country.

War and the environment

"You cannot imagine the threats and pressures that the United States is exerting in order to get votes in the U.N. and other bodies," says Thomas Hammarberg, a former U.N. official and currently head of the Olof Palme International Center in Stockholm. "The United States does not tolerate even respectful criticism. All it took was a nod to [Secretary-General] Kofi Annan, and Mary Robinson was no longer suitable as Human Rights Commissioner."

More recently, the United States blocked the appointment of Pierre Schori, Sweden's ambassador to the United Nations, to the post of U.N. representative in Kosovo— apparently due to his criticism of the war against Iraq and, before that, of the Vietnam War and U.S. policy in Latin America.

According to a British report dated 26 April 2002, "This week saw Brazilian José Bustani, head of the Organisation for the Prevention of Chemical Weapons (OPCW), voted out of office after severe bullying from the US. A similar fate awaited the Chair of the Intergovernmental Panel on Climate Change (IPCC), Robert Watson. . . . The ousting, orchestrated by [the Bush government] and the Esso oil company, followed a recent IPCC report which contained stark warnings about human interference with the climate."

*Some efforts were made within the U.N., particularly by Secretary-General U Thant, to bring about negotiations. But for a variety of reasons, those efforts proved unsuccessful. U Thant also sought to arouse public opinion by openly criticizing U.S. policy, for example with a thinly veiled reference to the failure of U.N. members to observe the "fundamental injunction to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state", and by asserting that the Vietnamese were fighting "to win their national independence and establish their national identity". The war would not be ended, he said, "until the United States and her allies recognize that it is being fought by the Vietnamese, not as a war of Communist aggression, but as a war of national independence".

This general tendency was very apparent in efforts by the United States to gain prior approval for its most recent war against Iraq: "The U.S. has put enormous pressure on the countries of the General Assembly and all the countries of the Security Council", according to a U.S. expert on the workings of the U.N.

That pressure extended even to the display of awkward images: When Colin Powell marched to the Security Council in order to present the U.S. case for invading Iraq— based on evidence which was hardly credible even then, and subsequently shown to be false— the anti-war painting of Pablo Picasso, "Guernica", was discreetly covered over and obscured with flags so as not to offend the visiting warrior or provide a grimly ironic photo opportunity.

In the same manner, the United States has consistently opposed any serious effort to deal with the effects of warfare on the environment, starting with the first opportunity to discuss the issue in a major international forum— the 1972 U.N. Conference on the Human Environment. At U.S. insistence, the military destruction of the environment was not included on the conference agenda. Nonetheless, Prime Minister Olof Palme of the host country emphasized the importance of the issue in his opening address:

"The immense destruction brought about by indiscriminate bombing, by large-scale use of bulldozers and herbicides, is an outrage sometimes described as ecocide, which requires urgent international attention. It is shocking that only preliminary discussions of this matter have been possible so far in the United Nations and at the conferences of the International Committee of the Red Cross, where it has been taken up by my country and others. We fear that the active use of these methods is coupled by a passive resistance to discuss them."

The issue was also taken up by some of the delegates to the conference, much to the displeasure of the U.S. and its allies. Since then, however, little has been done to disturb the not-so-passive resistance to discussion of the issue. Palme was assassinated in 1986, and no other international figure of any stature has chosen to pursue the matter.

At the 1992 U.N. Conference on the Environment and Development in Rio de Janeiro, the United States again insisted that the issue of military damage to the environment be kept off the agenda. "A leaked memo from the U.S. delegation was circulated and reworded as the 'United States' ten commandments', one of which was 'thou shalt not mention the military'." It was the same again at the follow-up conference in Johannesburg in 2002.

> "The prominent role of the United States throughout international society gives its conduct a particular influence in shaping patterns of diplomatic practice. There are other prominent states, of course. . . but it is the United States that has made the most frequent sustained uses of its military power in recent decades. . . .
>
> "It is the principal states that establish the patterns that dominate international society, and it is their acceptance or rejection of legal restraint and of the entire habit of law that shapes the system of order that prevails at any given time."
>
> *— Prof. Richard Falk, 1969*

Damages and compensation

All of this suggests that the countries of Indochina are never likely to find much comfort in the basic principle of just war theory which calls for the payment of damages and other compensation to nations and individuals that are victims of unjust wars.

There is little doubt that, if the issue were ever to be properly adjudicated, damages would be awarded and the amount would be astronomical. By way of comparison, it may be noted that the estimated damages from the terror attack in New York on 11 September 2001 amounted to US $65 billion. That was for one building complex destroyed by the explosive power of less than one B-52 bombload, in an attack lasting about twenty minutes. Extrapolating to the level of destruction outlined above over a thirty-year period, the resulting figure would most likely exceed the financial resources even of the United States. Another point of comparison is that it took just two months to estimate the cost of the destruction in New York.

There has never been any discussion of reparations for the American War against Vietnam, however. In the 1973 peace agreement which led

to the withdrawal of U.S. military forces, Vietnam renounced any right to claim damages. But that was clearly a concession made under duress—i.e. thirty years of war and the threat of more—and it is a basic principle of law that such an agreement may be subject to renegotiation.

No formal request or claim for damages has yet been made by Vietnam. But government officials have expressed mounting impatience with what is perceived as the failure of the United States to honor its moral obligations. Among those who have taken up the question is Vice-President Nguyen Thi Binh, one of the chief negotiators of the 1973 peace agreement.

In a message to the Environmental Conference on Cambodia, Laos and Vietnam, she expressed her "hope that the conference will increase awareness among the people of the United States regarding the severe consequences remaining from the American War in Vietnam, and help persuade the U.S. government to recognize its liability and its responsibility to assist in the alleviation of those consequences. The war ended more than a quarter-century ago, but its deadly aftermath for the people and the environment of Vietnam linger on, with no end in sight. . . .

"Many of our people have died in sorrow. Many innocent children born after the war also suffer from the indirect effects of dioxin, their bodies afflicted by malformations and incurable diseases. . . . The resources thus far available have not been adequate to the great needs of the victims. We need more assistance from our friends around the world, especially in the United States."

Those sentiments have been echoed by Vietnam's Foreign Ministry, which has stated that, "The United States should take its spiritual and moral responsibility to practically contribute to settling war legacies. . . . We hold that anyone with conscience would support our point that while promoting scientific studies, it is necessary at the same time to carry out relief activities to overcome the consequences for victims."

Thus far, however, the only post-war compensation to have been paid is that extracted by the United States from the Vietnamese for costs of the war waged against them (see "Reverse reparations", p. 44).

Nearly a half century before that obligation was imposed as a price for lifting the U.S. embargo, Secretary of State Cordell Hull explained that the United Nations was being established in order to create "a system of international relations based on rules of morality, law and justice, as distinguished from the anarchy of unbridled and discordant nationalism".

ETHICAL ISSUES

"You know what? Most Americans out here are too blind stupid to see it, but all Vietnamese have written invisibly on their chests, 'I am a Vietnamese. I am a human being. Please treat me as such'."

— U.S. Army technician, 1967

THE RIGHT OF HUMAN BEINGS to be treated as such is a fundamental principle of most ethical systems. U.S. President George W. Bush, for example, has expressed the belief that every individual on earth is "to be treated with dignity. This is a universal call. It's the call of all religions, that each person must be free and treated with respect."

Similar notions form the basis of two famous documents cited in the opening lines of Vietnam's Declaration of Independence, proclaimed in Hanoi by Ho Chi Minh on 2 September 1945:

> "All men are created equal. They are endowed by their Creator with certain inalienable rights; among these are Life, Liberty and the pursuit of Happiness."
>
> This immortal statement was made in the Declaration of Independence of the United States of America in 1776. In a broader sense, this means: All the peoples of the earth are equal from birth, all the peoples have a right to live, to be happy and free.
>
> The Declaration of the French Revolution made in 1791 on the Rights of Man and the citizen also states: "All men are born free and with equal rights, and must always remain free and have equal rights."
>
> These are undeniable truths.

For the reasons noted in the preceding pages, however, it is apparent that the Vietnam War represents a massive violation of those principles. Nor is there any doubt as to where the primary responsibility lies: While it is perhaps conceivable— although highly improbable— that the peoples of Indochina might have arranged a similar level of death, misery and destruction for themselves, the modern history of the region has in fact been dominated by foreign powers, most notably France and the United States.

As its own official history documents, the United States was entirely responsible for the American War, and shared a major portion of responsibility for the French War that preceded it (see Appendix B). One of the conclusions drawn by Daniel Ellsberg from his reading of *The Pentagon Papers*, was that: "Since at least the late 1940s, there had probably never been a year when political violence in Vietnam would have reached or stayed at the scale of a 'war', had not the U.S. President, Congress and citizens fueled it with money, weapons and, ultimately, manpower— first through the French, then funneled to wholly-owned client regimes, and at last directly. Indeed, there would have been no war after 1954 if the United States and its Vietnamese collaborators, wholly financed by the United States, had not been determined to overturn the process of political resolution negotiated at Geneva."

The result was a war of liberation which, except for the brief interlude of the 1954 peace agreement, dragged on for thirty years. This was followed by nearly two decades of economic aggression and support for the genocidal Khmer Rouge by the United States and its allies, among other things. It is doubtful that any other region of the world has been subjected to such concentrated abuse for such a lengthy period for such indefensible reasons.

This sequence of events reflects several problems which are, if anything, even more urgent today. They include the abuse of great

military and economic power, the response of the world community, the slow pace of reconciliation, and the need for a long-overdue reconstruction effort of major proportions.

Facing up to reality

Serious questions about the morality and broader implications of the war were raised early on by many U.S. citizens, including Senator Wayne Morse who in 1964 said: "I don't know why we think, just because we're mighty, that we have the right to try to substitute might for right. And that's the American policy in Southeast Asia— just as unsound when we do it as when Russia does it. . . . We're going to become guilty, in my judgement, of being the greatest threat to the peace of the world. It's an ugly reality, and we Americans don't like to face up to it."

Three years later, Rev. Martin Luther King observed that, "If America's soul becomes totally poisoned, part of the autopsy must read 'Vietnam'. It can never be saved so long as it destroys the deepest hopes of men the world over. . . . The world now demands a maturity of America that we may not be able to achieve. It demands that we admit that we have been wrong from the beginning of our adventure in Vietnam, that we have been detrimental to the life of the Vietnamese people."

As previously noted (see "The Propaganda War", p. 11), it would appear that neither the government of the United States nor a majority of its citizens has yet attained the level of maturity that Rev. King invoked a quarter-century ago. If and when they do, it will be necessary to confront the well-documented history of the war and to reject the mythology that has been devised to obscure and distort that history.

One of the most prevalent myths is that the war was equally destructive for both sides. This notion was expressed, for example, by Jimmy Carter when he in 1977 rejected any suggestion of reparations or humanitarian assistance to Vietnam. "The destruction was mutual," explained the U.S. president who was subsequently awarded the Nobel Peace Prize.

Of course, this begs the questions of responsibility and proportionality. The primary responsibility for the war has already been established. For a brief comparison of its relative consequences, see pp. 42-47.

Accepting responsibility for the war and its vastly disproportionate effects would presumably make it easier to move beyond stereotypes, labels and enemy images in order to acknowledge the humanity of the principal victims. At present, it is often difficult to detect in U.S. attitudes toward Vietnam any trace of the dignity and respect to which— according to President Bush— all human beings are entitled.

A fairly typical example is provided by a television program in which a NASA scientist recalls the jubilation that greeted the first successful images transmitted from the planet Mercury, revealing a surface almost completely covered with craters. "It excited all these military men around," relates the mild-mannered scientist with evident delight. "They said, 'Isn't it beautiful! It's just like a B-52 drop in 'Nam'!" It may be assumed that the impression of beauty and the scientist's delight would have been far less if such an image could be related to the landscape of the United States.

On seeing the craters of Mercury: "They said, 'Isn't it beautiful! It's just like a B-52 drop in 'Nam'!"

Another scene, this one from a documentary which followed several U.S. veterans as they returned to the haunts of their combat in Vietnam: "It is very strange," remarks a Norwegian observer, having noted their apparent lack of interest in the fighting's impact on the local populace. "Of course, it is understandable that the attention of the Americans is focused on Dave, George, Douglas and the others who died here. But when you think about what happened to the village that was here, with several thousand inhabitants, schools and homes. . . . A few Americans were killed, but an entire village was wiped out."

Some lives are worth much more than others, it would appear. That principle was reflected in the words of President Bill Clinton on May 28, 1996, when he approved legislation granting certain benefits for U.S. veterans: "This is an important day for the United States to take further steps to ease the suffering our nation unintentionally caused its own sons and daughters by exposing them to Agent Orange in Vietnam.

(continued on page 43)

The Dimensions of Equivalence

It is often stated or suggested that the Vietnam War was equally traumatic for both sides. The following comparison indicates something quite different. With regard to Indochina, only data for Vietnam are presented; the disparity would be much greater if Laos and Cambodia were also included. The figures have been rounded off, and adjusted for differences in land area and population size. The area of the United States is about 28 times greater than that of Vietnam (applies to mines, bombs, etc.); and the U.S. population was about five times greater at the time of the war (casualties, public health, etc.). The absolute figures shown for Vietnam, most of them estimates due to incomplete data, are shown in parentheses.

	Vietnam	United States
Colonialism		
Supported foreign power in attempt to reassert colonial rule	No	Yes
Democracy & Human Rights		
Forced artificial north-south division of other country	No	Yes
Sabotaged agreed-upon national elections for reunification	No	Yes
Installed client regime representing ca. 10% of other country's population	No	Yes
Continued to shore up regime despite widespread abuses of human rights	No	Yes
Military Aggression		
Invading troops	12,500,000 (2,500,000)	– 0 –
Bombs (metric tons)	430 million tons* (15.35 million)	– 0 –
Land mines remaining after war	98,000,000 (3,500,000)	– 0 –
Bomb craters in landscape	644,000,000 (23,000,000)	– 0 –
War Dead		
During war	17,500,000 (3,500,000)	58,000
Since 1975	200,000 (40,000)	– 0 –

*Equivalent to more than twice the total amount of explosives used all over the world by all parties during World War II.

For over two decades Vietnam veterans made the case that exposure to Agent Orange was injuring and killing them long before they left the field of battle, even damaging their children."

That was undoubtedly good news for the 2000 or so affected GIs and their families. But for the hundreds of thousands of Vietnamese and Laotians who were and continue to be exposed to the toxins in Agent Orange, there was neither a penny nor a single word.

According to Frances Fitzgerald, the U.S. author whose *Fire in the Lake* is a standard work on the historical and cultural context of the war, "What happens in this country is that we become so focused on our own problems [that] we've really never seen it from the Vietnamese point of view. . . . Vietnam means a war to many people, not a country."

This echoes the judgement of the U.S. intelligence officer who witnessed the prelude to the thirty-year war: "At no time did the United States attempt to understand or win the friendship of the Vietnamese people." (See Appendix A.)

In addition to widespread indifference and lack of understanding, there is also a considerable amount of anger and hatred lingering among those segments of the U.S. population that have not yet come to terms with the humiliation of defeat (see "The Propaganda War", p. 11).

As noted below, more positive attitudes also exist. But the general climate of opinion is such

THE DIMENSIONS OF EQUIVALENCE (cont.)

	VIETNAM	UNITED STATES
WOUNDED		
During war	70,000,000 (14,000,000)	304,000
Since war's end (1975)	620,000 (124,000)	– 0 –
ENVIRONMENTAL DESTRUCTION		
Extensive poisoning of food supply	Yes	No
Defoliated forests & farmland (ha = hectare = 2.47 acres)	56,000,000 ha (2,000,000 ha)	– 0 –
Herbicides, arsenic and other toxic chemicals sprayed on landscape	2.24 trillion litres (80 million litres)	– 0 –
SOCIAL & PSYCHOLOGICAL DISRUPTION		
Internal refugees	35,000,000 (7,000,000)	– 0 –
Destruction of towns and villages	10,000s	– 0 –
Mental illness, family disruption, etc.	10,000,000s	1000s
Missing in action	1,500,000 (300,000)	2,000
CONTINUED AGGRESSION AFTER WAR		
Trade embargo, etc.	No	Yes
Diplomatic isolation	No	Yes
World-wide propaganda campaign	No	Yes

that it is likely to be a very long time before the United States accepts its responsibility and heeds the moral imperative of Rev. King: "We must make what reparations we can for the damage we have done." That was said in 1967—with eight more years and the worst destruction of the American War yet to come.

Reverse reparations

The prevailing climate is reflected in the continuing policies of the U.S. government. Most importantly, there has never been any serious discussion of a major reconstruction effort to repair at least some of the war's massive impact on the environment, infrastructure and public health. On those rare occasions when the issue is raised, it tends to be abruptly dismissed as in the case of President Carter (see p. 41).

Not even the modest amount of post-war aid promised by President Nixon has been granted. That commitment, an implicit acknowledgement of U.S. responsibility, was made in a 1973 letter from Nixon to Vietnam's President Pham Van Dong which included the following points:

- The U.S. government would contribute to the post-war reconstruction of Vietnam "without any political conditions".
- More than $4 billion (in 1973 dollars) would be granted over a five-year period for reconstruction.
- The U.S. contributions were to be based on such factors as "needs arising from the dislocation of war" and "the requirements for post-war reconstruction in the agricultural and industrial sectors".
- "The United States feels that the implementation of the foregoing principles will prompt economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam, and will contribute to ensuring a stable and lasting peace in Indochina."

Vietnam never saw a penny of those promised billions. Instead of the "stable and lasting peace" invoked by Nixon, Indochina has been further afflicted with extremely harmful economic embargoes, a persistent legacy of impaired ecosystems and public health, the Khmer Rouge reign of terror, and more.

In the end, Vietnam was forced to pay reparations to the United States. . . . The threat of continued poverty and isolation was used to pressure Vietnam into paying for the war of aggression that had been waged against it.

In the end, it was Vietnam that was forced to pay reparations to the United States. As a condition for the lifting of the U.S. embargo and greater access to the global economy, Vietnam agreed in 1993 to assume responsibility for debts owed to the United States by its defunct client regime in Saigon. In effect, the threat of continued poverty and isolation was used to pressure Vietnam into paying for the war of aggression that had been waged against it. This turn of events is the work of the vengeful forces in the United States referred to above which, thus far, have had a much greater influence on U.S. policy than the forces of peace and reconciliation.

Since the end of the Cold War, however, there has been some halting progress toward normalization of relations. A key figure in that process has been Douglas "Pete" Peterson, a former U.S. Air Force pilot who during the war had been shot down and incarcerated in the prison known as the "Hanoi Hilton". He returned to Hanoi in 1997 and served until 2001 as the Clinton administration's ambassador to Vietnam, the first from the United States since the end of the war. "It took more than twenty years for the United States to actively begin reconciliation with Vietnam," he has said. "That was far too long." Peterson's evident lack of bitterness over his unpleasant stay in the Hanoi Hilton and his persistent efforts to improve relations between the former enemies have been much appreciated, both in Vietnam and among some elements of the U.S. population.

Among other things, Amb. Peterson guided the most economically significant step toward normalization to date, the bilateral trade agreement that went into effect in year 2000. Of course, that agreement is motivated primarily by commercial interests, and is subject to arbitrary revision— as demonstrated by the barriers since raised against imports of Vietnamese catfish (see p. 11).

Since diplomatic relations were established in 1997, direct aid amounting to some $10 million

has been allocated by the U.S. Agency for International Development to programs in support of Vietnamese war victims, displaced children and orphans. But as one observer has pointed out, "The amount of assistance is still pitifully small compared to the scope of the problems or even to the size of Vietnam's $12 million yearly payments" for the reverse reparations noted above. Both figures are dwarfed by the hundreds of millions already spent on the continuing search for the remains of U.S. soldiers in Vietnam (see "Deadly Ghosts of the Vietnam War", p. 14).

In the meantime

Clearly, there are powerful psychological and political forces in the United States which have impeded the long-overdue reconstruction of Indochina, and are likely to do so for the foreseeable future. Such forces are hardly unique to the United States, as a Vietnamese official pointed out in 2002, "It takes time to develop a conscience. It is only now that Japan is apologizing to Korea for what it did all those years ago in the Second World War."

Until such time as the United States can bring itself to accept its responsibility, it would be appropriate for other nations — less tormented by the humiliation of defeat and the demons it arouses — to compensate for the lack of action. This applies especially to the developed countries of the West, most of which actively or passively supported the American War. Among the allies that supplied troops were Canada, Australia and New Zealand.

Others did little or nothing to shorten the war, and nearly the entire developed world supported the punishing embargoes instigated by the United States against Vietnam and Cambodia. The same general pattern of complicity was followed when the U.S., England and China chose to support the Khmer Rouge, despite full knowledge of that movement's genocidal activities.

Thus, the community of nations— especially those allied with the United States— has a lot to answer for. "I always thought that our allies and other countries were derelict with their silence," Daniel Ellsberg has said. "Sweden was the one honorable exception."

Sweden announced plans for its aid program while the war was still raging. Over the past thirty years, it has contributed a total of $2 billion to a variety of projects which include a children's hospital and a large paper manufacturing plant. That amount is small compared with the need; but Sweden is a small country.

If all thirty countries in the Organization for Economic Cooperation and Development had provided the same level of assistance during the same period, total contributions would have amounted to roughly $250 billion. That would have made a big difference— even though no amount of money could possibly compensate for the physical destruction, economic damage and human suffering caused by nearly three decades of intensive warfare and nearly two decades of economic aggression.

> "The issue of personal conscience is raised for everyone in the United States. . . . The issue of responsibility is raised for all citizens who in various ways endorse the war policies of the government. The circle of responsibility is drawn around all who have or should have knowledge of the illegal and immoral character of the war. . . .
>
> "And the circle of responsibility does not end at the border. Foreign governments and their populations are pledged by the Charter of the United Nations to oppose aggression and to take steps to punish war crimes. . . . The conscience of the entire world is implicated by *inaction*, as well as by more explicit forms of support for U.S. policy."
>
> *— Prof. Richard Falk*

Since the end of the Cold War and the embargo, other countries have begun to make significant contributions. Japan, now the largest bilateral donor, has for many years provided aid and credits amounting to $800-900 million annually. Most of that support has been for infrastructure, including renovation of the hospital at Bach Mai that was severely damaged by the infamous "Christmas bombings" in December of 1972.

Non-governmental support

For many years during and following the war, individuals and non-governmental organizations (NGOs) comprised the main source of assistance from the Western world. This includes the estimated 10-15 percent of U.S. soldiers who actively opposed the war while it was still in progress; many of them have been working ever since to heal the wounds it left on both sides.

Vietnam Veterans against the War was founded 1967 and has since developed into a nationwide organization which, among other things, seeks to spread knowledge of "the ugly truth about U.S. involvement in Southeast Asia". It also conducts projects of support and reconciliation in Vietnam.

Vietnam Veterans of America Foundation has been working in Vietnam since 1995, primarily on the rehabilitation of disabled children with prosthetics and other devices. The Vietnam Veterans Memorial Fund (VVMF) is co-operating in the development of a comprehensive management approach to the continuing plague of landmines and other unexploded ordnance left over from the war. VVMF has also donated two public libraries to communities in Quang Tri Province that had been without such facilities since the end of the war.

Vietnam Assistance to the Handicapped is an NGO started by a former soldier in the South Vietnamese army, now a U.S. citizen. It has distributed hundreds of wheelchairs to disabled Vietnamese, and has also provided prosthetic devices to amputees.

American Friends Service Committee, a Quaker relief organization, has a long history of involvement in Vietnam, assisting both sides during and after the war on an impartial, humanitarian basis. Among other things, the AFSC defied the wartime U.S. blockade by delivering a shipload of medical supplies and other aid to the North. The Mennonite Central Committee has also been very active during and after the war. Oxfam America, chief sponsor of the Environmental Conference on Cambodia, Laos and Vietnam, operates programs throughout Indochina.

With financial support from Quakers in Madison, Wisconsin, a U.S. veteran named Mike Boehm has created a Vietnamese-American Friendship Park at Bac Giang, north of Hanoi, and another near the site of the My Lai massacre. He has also raised funds to improve schools near My Lai and launch a micro-credit program for impoverished women in My Lai. Another U.S. veteran, Steve Sherlock, has single-handedly started a small NGO called Aid to Southeast Asia which has sent entire shipping containers of hospital equipment and medical supplies to Vietnam. Steve runs the organization almost single-handedly and has hardly any overhead, so all donations go directly to the Vietnamese.

Friendship Village is a community and treatment center for children and veterans suffering from illnesses known or believed to be related to Agent Orange (AO). The project was founded by U.S. veteran George Mizo, who died of AO-related disease in 2002. The project is currently supported by solidarity committees in the U.S., Canada, Germany, France, Japan and Australia, as well as the Veterans Association of Vietnam.

Judith Ladinsky, Chair of the U.S. Committee for Scientific Cooperation with Vietnam, has for many years helped Vietnamese students to learn English and to study in the United States. Ms. Ladinksy took over the chairmanship after her predecessor, Ed Cooperman, was murdered for his efforts to promote friendship with and assistance to Vietnam. In 1995, Peace Trees Vietnam launched the first-ever NGO project to assist in the clearance of UXO, This initiative of Danaan Parry and Jerilyn Brusseau opened the door for expanded international co-operation.

American Friends Service Committee, a Quaker relief organization, has a long history of involvement in Vietnam, assisting both sides during and after the war on an impartial, humanitarian basis.

These are a few of the many programs and initiatives with U.S. origins. There are many from other parts of the world, as well. Among the organizations currently active in Indochina are Save the Children and Red Cross societies from several countries, Australian Volunteers International, Australian Veterans Vietnam Reconstruction Group, Care International, Catholic Relief Services, Friedrich-Ebert-Stiftung, Japan International Volunteer Service, Médecins du Monde, Nordic Assistance to Vietnam, SNV Netherlands Development Organization and WWF, Worldwide Fund for Nature.

Over 200 international NGOs are currently represented in Vietnam, and many of them are also active in Cambodia and Laos. A complete list is available from the NGO Resource Centre in Hanoi (see Notes).

Peanuts for bomblets

Despite the many and varied efforts to deal with the consequences of the war, the need for assistance in all three countries of Indochina far exceeds the available resources. Officials of the Laos Mines Advisory Group, for example, noted in year 2000 that "the U.S. military procured 295 million of the most common type of bomblet, and 30 percent of them were dropped over Vietnam and Laos. We estimate a failure rate of about ten percent, which means that about nine million were left behind, unexploded. During four years in Laos, we have managed to clean up 80,000— a drop in the bucket."

During the Clinton administration in the 1990s, the U.S. government finally began to support UXO clearance in Laos with an estimated $8 million annually. This may be compared with the amount spent on bombing that country— up to $2 million per day— and the $55 million spent annually on the quest for the remains of M.I.A.s.

Says John DeVine of the Mines Advisory Group: "They've given us peanuts. Less than peanuts. Not even the skin of a peanut."

Until very recently, nothing at all had been done about the problem of Agent Orange and dioxin contamination. While links between dioxin and a number of serious medical conditions have been officially acknowledged, and some compensation has been awarded to affected U.S. veterans, the government continues to maintain that more research is needed before there can be any discussion of compensation for the vastly greater number of victims in Laos and Vietnam.

It was not until a slight improvement in relations during the Clinton administration that the United States began discussing with Vietnam the possibility of joint research on Agent Orange and related issues. This led to a bilateral conference in March of 2002 on a limited agenda that was largely determined by the United States. It was undeniably a step forward, but by all accounts a very small and tentative one. Whether this slight momentum will continue to grow in the post-Clinton era remains to be seen.

An official of Vietnam's foreign ministry has stated that Agent Orange remains "a pressing humanitarian issue. The United States should take its spiritual and moral responsibility to make a practical contribution to settling war legacies, including those caused by the Agent Orange/dioxin. We hold that anyone with conscience would support our point of view that, while promoting scientific studies, it is necessary at the same time to carry out relief activities to overcome the consequences for victims."

Adds Mme. Nguyen Thi Binh, former vice-president of Vietnam and current head of the Agent Orange Victims Fund: "We put this issue directly on the table with the U.S. So far, they have not dealt with the problem. If our relationship is ever to be normal, the U.S. must accept its responsibility."

Apart from such obvious considerations, however, very few obstacles have been placed in the path of reconciliation, should the United States as a whole ever choose to follow it.

Tradition of forgiveness

Throughout their 2000-year history, the people of Vietnam have had many occasions to deal with invaders, and they have developed a fairly unique habit of forgiveness that is expressed in the ancient proverb, "Do not hack at the heels of the enemy when he flees. Let him slip away if he promises to cease warring against you. Strew roses in his path— without thorns."

Such an attitude is consistent with the deeply-held Buddhist beliefs shared by the vast majority of the population, including the notion that suffering experienced in this life is the consequence of bad *karma* accumulated in previous existences.

U.S. veterans who return to the scenes of their war-making in Vietnam are often astonished and deeply moved by the open friendliness with which their former targets greet them. In part, this is due to a consistent indoctrination which has made a distinction between the common people and soldiers of the United States and their leaders.

U.S. author Frances Fitzgerald experienced the results of that policy during a visit to Hanoi while the war was still in progress: "The government made a real point of saying, 'We are not

fighting the people of the United States. We are fighting the U.S. government and its policy.' I found no antagonism when walking around alone, even at that time."

Of course, the Vietnamese can also be more typically human; anger and bitterness are not unknown. But such feelings are normally suppressed, and visitors accustomed to more demonstrative styles of behavior are frequently misled by the deeply-ingrained cultural norm of stoic acceptance: The fact that the Vietnamese are not in the habit of displaying their emotions does not mean that they have none.

A Danish anthropologist who has lived among rural villagers in the post-war North has explained the fundamental values that govern relations with visitors, even former enemies: "In striving to show respect for guests of their nation, while at the same time maintaining their personal honor, many northern Vietnamese avoid confronting visitors from the West with the devastation to which their country has been subjected by foreigners throughout history."

But the devastation has inevitably left scars. As Frances Fitzgerald has observed, the American War "created an incredible amount of suffering for millions of people. . . . The wounded are still walking around in Vietnam. The landscape doesn't show it, but the older people certainly remember it, and certainly remember who they lost."

A fairly common experience is that of a woman who had said goodbye at the railway station to her male schoolmates as they went off to war, most of them never to return: "It was ten years before I could hear a train whistle without breaking into tears," she relates.

Novelist Bao Ninh, whose grimly realistic *Sorrows of War* aroused the displeasure of government officials when it was published in 1991, was one of the ten in his division of 1200 men who survived the war. Of those ten, five died before reaching age fifty, from illnesses that could not be diagnosed.

> "I want to make it clear that the American people are our friends. Only the American military is our enemy. They never showed the slightest consideration for human beings, life or property. They tried to bomb, kill and destroy everything. It is a joke to say they were concerned. They treated the entire environment with contempt."
>
> — *General Vo Nguyen Giap*

"I feel great respect for the deep mourning that the American people have shown for their 50,000 dead. It is a sign of great humanism," says Bao Ninh. "But we lost a hundred times more in the war, possibly as many as five million. The mountains, beaches and rivers were filled with the dead. But when the war was over, the country was so poor and life was so hard that we who survived never had time to mourn." Nevertheless: "Anyone who thinks that we hate Americans knows nothing about the Vietnamese people."

In addition to this general attitude of forgiveness, there are also significant practical considerations. Ho Chi Minh and his successors never abandoned the hope of one day establishing good relations with the United States, which they preferred to regard as a potential counterweight to the great regional power of China, the traditional enemy on the northern border. The ambition to modernize and participate fully in a global economy that is dominated by the United States provides another strong incentive to make peace with the former aggressor.

Tradition of revenge

For the reasons previously noted, however, neither the majority of the U.S. population nor its government has yet to display a similar willingness. There are exceptions, of course, such as the veterans' groups noted above (see "Non-governmental support", p. 46). But the two largest veterans' organizations have maintained a persistent hostility toward Vietnam, based partly on the spurious M.I.A. issue, and there are ongoing efforts by politicians of every stripe and station to fan the flames of hatred.

In early 2003, for example, the Virginia state legislature passed a law forbidding public schools from displaying the official flag of Vietnam, encouraging them to substitute it with the flag of the defunct U.S. client regime in southern Vietnam.

Democratic legislator Bob Hull explained the purpose of the law: "Unlike any other communist country that still exists in the world, 1,309 Virginians died defending this flag that I want to show in the schools and colleges around this commonwealth."

The bill was passed by a bipartisan majority of 68-27 on January 31st, the 35th anniversary of the Tet Offensive of 1968 which marked the beginning of the end for the U.S. military presence in Vietnam. But the new law was soon revoked under pressure from the State Department, which argued that such matters of foreign policy are solely the province of the federal government. In other words, any abuse to be directed at Vietnam must be organized and administered in Washington.

Such abuse is not uncommon. After refusing to join the U.S. "war on terrorism", including the bombing of Afghanistan, the government of Vietnam was subjected to harsh criticism. Speaking to the American Chamber of Commerce in Hanoi in the spring of 2002, an official of the U.S. State Department lumped Vietnam together with "other rogue states" such as Iraq and North Korea, and warned that, "They will live to regret it."

More generally, the U.S. government is in the habit of lecturing Vietnam on matters of democracy and human rights. As explained by one student of the phenomenon, "Washington employs a two-pronged approach: the State Department plays the softer line through yearly human rights dialogues, and the House of Representatives asserts a harsher position through yearly Sense of Congress resolutions aimed at satisfying Viet kieu [Vietnamese exile] constituencies."

To anyone familiar with the history of U.S. behavior in and toward Vietnam during the past half-century, it should come as no surprise that such gestures from Washington are not regarded in Hanoi as very helpful. It is a history that includes massive violations of Vietnamese human rights, the sabotage of scheduled elections, military and economic support to a genocidal movement, and the imposition of a tyrannical regime against the will of the people.

There is nothing unusual about this: The United States' concern for human rights has always been highly selective. Among many other things, it has blocked initiatives in the United Nations to prevent the genocide that took place in Rwanda and Burundi during the 1990s, and supported Indonesia in its occupation of East Timor which resulted in the slaughter of over one-third of that island's population.

As regards democracy, the United States' own version suffers from a number of well-known defects, one of which is reflected in Will Rogers' famous observation that, "We have the best Congress that money can buy." That was in the 1920s; since then, the role of Big Money has become even bigger. The current president received only a minority of the popular vote, and quite possibly a minority of the decisive electoral vote. He owes his occupancy of the White House to a dubious ruling of a Supreme Court dominated by judges appointed by former presidents from his own political party. Etc., etc.

Even if U.S. democracy were a spotless model to be emulated by the rest of the world, it is doubtful that it could be imposed by applying pressure from without. This has been pointed out by Benjamin Barber, an advisor to the Clinton administration: "The notion that any country can democratize any other country leads us to misunderstand the fundamental concept of democracy-building and to misread our own history in Britain or America, where the struggle for democracy was a long, slow and internal— a struggle in which people over centuries seized their own rights. . . . American history from 1776-1789 and through the civil war shows the 200 hundred years it took to achieve an insufficient democracy in the United States. Our leaders would do well to first read our own history prior to talking about having to democratize other people."

Unsolved problems

U.S. leaders might also contemplate the following assessment of *The Pentagon Papers'* political significance: "To the ordinary guy, all this is a bunch of gobbledygook. But out of the gobbledygook comes a very clear thing: You can't trust the government; you can't believe what they say; and you can't rely on their judgement. And the implicit infallibility of presidents, which has been an accepted thing in America, is badly hurt by this, because it shows that people do things the president wants to do even though it's wrong, and the president can be wrong."

The author of that assessment was a White House aide named Donald Rumsfeld, currently head of the U.S. war department, and it is apparent that the problems he identified have not been solved during the intervening thirty years.

(continued on page 51)

The Exploitation of Fear

A former British Minister of Defence has recalled that, "In 1943 Churchill warned the U.S. that with great power comes great responsibility. As the undisputed leader of the liberal democracies, it has to be seen as the upholder of the rule of law."

Since then, the power of the United States has become even greater and, following Churchill's logic, the people of the entire planet are entitled to insist that the superpower deal with the fundamental questions raised by the Vietnam War, in particular: How could such a thing be allowed to happen; and how great is the risk that it could happen again?

One answer to such questions was supplied over a half-century ago by Hermann Goering, head of Nazi Germany's air force:

> Naturally the common people don't want war: Neither in Russia, nor in England, nor for that matter in Germany. That is understood. But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy, or a fascist dictatorship, or a parliament, or a communist dictatorship.
>
> Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked, and denounce the peacemakers for lack of patriotism and exposing the country to danger. It works the same in any country.

This is by no means intended to imply a direct parallel between Nazi Germany and the United States. But Goering's words comprise an unusually candid statement of the warmonger's art— one that remains highly relevant today, as indicated by the following remarks of Senator Robert Byrd concerning the U.S. war against Iraq in the spring of 2003:

"The run-up to our invasion of Iraq featured the president and members of his cabinet invoking every frightening image they could conjure, from mushroom clouds, to buried caches of germ warfare, to drones poised to deliver germ-laden death in our major cities. We were treated to a heavy dose of overstatement concerning Saddam Hussein's direct threat to our freedoms. The tactic was guaranteed to provoke a sure reaction from a nation still suffering from a combination of post-traumatic stress and justifiable anger after the attacks of 9/11. It was the exploitation of fear."

For Daniel Ellsberg, it was all very familiar: "I feel that I'm waking up to the world I left 30 years ago," he confided as the invasion was being planned. "This government, as in the case of Vietnam, is lying us into a war. Like Vietnam, it's a reckless, unnecessary war, where the risks greatly outweigh any possible benefits. . . .

"Does that mean I think these people are insane? No, because something I'm really aware of— from *The Pentagon Papers* and from Vietnam— is that people who are by every standard very intelligent, very patriotic, generally conscientious, even very decent people by nearly every standard, are capable of making decisions that are stupid, reckless, wildly inattentive to the human consequences. It seems almost savage, their willingness to see other humans die in order to keep themselves in office, or to avoid some other kind of humiliation. That's the way humans are, especially humans in power.

"And we, the other humans, the ones who let them get there, we have the human proclivity to let them get away with it, and to go on with it in our name, and to let them support it."

Given the United States' global reach and ambitions, these are issues that concern all the nations of the world. The implications were already apparent at the time of the Vietnam War, as William Shawcross has pointed out in his analysis of Cambodia's fate: "Nixon's view of the world recalls that of the Romans, as Joseph Schumpeter

A related issue has been raised by Daniel Ellsberg: "An entire generation of Vietnam-era insiders had become just as disillusioned as I with a war they saw as hopeless and interminable. . . . By 1968, if not earlier, they all wanted as I did to see us out of this war. Indeed, this poses a question that I have worked at understanding ever since: How could it be, under these circumstances, that after the massive disillusionment of the Tet Offensive in early 1968, the war still had seven years to go?"

Much of the explanation, suggests Ellsberg, is to be found in the aggressive tendencies of the Republican Party and the timid response of the Democratic opposition: "I think that very many Americans have died in the last fifty years, and ten times as many foreigners, essentially because of Democratic fears of being labeled unmanly, weak, insufficiently concerned about the military and so forth."

He also notes that. "Dissenters within the administration behaved badly, too. They understood the war was heading for disaster, and, without exception, including me, did not break ranks.. . . The press accepted the government's view until very late in the game, [to a] large extent until the Pentagon Papers came out."

THE EXPLOITATION OF FEAR (cont.)

described it. 'There was no corner of the known world where some interest was not alleged to be in danger or under actual attack. If the interests were not Roman, they were those of Rome's allies; and if Rome had no allies, the allies would be invented.' This was precisely what happened in Cambodia."

More recently, it has been Afghanistan and Iraq; and former Nixon aide Donald Rumsfeld, current head of the U.S. war department, has declared that 40-50 other nations may have to be dealt with in the same fashion.

Consequently, international opinion surveys indicate that a majority of the world's population now regards the United States as "the greatest threat to the peace of the world", thus fulfilling the prophecy of Senator Wayne Morse nearly four decades ago.

Deeper malady

All of this raises fundamental questions about the duties of citizenship, the moral responsibilities of government insiders, the democratic process, etc., which are far from merely philosophical or abstract. As the Vietnam War has demonstrated, millions of lives and the fates of entire nations depend on how those questions are answered.

Thus far, the answers have clearly been unsatisfactory, as Rev. Martin Luther King once observed:

> The war in Vietnam is but a symptom of a far deeper malady within the American spirit. . . . This business of burning human beings with napalm, of filling our nation's homes with orphans and widows, of injecting poisonous drugs of hate into veins of people normally humane, of sending men home from dark and bloody battlefields physically handicapped and psychologically deranged, cannot be reconciled with wisdom, justice and love. A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death. . . .
>
> We can no longer afford to worship the god of hate or bow before the altar of retaliation. The oceans of history are made turbulent by the ever-rising tides of hate. History is cluttered with the wreckage of nations and individuals that pursued this self-defeating path of hate. . . .
>
> We must find new ways to speak for peace in Vietnam and justice throughout the developing world— a world that borders on our doors. If we do not act, we shall surely be dragged down the long dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.

It is seldom easy or enjoyable to discuss such matters and, as previously explained, there are powerful forces that do not share Rev. King's perspective or concerns. But U.S. Senator Robert Byrd maintains that, "Truth has a way of asserting itself, despite all attempts to obscure it. Distortion only serves to derail it for a time. No matter to what lengths we humans may go to

obfuscate facts or delude our fellows, truth has a way of squeezing out through the cracks, eventually. . . . The danger is that at some point it may no longer matter. The danger is that damage is done before the truth is widely realized. The reality is that, sometimes, it is easier to ignore uncomfortable facts and go along with whatever distortion is currently in vogue."

Common failings

It is, of course, too late to prevent the damage that has been done to Indochina. But the truth remains important for a variety of reasons, including that stated by Santayana: "Those who do not learn from history are doomed to repeat it."

It is also essential to honor the memory of those who died and address the needs of those who survived. To do otherwise is to ignore or deny their human worth— their inalienable rights to life, liberty and the pursuit of happiness.

Further, the truth is an essential prerequisite for reconciliation. To be genuine and lasting, reconciliation cannot be built on denial and distortion, nor on a one-sided process in which the victims' forgiveness is met with continued abuse or neglect.

"We forgive, but we do not forget," is how the Vietnamese often express their basic attitude toward the American War. The world community* can assist in the process of remembering by encouraging the United States to honestly confront the true history and legacy of the war.

This is a matter of universal self-interest: A world in which a domineering superpower is allowed to lay waste an entire region, and then declare all the killing and destruction to be a "noble, selfless enterprise", is obviously a very dangerous place for everyone— including the citizens of the superpower.

A related obligation of the world community is to understand the historical and social context of the societies that have emerged from the legacy of French colonialism and U.S. warfare in Indochina. Much has been made of their communist ideology, authoritarian structures,

* "World community" is a vague concept that has frequently been misused, for example as a cover for aggressive warfare. Here, it refers to all nations, institutions, groups and individuals that are committed to the principles of the U.N. Charter, including respect for human rights, the peaceful settlement of disputes and the right of self-determination.

An Owl Called Its Name in Vietnamese

I looked at Second Harvest, thinking now that I would broach the question that I had longed to ask. "Older Sister," I said, touching her sleeve, "are you a communist?"

"Me?" she said, laughing. She shook her wrists, "No".

"And Senior Uncle?" I asked.

Once again she shook her wrists. "No. Only Uncle Last Gust. None of us you've spent time with here in Ban Long are members of the Communist Party."

A canoe passed, a woman paddling bow, a man in the stern. Between them, on a reed mat on the floor of the canoe, three little boys slept curled around each other like bananas from the same stalk. A cicada buzzed; a tree frog chortled. Somewhere in the distance, an owl called *cu cu*, sounding its name in Vietnamese.

"Don't you understand, Little One?" Second Harvest said, gesturing toward the creek and the house with its ladder of light lying on the freshwater urns under the thatch eves. "This is all we wanted."

— *From,* After Sorrow *by Lady Borton*

Note: "Second Harvest" is the fictional name of a peasant woman who was so effective as a spy for the liberation movement during the American War that there was a price on her head equivalent to 100 times a teacher's annual salary.

human-rights violations and lack of western-style democracy. As indicated above, there is a large measure of hypocrisy in such criticisms, especially when they originate in the West.

In the case of Vietnam, there was virtually no other alternative at hand when the nationalist movement took shape under Ho Chi Minh. An admirer of the American Revolution's ideals, he tried repeatedly to form an alliance with the United States but was ignored. His pleas to western powers to support Vietnam's right of self-determination received the same treatment. Short of paying his dues, it is difficult to imagine what more could have been done to ensure Ho Chi Minh's membership in the Communist Party. The U.S. official who knew him best has stated that, "Ho was forced into dependence upon Peking and Moscow by American opposition or indifference." (See Appendix A.)

As for democracy, human rights and other so-called Western values, it must be remembered that the nations who subjected Vietnam to nearly 150 years of colonial oppression, military assault and economic aggression did so in the name of those values. A degree of scepticism concerning their real worth is therefore to be expected.

In this context, it is particularly important to keep in mind that all human groups and societies tend to become more oppressive and authoritarian when attacked. This is such an established pattern that it may be regarded as a law of human behavior. The United States has recently provided a perfect illustration: Its reaction to the terror attacks in New York and Washington on 11 September 2001 has included suspension of fundamental civil rights, advocacy of torture, disregard of international law, and a so-called war on terrorism that threatens to engulf dozens of more or less defenseless nations.

All this and more in response to one attack, the first on the U.S. mainland since 1815, lasting altogether less than one hour and resulting in roughly 3000 deaths, along with the total destruction of two large buildings and limited damage to one other. That may be compared with the nearly continuous 30-year war in Indochina, with the equivalent of 20-25 million deaths and a level of destruction that defies comparison. Democracy and human rights do not thrive in such an environment.

Of course, none of this is meant to imply that the governments of Cambodia, Laos and Vietnam are to be excused from principles and obligations that apply elsewhere. But it does suggest that a large measure of patience and understanding is in order— and also that threats and pressures from unsympathetic outside forces are likely to be counterproductive.

For obvious reasons, the United States is singularly unqualified to instruct the countries of Indochina in matters of democracy and human rights which, in any event, take time to develop under the best of circumstances. As Benjamin Barber has pointed out (see p. 49), it has taken the United States over 200 years to develop a democratic system that remains far from perfect— and as the Vietnam War illustrates perhaps better than any other event in U.S. history.

POLICY RECOMMENDATIONS

THE FOREGOING ANALYSIS SUGGESTS a number of measures that are much needed and long overdue. The most urgent need, of course, is to invest in the post-war reconstruction of Cambodia, Laos and Vietnam, at a level that is in reasonable proportion to the suffering and destruction inflicted upon them. This, in turn, requires increased awareness and recognition of the Vietnam War's devastating impact— past, present and future.

As previously noted, a large number and variety of initiatives have already been taken. But there has been little apparent co-ordination among them, and the resources thus far allocated are far from adequate. For the clearing of landmines and other ordinance, for example, mere "peanuts" have been made available (see p. 47). Likewise, only a token amount of funding has been provided to deal with the medical problems that are known or believed to be connected with Agent Orange.

What is needed is a comprehensive, sustained and adequately financed program of reconstruction, and it is clear that the United States is primarily responsible for providing the necessary resources. However, it is equally clear that the government of the United States and the majority of its citizens are not yet prepared to assume that responsibility.

In the meantime, millions of people throughout Indochina continue to suffer the consequences of a war which officially ended before many of them were born. Large numbers have already died, or been condemned to lives of misery and pain. Any serious effort to deal with that reality will require a major commitment by the world community— most appropriately by the developed countries which actively or passively supported the U.S. war and the harmful embargoes that followed it.

A limited amount of foreign aid has been granted for a variety of projects. In 1993, a number of donor nations and multilateral agencies formed the "Vietnam Consultative Group" which meets annually to discuss current needs and plan future development. The United States subsequently joined the Group in and, at the latest meeting in December of 2002, pledged USD 34 million in direct aid. That amount may be contrasted with the USD 39 million pledged by Sweden, whose Gross Domestic Product is roughly two percent of the United States', or with the USD 747 million in grants and credits pledged by the largest donor, Japan, whose GDP is roughly one-third that of the U.S. Total pledges for 2003 amounted to nearly USD 2.5 billion; of that amount, roughly half consist of direct grants and the other half of credits.

This funding is no doubt very useful and much appreciated. However, it is long overdue and woefully inadequate. To a large extent, it is also conditional: In return for the funding provided, the government of Vietnam is expected to follow "recommendations", many of which require adaptation to the neo-liberal global economy dominated by the United States.

For its efforts to comply with those recommendations, the government has been given generally high marks by the Consultative Group and other observers. But there is some question as to whether the process of adaptation has been entirely positive for the people of Vietnam. According to some analyses, the results include increased socio-economic divisions and reduced access to educational and health services which formerly were provided on a universal basis. It has even been suggested that what the United States was unable to accomplish by military means, it has achieved through control of the global economy and its financial institutions.

In any event, the fact remains that there has never been any large-scale, comprehensive program of post-war reconstruction. There has not even been a systematic effort to document and analyze the consequences of the war. The first attempt to do so was the Environmental Conference on Cambodia, Laos and Vietnam, from which this report has emerged. But that event was poorly financed, and hampered by a number of obstacles, including an apparently widespread reluctance to address issues that might give offense to the United States.

Political science

Like all great powers, the United States exercises a strong influence on research priorities; investigating the consequences of war is not one of them. The success of the United States in pressuring the U.N. system to ignore the problem of war and the environment has already been noted (see pp. 37-38).

It is difficult to assess the influence of such policies on the pursuit of knowledge— partly because the question involves an embarrassing conflict between the ideal of intellectual freedom and the crass realities of professional life. But the lack of interest in and research on matters of obvious importance indicates that some sort of pressure has been exerted and felt.

Occasionally, the problem is acknowledged openly. For example, a European economist who was invited to participate in the Environmental Conference on Cambodia, Laos and Vietnam replied: "I must admit that I do not have knowledge of any study on the economic impact of environmental damages caused by the war. Even more, I have always shied away from the topic. It is too politically charged."

Likewise, a U.S. scholar declined an invitation to contribute to the conference, despite complete agreement with its purpose and goals, out of anxiety that it might jeopardize his chances for a coveted stipend.

Such anxieties are not unfounded: In the United States and elsewhere, academics have been dismissed or denied honors and advancement for lesser offenses. Naturally, the more powerful the interests involved, the greater the risks associated with seeking knowledge that they would prefer to remain undiscovered.

With regard to the Vietnam War, there is one particular issue that has been politically charged for quite some time— the effects of the toxic chemicals used by the United States during the war, especially the dioxins in Agent Orange. As early as 1969, the following worried cable concerning a planned fact-finding mission to southern Vietnam was sent by the U.S. ambassador in Saigon to the State Department back home: "Surprised to hear of proposed visit. We suspect that purpose may primarily to obtain patina of expertise from alleged on-the-spot enquiry which can be used to buttress future arguments against herbicide program."

Of course, there was nothing alleged about it, and a fairly thick layer of expertise has since been added to the "patina" of that initial survey. Dioxin is among the most toxic substances ever produced, and one would assume that research into its effects would be of great general interest. If so, Vietnam would have provided an ideal laboratory for such research, since there has never been a better opportunity to study the effects of dioxin as it makes its way through ecological and human systems.

But that unique scientific opportunity has been largely squandered due to lack of funding. The countries of Indochina were and are in no condition to finance the necessary research. Apart from the economic and other effects of the military war, the embargoes imposed on Vietnam and Cambodia severely hindered their professionals' development by isolating them from the international scientific community.

Birth defects and hot spots

The scientific window of opportunity continues to narrow, as residual toxins dissipate in the environment, are washed out to sea, etc. The opportunity to conduct baseline studies has already been lost, of course, and suitable conditions for epidemiological studies are steadily deteriorating. As William Farland of the U.S. Environmental Protection Agency has pointed out: "As the levels get lower and lower, our ability to determine who was exposed and who was not exposed becomes more difficult."

It is within this context that Vietnamese officials have been accused of exaggerating and "playing politics" with the dioxin issue, by asserting direct connections between Agent Orange and medical problems in the absence of indisputable scientific evidence. This, despite the fact that the U.S. government has acknowledged

definite links between dioxin exposure and a range of medical conditions. Those links are so well-documented that manufacturers of Agent Orange have found it prudent to settle out of court for damages claimed by exposed U.S. veterans and their children (see p.31).

The principal remaining question has to do with the hundreds of thousands of serious birth defects which, according to Vietnamese authorities, are the result of genetic damage caused by dioxin contamination. There is no scientific consensus on that possible connection and, given the research problems noted above, there may never be.

There is no doubt, however, that large numbers of children have been born with serious birth defects which, in addition to blighting their own lives, impose a heavy lifelong burden on their families— most of them already impoverished due to other circumstances that are often directly or indirectly related to the war. Whether the birth defects are caused by dioxin, malnutrition, infectious disease or some other factor, the need for support to the afflicted children and their families is urgent. But after 145 years of nearly uninterrupted colonial exploitation and war, Vietnamese society is ill-equipped to provide the necessary support. The need for greatly expanded assistance from the outside world is obvious.

Available resources for the education and development of scientific and medical personnel are also quite limited. In addition to direct funding for education and research, there is an ongoing need to promote all forms of co-operation between scientists in Indochina and other parts of the world. The potential benefits include increased opportunities to gain experience, professional contacts, shared access to research funding, etc.

Of course, most consequences of the war do not need to be scientifically investigated. The removal of farmland from production and the removal of limbs from children by landmines and other UXO are phenomena that can be verified by simple observation. Or to take another example: It has been established with fairly basic science that, in and around a number of former military depots and other "hot spots", there are exceptionally high concentrations of dioxin and other toxic chemicals which pose special threats to local populations.

There are many such problems that could be effectively dealt with if the necessary resources were available.

More generally, the history of the Agent Orange issue suggests that there is a largely unanswered need for adequate long-term funding of research in areas that are "politically charged". This includes the entire range of issues related to the consequences of war, which have been comparatively neglected to date.

Substantial resources are devoted to the study of earthquakes, volcanoes, hurricanes and other natural disasters. But the effects of war, which can be equally or more disastrous, have yet to be dealt with systematically as a distinct field of study. Such a focus could be expected to heighten awareness of the issues involved, and to have at least three practical applications: documenting the consequences of war; setting priorities for remediation; and estimating the long-term impact of wars that are being threatened or prepared.

The political implications of the last-named are fairly obvious. For example, it might have been regarded by U.S. citizens as important to know in 1965 that a war conducted in their names would be destroying lives throughout Indochina forty years later and beyond. And if they chose to regard such knowledge as unimportant, that would almost certainly be of interest to the rest of the world.

As a first step, all of these issues need to be brought into the open and discussed candidly. It hardly needs to be said that such a discussion could be expected to arouse great controversy. The alternative is to continue as before— as in Cambodia, Laos, Vietnam, and more recently in Iraq.

Global education

Following the signing of the peace agreement between the United States and Vietnam in 1973, Ly Van Sau of the Provisional Revolutionary Government in the South remarked to a U.S. journalist: "Before, in your country, people said, 'Remember Pearl Harbor'. Now, I say, 'Remember Vietnam. For always.' Remember Vietnam for what it means, for our people and for your people. For the revolutionary movement in the United States. For the solidarity of the world's people. One cannot forget the crimes which have been perpetrated against Vietnam, and it

is a great duty of the revolutionary movement of the United States to educate the younger generation on the basis of the experience in Vietnam, and to maintain the links of friendship, of solidarity between ourselves, between you and the Vietnamese people."

Ly Van Sau was apparently misinformed about the existence of a revolutionary movement in the United States, and most of the information about the war provided to its younger citizens can hardly be described as educational. But the need remains, and not only in that country.

A worldwide public education campaign on the true history and consequences of the Vietnam War might serve a number of useful purposes. For one thing, it could be expected to engender public support for a suitable program of reconstruction. It would also provide an alternative to the ongoing process of historical revision (see "The Propaganda War", p. 11), as well as training in the analysis of such methods— training which could be usefully applied to other events of a similar nature.

Educating young people about the war and its aftermath is a clear priority. Any attempt to do so in the United States. would almost certainly set off a violent reaction. But it should be possible elsewhere, and some of the knowledge thus acquired would probably seep into the U.S.

In addition, it would overcome the tendency to neglect and/or forget tragedies such as the Vietnam War as time passes and attention is diverted to fresh disasters. It is in everyone's interest to put all great powers on notice that great crimes cannot be covered up or consigned to oblivion by committing new ones somewhere else.

At the most basic human level, it is essential to remember all those afflicted by the war and to reassure survivors that they have not been forgotten. To do less is to suggest that their lives were/are of little or no value.

A related notion was conveyed to Daniel Ellsberg following a visit to John Carter Vincent, "one of the most distinguished of the Foreign Service officers who were forced into early retirement for having been as foresighted and candid about the course of the Chinese civil war as he had earlier been about the prospects of the French colonial reconquest. . . .

"I asked him if he actually remembered the report he had made [on the French War in Vietnam]. He said, 'Oh, yes, I remember it very well. I said [that] guerrilla warfare may continue. . . . 'He paused. 'What did I say? Ten years? Fifteen years?'

"You said: 'Indefinitely.'"

"I had to leave. His wife had left the room for a moment, and she met me at the door and pressed into my hand a slip of paper . . . . She had written out for me a one-line quotation in French. It said: 'The only weapon we have left is not to forget.'"

Of course, younger generations will have nothing of importance to forget if they are never properly informed. Providing young people with an accurate account of the Vietnam War and its aftermath is an obvious priority. Given the current political climate of the United States, it may not be possible to systematically convey such knowledge in that country, and any attempt to do so would almost certainly set off a violent reaction. But in most other parts of the world, it should be possible to incorporate the Vietnam War and its lessons into the basic education of all young people. At least some of that acquired knowledge could then be expected to seep into the United States.

Another important target audience consists of journalists, many of whom unreflectingly legitimate the mythology of the war, simply because it has entered the realm of conventional wisdom. That form of wisdom is often difficult to change; but an attempt should be made, especially among younger journalists who presumably have no emotional investment in the mythology or falsified history of the war.

As for the particular knowledge to be conveyed, much of it is reviewed in this and other reports of the Environmental Conference on Cambodia, Laos and Vietnam. There is also a conference declaration in several languages which is suitable for use in educational settings, and as a basis for legislative motions and other forms of support. The conference reports also provide a frame of reference within which to evaluate other accounts of the war and its consequences, including those offered by "experts" of doubtful expertise (see Notes).

Of course, knowledge of the Vietnam War has much broader application, since it offers insights on a number of issues and phenomena that are relevant to other contexts, e.g. international law, destabilization campaigns, the use of client regimes for imperialistic ends, the exploitation of fear to induce public support for war, distortion of the purpose and principles of the United Nations, etc.

War crimes tribunal

Due to the power and influence of the United States, there has never been a thorough and systematic inquiry into crimes associated with the Vietnam War; but the potential value of such a proceeding is as great as ever, perhaps even greater.

International lawyer Richard Falk suggested in 1976 that, "It would seem desirable for the U.N. to mount an investigation into allegations of war crimes, especially in relation to Vietnam. . . . It would also seem appropriate for the U.N. to organize a world conference to reconsider the laws of war as related to contemporary forms of warfare." Recent wars have demonstrated the urgent need for such a review.

Falk also pointed out that, "Foreign governments and their populations are pledged by the Charter of the United Nations to oppose aggression and to take steps to punish war crimes. The cause of peace is indivisible, and all those governments and people concerned with Charter obligations have a legal and moral duty to oppose the American involvement in Vietnam, and to support the effort to identify, prohibit and punish war crimes. The conscience of the entire world community is implicated by *inaction*."

The time for action is clearly overdue, even though the U.S. government could be expected to strenuously oppose any such tribunal and ignore its findings. However, those findings would undoubtedly be of great interest to the rest of the world, and also to a large segment of the U.S. population.

In all likelihood, the educational value of an authoritative war crimes tribunal would be very great; for, it would focus attention on and clarify key issues, and in the process discredit false myths and histories that have been devised to justify the war.

The educational function of a war crimes tribunal has been stressed by another U.S. authority on international law: "I see few signs of contrition and abundant evidence that men still masticating the fruits of social power are writing off Vietnam as simply a case where the costs got out of hand. That perception, that evaluation of the Vietnamese experience, will not save people in other lands where the cost of intervention might appear more manageable. What is required is a fundamental shift in the mind set of our national decision-makers and the generations that will succeed them. I think that the allegation of criminal conduct can have the necessary shocking and educational effect."

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A "people's tribunal" on the Vietnam War has, of course, already been conducted. But the Russell Tribunal of 1967 (see p. 35) was limited in scope, authority and resources; also, it did not have access to a great deal of evidence that has since come to light. As Professor Falk suggests, the appropriate authority for such an undertaking is that possessed by the United Nations.

Even though the United States and its allies would block any such initiative in the U.N. Security Council, the General Assembly might be more willing to entertain the possibility. Although it has little decision-making power, there is apparently nothing of a purely formal nature to prevent the General Assembly from commissioning a war crimes tribunal on an advisory basis. It has often demonstrated a willingness to defy the power of the United States, for example with nearly unanimous rebukes of U.S. policy toward Cuba and the Middle East.

It is obviously in the interest of the world community to develop clarity on the Vietnam War and related issues. Such an initiative by the General Assembly might also be useful in any effort to reform the U.N. (see below, "World order").

Reconciliation

In 1990, Nguyen Ngoc Hung, Professor of Foreign Studies at Hanoi University, became the first Vietnamese veteran of the American War to visit the United States. A soft-spoken, gentle man with perfect English, he experienced little difficulty communicating with U.S. veterans and lecture audiences during a tour of several cities that was featured on a popular national television program.

But there was one public event that threatened to become ugly. Included in the audience were a number of U.S. veterans wearing old combat jackets, caps, war medals and other reminders of the war. Some of them were carrying placards with the message, "VC Go Home" and similar greetings. The atmosphere was so menacing that the organizers suggested that the event be cancelled.

But Prof. Hung chose to decline that offer and entered the arena. When the restive murmur of the audience subsided for a moment, he began to speak: "I know that many of you are American veterans of the war in Vietnam. Let me take a few minutes to tell you of my own experience as a veteran in that same war."

He then recounted his years in Hanoi as a university student during the mid-1960s. He was doing well academically; he had a girlfriend; and he hoped that the war would soon end. But the 1968 Tet Offensive, though a political and psychological victory for the Vietnamese forces, resulted in devastating losses. Thousands of university students were called into service, and Prof. Hung was one of them.

After seven years of hardship and brutal combat, he returned to Hanoi at war's end, grateful to be alive and expecting to resume his former life. But instead of being greeted by a grateful nation, his reception was subdued and disappointing. He encountered bureaucratic obstacles to the resumption of his university studies. His girlfriend had married another man. Jobs were scarce. The entire country was prostrate from the war and desperately poor. He felt that he, like every other able-bodied Vietnamese, had sacrificed so much. Where was his reward?

As he spoke of these things, there was a noticeable change in the mood of the audience. The placards came down and were removed from sight. The U.S. veterans were looking at each other and shaking their heads in silent recognition: "Hell, that's the same thing that happened to me!"

Suddenly, the quiet, gentle Vietnamese before them was no longer an enemy, but a fellow soldier whose experience was very similar to their own. Afterward, they approached Prof. Hung to introduce themselves, shake his hand and talk about their experiences. Some embraced him.

That such a peaceful encounter can take place suggests a large potential for reconciliation between Vietnam and the United States. As noted previously, there are few obstacles as far as the majority of Vietnamese are concerned; and a small but dedicated segment of the U.S. population has been working to improve relations between the two countries (see p. 46).

The task now is to encourage and facilitate a substantial increase in human contacts that can lead to friendly relations and mutual understanding. The expanding tourist industry of Vietnam provides one means of doing so. Others include sister cities and sister schools, which have proven to be excellent vehicles for cultural exchange, economic assistance, and even trade.

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All such contacts and exchanges are likely to contribute to a genuine process of reconciliation. One essential component of such a process already exists: The Vietnamese have demonstrated a willingness to forgive, even while under ferocious attack. What remains is for the people and government of the United States to acknowledge the criminal nature of the Vietnam War and the awful consequences that are still being suffered by all the peoples of Indochina.

Needless to say, that will not be easy. The humiliation of defeat and the psychology of denial— reinforced by decades of indoctrination and historical falsification— remain evident throughout much of U.S. society, as illustrated for example by attitudes toward the massacre at My Lai.

After that massacre came to light, provoking worldwide outrage, an attitude survey of U.S. citizens found that 65 percent of respondents

denied being upset by the revelations. "Americans have reacted like Germans [in World War II] to reports of atrocities. . . . The various ways of defusing the emotional potential of My Lai were used by hawks and doves alike, though not in equal proportions. Hawks, more than others, tended to justify the alleged massacre. Both hawks and doves argued in one way or another that no massacre happened. The doves tended to comfort themselves with the thought that My Lais occurred in every war, hence they need not be upset. . . . *No one extended the scope of responsibility to himself in particular or the American people, in general*."

Three decades later, the widely-distributed television program "60 Minutes" broadcast a rare retrospective of the massacre, including interviews with surviving villagers and a U.S. helicopter pilot who saved many Vietnamese lives by threatening to fire on his own troops. This segment was followed by the program's resident commentator, Andy Rooney, who related the My Lai massacre to another slaughter of unarmed civilians:

"It is not by forgetting or the granting of amnesty that a country cleanses its wounds, reclaims its history and builds its future, but by confronting the truth, administering justice, compensating victims, and ensuring that what happened thirty years ago will never happen again."

"The most unpleasant story in recent years is the one about Bob Kerrey and the massacre at Thanh Phong (see p. 28) . . . . The details of what American soldiers sometimes did in Vietnam are often sickening— makes the men who refused to go, or fled to Canada to avoid the draft, seem righteous. Think of it: Bill Clinton beat the draft and got to be president. Bob Kerrey is in trouble for fighting the war.

"It is always a shock to find that your country has done something wrong. We were wrong to go to Vietnam in the first place, but our intention was not an evil one. We are *not* the bad guys of the world. . . .

"I feel bad about Bob Kerrey, because he almost certainly did a terrible thing, even if he did it for a good reason. . . . But, pardon me, I think he's a hero, anyway. It's impossible for anyone who's never been in a war to imagine the position Kerrey and his men were in that night. The possibility of being killed was everywhere, every minute. Some of Kerrey's critics are probably afraid of the dark. . . .

"A hero is someone who gives his life for someone else, and Bob Kerrey risked his life for his own country. It has been suggested that Kerrey should return the Bronze Star he was awarded for his action at Thanh Phong because he does not deserve it. I have a Bronze Star I got in Normandy in World War II. If Bob Kerrey gives back his Bronze Star, I'll send him mine."

As long as such distortion and denial predominate in the United States, as they appear to do at present, it will obviously be very difficult or impossible to achieve any sort of reconciliation worth the name. But it is essential to keep working toward that objective for several reasons. One of them has been explained by the South African Nobel Laureate, Desmond Tutu: "The past, far from disappearing or lying down and being quiet, has an embarrassing and persistent way of returning and haunting us unless it has in fact been dealt with adequately. Unless we look the beast in the eye we find it has an uncanny habit of returning to hold us hostage."

A similar thought has been expressed by Isabel Allende, daughter of Chilean president Salvador Allende who was eliminated in a vicious military coup on 9/11/1973 which was sponsored by the United States. Now a member of Chile's legislature, she noted on the thirtieth anniversary of the coup that, "It is not by forgetting or the granting of amnesty that a country cleanses its wounds, reclaims its history and builds its future, but by confronting the truth, administering justice, compensating victims, and ensuring that what happened thirty years ago will never happen again."

It is dangerous for any nation to live a lie, both for itself and for the surrounding world; and that danger is obviously compounded if the nation in question is the planet's only superpower. It is therefore a matter of utmost importance to the world at large that the United States finally come to terms with what it has done in Indochina.

There is already a minority of the U.S. population which has an undistorted view of the Vietnam War, understands the consequences, and is prepared to do something about them. To transform that minority into a majority is an urgent priority, and the obvious place to start is

with those who are most receptive. The more enlightened churches and other progressive institutions of the United States could undoubtedly make a valuable contribution in this regard by means of educational programs, reconciliation initiatives, and the pursuit of friendly contacts with the peoples of Cambodia, Laos and Vietnam.

It is recommended that a Vietnam War Truth and Reconciliation Project be established to assist in this important work. Models have been provided by several countries torn by internal strife, most notably South Africa. But there is no apparent obstacle to a similar initiative to heal the wounds of international war.

Of course, given the strength of the negative emotions involved, any serious effort at reconciliation would almost certainly meet resistance and provoke conflict. But resistance and conflict are inevitable with any attempt to redress an injustice on the scale of the Vietnam War. What is the alternative, other than the triumph of ignorance and brutality over knowledge and wisdom?

World order

This report has necessarily focused to a large extent on the behavior of the United States, inasmuch as it is primarily responsible for the Vietnam War, its great power and influence have hindered an appropriate response, and that power threatens to produce similar catastrophes in other parts of the world, as recent events have clearly indicated. The United States is not the first empire to behave in this way, and is unlikely to be the last.

"Ignorance and self-delusion"

An Englishman's view of U.S. education and its effects

Even after five years in the United States, I continue to be surprised by the omnipresence of patriotic conformism. . . . . The President said 11 September happened because people who resented US freedoms wanted to prevent their spread around the world. And an unnerved country was inclined to believe him, because he cast America as a lone, heroic colossus whose sacrifices could be borne with forbearance, even joy. How much more reassuring than the possibility that the United States had in fact betrayed its own democratic principles by doing business with tyrants and monsters, and withheld from whole populations the very freedoms and elemental notions of justice it prized so much at home. . . .

The ignorance and self-delusion have been compounded by the deep-seated anti-intellectualism of the current president. . . . As one scientist advised his colleagues in an e-mail quoted by *The New York Times*: "Assume you are living in Stalinist Russia when communicating with the United States government."

Ignorance, self-delusion, free-floating disregard for the facts and an unswerving belief in its own infallibility: such are the hallmarks of today's America. People don't understand what their government is up to because they don't understand how government works and because the media isn't giving them any clues. Those responsible for the country's education prefer to avoid giving offence than to impart any actual information. The disconnect between the people and the rulers they elect, and between the rulers and those most directly affected by the consequences of their actions, is little short of frightening. A glimpse into history suggests empires often build up these illusory images of themselves, images that through their deceptive power eventually conspire to bring them down. It happened to the Romans, and to the Japanese, and to the Soviet empire. Could the United States be so very different?

— *Andrew Gumbe*, The Independent (U.K.), *9 September 2003*

Somewhat ironically, the United States was founded with a keen awareness that concentrated power is, by its very nature, the principal threat to enlightened governance. The U.S. constitution represents an attempt to minimize that threat by distributing power among three major institutions that were intended to check and balance each other. But due to technological "advances" and what appears to be a universal human tendency to seek monopolistic advantage, the executive branch (i.e. the White House) now clearly predominates.

An even greater imbalance is evident at the international level, and the United States' aggressive dominance has led to growing resentment. Asked why he and his fellow university students celebrated the terror attacks in New York and Washington on 11 September 2001, a young Chinese explained. "America is a bully, so when someone small hits them back, it feels good. America wants to be the boss of the world. For this, it will do anything. It attacked our embassy in Yugoslavia for no reason."

Another student added: "I don't even believe that the death of all those people was the thing that hurt America the most. It was their ego that got hurt. . . . If you look inside America, life is good— people are free, there is law— but outside, America wants no law. It wants absolute control over everything, everybody, even the United Nations."

Such views are widely shared, and not only by angry young men in China. Former U.N. Secretary-General Boutros Boutros Ghali, an Egyptian, states flatly that, "The United Nations is just an instrument at the service of American policy. They will use it when they need to. . . and if they don't need it, they will act outside the framework of the United Nations. Of course with a military budget that is equivalent to that of all the permanent members of the security council together, they can afford to. . . . The perception in a great part of the Third World is that the United Nations, because of the American influence or because of any other reason, is a system which discriminates [against] many countries of the Third World."

According to Irishman Denis Halliday, a former assistant to the U.N. secretary-general, "The U.N. has been drawn into being an arm of the U.S.— a division of its State Department. . . . The U.N. must move quickly to reform itself and improve the security council. It must make clear that the U.S. and the U.N. are not one and the same."

Precisely for the reasons noted by Messrs. Ghali and Halliday, it has been argued that the United Nations is now so hopelessly compromised that any meaningful reform is impossible. Perhaps. But any other institution that might be devised to replace it would presumably have the same function and be faced with the same problems. So it is just as well to concentrate on reforming the existing structure, especially since no serious attempt has yet been made to do so.

This is not the place to discuss that difficult and complex task. But it is clear that the main priority is to curtail the power of the Security Council's five permanent members, in particular the United States.

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This has been emphasized by, among others, Phyllis Bennis, a U.S. authority on the United Nations and its problems: "I think our first goal needs to be to re-empower the U.N. General Assembly. We should keep in mind that for the first 40 years of the U.N.'s history, it was not the Security Council that was the most important component; it was the General Assembly. That is when de-colonization became a reality. That was where the institutions of the south, such as UNCTAD, the Centre on Transnational Corporations, UNIDO, UNESCO, were created. That was when the call for a new international economic order emerged.

"True, the decisions of the General Assembly do not have the force of international law in the same way that Security Council decisions do, but they are very important. The General Assembly also has the power of the purse at the U.N. It can spend money and impose sanctions on countries, like the U.S., that refuse to pay their dues. There is enormous potential for empowering the General Assembly. One factor that would be required is pressure from civil society on the individual member-states to

push them to take seriously the work of the General Assembly."

Of course, it may be expected that any serious effort to weaken the position of the Security Council would be strenuously opposed by the permanent members. Previous proposals to make relatively minor adjustments in that regard have been quickly and effectively rejected.

Further, in order to be successful, any reform would have to deal with the realities of power, including those explained by U.S. political scientist Richard Barnet: "The ideology of American responsibility rests on a fundamental assumption concerning American self-interest. The only alternative to a *Pax America* is a *Pax Sovietica* or the Peace of Peking. The most powerful nation in the world has always dominated the rest. The only question is which one will emerge on top. Comforted by Talleyrand's fashionable aphorism about nonintervention— 'a metaphysical term which means about the same as intervention'— the national security manager concludes that the fate of the powerful is to dominate, whether they wish to or not. . . .

"In short, the prevailing official view is that there is no way for a great country to relate to a small one other than as manipulator or exploiter. History appears to support this view. All the pressures of contemporary politics seem to push great nations into familiar imperial patterns."

Clearly, it would require an unprecedented degree of wisdom and co-operation to achieve a workable and lasting reform of the United Nations, and perhaps an even greater measure of courage to challenge the dominance of the United States. Not surprisingly, that sort of leadership has been demonstrated by Nelson Mandela, who has repeatedly warned of the dangers posed by an unchecked superpower:

"For anybody, especially the leader of a superstate, to act outside the United Nations is something that must be condemned by everybody who wants peace. For any country to leave the United Nations and attack an independent country must be condemned in the strongest terms and I am very happy by the attitude taken by [French] President Jacques Chirac" in opposing the U.S. war against Iraq.

"Any organization, any country, any movement that now decides to sideline the United Nations, that country and its leader is a danger to the world. We cannot allow the world to again degenerate into a place where the will of the powerful dominates over all other considerations. That will surely prove to be a recipe for growing anarchy in world affairs. . . . Our own experience in South Africa, where we confounded the prophets of doom and achieved a peaceful settlement, inspires us to believe that no situation can be so intractable that it cannot be solved through negotiations and willingness to compromise."

As previously noted, there are enlightened forces in the United States that share Mandela's perspective. But they have long been at a severe disadvantage in relation to the powerful interests— including many of the same individuals— that were and are responsible for the Vietnam War. The positive forces in the United States could no doubt benefit from encouragement and support from kindred spirits around the world.

Obviously, it is in the interests of all U.S. citizens to work for the establishment of a properly functioning world order, especially if they look ahead a generation or two. One who apparently has done that is former president Bill Clinton, albeit *after* leaving the White House:

"The United States finds itself just now at a unique point in human history. We dominate the world politically, economically and militarily. But within thirty years, China's economy can be as large or even larger than ours. The same is true of India's economy— if it stops fighting Pakistan and stops wasting money on weapons. . . . The United States will then be able to function as a leader, but we will not be able to dominate.

"We cannot allow the world to again degenerate into a place where the will of the powerful dominates over all other considerations. That will surely prove to be a recipe for growing anarchy in world affairs."

"The way in which we make use of the 'magic moment' in which we now are living will be decisive for how other countries judge us in the future. Did we strive for development and to take the world into the 21st century? Did we force people to live in accordance with our vision? Or did we try — through leadership, good example and conviction— to build a world

in which people will come to treat us in the future the way we would like to be treated?"

There is no better way for the United States to demonstrate the leadership that President Clinton urges upon it than to acknowledge its grave responsibility for the Vietnam War and its obligation to do whatever it can to heal the wounds it has inflicted on all of Indochina. The latter is also a suitable task for a reconstituted United Nations which, for the reasons noted, was unable to end the war of aggression or deal with its consequences.

Summary

The foregoing recommendations may be summarized as follows:

• A comprehensive, sustained and adequately financed program for the reconstruction of Cambodia, Laos and Vietnam.

• Immediate and extensive support to victims of Agent Orange, and to the millions of children and their families that have been afflicted by serious birth defects, regardless of the cause.

• Systematic, comprehensive documentation and analysis of the war's consequences.

• Establishment of a special field of interdisciplinary studies on the consequences of war, in general.

• Adequate, sustained funding of research on such politically sensitive issues as dioxin contamination, and long-term support for scientists who may risk their careers by pursuing such research.

• Increased co-operation between scientists in Indochina and those in other parts of the world.

• Increased funding for education and training of scientists and other professionals in Cambodia, Laos and Vietnam.

• Worldwide public education campaign on the Vietnam War and its consequences, with a particular focus on the educational needs of journalists and young people.

• A thorough and authoritative war crimes tribunal, including a systematic review of the laws and justifications of war.

• Encourage reconciliation between the United States and its victims in Indochina by, among other things, facilitating human contacts that can lead to friendly relations and mutual understanding.

• Establishment of a Vietnam War Truth and Reconciliation Project.

• Encouragement and support for positive forces in the United States by kindred spirits around the world.

• Reform of the United Nations in order to reduce the dominance of the United States and establish a world order that meets the needs of all member-states.

• Celebrate the reformation of the United Nations by rectifying its former neglect of the Vietnam War and its victims.

Of course, it is easy to make recommendations, and nothing is impossible for those who do not have to do it. On the other hand, nothing is *possible* unless it is first conceived. Granted, that many of the above recommendations would be difficult or very difficult to implement. But none of them is beyond the capacity of human beings— and certainly none requires anything near the level of sacrifice endured by the peoples of Indochina.

It is largely a matter of deciding that the proposed measures are worthwhile, and then devoting the necessary resources and dedication to their achievement. Is there any acceptable reason not to do so?

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Appendix A

Censored: U.S. Army Intelligence

The only U.S. official ever to become well-acquainted with Ho Chi Minh was Archimedes L.A. Patti, an Army intelligence officer who, toward the end of World War II, was assigned the task of co-ordinating the war effort against the Japanese with Vietnamese resistance forces.

His assessment of Vietnam's independence movement and its leader was quite favorable, but was ignored by U.S. policymakers amidst the mounting tensions of the post-war era. His views became even more politically incorrect after the success of the Communist revolution in China— a development that triggered a hysterical reaction in the United States, including a witch-hunt for spies, "fellow-travelers" and other real or imagined threats to national security.

Among the casualties of that hysteria were numerous officials of the foreign policy apparatus who were blamed for the defeat of U.S. interests in China and harried from office, in what amounted to a purge led by anti-communist demagogues such as Joseph McCarthy and Richard Nixon. Banished in the process was much of the accumulated knowledge and wisdom that might have prevented the Vietnam War.

Patti had prepared an account of his experiences in Vietnam that was ready for publication shortly after the final defeat of the French at Dien Bien Phu in 1954. "But it was too late," he would later observe. "Sensitive to adverse criticism of American foreign policy by members of the military establishment, the Department of the Army decreed that any public disclosure of information or opinion by me on the question of American involvement in Viet Nam would be regarded with official displeasure and I would be subject to disciplinary action. Under protest I acceded to the Department's injunction."

The following excerpts are from Patti's book which was finally published in 1980, five years after the war's formal conclusion.

* * * * *

French rule & Vietnamese rebellion

When Ho Chi Minh was fifteen, his father returned to Hué. Ho attended school there and was deeply offended by the Western attitude of the headmaster and some of the teachers. They appeared to him arrogant, intolerant and disdainful of the peasants, workers and tradespeople. He described the school to me as "a lake of Western thought pouring out a stream of colonial philosophy to irrigate and raise a crop of obedient Vietnamese servants useful to France".

The unprecedented famine of 1944-45 [which resulted in some two million deaths] had begun in northern Tonkin, triggering a fantastic increase in the cost of living. . . . Although the shortage of food in Tonkin was caused by a general crop failure, the direct cause of starvation was the brutal application by the French and Japanese of impossible quotas in requisitioning foodstuffs. . . . Instead of instituting a plan for distributing huge stores of foodstuffs in the south, the [French administration] had imposed harsh penalties, including death, on those attempting to survive. . . . No French or Japanese had died of starvation, only the Vietnamese. The French cities had survived; it was only in the villages and hamlets that the streets, ditches, canals and rice paddies were littered with bodies, the living being too weak and emaciated to collect and bury them. Many villages had lost a third to a half of their populations.

Roosevelt went out of his way to single out France in Indochina, and often cited French rule there as a flagrant example of onerous and exploitative colonialism.

I confirmed in my reports that French colonialism in Indochina had been one of the worst possible examples of peonage, disregard for human rights, and French cupidity, and that for more than three-quarters of a century, the Vietnamese had been cruelly exploited, brutally maltreated and generally used as French chattel. . . . The most aggressive natives had been either murdered or relegated to penal colonies. The socioeconomic conditions generated by the French system fostered discontent and rebellion, spawning numerous national movements and patriotic leaders, among whom Ho Chi Minh was one of the most influential and effective.

[I noted that:] "The nationalist movement has an active history of popular insurrections supported by the peasantry, workers and intellectuals since World War I. Popular response to the movement is nationwide and substantially in the millions, indicating that the supporters are neither apathetic nor supine and are willing to fight if interfered with in their ultimate objective— national independence."

I had concluded that the independence movement was only a medium for a first cause— the instinct for survival. If national independence could assure a Vietnamese of survival, it mattered not to him whether the medium was democratic, socialistic or communistic. The question was to be free from want, to enjoy the fruits of one's labor, and to exist unmolested.

In a prophetic vein, Ho remarked that he could see bloodshed in the future. . . . If the French menace [of recolonization after World War II] became a reality, there would be all-out war.

The Viet Minh was seldom equated by the Vietnamese with the Communist Party. The Viet Minh was the people's party, the party which promised independence, freedom from foreign domination, civil liberties and economic security. Even if it had been openly labeled communist, it would not have mattered because the Vietnamese at large fully supported its aims.

Ho Chi Minh and the United States

As we parked at the rear of the building, two men came out to meet us. . . . The elder of the two, a slender, short man, fifty or sixty years old, approached me with a warm smile and extended hand. Perfectly at ease and in English he said, "Welcome, my good friend."

Ho's analytical mind, pragmatic nature and keen understanding of international power politics led him to conclude very early on that he had to enlist American sympathy. He saw conclusively that China could not be counted as an ally and must not, therefore, so far as was possible, be antagonized. He anticipated no active support from "heroic" Russian; even in victory, Russia would be too exhausted from the war to be of assistance in his plans for Vietnamese independence. Among the allied western bloc, the colonial powers— Great Britain, France and the Netherlands— would be universally opposed to his anti-colonial movement. . . . The Americans were the only ones who might lend his movement a sympathetic ear.

Despite my studied objectivity and purposeful awareness of not allowing myself to become involved in the political aspects of the Indochina question, Ho's sincerity, pragmatism and eloquence made an indelible impression on me. He did not strike me as a starry-eyed revolutionary or a flaming radical given to clichés, mouthing a party line or bent on destroying without plans for rebuilding. This wisp of a man was intelligent, well-versed in the problems of his country, rational and dedicated. I saw that his ultimate goal was to attain American support for the cause of a free Viet Nam, and felt that desire presented no conflict with American policy.

I found him to be a moderate and one of the few pragmatists among the nationalist leaders. . . . Ho's followers were disciplined; he had a sound political organization among the peasant-worker-intellectual classes, who were motivated toward a common goal; and the independence movement included 90 percent of the people who, most of all, feared a return to the *status quo ante*. . . . I also saw in Ho a peaceful man who would rather negotiate than fight, although I was convinced that, lacking an alternative, he would fight.

[I reported that:] "Encouraged by American statements of anti-colonialism and promises of restoring sovereign rights and self-government to those who have been forcibly deprived of them, the Vietnamese look to the United States for moral support."

He could not rationally understand the United States, a champion of anti-colonialism, in standing aside and permitting England and even China to assist France in its aim of reimposing colonial rule on Viet Nam. . . . Why now stand idly by while the French violated the principles of the Atlantic Charter and the United Nations? I had no answer, and Ho did not expect one.

I was curious to know what made him decide that communism was the way for him. Ho said that he had not decided directly, but had come upon the communist philosophy through socialism. In fact, he still did not consider himself a true communist, but a "national-socialist".

He said that the Americans considered him a "Moscow puppet", an "international communist", because he had been to Moscow and had spent many years abroad. But in fact, he said, he was not a communist in the American sense; he owed only his training to Moscow and, for that, he had repaid Moscow with fifteen years of party work. He had no other commitment. He considered himself a free agent. . . . However, with events coming to a head, he would have to find allies if there were any to be found; otherwise, the Vietnamese would have to go it alone.

He also reflected on how wrong he had been ever to believe that the French, British or Russian communists would concern themselves with the Vietnamese problem. "In all the years that followed, not one of the so-called liberal elements have come to aid of the colonials. I place more reliance on the United States to support Viet Nam's independence before I could expect help from the USSR."

Ho had voiced to me his disappointment with both the Soviet government and the communists of the world for not lending his cause for independence even moral support. Only the United States, albeit in vague terms, had spoken out for self-determination, and Ho had responded by dissolving the Indochinese Communist Party on 11 November 1945.

The U.S. response

The World War II years merely reaffirmed [the doctrine] that American national security was inextricably linked to the control of foreign markets and resources by a combination of political-military overlordship. Hence, long before the term "military-industrial complex" was coined, the highest levels of our government burgeoned with a corps of corporate-business-banking elitists in uniform and mufti pledged to protecting American worldwide economic interests against socialist encroachment.

As 1945 was ending, [French leader Charles] de Gaulle continued to court communist support at home and abroad. . . . Truman was convinced that de Gaulle would tilt toward Russia if it coincided with French interests.

Ho was desperately trying to align his newborn nation with the West and he wanted to put to rest the French charges that he and his Viet Minh were tools of Moscow, but we took no notice of his signal.

The French recognized very early on how well they could put to use the ideological fears existing in America. The threat that France might "go communist" brought swift results, and labelling Vietnamese nationalism as "Red" or "Moscow-oriented" completely forestalled any move by the American government to explore possible avenues with the Ho government. It was a form of blackmail that worked very well over an extended period.

Through influential channels in Chungking and Paris, another campaign was launched against Ho and the Viet Minh, employing the old scare tactics of their being the loyal agents of Moscow. By the summer of 1946, the word had reached Washington and all official references to Ho were prefixed "communist".

As the Vietnamese and the French faced off for their protracted war, our decision to assist the French in the form of military aid, which was rooted in economic considerations and European politics, was aired as a simple, ideological decision— an anti-communist one.

(continued. . .)

Much can be deduced from [U.S. foreign minister] Acheson's rationale in recommending to the President immediate recognition of the French puppet government. . . . Nowhere in his reasoning does one find any allusion to American principles of democracy, freedom, independence or self-determination. Instead, there is strong endorsement of continued colonialism administered by a European ally, financed by American dollars, and in the interest of the economic elite. . . . It was indeed a strange image of American democracy that we presented to subject peoples.

It is an historical fact that, in each of our ventures to stem the spread of Marxist ideology, we became confused and consistently failed to recognize the first cause of the discontent which leads subject peoples to search for a better life. . . . We fail to accept for other peoples the basic tenet of democracy– the right of self-determination. . . . Where we have succeeded in imposing our life style for a time, it has often proved thankless, costly and agonizing.

We turned a deaf ear to Vietnamese pleas for liberation from foreign domination and colonial rule. It would be vacuous to say that our government did not know the nature of the problem in Indochina, or that there was no popular leader, or that the Vietnamese were incapable of self-government . . . . The apologists in our Department of State are hard-pressed to justify their supposed ignorance of Ho's nationalist character and the sincerity of his movement for independence. Their own departmental files from 1942 reveal that Ho and his Viet Minh were singularly nationalist and without foreign political commitments until 1950.

Whether Ho was a nationalist or a communist should not have been the issue. The fact remained that he was a nationalist first, a communist second. . . . In the late 1940s, several arguments were advanced in support of Ho's leadership. There were those who maintained that a different American policy could have moved Ho to nonalignment and opposition to Peking. Others, this author included, stressed the corollary that Ho was forced into dependence upon Peking and Moscow by American opposition or indifference.

The first decade of the cold war had brought us into the Southeast Asia morass little by little, step by step. Our unfortunate stereotype of a monolithic communist expansionary bloc and our emotional approach to the "loss" of China were paths leading into the quicksands.

The official record of our involvement in Indochina is totally lacking in evidence that our government made any effort to probe into the true nature of Ho Chi Minh and his movement for independence. It perfunctorily dismissed [Ho's government] as "communistic" and willingly joined colonial France in waging a ruthless war against it. At no time did the United States attempt to understand or win the friendship of the Vietnamese people, but callously provided the wherewithal for the French government in Indochina to destroy the only grassroots effort to achieve independence.

* * * * *

From
Why Vietnam? Prelude to America's Albatross
Archimedes L.A. Patti
University of California Press, 1980

Appendix B

The Pentagon Papers

IN 1967, a history of the United States' involvement in Indochina was commissioned by Secretary of Defense Robert S. McNamara, who had become increasingly sceptical about the Vietnam War. The work continued for eighteen months, resulting in some 2.5 million words of narrative text and accompanying documents. The study was meant to be kept secret, but was leaked to the *New York Times* by Daniel Ellsberg, one of the government officials who had worked on it. Lengthy portions were published in 1971 by the *New York Times* under the title of *The Pentagon Papers*.

Covering the period from World War II to May of 1968, the study revealed that the announced U.S. policy on Indochina was based almost entirely on deliberate lies and myths. The war would continue for nearly five more years, with many other revelations and admissions to follow. But this review of the Vietnam War's historical background and early stages provides invaluable insight into the formation of U.S. policy and the deceptions practiced to conceal its true nature.

The study has never been called into question; given the source, it is difficult to see how it could be. Instead, it has simply been ignored, as the falsehoods it documents— for example, that in Vietnam the U.S. was merely trying to assist an ally, a sovereign nation subjected to alien communist aggression— have once again become the conventional wisdom on the Vietnam War in the United States and many other parts of the world.

Nothing more stunningly illustrates the power of propaganda than this demonstrated capacity to bury the truth of unimpeachable disclosures under a steady barrage of the very lies and myths that have been disclosed by official sources.

For this and other reasons, *The Pentagon Papers* are at least as relevant today as they were upon initial publication over thirty years ago. The following, slightly edited summary by Max Gordon was originally published in the September-October 1971 edition of the now-defunct *Vista* magazine.

* * * * *

THE RECENTLY PUBLISHED Pentagon Papers reveal a striking absence of concern about international law, except in one respect— a largely implicit regard for the *appearance* of legality, leading to an emphasis on clandestine military operations, myth-making and falsification of history on a rather grand scale.

No doubt many will say, so what? Does not realism dictate recognition that nations always exercise their power in behalf of alleged "national interests", without permitting abstract legal principles to inhibit them?

Maybe. But the Vietnam experience, confirmed by the Pentagon study, suggests that Washington's perception of realism is not necessarily the realism perceived by the targets of its power. These targets are sometimes capable of challenging our self-centered definition of the realistic and transforming it into unreality.

Moreover, the actual realities compel recognition that the tension between an international political outlook shaped by the pre-1945, Machiavellian, world and the world of nuclear weaponry cannot last forever. Hence the overriding need for a foreign policy responsive to international law as the means of avoiding war.

The Pentagon study lays bare the ways in which the tragedy of Vietnam grew out of Washington's contempt for UN Charter principles, and thus aids in alerting us to the necessity for fundamental change.

Early myth-making

The study indicates that Washington's myth-making began early. Its initial 1950 offer of aid to France's reconquest of Indochina was publicly rationalized on the ground that the Viet Minh struggle was part of Moscow's world

conspiracy, and that the French-created Bao Dai regime was the genuine Indochinese government. The United States was thus not supporting a war to deny independence, since the Viet Minh was not an indigenous force but an agent of outside forces. It was an "aggressor" against France and the legitimate Bao Dai regime, and the United States had the right to grant aid to defeat the aggression

The Pentagon account reveals that the facts in Washington's possession were quite otherwise. The State Department's intelligence apparatus reported in 1948 that it could find no evidence that Ho Chi Minh took orders from Moscow. (A later detailed study by American scholar Charles B. McLane concluded not only did Ho act independently of Moscow, but— like Mao— he may have owed his success to that independence.)

The Pentagon study also relates that repeated pleas by Ho to the United States and the United Nations in the immediate post-war years to aid Indochinese independence received no response. The silence included the U.S.S.R. in the U.N.

As regards the Bao Dai regime, the Papers inform us that in March of 1949 the State Department refused its support because "by failing to develop appeal among Vietnamese [it] might become virtually a puppet government separated from the people and existing only by the presence of French military forces."

The puppet character of this regime and the wide popular backing given to Ho's Viet Minh (80 percent, according to Eisenhower) was repeatedly reported by official intelligence agencies and private observers right up to the French defeat. But the United States escalated aid to the French and Bao Dai until it reached 78 percent of the total cost of the war.

A striking feature of the Pentagon account is the consistency with which it describes, and confirms as myth, the same pattern of official deception throughout our entire Vietnam intervention— with our officials depicting the Viet Cong struggle as the work of Hanoi (an "external" agency), and the various Saigon regimes as actually representative of the South Vietnamese.

Again, the aim after the Geneva Conference continued to be to provide a cover for the violence done to the UN Charter provisions respecting independence and self-determination. In the post-Geneva years, as will be noted, the Pentagon Papers added to these violated principles the Charter's prohibition against disruption of territorial integrity.

Coveted natural resources

Why did the United States undertake intervention in Indochina? The most detailed statement provided by the Pentagon account is a 19S2 National Security Council declaration which cited, principally, protection of U.S. security interests in the Far East; retention of Southeast Asia as "the principal world source of natural rubber and tin," producer of "petroleum and other strategically important commodities," and exporter of "critically important" rice to India, Japan and other Asian nations; and the "domino" effect, whereby the "loss" of Indochina would lead to the "loss" of Southeast Asia, India and the Middle East, and would eventually threaten European security.

The Eisenhower Administration added the threatened loss of Japan as ally, and repeated the others *ad nauseam* until after the Geneva Conference. Fortified by two presidential commission reports on threatening future shortages of basic raw materials, it placed particular emphasis on the need to prevent loss of the rich natural resources of Southeast Asia.

After Geneva, the domino theory and U.S. security interests continued to he stressed "in endless variation", as the Pentagon account puts it, but the Vietnam War forged its own rationale as well— the loss of prestige and of the credibility of our commitments if we failed to crush the Viet Cong.

Needless to say, the UN Charter does not permit members to block national independence, interfere with self-determination or disrupt the territorial integrity of other nations on any of the grounds cited.

As the United States became increasingly involved in the French-lndochinese war, it had to grapple with the problem that faced the French: If the mass of Indochinese supported the Viet Minh, how could the Bao Dai regime survive except through the permanent presence of massive foreign military forces?

The Pentagon account cites a memorandum of the Joint Chiefs of Staff on the eve of the Geneva Conference. suggesting a solution: "Seek to create conditions, by destroying effective

communist forces . . . under which the, Associated Forces could assume responsibility for the defense of Indochina." In other words, exterminate enough of the pro-Viet Minh population to permit the Bao Dai regime to maintain power without apparent violence to the principle of self-determination. In outlining a proposed course of U.S. action in alliance with France, the memorandum declared that the "employment of atomic weapons is contemplated in the event that such course is militarily advantageous."

As described in the Pentagon account, this pattern of population extermination by an expanding U.S. military power to permit the survival of Washington-selected regimes was put into practice in South Vietnam in the 1960s. As the arguments in defense of Lt. Calley have revealed, the legal prohibition against war on civilians is necessarily violated when the politics of a conflict call for military protection of alien-imposed regimes against a recalcitrant people.

Watershed conference

The Geneva Conference was a watershed in the decades-long struggle for Indochina. The decision to negotiate an end to the war at Geneva in May, 1954, was made at a Big Four* Ministers Conference in February. As the conference date approached, Washington sought desperately to prevent the negotiations. In the light of the political and military realities, no settlement was possible without substantial concessions to Ho Chi Minh's government. In April, the Pentagon account relates, the National Security Council defined U.S. policy as follows: (a) nothing short of military victory in Indochina is acceptable; (b) if France disagrees, the United States will oppose any settlement at Geneva and enter the war actively with or without French participation.

The policy was triply contemptuous of international law. In addition to ignoring the principles of independence and self-determination, it was flouting the UN Charter's requirement for negotiation of disputes and its prohibition against aggressive war. What made the violations even more crude was the U.S. general posture as simply an interested bystander. It was seeking to block settlement of an eight-year war in which it was not a participant.

*Editor's note: The "Big Four" countries following World War II were the United States, England, France and the Soviet Union.

Needless to say, the U.N. Charter does not permit members to block national independence, interfere with self-determination or disrupt the territorial integrity of other nations on any of the grounds cited.

[The defeat of the French at] Dien Bien Phu, and the refusal of either Congress or Washington's allies to go along with unilateral military intervention, finally persuaded Washington that it would have to acquiesce in some compromise at Geneva. While the Pentagon Papers say little about the Geneva negotiations, a "secret" cablegram from Secretary of State Dulles refers to the seven "U.S.-U.K. terms" for settlement. These terms became the basis for all future U.S. actions in Vietnam, though those respecting Vietnam were explicitly rejected by the Conference.

They included division of Vietnam, no political arrangements likely to result in the "loss" of the south to the Communists, no restrictions on importation of arms or military advisers into the south, and "possible" later unification by peaceful means.

In his cablegram Dulles explained that in order to forestall peaceful unification of Vietnam under Ho Chi Minh, the unifying elections projected at the Conference should be held as far in the future as possible, and he urged the U.S. delegation to prevent a date from being set altogether.

Sabotage

As the Pentagon account confirms, the Conference did not partition Vietnam. It established two regrouping zones for armistice purposes and elections for a single government in 1956. The introduction of foreign troops or bases and the use of Vietnamese territory for military purposes were forbidden.

The United States pledged, in the name of its U.N. obligation, to respect independence and territorial integrity, not to disturb the Agreement forcibly. But the Pentagon study reveals that, even before the Conference was over, Washington sent its chief counter-insurgency expert, Colonel Edward Lansdale, to Saigon in order to stabilize a government in the south and to organize sabotage in the north.

The account says that by early August, 1954, the National Security Council concluded that

the Geneva Accords were a "disaster" which might lead to the "loss" of all Southeast Asia. It called for ousting the French, who were the guarantors of the settlement in the south, then setting up a "viable" southern regime under Ngo Dinh Diem who had been brought from exile in the United States for the purpose, and for preventing "a communist victory through all-Vietnam elections." In fact, Dulles had signaled Washington's intent to sabotage the accords two days after they were signed. He told the press on July 23: "One of the good aspects of the Geneva Conference is that it advances the truly independent status of Cambodia, Laos and Southern Vietnam."

Its actions were clearly illegal. When it resorted to war to enforce these illegal actions, its behavior became criminal under the terms of the Nuremberg Charter, which defines war waged in violation of treaties and agreements as the most pernicious of all war crimes.

The Pentagon account of Diem's refusal to permit the mandated 1956 elections has been interpreted in the press as implying that Washington had no hand in this. The United States, the Pentagon account explains, urged Diem not to oppose the mandated discussions to arrange the elections, but to insist upon conditions which Hanoi could not accept.

In May of 1956, Washington sent a military force to Saigon on the pretext of helping the Vietnamese recover and redistribute equipment abandoned by the French. This, the Pentagon study declares, was "a thinly veiled device to increase the number of Americans in Vietnam" in violation of the accords. The account concludes that without U.S. support Diem "almost certainly could not have consolidated his hold on the South": without the threat of U.S. intervention, he "could not have refused" to cancel the unifying elections; and without U.S. aid, he "could not have survived".

In brief, it states, "South Vietnam was essentially the creation of the United States."

The study thus makes it clear that the United States, in explicit violation of its pledge at Geneva and its obligations under the UN Charter, disrupted the territorial integrity of Vietnam, interfered with its independence, and denied self-determination to the people of the South.

Its actions were clearly illegal. When it resorted to war to enforce these illegal actions, its behavior became criminal under the terms of the Nuremberg Charter, which defines war waged in violation of treaties and agreements as the most pernicious of all war crimes.

In order to provide a legal cover for its objective of partitioning Vietnam permanently and establishing a "non-communist" regime in the South, Washington proceeded to rewrite history. It decreed that the Geneva Accords had established two Vietnamese states and that the South was to be non-communist, without regard to popular will. The U.S. terms for settlement were substituted for the actual terms.

The myth that Geneva established two Vietnams, promoted almost universally for years in the United States by all communications media, was essential to the formal justification for U.S. intervention— "aggression" from North Vietnam against the independence of South Vietnam, and the right of the United States to defend South Vietnam from such aggression. As one of America's foremost authorities on international law, the late Quincy Wright, has written: Once the 1956 elections were canceled the North had every legal right to restore the nation's territorial integrity by whatever means available. Hence the reality of the Geneva Accords had to be buried.

The Pentagon account does suggest that Hanoi can be charged with some responsibility for the war in that it passively permitted cancellation of the 1956 elections, as well as Diem's campaign of repression against the former Viet Minh cadres who had fought the French. The insurrection in the South, according to the account, developed indigenously in self-defense against this repression long before Hanoi was charged with "intervention". In fact, the Pentagon study tells us, the Vietnamese communist leadership in Hanoi was insisting on peaceful political activity in the South until 1959, when it was compelled by the spreading insurrection to take charge.

Diem's mass arrests of Viet Minh cadre, the study states, had put from 50,000 to 100,000 in detention camps by 1955. Instructed to confine themselves to "political struggle", the Viet Minh failed to resist Diem's repression, which almost wiped them out. They began their insurrection against instructions around 1956 to preserve their forces and for three years fought alone,

isolated from the North. The insurrection, according to the Pentagon study, expanded with the increasingly oppressive and corrupt behavior of the Diem regime.

Diem returned to the landlords the lands given to the peasants by the Viet Minh during the French War, and he replaced the traditional, popularly-elected village councils with northern Catholic refugees personally loyal to him. (French journalists and scholars in Vietnam estimated that 60 to 90 percent of southern villages were governed by Viet Minh cadre at the time of Geneva.) C.I.A. reports indicated that Diem had alienated virtually all elements of the population before 19S9, and had thus inspired the insurrection which, in the words of the Pentagon study, was "by no means contrived in North Vietnam."

Meanwhile, the study tells us, Hanoi concentrated on its internal development, apparently hoping to achieve reunification through the mandated elections or through the natural collapse of the weak Diem regime. But it was under pressure, both from southern insurrectionists and from restive southerners who had been grouped north under the terms of the Geneva Accords, presumably until reunification in 1956.

In May of 1959, the Pentagon study states, the Lao Dong (Communist) Party's Central Committee decided "to take control of the growing insurgency". The Pentagon analyst ascribed the decision to "North Vietnam's leaders", although in fact the Lao Dong party was an all-Vietnamese body, many of whose most prominent members, including its general secretary, were southerners. It operated publicly from Hanoi; but after the decision to back the insurrection, some of its members went south to give it leadership. From the viewpoint of the U.S. propaganda position, this constituted "external" direction of the insurrection.

Striking restraint

According to the Pentagon account, the communist decision to throw its weight behind the insurrection took the form chiefly of providing some supplies and "infiltrating" back south cadre members who had been regrouped north. The first report of the presence of individual North Vietnamese troops in the south occurred in October, 1964, when there were already some 25,000 U.S. "combat-support" troops actually engaged in the fighting. A single North Vietnamese regiment was said to have been observed in February, 1965, when the bombing of the North was initiated. According to military intelligence, that one regiment was not augmented until after U.S. combat troops had entered the war overtly in massive numbers in the summer and fall of 1965.

It thus appears clear, from the actual Pentagon record, that even though Hanoi would have been legitimately defending Vietnam's independence and territorial integrity had it initiated the war, it did not in fact do so. Far from being aggressive, it was rather strikingly restrained—doubtless hoping to ward off America's massive military power.

Reports indicated that Diem had alienated virtually all elements of the population before 19S9, and had thus inspired the insurrection which, in the words of the Pentagon study, was "by no means contrived in North Vietnam."

The record also makes it clear that the Viet Cong was doing quite well without North Vietnamese troops or even supplies, at least until the entry of U.S. combat troops, that it held the allegiance of southerners throughout the period covered by the Pentagon study, that the Saigon regime had virtually no political support, and that this led the United States to expand the conflict into what amounted to an American invasion aimed at exterminating enough southern Vietnamese to pacify the country in the U.S. "national interest".

President Kennedy's decision to expand the force of "military advisers" (referred to as "combat support" troops) to some 10,000 in the fall of 1961 was prompted by intelligence reports that large areas of the south were under Viet Cong control and that the situation was critical for Saigon. The National Liberation Front, the formal political body of the insurrection, had been officially organized in December of 1960, and within a year had 300,000 members, according to intelligence reports.

The military arm, known to Americans as the Viet Cong ("V.C."), had some 17,000 troops, the bulk locally recruited, with little evidence that it relied on external supplies. Saigon's army then numbered 170,000— ten times as large—and the Saigon regime was still on the verge of

collapse! In order to justify the violations of the Geneva Accords involved in expanding U.S. combat-support troops, the U.S. administration made elaborate plans for releasing a "White Paper" on North Vietnamese aggression.

A December, 1962, intelligence report estimated that the V.C. had expanded to 23,000 elite fighting personnel plus about 100,000 irregulars, that it controlled some two-thirds of the villages wholly or in varying degree, and that its influence had expanded in urban areas. Hanoi's role is mentioned briefly, solely in a political context. In March, 1964, Secretary McNamara informed President Johnson that desertion rates for the Saigon army and paramilitary forces were high and increasing, that the political control structure from Saigon down to the hamlets had "disappeared" and that the V.C. were recruiting "energetically and effectively".

An intelligence analysis at the same time stated that "the primary sources of communist strength n South Vietnam are indigenous", arising out of the revolutionary social aims of the Communists and their identification with the nationalist struggle against France in the 1950s. The analysis said that bombing the North, then being debated, would be ineffective since the V.C. was not dependent on it for men or supplies.

The study records Washington's readiness to visit staggering destruction upon the Vietnamese in the full knowledge that the regime it was seeking to impose had no popular support.

These reports did not deter the president from publicly declaring that the United States was aiding the people of South Vietnam "to win their contest against the externally directed and supported Communist conspiracy". Nor did it deter him from undertaking secret offensive operations against the North or from calling for another document proving Hanoi intervention. While ordering publication of such a document, he and Secretary of State Rusk resisted military pressures for rapid and public escalation of attacks on the North on the grounds that the Administration "lacked adequate information concerning the nature and magnitude" of infiltration from the North!

By early 1966, both Secretary of Defense McNamara and Assistant Secretary McNaughton had decided that the ground war in the South could not be won short of exterminating the population. A McNaughton memo complained that the Saigon army was "passive and accommodation-prone", that the government infrastructure was moribund and the V.C. infrastructure strong. In a later note, McNaughton observed: "*We* control next to no territory" (emphasis added). A few months later McNamara, returning from a trip to Saigon, confirmed that "we" control little, if any more, of the population than before the entry of U.S. combat troops.

Staggering destruction

In January of 1968, the massive Tet offensive caught the United States by surprise, according to the Pentagon account. General Westmoreland reported that the offensive was a VC. operation, with northerners filling in gaps. He pleaded for a step-up in U.S. troop reinforcements to offset the "casualties and desertions" resulting from the offensive, a request which finally compelled Johnson to call a halt to the war's continuous escalation.

The Pentagon's office of Systems Analysis declared that, despite the influx of 500,000 men, 1.2 million tons of bombs a year and 400,000 attack sorties annually, "our control of the countryside and the defense of the urban areas is now essentially at pre-August, 1965, levels. We have achieved stalemate at a high commitment." The Pentagon study thus records Washington's readiness to visit staggering destruction upon the Vietnamese in the full knowledge that the regime it was seeking to impose had no popular support.

The bombing of the North and the persistent refusal to negotiate the war's end were explicit consequences of this knowledge. In early 1964 the Johnson Administration launched secret air and commando attacks against North Vietnam under Plan 34A, as well as De Soto patrol assaults which led to the Tonkin Gulf incident. The study ascribes thcse attacks to the fact that the United States "found itself unable to cope with the Viet Cong insurgency. . . ."

When the limited, secret attacks on the North brought no results, Washington initiated open, massive, and continuing air attacks in February of 1965. A single bomb dropped by one nation on another with which it is not at war would be condemned as criminal aggression. In this case, an average of forty planes bombed the North

daily for well over three years, initially to terrorize it into political accommodation to illegitimate U.S. goals in the South.

As the Pentagon study put it, Washington concluded that the V.C. could not be defeated and the Saigon regime preserved in a struggle confined to South Vietnam, and so it bombed the North to compensate for failure in its counterinsurgency efforts. After a few months, when continuous bombing plainly had no effect on the North, the rationale for it was changed to interdiction of infiltration of men and supplies, even though the intelligence agencies still estimated that the V.C. did not depend on large-scale supplies or manpower from the North. The Pentagon study analyst concluded that the bombing was undertaken through lack of alternative proposals for dealing with disintegration of the Saigon regime.

With the predicted failure of expanded bombing, north and south, to stem Saigon's military and political disintegration, President Johnson decided to deploy thirty-four battalions of combat troops and by the end of 1965 there were almost 200,000 U.S. military personnel in the South. In *The Pentagon Papers*, the fiction that the United States was assisting Saigon at its request had long since been discarded. The war was an American affair, with the Saigon regime viewed, in the Pentagon study's language, "in terms of its suitability as a base" for U.S. action. All that could be hoped for was that the Saigon regime would "give the appearance of a valid government". All pretense of a supporting role was dropped. The documents speak of "our" capture or loss of so much territory or population. Their estimates of relative strength of the contending forces often do not even mention the existence of a South Vietnamese army. Both militarily and politically, Saigon was discounted as a material force. In relation to Hanoi, the entire escalating initiative was ours: The documents refer repeatedly to the expectation that our escalation will be matched by Hanoi, not the other way around.

American invasion

In brief, the war was in actuality an American invasion of South Vietnam. The massive mythology concerning defense of an "independent" South Vietnam against aggression "from its northern neighbor" was an essential legal cover.

The Pentagon study concludes that the United States perceived itself to be the world's most powerful country and, as such, it considered that the outcome of the war would demonstrate its will and ability "to have its way in world affairs".

Examining the reasons for this continuously escalating invasion, the Pentagon study concludes that the United States perceived itself to be the world's most powerful country and, as such, it considered that the outcome of the war would demonstrate its will and ability "to have its way in world affairs". It is difficult to conceive of goals and conduct more in conflict with the fundamental purposes and stated principles of the United Nations.

Even within the framework of its cover story, Washington flouted U.N. procedural principles. The Charter requires that, when a nation acts militarily in defense against aggression, it must immediately notify the Security Council. From 1961 to mid-1964 the United States expanded its forces in Vietnam, sent troops into combat and launched secret attacks against the North with no notification to the Security Council.

Its first notification to the Council occurred when it openly bombed northern installations immediately following the Tonkin Gulf events. On that occasion, Washington falsely told the Council that it knew nothing of, and had no responsibility for, raids by PT boats on North Vietnamese coastal and island territory, or strafing by planes of North Vietnamese villages. It denied, too, that the U.S. vessels involved in the incidents had any connection with any raids.

In fact, as the Pentagon study confirms, the secret programs under which the raids on the North were conducted at the time were commanded by U.S. officers, and the Maddox was on an intelligence-gathering mission under one of these programs when attacked in the Gulf.

[Editor's note: It later came to light that there was never any clear evidence of attacks on the intruding U.S. ships in the Tonkin Gulf. But the Johnson administration, which had been looking for an excuse to start bombing northern Vietnam, chose to interpret some cryptic sonar signals— which may have been reflected from the Maddox's own propeller— as the evidence for which it had long been preparing.]

The U.N. Charter also mandates that efforts must be made to settle disputes by negotiations. Washington tried to block the Geneva negotiations and continued to oppose negotiations, in substance, throughout its escalation of the war. Thus, early in 1964 bombing was delayed for fear of international pressures for "premature negotiations", and in 1965 it was initiated in part due to fear of growing southern sentiment for a negotiated peace.

Concern for appearances

At several points, the Pentagon study reveals worry about a neutralist takeover in Saigon which would seek negotiations and "invite the U.S. to leave". This fear of negotiations, the study makes clear, stemmed from the knowledge that any American-imposed regime would collapse with U.S. military withdrawal. On July 31, 1971, South Vietnam's President Nguyen Van Thieu, rejecting any form of legal political activity for the V.C., hence any possibility of a negotiated settlement, explained that, "We cannot afford to give any concessions to the communists because we are weak."

The study also confirms that President Johnson's gestures toward negotiations in the spring of 1965, were intended as camouflage. And it reveals that his offer on March 31, 1968, to limit bombing of the North in exchange for negotiations was accompanied by a State Department cablegram instructing U.S. ambassadors in Asia to "make clear that Hanoi is most likely to denounce the project and thus free our hand after a short period". In this case Hanoi "double-crossed" Washington policy-makers; it accepted the negotiations offer.

Explicit indications of concern for U.N. or international opinion are rare in the Pentagon Papers. One such expression occurred in March, 1964, when the military was pressing for overt bombing of the North and overt combat forces in the South. McNamara opposed this on the grounds that it would disturb "key allies and other nations, etc." Since clandestine attacks on the North were already planned and "support" troops were in fact engaged in combat, this was a typical case of concern for appearances, not substance.

The concern for appearances was soon brushed aside. When continuous bombing of the North was launched in early 1965, a State Department wire informed Ambassador Taylor in Saigon that the United States planned to seize the initiative at the U.N. Security Council by claiming it was responding to Hanoi's aggression. The purpose was to "avoid being faced with really damaging initiatives by the U.S.S.R. or perhaps by such powers as India, France or even the U.N."

The wire also said that Washington expected Hanoi to refuse a U.N. invitation to the debate, thereby strengthening the U.S. position, and that it anticipated long, drawn-out discussion, with any decision about eventual agreement postponed. The United States thus proposed to take the bombing issue to the U.N. itself in order to forestall "damaging" action by other nations or any talk of settlement. It had done this effectively at the time of the Tonkin Gulf raids.

The Pentagon study ends with the Johnson Administration's last days. It is clear that President Nixon has revised Washington's tactics but not the goals established unilaterally by the United States at Geneva. Much of the opposition to the war has been based not on its immorality or the violence it has done to international law, but on the disproportionate cost in relation to the "national interest". By lowering current costs, in terms of U.S. lives and money, Nixon seems to have dampened active opposition. At this writing, the goal of exterminating Vietnamese foes of Saigon through an expanding air war in place of ground troops, and of imposing Saigon regimes which cannot rule without U.S. military action, continues, as does the maneuvering to evade actual negotiations.

Justifying myths

The study thus demonstrates a striking consistency in U.S. policy toward Indochina over two decades. Liberals who supported this policy until the cost became too great argue that it was initially justified as a response to monolithic communism's efforts at world conquest, or so it appeared at the time.

With the overt disintegration of the monolith, the argument runs, the justification for the war as a response to its threat was undermined. On this ground, the liberals justify their previous support of U.S. policy, with its myths regarding the Geneva Accords and Hanoi aggression. This has inhibited them from attacking these myths, and it continues to inhibit them from attacking the fundamentals of U.S. policy out of which the war grew.

NOTES

These notes are keyed to the relevant section of the text by page number and a brief quotation. Works listed in the References are cited here by author's name, only.

HISTORICAL BACKGROUND

This first section of the report condenses such a large and diverse body of information that it is not practical to document each and every detail. The most important points are documented below. Otherwise, the reader is referred to the works listed in the References, especially the following: Burchet (1970), Ellsberg, Gettleman *et al*., Gravel, Maclear, Nguyen, Tuchman.

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1. *"When those forces. . . left behind a legacy"*
   The details of that legacy are reviewed in separate reports, on ecosystems and public health, prepared for the Environmental Conference on Cambodia, Laos & Vietnam. Internet: www.nnn.se/environ.htm

1. *"The rape of Indochina"*
   Some citizens of the three countries which comprise the area known as Indochina object to the term on the grounds that it was imposed by the French empire for its colonial purposes, and implies a regional unity that has never existed. However, the term is firmly established in the literature— in references to the First and Second Indochinese Wars, for example— and provides a useful shorthand for Cambodia, Laos and Vietnam when discussing matters relating to all three countries. For those reasons, only, Indochina is referred to in this report. No historical, political or cultural unity is stated or implied. For a brief discussion of the term's origins and uses, see: LaCouture, Jean. "From the Vietnam War to an Indochina War." *Foreign Affairs,* 48 (July 1970): 617-628.

1. *"The French then established. . . most brutal"*
   Tuchman, pp. 237-238

1. *"President F.D. Roosevelt was determined"*
   Tuchman, p. 235

3. *"But Roosevelt died and his successors chose"*
   Patti, pp. 377-390

3. *"We'd had guerrillas as long as . . .memory"*
   Borton, p. 157

3. *"The French were finally defeated"*
   There are numerous accounts of the French defeat at Dien Bien Phu which, despite the far greater death and destruction of the American War, is generally regard by Vietnamese as the decisive turning point in their struggle for in-dependence. For a French version, see Roy; for the victorious general's version, see Vo Nguyen Giap.

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3. *"The client regime it installed "*
   The government installed and supported by the United States in southern Vietnam has also been referred to as a "puppet regime", even by officials of that regime. See for example the quotation of Nguyen Cao Ky on page 24 of this report.

3. *"At the 1954 peace conference in Geneva"*
   Gravel, Vol. I: 108-178

4. *"I have never met an American"*
   - Moffat, Abbot Low. Testimony before U.S. Senate Foreign Relations Committee, 11 May 1972
   - Alsop, Joseph. *The New Yorker*, 25 June 1955
   - Eisenhower. Dwight D. *Mandate for Change*. Garden City: Doubleday, 1963, p. 372
   - Lodge, Henry Cabot. *New York Times*, 27 February 1966
   - Fulbright, Senator William. *Congressional Record*, 16 June 1967

4. *"A group of 93 Vietnamese Catholic exiles"*
   Wald, George. "The South Vietnamese Catholics." *New York Times*, 11 January 1971

4. *"Amnesty International reported . . . prisons"*
   Pilger, John. "Det Längsta Krigets Sista Dag [The Longest War's Final Day]." *Aftonbladet* (Stockholm), 13 May 1995. See also *Life*, 13 May 1957, which in a generally laudatory article on the Diem regime

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4. *"Amnesty International" (cont.)*
reported that: "There is a grim structure of decrees, 're-education centers', secret police. . . . The whole machinery of security has been used to discourage active opposition of any kind from any source."

4. *"According to Daniel Ellsberg"*
Ellsberg, Daniel. "Chapter 16: The Morality of a Continuing War." Internet www.ellsberg.net/writing/Additional_Notes.htm

4. *"Fifteen years later. . . Kissinger would confide"*
Memorandum of conversation between Prime Minister Chou En-Lai, Presidential Advisor Henry A. Kissinger, *et al*. 21 October 1971. Source: National Security Archive. Internet: www.nsarchive.org

4. *"No northern troops were reported"*
Even those reports were doubtful. U.S. intelligence on the extent of the DRV presence in southern Vietnam was often uncertain. See for example Gravel, Vol. III: 158.

4. *"The initial response of the DRV was cautious"*
The U.S. authority on international law was Quincy Wright. See his article, "Legal Aspects of the Viet-Nam Situation" in *American Journal of International Law* 60 (1967): 750-769.

4. *"U.S. government decided in 1964 to invade"*
Ellsberg, pp. 7-20; and Gravel, Vol. III:106-485.

5. *"The ideology of anti-communism"*
According to hstorian Barbara Tuchman: "The pressure of the far right on the Administration was a constant factor. This was 'the Great Beast to be feared', as Lyndon Johnson [later testified]. . . . Having invented Indochina as the main target of a coordinated Communist aggression, and having in every policy advice and public announcement repeated the operating assumption that its preservation from Communism was vital to American security, the United States was lodged in the trap of its own propaganda. . . . The matrix of this exaggeration was the state of the union under the paws of the Great Beast." See Tuchman, pp. 252-259.

6. *"This is how Nixon described the problem"*
White House tape recordings; reproduced in Ellsberg, p. 419.

6. "*The possibility of a nuclear assault on Vietnam*"
Excerpts from White House tape recordings; reproduced in Ellsberg, pp. 418-419.

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6. *"During Nixon's years. . . four million tons"*
Kimball, p. 137

6. *"The boundaries of Laos were established"*
For a concise review of the history and political development of Laos, see Burchett (1970), pp. 87-167.

7. *"Laos became the most intensively bombed"*
Matteson, Kieko & Perkinson, Robert. "Remnants of War." *Boston Review*, Febuary-March 2000.

7. *"In order to remain neutral"*
In their meeting on 21 October 1977 (see above, "Fifteen years later") Chinese P.M. Chou En-Lai informed Henry Kissinger that Prince Sihanouk had consented to the presence of Vietnamese troops along the border: "Because he sympathized with the South Vietnamese people who had been pushed into war for 10 years, he allowed some of their troops to use the eastern part of Cambodia. . . . But the United States has no reason to rebuke Sihanouk, nor does the United States have any reason to rebuke the North Vietnamese for assisting their compatriots in South Vietnam. Because in 1954 after the Geneva Conference, they withdrew their armed fighters and they did so very scrupulously, in good faith."

7. *"Official statistics indicate that rice production"*
Shawcross, p. 317

7. *"What followed was a mass slaughter"*
These events are described in Becker, in Chandler and in Shawcross.

7. *"But it was hardly unprovoked"*
See for example: "The Fall of Democratic Kampuchea" in Ross, Russell R., ed. *Cambodia*. Federal Research Division, U.S. Library of Congress, 1987. Internet: http://countrystudies.us/cambodia/33.htm

7. *"Even after the Khmer Rouge were defeated"*
Pilger, pp. 32-34

8. *"Subsequent efforts to establish"*
Pilger, John. "De stödde en massmördare" [They Supported a Mass Murderer]. *Aftonbladet* (Stockholm), 15 April 2000.

8. *"In a warning to France in 1946, Ho Chi Minh"*
Karnow, Stanley. "Ho Chi Minh." *TIME 100: Leaders & Revolutionaries*. Time.com, 2000. Internet: www.time.com/time/time100/leaders/profile/hochiminh.html

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8. *"For the Vietnamese, the full consequences"*
For references on these figures, see note for p. 42, "Dimensions of Equivalence".

9. *"As explained by a committee of. . . Congress"*
Arms Control & Foreign Policy Caucus. "The Vietnam Trade Embargo: Is It Obsolete?" U.S. Congress, 24 June 1991

9. *"As a U.S. political scientist has explained"*
Barnet, Richard J. "Patterns of Intervention" in Falk, Vol. II: 1162-1175

9. *"British Prime Minister Margaret Thatcher"*
Pilger, John. "Tillbaka på Dödens fält" [Back to the Killing Fields]. *Aftonbladet* (Stockholm), 20 June 1996

10. *"A report. . . by the U.N. Development Program"*
Annerstedt, Jan & Sturgeon, Tim. "Electronic and Information Technology in Vietnam." Hanoi: Ministry of Science, Technology and Environment, 1994.
Internet: www.undp.org.vn/ themes/ict4d/ annerstedt/index.htm

10. *"The chairman of the President's Export Council"*
Crossette, Barbara. "Bush is Pressed on Vietnam Embargo." *N.Y. Times*, 31 March 1992

10. *"Strategically, the big issue in Asia"*
Friedman, Thomas L. "Good Morning, Vietnam." *New York Times*. 18 January 1995

10. *"But as a condition, Vietnam was required"*
President Clinton subsequently allowed Vietnam to allocate part of this "debt" to internal reconstruction.
Source: Noam Chomsky, personal communication, September 2003.

10. *"As for the over four billion dollars"*
Nixon's letter to Prime Minister Pham Van Dong is reproduced in Gettleman, pp. 487-489

10. *"This is confirmed by. . . Thanh Bui"*
Mathes, Michael. "No bright economic light at end of Vietnam's tunnel." *The WorldPaper.*
Internet: www.worldpaper.com/Archivewp/ 1999/oct99/mathes.html

11. *"For example, a rapid increase in imports"*
Aldis, Len. "Six Years of Negotiations Broken by U.S. in a Few Days." *Vietnam Report*. Britain-Vietnam Friendship Society 34 (2003)

11. *"Ever since the South lost the Civil War"*
Horowitz, Tony, *The Observer* (London), 22 December 2002

11. *"According to one analysis of political dev'ments"*
Golub, Philip. "United States: Inventing Demons."*Le Monde Diplomatique*, March 2003

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12. *"The main source for the land reform tragedy"*
Porter, D. Gareth. "Bloodbaths in Vietnam: The Reality and the Myth." *New York Times*, 24 October 1972.
See also: Moise, Edwin E. "Land Reform and Land Reform Errors in Vietnam." *Pacific Affairs*. Spring 1976.

12. *"'It is also true,' wrote Bernard Fall"*
Fall, Bernard. "Ho Chi Minh, Like It or Not." *Esquire*, November 1967

12. *"Of the alleged massacre in Hué"*
Porter, D. Gareth. "The 1968 'Hue Massacre'." *Indochina Chronicle* 33 (24 June 1974), pp. 2-13

12. *"Both were highly complex events"*
Regarding Vietnam's invasion of Cambodia, see note above for page 7 ("But it was hardly unprovoked"). A long history and many factors were involved in the mass exodus of the "boat people", as indicated by the following excerpts:

• "Meanwhile [during the Nationalist Chinese occupation of northern Vietnam, 1945-1946] Chiang Kai-shek's commerical and financial agents masterfuly had laid a solid base in Indochina for an exploitative economic operation that lasted well over thirty years. We see them now as 'boat people'. . . . One may safely conclude that the properties seized upon so greedily by the Chinese a generation ago are being brought back into Vietnamese ownership. Today's wave of Chinese 'escapees' from Viet Nam is not so much based on ideology; and their history of economic greed also explains why the present government of China does not lay out a welcome mat for them. They are convenient for drumming up a 'grievance' against Viet Nam, but they are not wanted in China." – Patti, pp. 292, 381

• "Approximately one million people left Vietnam by boat during the fifteen-year period after the end of the war. This is an emigration rate of 2.1 percent. Historian Wallace Brown notes that in the aftermath of the American Revolution, between 6.4 and 15.3 percent of the total population of the new United States went into exile. . . . The flight of [ethnic Chinese] from Vietnam reduced the Chinese population of Cholon (the Chinese quarter of Ho Chi Minh City) from 72 percent to 49 percent. By the mid-1980s, the Vietnamese adopted policies designed to improve relations with the remaining Chinese population. . . .

(note continued on next page)

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12. …Today Cholon, renamed Sector 5, is still a vibrant Chinese community."
– Brush, Peter. "Dissing Vietnam." *Viet Nam War Generation Journal*, Vol. 1/No. 4 (April 2002), pp. 59-74
• "Michael Culligan, a former Irish banker who runs the programme in Haiphong, said, 'I have travelled all over the country and met thousands of returnees, and I have not come across a single case of victimisation. The Vietnamese are a very kindly people. They were very sympathetic towards the boat people who came home, and they went out of their way to ensure they didn't lose face. That is a civilised society."
– Pilger, p. 588.

13. *"The M.I.A. issue has been used to justify"*
For a detailed analysis, see Franklin.

13. *"According to The Guardian's correspondent"*
Tremlett, Giles. "Spanish fury at 'slur' on the Conquistadores." *The Guardian*, 17 March 2003

15. *"However, as one student of the exile community"*
Wells-Dang, Andrew. "Overcoming the Legacy of the Vietnam War." *Foreign Policy in Focus*, Vol. 5/No. 26, August 2000

15. *"A prime example is Rep. Robert Dornan"*
Quoted in *Seattle Post-Intelligencer*, 24 June 1986

15. *"Some elements of the military establishment"*
The betrayal myth is refuted by Guenter Lewy in "Some Political-Military Lessons of the Vietnam War". *Parameters: Journal of the U.S. Army War College*, Vol. 14/No. 1 (1964), pp. 2-14

15. *"Political leaders have also exploited"*
President Bush is quoted in the *Washington Post*, 4 March 1991

15. *"The editors of the Washington Post"*
Cited by Noam Chomsky in "Memories", *Z Magazine*, July-August 1995

15. *"Hollywood began rewriting history"*
• Adler, Renata. "Green Berets as Viewed by John Wayne." *New York Times*, 20 June 1968
• Mohr, Charles. "U.S. Special Forces: Real and on Film." *New York Times*, 20 June 1968

16. *"David Putnam. . . Bobby Muller"*
Pilger, John. "Hollywood Distortions."
Internet: http://pilger.carlton.com/vietnam/hollywood2

16. *"Sometimes it looks as if American"*
Robinson, Lilian S. "The Vietnam Syndrome." *The Nation* (New York), 20 January 1992

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16. *"In reality, the attack on U.S. ships"*
Ellsberg, pp. 7-20.

16. *"Even in Sweden"*
Burke, Al. "The Word from the White House." *Nordic News Network*.
Internet: www.nnn.se/disinfo/vithus.htm

LEGAL ISSUES

17. *"Violated or ignored as they often are"*
Taylor, pp. 19-41. Chapter 1 includes a concise review of the laws of war and their historical development. For more thorough discussions, see Brownlie and Kittichaisaree.

17. *"The standards of law provide a yardstick"*
Falk, Richard A. "Six Legal Dimensions of the United States' Involvement in the Vietnam War." Research Monograph #34. Princeton Center of International Studies, 1968

18. *"General Yamashita of the Japanese Army"*
Taylor, p. 182

19. *"According to the final judgement"*
H.M. Attorney-General. *The Trial of German Major War Criminals: Proceedings of the International Military Tribunal Sitting at Nuremberg, Germany*. London: His Majesty's Stationery Office, 1946

19. *"The Nuremberg Principles"*
Reproduced in Falk, Vol. III: 893-894

20. *"If certain acts in violation of treaties are crimes"*
Robert Jackson quoted in: Falk, Richard. "The Circle of Responsibility." *The Nation* (New York). 26 January 1970

20. *"However history may ultimately assess"*
Taylor, p. 94

20. *"Geneva conventions"*
Internet: www.genevaconventions.org

20. *"Genocide Convention"*
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25. "The mayor of Ha Tinh"
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Ellsberg, Daniel. "First Use of B-52s."
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25. *"We've cleared most of the people out"*
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26. *"This certainly is not the method for dealing"*
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26. *"They joined the flood of refugees"*
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26. *"In a rural culture, when the people leave"*
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26. *"A U.S. Senate subcommittee found"*
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26. *"A U.S. journalist visited several camps"*
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26. *"Visiting one such camp, a U.S. scholar"*
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27. *"The strange new feature about the . . . torture"*
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27. *"A West German doctor working in southern"*
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28. *"The most widely reported incident"*
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29. *"An analyst from a U.S. research institute"*
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29. *"An Army sergeant condemns"*
Sgt. Don Duncan in Vietnam Veterans against the War, p. 171

29. *"A U.S. lawyer points out"*
Tom J. Farer in Falk, Vol. IV: 397, 419.
See also Limqueco, p. 28, footnote no. 11: "As Gabriel Kolko notes in testimony to the Tribunal, the barbarism of Seyss-Inquart in opening the dikes in Holland was considered one of the most monstrous crimes of the Second World War, and was prominent among the charges that led to his death sentence at Nuremberg."

29. *"A U.S. writer asserts"*
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29. *"A French historian and consultant"*
Bernard Fall quoted by Noam Chomsky in Limqueco, p. 35

29. *"A U.S. historian refers to"*
Kolko, Gabriel. "War Crimes and the Nature of the Vietnam War" in Falk, Kolko & Lifton, p. 413

29. *"For Richard Falk, a prominent U.S. authority "*
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29. *"Falk has also argued"*
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30. *"What is your best estimate of the number"*
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30. *"Bomb the schools and churches"*
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30. *"Pretty soon you get to hate all these people"*
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30. *"Somewhere, there is unmitigated responsibility"*
Taylor, p. 176

30. *"I raised him up to be a good boy"*
Mother of Paul Meadlo in interview with CBS television. Internet: www.geocities.com/s911surprise1/page1.html

30. *"Ecocide"*
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30. *"The damage was sufficiently vast to trouble"*
Quoted in *New York Times*, 11 June 1968

30. *"With regard to the 'food denial' program"*
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30. *"There is a precedent. . .Nuremberg Tribunal"*
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31. *"Even the 'source' of . . . environmental law"*
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32. *"According to one estimate, 75,000 were killed"*
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Note: Another bloodbath in which the United States was deeply involved was the one that claimed an estimated 500,000 lives in Indonesia during the 1960s. See Blum, pp. 193-197.

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33. *"A young teacher. . .Buddhist movement"*
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33. *"At least some of the crimes attributed to the NLF"*
Philadelphia Inquirer, 20 October 1965

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33. *"Among the latter was an ARVN colonel"*
Col. Nguyen Be, quoted in Maclear, p. 256

33. *"Those who talk about the massacre"*
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34. *"There has been a persistent failure"*
Falk, Vol. II: 217-218

34. *"I was participating in a criminal conspiracy"*
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34. *"I would bet he has more information"*
White House tape recordings; reproduced in Ellsberg, p. 440

34. *"We seem to think that the way to eradicate"*
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34. *"The picture of the world's greatest superpower"*
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35. *"One favorable assessment of the tribunal"*
Östen Udén quoted in *Tiden*, 6/1967:6

36. *"Sergeant Don Duncan summed up"*
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36. *"It is difficult not to reach a harsh verdict"*
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McGreal, Chris. "Sharon sticks to script in front of Bush." *The Guardian*, 5 June 2003

40. *"Vietnam's Declaration of Independence"*
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40. *"One of the conclusions drawn by. . . Ellsberg"*
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41. *"I don't know why we think, just because"*
Senator Morse quoted in: Solomon, Norman. "Where Is the Voice of Dissent?" *Los Angeles Times*, 2 August 2002

41. *"If America's soul becomes totally poisoned"*
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41. *"The destruction was mutual"*
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44. *"It took more than twenty years. . .reconciliation"*
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Senator Robert Byrd. Senate Floor Remarks. *Congressional Record*, 21 May 2003

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50. *"Nixon's view of the world recalls . . . the Romans"*
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51. *"An entire generation. . . until the Pentagon Papers"*
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51. *"But U.S. Senator Robert Byrd maintains"*
Senator Robert Byrd. Senate Floor Remarks, *Congressional Record*, 21 May 2003

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Pledge Summary. Proceedings of Consultative Group Meeting for Vietnam, 10-11 Dec. 2002

54. *"That amount may be contrasted"*
Source of GDP data: *OECD in Figures 2001*. Paris: OECD Publications

54. *"According to some analyses, the results include"*
• Pilger, pp. 564-588
• Kolko, pp. 149-160
• Chossudovsky, pp. 147-171

55. *"For example, a European economist"*
Personal message to conference co-ordinator.

55. *"A U.S. scholar declined an invitation"*
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55. *"As early as 1969, the following worried cable"*
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55. *"As William Farland. . . Environmental Protection"*
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56. *"Or to take another example. . .established"*
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56. *"Before, in your country, people said"*
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Ellsberg, Daniel. "Chapter 16: The Morality of a Continuing War." Internet: www.ellsberg.net/writing/Additional_Notes.htm

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57. *"The conference reports also provide a frame"*
For an example of doubtful expertise, see: www.nnn.se/levande/forum.pdf

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Personal account related by Chuck Searcy

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Tutu, Desmond. *No Future without Forgiveness*. New York: Doubleday. 1999, p. 28

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See, for example: Commission on Global Governance. *Our Global Neighbourhood*. Oxford: Oxford University Press, 1995

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Barnet, Richard J. "Patterns of Intervention" in Falk, Vol. II: 1163-1170

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Subcommittee on Ethical, Legal & Policy Issues

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LONG-TERM CONSEQUENCES OF THE VIETNAM WAR

ETHICS • LAW • POLICY

For over three decades following World War II, the countries of Indochina were subjected to nearly continuous warfare, resulting primarily from the intrusion of external forces. When those forces finally withdrew, they left behind a legacy of environmental destruction, severe economic hardship and widespread problems of public health, the effects of which will continue to be felt long into the future

This report reviews the ethical, legal and policy implications of that tragic history. Among the problems addressed are military and economic aggression, violations of international law, imperialism, war crimes, ecocide, historical revision, and responsibility for widespread, prolonged human suffering.

Prepared in connection with the Environmental Conference on Cambodia, Laos and Vietnam, the report concludes with a number of recommendations for long-overdue measures to deal with the continuing aftermath of the war.

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