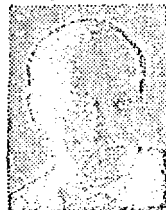


2 2 SEP 1970



Mankiewicz

## Frank Mankiewicz and Tom Braden

# Some Questions for Gen. Ky



Braden

UNLESS he experiences a last-minute change of heart, Vice President Nguyen Cao Ky of South Vietnam will be in our midst within the week, to speak at a far-right "victory" rally at the Washington Monument grounds.

The rally is sponsored by the Rev. Carl McIntyre, a fundamentalist radio pitchman who has characterized the Nixon administration this year as "soft on communism" and has termed the President's Vietnamization policy a "sellout." In Saigon, officials close to President Thieu are writing their American friends that Ky's motives in speaking here are "to undermine both Presidents, Nixon and Thieu."

If Ky makes himself available to U.S. journalists, here is a suggested list of questions that might be asked, all based on material previously made public, either in the United States or Vietnamese press:

1. Mr. Vice President, how do you account for the \$15,000 per week you personally

receive from the receipts of the Saigon race track? You have told us your people are fully mobilized for this war; if that is the case, just who goes to the races every day so as to enable the track to show a profit sufficient to pay you? (In 1967, Ky admitted he was receiving this money, and said he used it from time to time to pay disabled veterans. He had, up to that time, paid out the total sum of \$65 for this purpose.)

2. Your protege, Gen. Do Cao Tri, has been much praised this year as the "Tiger of Cambodia" for his leadership of your troops there. What was his final explanation for the package he sent to Hong Kong earlier this year which was unexpectedly opened in customs and found to contain 71 million piasters in cash (official U.S. equivalent: \$600,000)? Why would anyone want to send that many piasters out of the country, where they were practically worthless, unless to be used illegally—or by the enemy—for pur-

chases back in South Vietnam?

3. Mr. Vice President, your old comrade, Gen. Dang Van Quang, is back in office as chief of intelligence. When you and he shared power as members of the "Military Revolutionary Council," he was the commander of IV Corps until dismissed for corruption. Did he ever make restitution for the money he took from his own soldiers?

4. What about your other colleague from the old days of the council, Gen. Cao Van Vien, now the South Vietnamese chief of staff? Do he and his wife still lease government-owned real estate to Americans? Do they still own bordello hotels at the recreation center at Nha-Trang?

5. Mr. Vice President, why was your mother-in-law, Mme. Hoang, who owns a string of "resorts" in Saigon, permitted to be the sole bidder on a construction contract at an air base to be used by the United States?

6. Finally, Mr. Vice Presi-

dent, what about that old smuggling rap? Back in 1964, when the CIA had set you up as the "commander" of a fictitious airline to fly South Vietnamese agents into the North, you were fired for using the planes to smuggle opium and gold from Laos. What ever happened to the 250 pounds of gold and the 450 pounds of opium which were seized? And your collaborator, Gen. Loc, who was fired as a result of the exposure from his post as director general of customs in Saigon—did he ever get his old job back?

These questions may seem light-hearted, but Gen. Ky is not. He has grown rich and powerful from this war, not from plundering his own people—whom he has more than once betrayed—but ours. He will stand in the shadow of the monuments to Lincoln and Washington, and lecture us on our responsibilities. Americans, to our shame, will applaud him.

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SEP 2 1970

# End-war move fails;

## 2d plan told

By Morton Kondracke  
Sun-Times Correspondent

WASHINGTON -- The Senate Tuesday defeated the so-called "amendment to end the war" by a 55-to-39 vote, then 14 senators proposed a standstill cease-fire as an alternative route to peace in Vietnam.

The amendment would have required the United States to withdraw all its troops from Indochina by Dec. 31, 1971. The cease-fire proposal was designed to get the Paris peace talks out of stalemate.

Both initiatives were billed by their backers as attempts to exercise congressional leadership in foreign policy. The amendment sought that end by force of law. The cease-fire proposal was made in the form of a letter to President Nixon.

### Hotly opposed

The amendment was hotly opposed by the administration. The cease-fire proposal appeared to have been worked out with the White House although its authors, Senators Henry M. Jackson (D-Wash.) and Hugh Scott (R-Pa.), denied it.

Sen. Charles H. Percy (R-Ill.), who voted against the amendment but signed the cease-fire letter, said the administration might propose the cease-fire in modified form perhaps altering the "standstill" aspect to permit regrouping of troops.

The action came as the Senate completed more than five weeks of debate on the \$19.2 billion military procurement bill and passed it to the House, 84 to 5.

Before final passage, the Senate defeated, 71 to 22, an attempt to bar assignment of draftees to Vietnam and voted down, 87 to 7, an effort to delay aircraft shipments to Israel.

### Earlier action

In earlier action on the bill, the Senate voted down efforts to curb the anti-ballistic missile program, stop anti-crop chemical spraying in Vietnam, institute an all-volunteer army and slash the defense budget from \$73 billion to \$66 billion.

The "end of war" amendment, sponsored by Senators George S. McGovern (D-S.D.) and Mark O. Hatfield (R-Ore.), has been the focus of a half-million-dollar advertising campaign and extraordinary lobbying by students and various professional groups for four months.

In the end, however, with people packing the galleries, the amendment

failed to attract even the 40 votes its sponsors had hoped for as a minimum.

In an emotional closing argument, McGovern said, "In one sense, this chamber literally reeks of blood" because of its failure to curb "the cruelest, the most barbaric, and the most ill-advised war in our national history."

### Drift toward 1-man rule

The measure was designed, said McGovern, "to arrest the drift toward one-man rule in the crucial areas of war and peace."

He charged, "We have permitted the war power to slip out of our hands until it now resides behind closed doors at the State Department, the CIA, the Pentagon and the basement of the White House."

Equally agitated, Sen. John Stennis (D-Mass.) said passage of the amendment would

Latest Vietnam troop outback: 10,000 men, Page 6.

They all voted for peace. An editorial, Page 35.

Stevenson, peace groups assail Smith, Percy 'no' votes on McGovern-Hatfield amendment, Page 40.

"strip the President of the power to be our peacemaker."

He said that if the measure passed, the U.S. should commence full withdrawal "within 30 minutes" because "if you strip the Executive Branch of all its discretion, I haven't got the heart to tell the boys that there's anything worth fighting for."

Seven Republicans voted with 32 Democrats for the amendment; 34 Republicans and 21 Democrats opposed it. Sen. Ralph T. Smith (R-Ill.) voted with the opposition.

### Nixon defended

Minority Leader Scott said President Nixon was "de-escalating the war according to plan and promise. His credibility is good. The American people clearly feel this is being done as well as it can be done by someone who inherited it and who is trying to liquidate it."

Assistant Minority Leader Robert Griffin (R-Mich.) said the defeat "should be taken as a vote of confidence for President Nixon" and his Vietnam policies.

A co-sponsor of the measure, Sen. Charles E. Goodell (R-N.Y.), said the administration should take the vote as "a clear warning" that opposition to the President's policies is building.

While expressing disappointment, McGovern and Hatfield pronounced it "significant" that support had grown from 12 senators in early May to 39 at the final vote.

McGovern also claimed that the amendment "literally kept the nation from exploding this summer" by diverting student energies into lobbying in the aftermath of President Nixon's sudden decision to send U.S. troops into Cambodia.

### Stop all funds

As voted on, the amendment would have cut off all funds for offensive military operations in Vietnam after June 30, 1971 and for any U.S. military activity in Vietnam after Dec. 31, 1971.

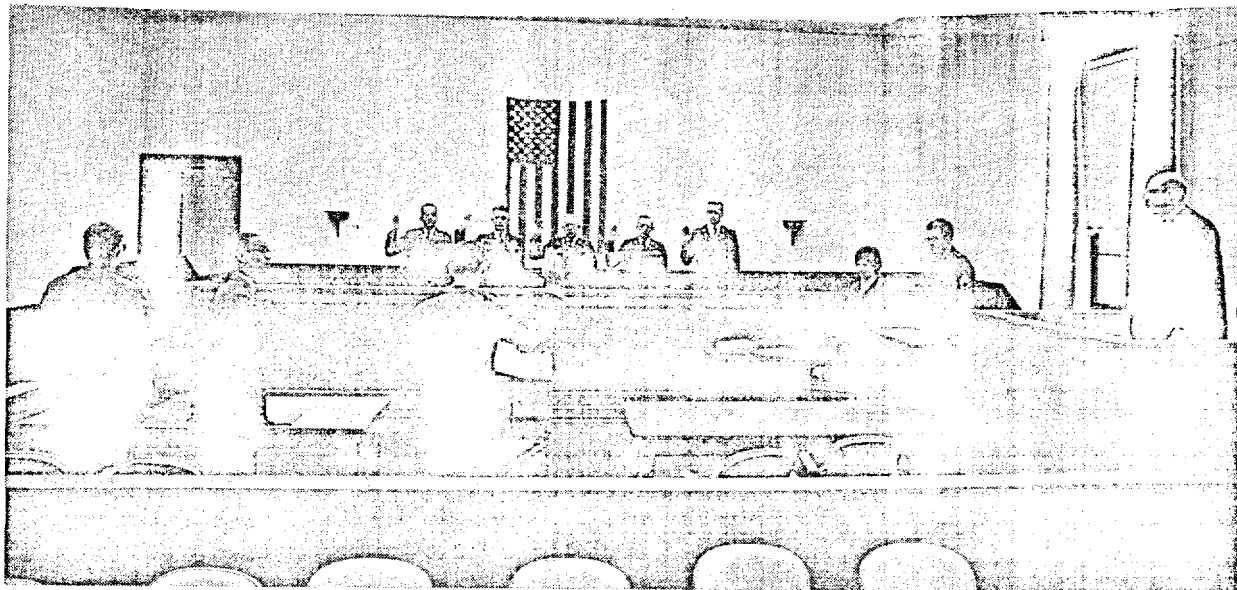
A newly added provision would have allowed the President to extend deadlines by 60 days on his own initiative, but required him to get congressional approval for any further delays.

After the amendment's defeat, Senate Majority Leader Mike Mansfield (D-Mont.) sought to win approval for a new amendment expressing Congress' "support" for "a presidential policy" leading to full withdrawal by the end of 1971.

When administration forces won a parliamentary dispute over the right to amend Mansfield's proposal and eliminate the deadline, Mansfield withdrew it.

The McGovern-Hatfield forces failed to win the support of such Republican moderates as George Aiken (Vt.), John Sherman Cooper (Ky.), William Saxbe (Ohio) and Percy who have participated in previous efforts to exert congressional authority in foreign policy.

Percy and Cooper expressed doubt that the amendment would contribute to a negotiated settlement and was the most desirable means of ending the war.



New York Times

Army court-martial (in Pentagon simulation): Branding is out but bread-and-water is still a sentence

## U.S. MILITARY JUSTICE ON TRIAL

"Didn't you whisper to Yossarian that we couldn't punish you?" demands the bloated colonel with the fat mustache in Joseph Heller's "Catch-22."

"Oh, no, sir," replies Air Cadet Clevinger. "I whispered to him that you couldn't find me guilty—"

"I may be stupid," interrupts the colonel, "but the distinction escapes me."

The distinction—along with the unfortunate Clevinger's quiet contempt for the justice meted out by the military—may have eluded the colonel in the Mad Hatter's world of "Catch-22." But in the soul-searching climate of 1970, the frailties and excesses of military justice have become a high-priority concern. Out of America's involvement in a uniquely unpopular war has come a series of headlined cases testing the limits of dissent among men-at-arms and, more dramatically, reopening the old questions of whether enlisted men and officers should be liable to such civilian charges as murder in dealing with "the enemy."

The cases have produced an improbable set of heroes for both radicals and conservatives. To those on the left, the doctor who refused to train the Green Berets, the draftees who sat down in the Presidio stockade in a show of defiance and the GI's who have picketed against their Commander in Chief are symbols of moral courage, spiritual kin to the Germans who worked to subvert Hitler's Reich. To some on the right, the officers and men accused of a massacre of civilians at Song My are figures of comparable stature, heroic Americans being martyred by gutless higher-ups.

But can a nation at war tolerate rebellion and subversion? Should GI's be pun-

ished for, in effect, trying too hard—by gunning down civilians in a village long sympathetic to the Viet Cong? Should these fundamental questions even be resolved in the dusty, parochial confines of the court-martial chamber?

The search for answers to such questions has thrust justice military style under more rigorous scrutiny today than at any time since World War II. And the new preoccupation with the quality of military justice has raised the most basic questions of all. Can an authoritarian institution like the armed forces, with its martial mission, ever render justice comparable to that administered by the civilian society? And should civilian America expect it to?

**Grind:** Such issues are hardly academic. Today, there are 3.8 million Americans under arms—the vast majority of them conscripts. Last year alone, the military conducted some 110,000 court-martial under the Uniform Code of Military Justice. Only a handful of the cases made headlines; most were prosaic affairs (page 21) of consequence only to the defendants. Still, these proceedings can mean freedom, long incarceration or death to the men in the dock, and the mills of military justice grind exceedingly fine: prosecutors regularly run up an eye-catching 94 per cent conviction rate (compared to 81 per cent in the Federal courts for civilians).

That 94 per cent figure only fuels the suspicions of civil-libertarians and others who have long been building their case against military justice. Across the political spectrum, critics accuse the military of stacking its juries, muzzling defense attorneys, and imposing catchall regulations, trampling on their

constitutional rights and, above all, allowing commanding officers to exert improper influence over the proceedings. Many critics, liberals and conservatives alike, would probably agree with crusading attorney Charles Morgan Jr. of the American Civil Liberties Union who says: "The Uniform Code of Military Justice is uniform, is a code and is military—and therefore has nothing to do with justice."

**Out of Step:** The military argues that its system of justice does guarantee the essential rights of the accused, and that military tribunals around the globe are paying ever more attention to the rights of defendants and the protection of the innocent. Still, the swelling ranks of critics contend that the military is out of step with the times, that its traditional preoccupation with discipline is depriving Americans of the due process that is constitutionally their birthright.

The heart of the problem, as critics see it, was defined by no less a military authority than Dwight David Eisenhower, who said in 1948: "[The Army] was never set up to insure justice . . . It is set up as your servant, a servant of the civilian population of this country to do a particular job . . . and that function . . . demands . . . almost a violation of the very concepts upon which our government is established." That appraisal is as true today as it was 22 years ago. A citizen-soldier who takes his constitutional rights at face value can get into serious trouble in the service of his country—unless he understands that he has become, for the period of his service, a noncitizen soldier.

Public awareness of the weakness of military justice has been intensified by a series of provocative episodes dramatiz-

ing the legal and moral issues created by the war in Vietnam. The big cases:

### THE SONG MY AFFAIR

On March 16, 1968, members of Charlie Company, First Battalion, Twentieth Infantry, swept through a Vietnamese hamlet called My Lai which lies in the area known as Song My. In their tracks, the GI's left hundreds of Vietnamese civilians (including a number of small children) riddled with bullets—and a legal tangle that is just beginning to unwind.

All told, 25 officers and enlisted men of the Army's Americal Division have been brought up on charges. After preliminary investigations, the charges against seven of the men were dismissed. Of the remaining eighteen, eleven (including Capt. Ernest L. Medina, 33, the company commander, and platoon leader First Lt. William L. Calley Jr., 27) have been charged with actually committing the battlefield murders. Seven other officers, including the division commander, Maj. Gen. Samuel W. Koster, have been accused of trying to cover up the incident. Pretrial investigations required by the Army have yet to be run on those charged with the attempted whitewash. But pretrial work has been completed or is under way in seven of the cases involving those at the scene, and general courts-martial have been recommended in five of these cases—with the first of the trials expected to begin toward the end of the year.

The Song My trials promise to be unprecedented. For in the midst of the agony of war, American military justice (prodded by public opinion) is under strong pressure to convict some of its own fighting men of atrocities. For their part, some of the defendants have denied that a massacre took place at all. Others say that they themselves were not involved in the shooting, or that they were only following orders. Still others claim that the hamlet in question was a Viet Cong stronghold and, as such, con-

stituted a legitimate target in a guerrilla war. But the legal questions raised by the whole affair go beyond the issue of whether the killings were a result of United States "search-and-destroy" policy or merely an isolated incident for which individuals should be held accountable. For the defendants in the case are challenging nothing less than the whole system of military justice itself.

Several of them have already raised constitutional issues in pretrial motions filed in civilian courts. Attorneys for Sgt. Esequiel Torres, 22, filed a brief in Atlanta challenging the right of the military to prosecute him. The contention was based, in part, on the Fifth Amendment, which holds that no one can be tried for a capital crime without first being indicted by a grand jury, except in time of war or public danger. Torres maintains that because the U.S. is not legally at war (Congress has never passed a declaration of war) or in danger, and because the defendants were not indicted by a grand jury (technically, military justice does not have a grand-jury system), he should not be tried at all—or at the very least he should be tried by a civilian jury.

**Sidestep:** Two weeks ago, a Federal panel sidestepped the issue and affirmed the military's right to try Torres, saying in effect that he could always raise his challenges again after the Army has court-martialed him. Torres will undoubtedly do precisely that if he is convicted. Lawyers for two other Song My defendants, Lieutenant Calley and Sgt. David Mitchell, have filed similar pretrial civil actions in U.S. district courts in Washington and Austin, but rulings have yet to be handed down.

The civil-court rulings notwithstanding, the view that the Song My defendants are being railroaded by military justice has gained a good deal of support in the country. When the case broke, American Legionnaires in a number of cities, including Atlanta, Ga., Jacksonville, Fla., and Columbus, Ga., com-

plained that the Army was using Calley and his co-defendants as scapegoats, and launched a Legion drive to raise \$200,000 in defense-fund contributions. (Actually, less than \$20,000 has been raised so far.) "We are not saying he is guilty or not guilty," says Robert Lenten, commander of American Legion Post 137 in Jacksonville. "We feel Lieutenant Calley has been condemned and vilified for performance of his duties in combat without benefit of the opportunity to defend himself."

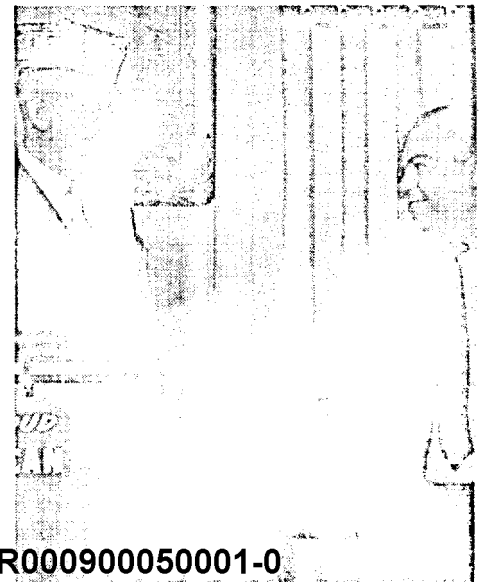
### OTHER VIETNAM CASES

During a patrol near Tan An, southwest of Saigon, in September 1969, Lt. James B. Duffy, 22, ordered one of his men to execute a Vietnamese prisoner. At a subsequent court-martial, Duffy was found guilty of premeditated murder. But when the judges discovered that the verdict carried a mandatory sentence of life at hard labor, they reversed themselves and convicted Duffy of involuntary manslaughter—and sentenced him to six months in jail and a \$1,500 fine. During the summer of 1969, Col. Robert Rheault, the leathery 44-year-old commander of the Green Berets in Vietnam, and five of his men were accused of murdering a Vietnamese suspected of being a double agent. The charges were dropped—over the reported opposition of Gen. Creighton Abrams, the commander of U.S. forces in Vietnam—when Rheault's civilian attorney, Henry Rothblatt, accused the CIA of ordering the killing, and threatened to bring the whole question of CIA operations in Vietnam into open court.

In a third case earlier this year, a 20-year-old Marine private named Michael Schwarz was convicted of premeditated murder and sentenced to life at hard labor. The case stemmed from an incident in which sixteen Vietnamese villagers were killed, allegedly by a five-man Marine patrol. Another marine, Pfc. Samuel Green Jr., 18, has also been convicted in the case and sentenced



Torres (with Weltner), Medina (with Bailey) and Calley collecting Legion check: Can soldiers be tried for trying too hard?







Mitchell: Too right?



Slovik: A 40,000-to-1 shot



Levy: Hippocrates vs. Army



to five years in prison. A third marine is awaiting trial. Lawyers for Schwarz have filed appeals.

#### THE LEVY CASE

Until it was overshadowed by the Green Beret case and the Song My affair, the case of Capt. Howard Levy was the most controversial produced by the Vietnam war. Levy, a 32-year-old Army dermatologist, was court-martialed in 1967 for refusing to give medical training to Special Forces troops on the ground that to do so would have violated his Hippocratic oath. Levy was convicted anyway, and his case raises nearly every conceivable constitutional question about the military code. In a 271-page brief filed in April 1969, Levy's attorney, ACLU lawyer Morgan, argues that the trial and conviction at one time or another violated the defendant's rights under the First, Third, Fourth, Fifth, Sixth, Eighth and Ninth Amendments. The Levy case has gone through all the military courts of appeals without a change in the guilty verdict or sentence. It is now working its way up the civilian court ladder and is likely to be the first case of its kind to reach the Supreme Court.

#### OTHER CIVIL-LIBERTIES CASES

The first significant freedom-of-speech case arising from the Vietnam war involved Second Lt. Henry Howe Jr., now 28, the first man convicted under the 1950 Uniform Code of Military Justice of criticizing a public official—a right guaranteed to American civilians. At Fort Bliss, Texas, in 1965, Howe was sentenced to two years at hard labor (later reduced to one year) for carrying a sign—while off duty, off base and out of uniform—accusing Lyndon B. Johnson of waging "Fascist aggression." Last spring, Navy Seaman Roger Lee Priest, 26, was convicted and given a bad-conduct discharge for promoting "disloyalty and disaffection" by publishing an antiwar newsletter. And Pfc. Bruce Petersen was given eight years in prison for possessing a small amount of marijuana—an unusually stiff sentence, even considering that it was Petersen's second marijuana conviction. Although the fact supposedly had no effect on the proceedings, Petersen was the editor of an underground newspaper at Fort Hood, Texas, that had outraged the base's commanding officer. Thirteen months after he went to prison, the Court of Military Review threw out Petersen's conviction on a technicality—not on the merits of the constitutional issues raised by the defense.

American military justice has always been a leathernecked affair. When the colonials assigned John Adams and Thomas Jefferson to work out a system of justice for the fledgling American Army in 1776, the two produced a code that made no provision for bail, indictment by grand jury, impartial judges or due process, and permitted cruel and unusual punishment, including hanging, branding of the

forehead. The code was so out of key with the Bill of Rights that Secretary of War Henry Knox advised President Washington in 1789 that propriety "will require that the Articles of War be revised and adapted to the Constitution."

Branding: They never were. There were revisions, mostly concerned with modernizing language, in 1806, 1874, 1916 and 1920; both branding and flogging went by the boards in 1861. But mostly, the original code survived intact well into the twentieth century. The greatest changes in the system of military justice came after World War II. During the war, the military held 1.7 million courts-martial—the majority of which ended in guilty verdicts. A total of 143 GI's were executed. On the day the Japanese surrendered, fully 45,000 servicemen were still in military stockades serving sentences handed down by courts-martial.

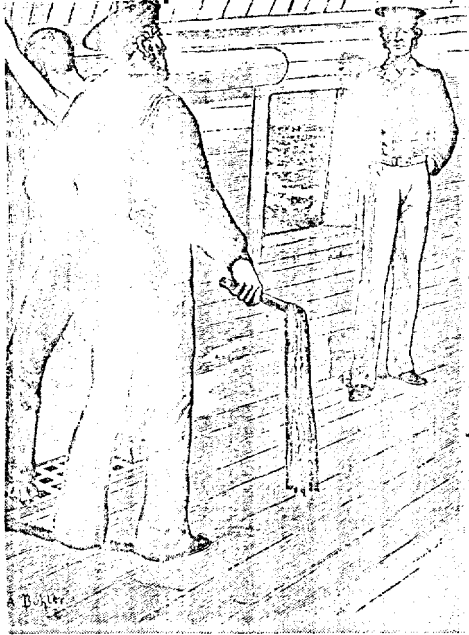
As the citizen-soldiers returned home with tales of military injustice, pressure began to build for reforms. The military resisted, but the reformers won the day. In 1950, shortly after Congress unified the armed services, it produced the Uniform Code of Military Justice.

That code, the first great alteration in the system of American military justice since the days of Adams and Jefferson, is basically what applies today. It provides for nonjudicial punishment (what servicemen call company punishment or captain's mast) for minor infractions (none of which goes on record as a Federal conviction), and three types of courts-martial for more serious offenses.

The first, a summary court-martial before a single officer, is comparable to a justice of the peace court in civilian life. There are no lawyers for the prosecution or defense, and the trial officer can impose penalties of up to 30 days confinement and forfeiture of pay. The second type of proceeding, a special court-martial before three or more members, can impose punishment of up to six months in prison and a bad-conduct discharge. The third type, a general court-martial before five or more members, is for the more serious offenses, and can hand out the ultimate sentences of life imprisonment or the death penalty.

Review: The 1950 code also established, for the first time, a three-man civilian review panel, called the Court of Military Appeals, to act as an independent supreme court for the military-justice system. And it also included an article that expressly prohibited commanding officers from exerting influence at any stage of the proceedings.

Two years ago, in the midst of the Vietnam war, Congress made yet another alteration in the Uniform Code, creating an independent field judiciary in each of the services from which experienced military judges are drawn to preside at general courts-martial. The thrust of this reform was to put the trial in the hands of a man who was not responsible



Culver Pictures

### The Old Gory: Navy flogging

to the commanding officer ordering the court-martial in the first place. In addition, the 1968 revision extended the defendant's right to a trained military or civilian attorney to special courts-martial if "physical conditions or military exigencies" permit.

**Diet:** Even critics of military justice concede that many of the basic protections of the Bill of Rights have been built into the Uniform Code—including prohibitions against self-incrimination, double jeopardy and cruel and unusual punishment. (Commanding officers can still put a man on bread and water for three days—more a drastic diet than cruel punishment.) Pretrial investigatory proceedings (the military's equivalent of the civilian grand jury) are, in the words of Green Berets' attorney Rothblatt, "a lawyer's dream." The defendant or his attorney can demand that the prosecution produce every piece of evidence and every witness against the accused. On top of this, counsel is available to most military defendants; most state and Federal courts require free counsel for indigent defendants only when the possible punishment exceeds six months.

"It's become very popular to be critical of anything military, whether it's military music, military strategy or military justice," Maj. Gen. Kenneth J. Hodson, the Army's Judge Advocate General, told NEWSWEEK's Robert Shogan. Hodson, who is in charge of the 1,900 military lawyers servicing the Army's courts-martial system, added: "Military justice is as good or better than the justice in 48 of the 50 states. We have a very good system that I'm very proud of. What we have is the appearance of evil. And as Marshall McLuhan would say, that's what we have to deal with."

For all that, the semblance of inequity in the military system of justice is pervasive. Some of the more striking flaws:

■ **Stacked juries:** "One of the most serious

a jury from the streets and put them back there after the trial," says civilian attorney F. Lee Bailey, who is currently representing one of the Song My defendants. "In the case of military justice, the commander who orders the trial—a guy who is himself convinced that there are good grounds for conviction—selects the jury. And if the case is a heavy one, the officer in the jury sits there and reflects on his career in the military. He says 'If I do justice, my conscience will feel better for a couple of days, but that son of a gun, the presiding officer, is going to remember me for years.'" Enlisted men are entitled to demand that a third of the jury be composed of enlisted personnel—but there is a catch here. For the enlisted men assigned to serve on juries by a commanding officer are invariably master-sergeant types of the old school, and their verdicts tend to be harsher than those of the officers.

■ **Mediocre representation for defendants:** Civilian justice in America is based on an adversary system, with the defense counsel challenging the prosecutor at every turn to support his client's case. Unless he hires a civilian lawyer at his own expense, the accused in a military court generally finds himself defended by someone not anxious to buck the system. To discourage too much vigor from the defense bench, the occasional defense counsel who wins too many cases can find himself summarily transferred to the prosecuting side of the courtroom in the next trial (this happened during his Army career to New York Sen. Charles Goodell). Or, nowadays, a defense counsel may suddenly discover that he has orders for Vietnam. (Capt. Brendan Sullivan, the defense attorney in the Presidio "Mutiny" case, for instance, was ordered to Vietnam soon after the case ended. The Army, under strong public pressure, rescinded the order—but it had made its point.) Says Bailey: "The only time you can count on a military defense lawyer to whale the hell out of the military—and that's a defense lawyer's job—is when the lawyer is getting out of the service very soon and he doesn't give a damn what his superior officers put in his fitness report."

■ **Vagueness:** The Supreme Court has held that no one can be convicted of violating a law if the statute is so vague that reputable authorities disagree whether it has even been broken. Yet Article 133 of the Uniform Code of Military Justice forbids "conduct unbecoming an officer and a gentleman"—a stricture so broad that it obviously means just about what any particular commanding officer wants it to mean. Article 89 forbids "disrespect toward a superior officer"—which varies from officer to officer depending on his insult threshold. (Being right doesn't help much either; in 1925, Brig. Gen. William (Billy) Mitchell was court-martialed and suspended from the Army for accusing his superiors of "inefficiency,

almost treasonable administration" in refusing to develop American military air power.) Article 134, the so-called "General Article" intended to cover everything not covered in the previous 133 articles, forbids disloyal conduct. The Manual for Courts-Martial defines disloyalty as, among other things, "attacking the war aims of the United States." But in the case of Vietnam, it is difficult to find two politicians, no less two judges who agree on precisely what America's war aims are.

■ **Wide variance in sentences:** During World War II, military courts dealt with more than 40,000 deserters. Forty-nine of them were sentenced to death—but the penalty was imposed on just one GI—Eddie D. Slovik, whose appeal was turned down. More recently, refusing to obey a simple order has earned defendants everything from a tongue-lashing to sixteen years in prison. Holding antiwar sessions in uniform and on military property has resulted in sentences ranging from an administrative discharge to ten years in jail and a dishonorable discharge. Twenty-two of the defendants who staged a sitdown in 1968 to protest living conditions and brutality by guards at the Presidio military stockade in San Francisco were tried on the extraordinary charge of mutiny. They were sentenced to long prison terms (which were later considerably reduced) for doing far less than the civilian prisoners who rebelled recently in New York's Tombs (NEWSWEEK, Aug. 24).

By far the single most important flaw—"the cancer of the system" according to Henry Rothblatt—is the inevitable, unescapable presence of command influence.

The opportunities for a commanding officer to influence courts-martial are imposing. The commanding officer decides whether to bring a man to trial, and on what charge. He controls the pretrial investigation of the charge, usually decides whether to jail the accused prior to trial and selects the officers and enlisted men who will serve on the jury. In the great majority of cases he picks people who are under his command and dependent on him for day-to-day job assignments, leave and career advancement. Generally the defense counsel and the prosecutor are appointed by the CO. When the trial is over, the same CO gets first crack at reviewing the trial record and the sentence. "The commanding officer never says 'I want to get this son of a bitch,'" explains attorney Emile Zola Berman. "But he doesn't have to say it. The members of the court understand that they are there to convict." Adds Rothblatt: "If the CO is out to get you, God help you."

Since the introduction of the 1950 code, commanding officers have become more subtle about exerting influence—but they are still doing it. "You can walk onto any military post in the country," says one Army lawyer, "and ask: 'What's the big push on here?'" At Fort Lewis, Fort Hood [some-

times called Fort Pothead], it's marijuana. You can't get an investigator at Fort Hood to work on a robbery case because they're all involved in hunting down marijuana." The charge of command influence is made on an even grander scale in the Song My affair. Former Congressman Charles Weltner of Atlanta, who is representing Esequiel Torres, maintains that President Nixon's remark during a nationally televised news conference ("What appears was certainly a massacre and under no circumstances was it justified") made it impossible for any of the Song My defendants to get a fair and impartial trial.

**Reforms:** Most of the reforms offered to the code recently have been designed in one way or another to reduce command influence. Earlier this month, Democratic Sen. Birch Bayh of Indiana introduced the Military Justice Act of 1970. Under Bayh's plan, defense counsels and prosecutors in all military trials would be drawn from independent units (much as judges have been since the 1968 reform). Republican Sen. Mark Hatfield of Oregon has also introduced a reform measure that goes beyond Bayh's proposals by granting Federal civilian courts jurisdiction over crimes committed by military personnel in all but twenty specific military-type offenses, such as desertion, AWOL or failure to obey an order.

A good many critics of the code argue that these are only half measures—that as long as a separate system of military justice exists it will be impossible to rid it of command influence or to make it more responsive to the letter and spirit of the Constitution. And in any case, the critics add, even the half measures proposed by Bayh and Hatfield are likely to be quarter measures by the time they emerge from Capitol Hill's military-minded Armed Services committees. "We probably will get reforms," says ACLU attorney Charles Morgan, "but the reforms won't go to the heart of the matter. The only way to do that is to abolish the code—but that will probably take another war."

water. The Spartans were said to have besieged satellite cities of Athens in the Peloponnesian War with burning sulfur and pitch to create sulfur dioxide, a gas about one-fourth as irritating as chlorine.

During the American Civil War, Confederate troops once tried to delay the advance of their pursuers by leaving behind water holes polluted with the carcasses of dead animals. This according to the memoirs of Gen. William Tecumseh Sherman.

In the modern sense of chemical and biological warfare, the widest use of chemical agents took place in World War I. By the end of the war, a total of 28 agents and 16 mixtures had been employed by both the Allies and the Central Powers amounting to more than 124,000 tons.

Mr. President, to date 84 nations, including virtually all the technologically advanced powers have ratified the Geneva Convention.

On numerous occasions, the United States has gone on record in support of the convention.

In 1943, President Roosevelt responded to the rumors of plans for German gas warfare by stating:

Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

In 1967, the Deputy Secretary of Defense told a Senate subcommittee:

It is clearly our policy not to initiate the use of lethal chemicals or lethal biologicals.

Most recently, President Nixon last November 25 promised to send the Geneva Convention to the Senate for ratification. Now, 8 months later, the convention still remains in the White House. Although the President said he would submit the treaty and would ask congressional leaders to expedite action, Mr. Nixon to this good hour, has failed to send us this for ratification.

Mr. President, doubtless the reason that the President is withholding the Geneva Convention from the Senate is because the United States is continuing to wage environmental warfare in Indochina. The fact is that our use of herbicides in Southeast Asia clearly constitutes a war atrocity.

Since 1961, 100 million pounds of chemical herbicides have been sprayed on 5 million acres of land in South Vietnam, an area the size of the State of Massachusetts. By the end of this year, more than 23 million gallons will have been sprayed in Vietnam. Most of that in South Vietnam.

Defoliation operations in Vietnam are carried out by squadrons of specially equipped C-123 cargo planes, each with tanks capable of holding a thousand gallons of herbicides. The official code name for the program is Operation Hades but a more friendly code name, Operation Ranch Hand is used. Operation Hades is a better name.

Mr. President, although recently, the Defense Department banned the use of its primary defoliant, "orange," Penta-

gon is continuing to use the white and blue herbicides which cause crop damage and often irreversible disruptions of the natural ecology of Vietnam. We are destroying the environment and extinguishing the plant life of the area which we claim we are trying to save.

Most appalling, and often lost amid our growing statistics of war dead and wounded and those of the Vietcong and North Vietnamese is the fact that more than half a million Vietnamese civilians—women, children, and old men—have been killed or maimed for life by our napalm bombing, and our use of chemical defoliants.

When I was in South Vietnam in early 1968 as a representative of the Senate Armed Services Committee I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets. I saw in hospitals and elsewhere women and also little children who had been horribly burned and maimed by our napalm bombing. Many had lost an arm to the shoulder or a leg.

Mr. President, approximately \$350 billion of our taxpayers' money has been spent annually for chemical and biological warfare agents during recent years. For many years, the Department of Defense has purchased and stockpiled enormous amounts of toxic and infectious chemical and biological agents.

Today, a comparatively few nations possess these lethal weapons. However, any nation, large or small, can develop contagious bacteria and viruses. If and when they do, the danger of an accident or purposeful use becomes greater. The very survival of man is at stake. The development and stockpiling of these horrible chemicals and germs is a pursuit of armaments far in excess of those needed for our national security and national defense.

The President should immediately submit the Geneva Convention to the Senate for ratification. There is no longer any valid reason whatever for the United States to continue to ignore this most important existing treaty banning the use of chemical and biological weapons. We should put ourselves squarely on record in favor of limiting the use of lethal gases and deadly defoliants in international warfare.

President Nixon should ask the Senate to ratify the protocol prohibiting the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare, Geneva, June 17, 1925.

#### MR. GORE IN TENNESSEE

Mr. YOUNG of Ohio. Mr. President, the St. Louis Post-Dispatch, one of our Nation's greatest, in a recent editorial stated that Senator Gore's distinguished record entitled him to be elected to another term. This conclusion echoes the views of such a large majority of U.S. Senators that I ask unanimous consent that this editorial may be inserted in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### MR. GORE IN TENNESSEE

The victory of Senator Albert Gore in the Tennessee Democratic primary appears likely to insure a genuinely significant election contest in November. Mr. Gore, a candidate for a fourth Senate term, will face Representative William E. Brock, who won the Republican primary. Mr. Brock, a millionaire candy manufacturer, is a strong backer of President Nixon; Mr. Gore, a liberal with a record of 32 years on Capitol Hill, is a critic of United States policy in Vietnam and voted against Mr. Nixon's two rejected Southern appointees to the Supreme Court. He refers to himself as the No. 1 White House target in the fall voting. So, as the election shapes up today, the issue in Tennessee is unequivocal. Mr. Gore's distinguished record entitles him to another term, and we hope he gets it.

#### ALL AMERICANS SHOULD KNOW OF THIS HORROR

Mr. YOUNG of Ohio. Mr. President, in the last 6 months the United States has spent more than \$115 million on that undeclared, unpopular war in Southeast Asia.

Mr. President, in the last 6 years the United States has spent more than \$115 billion on that undeclared, unpopular war in Southeast Asia. For 1969 alone the price tag was \$30,400 million—\$600 for every American family. This did not include economic aid programs to the Indochinese nations, CIA funds spent in the area, the cost of reductions in stockpiles of strategic materials, or the loss of productivity accompanying war expenditures. In 1969 of each tax dollar 23 cents went to pay for the Vietnam war, 13 cents of each dollar for past wars, and 35 cents in preparation for future wars. The Indochina war in 1969 cost more than the total of Federal spending for domestic goods, 10 times more than Federal outlays for medical assistance, and 30 times more than Federal grants for urban planning and development. It costs \$500,000 to kill one Vietcong. This sum would support 3,450 youngsters in school or college or build at least 50 housing units.

One heavy B-52 raid costs about \$40 million. This could purchase three 400-bed hospitals, or pay for the construction of 27 elementary schools, or for 4,050 housing units.

President Nixon, while campaigning for President, said he had a secret plan to end the war in Vietnam. Many citizens voted for him because of his claim. That secret plan is still his secret. Now he expanded and extended our involvement by invading Cambodia and by round-the-clock bombing all areas of Laos and Cambodia with our huge B-52's. Also America GI's were killed in combat in Cambodia and in the round-the-clock bombing in Laos, whose neutrality our Government guaranteed. Many thousands of unfortunate civilians, men, women, and children have been killed or maimed by our napalm bombing.

Even White House officials no longer call it the Vietnam war. It is now the Indochinese war. Young Americans of our ground and air forces are being killed daily. In a recent week 85 Americans were killed in combat, 700 were wounded. Many more were killed in what Pentagon

HARD TIMES

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# Hard Times

**WORLD GOVERNMENT**

Exposés of US-aided torture and terror in Saigon's prisons have created a predictably brief flurry of liberal breast-beating and editorializing; but the exposure is not likely to challenge the US policies and programs that have openly supported and financed police repression in Vietnam for the last 15 years. One result of the belief that most wars in the world today are "police actions" is AID's Office of Public Safety, dedicated to international police-military cooperation and the development of national police forces as the "first line of defense" against existing or potential insurgencies. Con Son Prison is part of its program for "prisoner rehabilitation"; Public Safety is a Third World-wide program to foster "an atmosphere of confidence in law and order" —as its own propaganda proclaims.

Americans who were in Saigon in the late Fifties under the Michigan State-CIA police advisory mission noted at the time that opposition politicians were frequently carted off to Con Son. The US government's own figures state that at least 70 percent of the prisoner population throughout Vietnam is political, and another nine percent is "military"—that is, POWs. It has been said for years that to know the status of the non-communist political opposition, Con Son was the place to go.

Both Congress and the US press corps in Saigon have ignored persistent attempts over the past year by tortured student leaders and others to bring public attention to the systematic political repression and terrorism that mark the staying-power of Thieu, Ky and US forces. Instead, they took the word of Saigon's US Public Safety Advisor Frank Walton, who declared Con Son to be "a correctional institution worthy of higher ratings than some prisons in the US" with "enlightened and modern administration."

More-----

TENNESSEAN

AUG 10 1970

M - 141,842

S - 234,036

## Tighter Rein On the CIA

LEGISLATION establishing a special congressional committee to oversee the activities of the CIA and other intelligence agencies has been introduced by Rep. Donald M. Fraser, D-Minn.

Congressman Fraser said the committee of seven members from each branch of Congress would be charged with limiting undercover activity to as little as necessary and to seeing the intelligence programs are not inconsistent with "publicly expressed national policy."

There is no doubt that the intelligence agencies have participated in secret activities which are contrary to the nation's public pretensions. Mr. Fraser cited as a few examples the killing of a Vietnamese double agent, the overthrow of governments in Iran in 1953 and Guatemala in 1954, the collecting of files on political dissenters in this country, and others.

The main trouble with these agencies is that their budgets and operations are kept entirely too secret from the elected legislative representatives of the people. For instance, the CIA gets only cursory supervision from the subcommittees of the military-oriented committees in Congress—groups which all too often seem willing to rubber-stamp anything the CIA wants.

The nation needs an effective intelligence-gathering system. It does not need an army of secret agents going about the world undermining traditional U.S. policy of non-interference in the internal affairs of other nations and involving this nation in situations that could lead to armed conflict.



By Richard E. Ward  
Guardian staff correspondent  
(First of a series on Vietnam)

During my recent visit to North Vietnam, I had the chance to renew an acquaintance with Nguyen Van Hieu, who I had met years ago when he was an NLF representative in Europe. A member of the NLF central committee and PRG ambassador to Cambodia, Hieu was in Hanoi on the occasion of the visit to the Democratic Republic of Vietnam by Cambodian head of state prince Norodom Sihanouk.

Ambassador Hieu frequently interjects humorous remarks into serious conversations. Like many Vietnamese, he had a comment on the U.S. penchant for trying to run a war with computers. Hieu said that his people are joking about the U.S. electronic computers which predicted the war would be over by the end of 1966. According to the story, chagrined Washington officials queried their computers again at the beginning of 1967, asking when the war would really end. The computers replied that according to U.S. data supplied to them the war was already over.

The two major U.S. strategic counter-offensives in South Vietnam between the end of 1965 and the beginning of 1967 both failed, recalled Hieu, who observed that the second U.S. offensive did not deserve the appellation "strategic" since its scope of operation was quite limited.

The logic of the resulting situation, stated Hieu, was that if the U.S. could make no headway with 400,000 troops by the end of 1966, double the number originally anticipated necessary for the U.S. to win the war, then the situation was ripe for "great victories by the liberation forces," notably the 1968 Tet offensive and the countless other NLF victories since then. Since the Tet offensive, stated Hieu, the liberation forces have been in the position of carrying out widespread and continuous offensives while the U.S. and Saigon troops have been forced to adopt a defensive posture, a situation unchanged to the present.

#### Puppets need masters

Hieu said that he believed that "U.S. brass hats must be very embarrassed about the fate awaiting puppet troops without U.S. backing," despite Nixon's pretensions that Saigon troops will be able to replace American forces. Hieu also said that the Pentagon knows that if the U.S. does not back up the puppet troops, they could never face the popular forces of South Vietnam. Since the Tet offensive the U.S. has tried to minimize its casualties by moving into small areas [enclaves].

# NLF head summarizes the struggle

troops to Cambodia, he continued, "there are favorable conditions for dealing heavy blows on the battlefield. Previously the U.S. command tried to avoid such a situation [a dispersal of U.S. and Saigon troops]. I think that events on the battlefield will demonstrate [the consequences] of these facts," emphasized Hieu, who was speaking to me in June.

Hieu's assessment has been amply borne out by subsequent developments in South Vietnam. For example, on July 13, U.S. forces suffering heavy casualties from NLF fire hastily abandoned base "Ripcord," established shortly before on a mountaintop, north of the Ashau valley about 13 miles west of Hue, following extremely intense B-52 raids before the U.S. troops made their initial move.

Western journalists in South Vietnam familiar with this affair, noted their surprise that the U.S. would attempt such an operation outside their relatively secure bases when American military commanders are under heavy "pressure" to keep down U.S. casualties.

American news sources also report that one or more U.S. airplanes or helicopters are lost daily over South Vietnam. However, it should be emphasized that the journalists are dependent for their information in part on official handouts from the U.S. command. Concerning these official U.S. communiques, James P. Sterba in the July 24 N.Y. Times, quoted a U.S. official as saying that the daily U.S. communiques "do not necessarily report all of them [U.S. air losses]."

During the evacuation of base "Ripcord," it is known that a large CH-47 helicopter was shot down by the Liberation Armed Forces. And the following day, the U.S. admitted losing two other helicopters elsewhere in South Vietnam. Earlier in July, after some delay, the U.S. command conceded that Maj. Gen. George William Casey, commander of the First Cavalry (Airmobile) was killed when his helicopter had been shot down.

On July 20, the NLF shelled Saigon with rockets and during the preceding 24

Saigon forces were hit in other widely separated areas. Such simultaneous attacks which occur with great frequency clearly demonstrate a formidable potential of the Liberation Forces whose full strength will inevitably be released if the U.S. insists on prolonging the war. A base fabrication of Washington says that the Liberation Armed Forces are at the end of their rope. That was exactly what was said by U.S. propagandists prior to the 1968 Tet offensive.

#### U.S. assassination teams

Nguyen Van Hieu also spoke about the CIA's Phoenix program for assassinating revolutionary cadres. He observed that the U.S. believes that if it destroys 80,000 revolutionary cadres it will win the war. "We think that it is an absurd calculation," stated Hieu, "a foolish thing to say about a war that has a popular character. Of course, if they use gangsters to assassinate some of our people, in some cases they might succeed. But it is quite absurd to conceive of annihilating an entire popular movement," he said.

"The Western press," continued Hieu, "often mentions the number of civilians killed by the 'Vietcong,' but as a matter of fact they are 'pacification' agents, spies and murderers, who were sent to our zone and were punished and executed by our people. It is the people of South Vietnam, themselves who protect the revolutionary cadres. Our strength resides with the people."

In speaking about the political struggle in the South, Hieu mentioned the role of Vietnamese journalists who support the liberation struggle under the most difficult possible conditions. Apart from the imprisonment and torturing of writers, journalists and intellectuals, the suppression during this year alone of more than 120 daily editions of Saigon newspapers attests to the patriotic efforts of Vietnamese journalists combatting a fascist regime which attempts to repress any truthful reporting about events in Vietnam.



MADISON, WISC.

TIMES AUG 5 1970

E - 46,029

# Young Crumpton Describes 'Realities' in War-Torn Nation City Volunteer in Vietnam Says People There Waiting for Peace

By DAVE WAGNER

(Of The Capital Times Staff)

For the past two years, Chuck Crumpton has been teaching English and organizing "street people" (shoe-shine boys) in Qui Nhon, a city of 150,000 about half-way up the coast of South Vietnam.

At the end of August he's going back to Vietnam to begin a second tour of duty with International Voluntary Services, Inc., a semi-private youth organization that resembles the Peace Corps in its general program.

Chuck, or Charles W. Crumpton, the son of a professor of medicine at the University of Wisconsin who heads the Medical School's cardiovascular research laboratory, consented to an interview with The Capital Times after the volunteer service agency contacted the newspaper and suggested that he might be available.

On the back porch of his mother's Spanish villa in Maple Bluff, about a block away from the governor's mansion, Chuck spoke about what he had seen in the battle zone as an American living and working with Vietnamese on a day-to-day basis.

He spoke softly and with a quiet remove about the war — not hesitantly, but respectfully, as though he were painfully aware that the words he had to choose among could never ex-

plain "what it was like," or why he was going back, or why another story in a newspaper could not touch the gruesome effects of the war on Vietnamese society.

"The sense of division and loss is fantastic," he said at one point, glancing almost apprehensively out the screened-in portico. Behind the house private boats were bobbing comfortably in the waters of Dingle Bay, a small sunlit cove that suddenly seemed very far away.

In 1968 he was graduated from Carleton College in Minnesota ("with the class that made the cover of Time magazine"), after which he worked for a summer in Appalachia. The experience got him interested in other volunteer service work, and he joined the group of over 100 IVSers in Vietnam. After spending eight months there, he filed with his draft board as a conscientious objector to war.

But didn't he feel, in some way, that he was part of the war effort, since some of the money for IVS came from the Agency for International Development? (AID is a branch of the State Department which some journalists claim operates in concert with the "liberal wing" of the CIA.)

"We get accused of working for the CIA from time to time," he said, and related an anecdote

about a government official who escorted congressmen and reporters to an IVS project and proceeded to take credit for it as part of the pacification program.

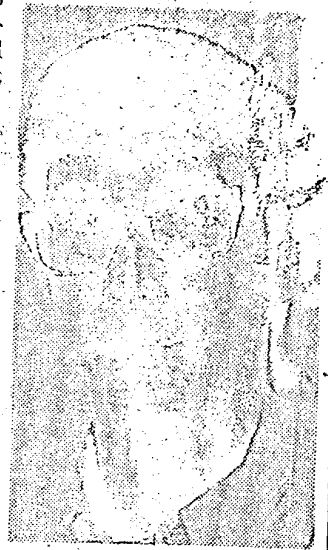
"But one of the reasons IVS still gets a lot of money from AID is that they figure we do a lot of apple-polishing as far as the American 'image' over there goes. USAID (the complete acronym) wants IVSers to carry a clean-young-American image.

"Essentially, though, the direction of IVS now is away from all government funding. If they're going to expect us to be responsive to the people there, they're (government officers) going to have to have the same responsiveness to IVSers."

Chuck doesn't think that is very likely to happen. He told how an IVS director in the field in Vietnam quit his job because of government interference in the program. The director is still working for IVS, he said, but as part of an effort to make the agency more truly international and private.

"Our greatest difficulty over there is simply being American," Chuck continued. "The Americans there haven't exhibited a sincere desire to understand the situation of the people."

"The people who are there



Chuck Crumpton

are there for the money — just about anyone connected with any agency is there for money, even if they didn't start out that way.

"They don't distribute the money and materials, they just give them to their Vietnamese counterparts and say, 'do what you will with them.'"

There is a process of disillusionment that sets in rather early, he said. "It's very hard to avoid. The idealism has very little to do with the reality of the circumstances over there."

Could he describe his sense of those realities?

"Thieu," he said, "has only

DES MOINES, IOWA  
 TRIBUNE AUG 4 1970  
 E - 113,781

# Why U.S. Was Unprepared for "Disastrous" Tet Offensive

*This is the second in a series of three articles by Ronald Ross, who returned recently from South Vietnam after covering the war for nearly five years for the Minneapolis Tribune.*

By Ronald Ross  
 Minneapolis Tribune Staff Writer

IN THE last months of 1967, the Central Intelligence Agency (CIA) had been trying to warn President Johnson that the war was not going as well for him as his military commanders in Saigon would have had him believe.

But there was in the White House basement a stumbling block to the passage of anything but the most optimistic reports to Johnson.

This was Walt Rostow, upon whom Johnson depended for guidance on many areas of information concerning the war.

A distraught senior American official in Vietnam told me later of his efforts in late 1967 to get through to the President.

Rostow, he said, listened to his initial presentation of some of the more positive aspects of the American effort, but cut him off when he began to detail the serious failures and weaknesses of that effort.

Preferred to  
 Hear Westmoreland

Johnson, it must be said, in those days preferred to listen to Gen. William C. Westmoreland, his senior commander in Vietnam; Ellsworth Bunker, the ambassador to the Saigon regime, and Robert Komer, the former CIA executive turned pacification chief. All had vested interests too great to concede for a moment that the whole American presence in Vietnam might be a mistake as other

officials involved at that time were to do later.

Then, during the Asian Lunar New Year (Tet) holiday — with many Saigon officials preoccupied with family celebrations and more than half of Saigon's forces on leave — the Viet Cong and Hanoi's People's Army of Vietnam (PAVN) struck in a series of coordinated attacks across the country.

Whatever appearance may have



LYNDON B.  
 JOHNSON



WALT  
 ROSTOW



WILLIAM  
 WESTMORELAND



ELLSWORTH  
 BUNKER

been put on it later, news reports that Tet was a disaster were accurate.

"Take  
 Another Look"

I remember revisiting Hue in January, 1969, and meeting a Marine colonel who said, "Well, look at Hue now! I read your stories about Hue being

destroyed in front of your eyes. Take another look at it."

It was rather like listening to a man who had been in Switzerland (or Sweden) while the German bombers were blitzing London and had returned to find that most of the rubble had been cleared away.

Westmoreland went further. Standing in the grounds of the American Embassy compound in Saigon, into which only the night before a Viet Cong suicide squad had broken, the general, with the ambassador at his side nodding approval, said Tet was a stunning victory for American and Saigon forces.

The following day, his chief intelligence officer hastened to set the record straight. Tet was a catastrophe, he told a background press briefing.

Thousands  
 Died

As always, the victims were the Vietnamese of the paddies and hamlets, of the small towns and the slums of Saigon.

Thousands died as the Tet offensive and the American and Saigon response to it engulfed the country. The violence continued through a further round of attacks and responses in May and August.

The brutality on both sides was sickening: American Cobra helicopters setting whole villages aflame. The Viet Cong's murders in Hue.

I am often asked if there will be a bloodbath in Vietnam when (and if) the United States pulls out all its forces.

I'm not sure the question is really relevant. Between one million and one and a half million Vietnamese already have died as a result, directly and indirectly, of the American intervention in Indochina.

8 AUG 1970

STATINTL

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# JFK Decided in '63 to Order

## Viet Pullout After Election

STATINTL

By Richard Harwood

Washington Post Staff Writer

Senate Majority Leader Mike Mansfield has confirmed a report appearing in the new issue of Life magazine that President John F. Kennedy decided in 1963 that he would order "a complete military withdrawal from Vietnam" after the 1964 election.

"He had definitely and unequivocally made that decision," Mansfield told The Washington Post.

He was commenting on an excerpt in Life from a new, unfinished book by one of the late President's closest political associates, Kenneth P. O'Donnell, who is now a candidate for governor in Massachusetts.

Writing about Kennedy and Lyndon B. Johnson, O'Donnell says that Johnson was chosen for the Vice Presidency because Kennedy feared he would be unable "to live with Lyndon Johnson as the leader of a small Senate majority."

O'Donnell writes that he was "vehemently against the Johnson selection because it represented precisely the kind of cynical, old-style politics we were trying to get away from."

It was in the Kennedy suite in the Biltmore Hotel in Los Angeles, O'Donnell writes, that Kennedy, "realizing that I was about to explode," said to his brother Robert, "I'd better talk to Kenny alone in the bathroom."

O'Donnell accused John Kennedy of making "... the worst mistake you ever made" and he recalls that Kennedy "became pale, livid with anger, so upset and hurt that it took him awhile before he was able to collect himself."

O'Donnell gives this account of Kennedy's response:

"I'm 43 years old and I'm the healthiest candidate for President in the United States. You've traveled with me enough to know I'm not going to die in office. So the Vice Presidency doesn't mean anything

"I'm thinking of something else, the leadership in the Senate. If we win, it will be by a small margin and I won't be able to live with Lyndon Johnson as the leader of a small Senate majority."

"Did it occur to you that if Lyndon becomes the Vice President, I'll have Mike Mansfield as the Senate leader, somebody I can trust and depend on? ...

"If Johnson and (Sam) Rayburn leave here (the convention) mad at me," Kennedy said, "they'll ruin me in Congress next month. Then I'll be the laughing-stock of the country. Nixon will say I haven't any power in my own party, and I'll lose the election before Labor Day. So I've got to make peace now with Johnson and Rayburn, and offering Lyndon the Vice Presidency, whether he accepts it or not, is one way of keeping him friendly until Congress adjourns."

"All of this is more important to me than Southern votes, which I won't get anyway with the Catholic thing working against me. I doubt if Lyndon will even be able to carry Texas, as Dave Lawrence (then governor of Pennsylvania) and all those other pols out in the other room are claiming we will ..."

O'Donnell makes other disclosures in his manuscript:

• That Robert Kennedy, contrary to popular legend, endorsed Johnson's selection as a "shrewd political move" ensuring that Johnson would be "safely tucked away."

• That President Kennedy had no intention of dumping Mr. Johnson as his running mate in 1964 and that only a week before his death he reassured former Sen. George Smathers of Florida on that point. Smathers confirms O'Donnell's account.

• That as early as 1961, French President Charles de Gaulle and retired Gen. Douglas MacArthur urged Kennedy not to get involved in a war in Vietnam.

• That, according to O'Donnell, "I implored the President to avoid a U.S.

military buildup in Vietnam or any other part of the Asian mainland because he felt that the domino theory was ridiculous in a nuclear age. MacArthur went on to point out that there were domestic problems, the urban crisis, the ghettos, the economy that should have far more priority than Vietnam."

• That President Johnson, early in 1964, sounded out both Sargent Shriver and Sen. Eugene McCarthy on the vice presidential nomination because he wanted a Catholic on the ticket and because he didn't want Robert Kennedy as a running mate. Both Shriver and McCarthy were interested, O'Donnell writes, but the White House staff and party leaders insisted to Johnson that Hubert Humphrey should be chosen. Robert Kennedy, according to O'Donnell, agreed to help Humphrey get the nomination by keeping Johnson guessing as to his own intentions.

• That one week before the 1964 Democratic convention, President Johnson called O'Donnell and said that Sen. Mansfield was his choice for vice president, not Humphrey. This move was blocked by Mansfield, O'Donnell writes. After reading vice presidential speculation about himself, Mansfield went to Johnson and told him that he would not accept a place on the ticket.

Mansfield confirms O'Donnell's account of the incident.

"He (Johnson) never offered me the nomination," Mansfield told The Post. "He joked with me about it on some occasions but there was never any offer. It is true, however, that after (newspaper speculation)—especially a story on the front page of The Washington Daily News—I went to the President and said I was not interested in the nomination and would not under any circumstance accept it."

Efforts over the weekend to get President Johnson's "yes" to the vice presidential events were unsuccessful. Calls were placed to his

press secretary Tom Johnson. But they were not answered.

O'Donnell, in the book excerpt in Life, sheds some new light on one of the "credibility" problems attributed to former Defense Secretary Robert McNamara. McNamara was often accused, after the fact, of giving optimistic forecasts about the course of the war in Vietnam, forecasts not supported by events.

He predicted on Oct. 2, 1963, for example, that all American forces were likely to be out of Vietnam by the end of 1965.

He made that prediction, O'Donnell writes, at the specific direction of President Kennedy who had by that time decided that a "complete withdrawal" would be ordered after the 1964 election.

President Kennedy would have ordered the withdrawal even sooner, O'Donnell suggests, except for his fear that he would be accused of "appeasement" and that there would be "a wild conservative outcry against returning him to the presidency for a second term."

O'Donnell said Mr. Kennedy told him:

"In 1965, I'll be damned everywhere as a Communist appeaser. But I don't care. If I tried to pull out now, we would have another Joe McCarthy red scare on our hands, but I can do it after I'm re-elected. So we had better make damned sure that I am re-elected."

O'Donnell tells another story about Mr. Kennedy's plans for leaving South Vietnam. It would be "easy," the President told him. "Put a government in there that will ask us to leave." The presumption is that he was talking about the installation of a "hostile" government by the CIA.

O'Donnell also recalls President Kennedy's relationship with his Vice President, and says the President "... was always uncomfortably aware of Johnson's unhappiness in the Vice Presidency and leaned over backwards to keep him in the White House on government affairs."

# Attorney Charges CIA Drive Against My Lai Defendants

FT. McPHERSON, Ga. (AP)—An attorney for one of the soldiers charged in the alleged massacre at My Lai says the Central Intelligence Agency is conducting a well organized and highly secret campaign to destroy the credibility of the 12 men accused in the case.

George T. Davis of San Francisco, attorney for Army Spec.

4 Robert W. T'Souvas, made the comments in a telephone interview after T'Souvas was arrested by a Georgia State Patrol man in Atlanta and charged with illegal possession of marijuana.

The arrest Tuesday came less than two weeks after Sgt. Esequiel Torres, 22, another of the My Lai defendants, was charged with firing a rifle illegally in Brownsville, Tex.

## "Fabrication" Charged

Torres was acquitted of the rifle charge Wednesday. A short time later, Attorney Charles L. Weltner of Atlanta, who represents the sergeant in the My Lai case, said he believes the Brownsville incident "was a monstrous fabrication prepared by someone or some agency who wished to destroy Torres' credibility as a witness."

Weltner declined to identify who was seeking to destroy Torres' credibility but added, "I think everybody knows who I'm talking about."

Davis, asked specifically if he believes the CIA is behind an effort to discredit those accused at My Lai, said:

"I think they are," he said.

In a summary of evidence filed with a three-judge panel and made public last week, Weltner charged that those al-

legedly killed at My Lai were on CIA death lists because of Viet Cong leanings.

Davis alleged in similar federal court papers that the U.S. routinely orders the slaughter of Vietnamese civilians suspected of Viet Cong leanings. He said the government employs assassination teams in every province of Vietnam.

"Each team has as its adviser, a U.S. Army officer or civilian employed by the CIA," Davis said.

Both attorneys are seeking injunctions to prevent military trials in the My Lai case.

## Bride Also Arrested

T'Souvas, 21, of San Jose, Calif., his 19-year-old bride of less than a month, and Steve Gerald Patton, 19, of Atlanta, were arrested on Interstate 75 just south of the city's main business section.

State Trooper Russell Abernathy said he was behind a car driven by Patton when he noticed the three occupants, all in the front seat, passing a pipe back and forth.

Abernathy said he stopped them, discovered a bag of marijuana and the State Crime Laboratory later confirmed the contents of both the pipe and bag.

# How Are We Doing in Viet Nam?

## A young conservative leader reports on his trip to Southeast Asia

By DAVID A. KEENE

I began writing this as a report on a trip I took to Viet Nam early this spring, but I have had to expand it both to explain more fully what I saw during that trip and to bring out aspects of the war that I believe are inadequately understood in this country.

I made the trip with a group of student leaders from various parts of the United States who wanted to see for themselves what is going on there. Actually, I was returning for the third time, my first visit being in 1966. Altogether I have spent about four months in Viet Nam, as a guest of friends I have there rather than as a guest of either our government or theirs.

We were in Viet Nam for only 10 days this spring, but I think it was a valuable experience for all of those who participated. During that period we had an opportunity to meet with just about everyone we wanted to. We spent time with students in Saigon and Hué, met with President Nguyen Van Thieu, and travelled with Vietnamese units near the Cambodian border.

We went to Viet Nam to try to find the answers to some of the questions that trouble people in this country.

For example, we wanted to know whether President Nixon's Vietnamization program is workable or whether it amounts to little more than a pull-out in disguise. We also wanted to know if we and our allies are making any real progress there or if things stand about as they did a few years ago. In addition, we wanted to find out what the Vietnamese themselves are saying—about the war, the Communists, and United States policy.

Finally, we wanted to know what consequences might follow an abrupt American pull-out such as that favored by Senators Fulbright, Goodell and McGovern.

We realized that these are difficult questions—questions Americans on and off the campuses of this country have been asking themselves for some time. I can't say that we found sure answers to all of the questions we raised, but I do think the conclusions we reached should be of some help in understanding the war in Southeast Asia and the Communist threat to that area of the world.

I found the trip especially valuable because, having been in Viet Nam before, I had an opportunity to make new comparisons. I discovered a great many things have changed since I was there in 1966. The Saigon government is certainly more stable and apparently much more popular than it was then. The Vietnamese Army (ARVN) has improved significantly and there seems to be a new, confident spirit among many Vietnamese.

When I first visited Viet Nam in the summer of 1966, I spent nearly three months travelling from one end of the country to the other talking to Vietnamese military leaders, religious spokesmen and students. I was trying to get a "feel" for the country and its people; second, to understand the nature of the war we were fighting there.

At that time no one seemed certain as to what was to happen in Viet Nam. The Thieu-Ky regime was then only the latest in a long series of governments that had come and gone since the fall of Ngo Dinh Diem's government several years earlier. None of the men who followed Diem had been able to put to-

*Mr. Keene, a third-year law student at the University of Wisconsin, is national chairman of Young Americans for Freedom. This article was written after his return from Viet Nam in early April.*

gether anything even resembling a stable or popular government and I doubt that many observers had put much faith in Thieu and Ky that summer.

I didn't spend much time with Americans that summer because I was principally interested in finding out what the Vietnamese were thinking. I came back to the United States with a new respect for the complexity of the situation there and with some understanding of what I saw happening.

I came back convinced that we were winning the war, but a little concerned about the fact that we seemed to be going about it in the most costly manner conceivable.

At that time the U.S. commander in Viet Nam was claiming that we were going to win our war of attrition against the Communists in spite of the fact that he must have known a war of

attrition would cost far more American lives than many Americans were willing to lose. Washington's directives were indeed confusing to most Vietnamese and they tended to view much of what we were doing as stupid. I was constantly asked why we were fighting the Communists with one hand tied behind our backs.

Though many of our policies still seem a little half-hearted, a number of things have improved since that summer.

In 1966 ARVN consisted of about half-a-million men, many of whom didn't have the faintest idea of how to fight a well-armed and disciplined force such as Hanoi was then fielding. The Vietnamese were, in short, poorly trained.

They were also rather poorly equipped. In fact, it was discovered on many occasions that North Vietnamese and even indigenous Viet Cong units had more and better weapons. American officials no doubt felt that ARVN units weren't worth the cost of up-to-date equipment and acted accordingly. At most everyone considered the Vietnamese Army incompetent and politically unreliable. Men sometimes appeared to be deserting faster than they were attacked.

Domestic critics of our involvement in Viet Nam seemed to believe that ARVN incompetence stemmed from the fact that so many Vietnamese were really Viet Cong sympathizers who hated us and "our war." They liked to berate Vietnamese troops for what they saw as an unwillingness to fight. The late Sen. Robert Kennedy, for example, often said that the Vietnamese should "get off their duffs" and fight their own war—a sentiment shared by many Americans.

Actually, however, the Vietnamese have always been fighting their own war. They have been doing most of the fighting and dying for years. They have always been able to do the job they are doing, but I wonder whether that was entirely their fault.

The Vietnamese officers were poorly trained and inexperienced. Viet Nam's most capable leaders, a gener-



# Army Said Snooping on My

## Lai Lawyers

By ACHSAB NBSMITH

Telephone conversations of military lawyers assigned to defend soldiers accused of taking part in the My Lai massacre are being listened to and reported to high Army officials, attorney Charles Weltner contends.

Weltner, who is challenging the legality of the court-martial of an Army sergeant charged with murder at My Lai revealed what he hopes to prove if a three-judge court here will take jurisdiction of his case on behalf of Sgt. Esequiel Torres.

Documents provided by Weltner opened by the judges Wednesday, contain a copy of an official report on a conversation between Maj. Al Raby, defense attorney for Lt. William Calley, with Columbus Inquirer reporter Charles Black.

Black was trying to arrange to obtain when it became available a copy of a defense motion that sought information from the Army and the Central Intelligence Agency about Operation Phoenix.

### "OVERHEAD"

According to the report entitled "Memo for the Record," the motion was expected to be objectionable to the Army on several grounds. The report says that a staff member of Ft. Benning's information office "overheard a discussion between Black and Major Raby on these various points."

Weltner contends that Sgt. Torres is being denied effective defense counsel by the Army. The proffer of evidence (an offer to present evidence to prove certain things on trial) also includes a copy of a letter from Secretary of the Army Stanley Resor to U. S. Rep. Robert Denny, R-Neb. Denny had expressed concern that a constituent, Capt. Eugene M. Kotouc, who was under investigation in connection with My Lai, was not going to receive adequate defense.

Resor's letter assured him that Kotouc had the "full-time" services of Capt. Norman Cooper as counsel. Capt. Cooper is also

Torres' assigned military counsel and at the time the letter was written last March Torres had requested and been denied additional assistance of military counsel, Weltner contends.

### BLACKLISTS

Weltner asserts that Company C of the Americal Division, including Torres, was led to believe that "the entire adult population of My Lai, and some adolescents, were Viet Cong" and that their names appeared on CIA "blacklists" of civilians designated for assassination.

Others on trial in connection with the My Lai atrocity already have been denied access to the CIA and Army records necessary to prove this, Weltner contends, and the CIA has refused to answer any inquiries by Torres' attorneys being tried daily, Weltner contends.

Included in the proffer is a copy of a House armed services subcommittee report, which concluded that although military personnel are supposed to resist unlawful orders, "such a decision must be made on the battlefield in haste and woe betide the man who wrongly refuses to carry out an order. Under these latter conditions a man could reasonably be expected to place more reliance on his commander than on his conscience."

Weltner also proposes to offer proof that there is no way to escape "command influence" within the military system of justice, making a fair trial for Torres impossible.

### OFFICERS' LAWYERS

Contending that officers charged with My Lai offenses have at least two experienced officers serving full-time as their defense counsel, Weltner asserts that enlisted men charged in the incident have only part-time military counsel, who have numerous other duties.

While an entire section of the Judge Advocate's office at Ft. McPherson, with 12 officers and 14 enlisted men, has been assigned to develop the prosecution of the 13 others accused in the My Lai incident, Torres' military attorneys not

only have other My Lai defendants, but are responsible for defending numerous other cases at courts martial.

He also makes new requests for temporary injunctions to prevent Torres from being tried until a decision is made whether the former Americal Division commander, Gen. Samuel Koster, is to be tried, and on what charges, and all other decisions involving granting immunity are made. He asks this so that Torres will not be deprived of witnesses on his behalf who might be unwilling to testify if they were under investigation or facing trial.

He asks that Torres not be court-martialed until the military and diplomatic situation in Vietnam is such that vital documents cannot be withheld for security reasons, and even "until such time as American soldiers are no longer engaged in hostile action in Vietnam" to avoid any feeling of compulsion to convict on the part of the court-martial.

Torres should not be tried until "appropriate action" has been concluded against all Army personnel "who have engaged in efforts to hide, deny, or cover up the My Lai incident" in order to remove any taint of over-reaction on the part of the Army toward Torres, Weltner says.

The three-judge district court here, composed of Fifth Circuit Court of Appeals Judge Griffin B. Bell and District Judges Sidney O. Smith and Albert Henderson, has not accepted jurisdiction of Torres's petition challenging the constitutionality of his court-martial. They re-

quested that his attorneys present to the court what they felt they could prove if the court were to take jurisdiction.

Unsealed at the same time were proffers of evidence by attorneys for Spec. 4 Robert W. T'Souvas, also charged with My Lai crimes.

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**CIA Blamed  
For My Lai**

ATLANTA — A former congressman says the Central Intelligence Agency planned the deaths of many, if not all, of the adult civilians killed in the alleged 1968 massacre at My Lai.

Charles L. Weltner, attorney for Sgt. Esequiel Torres—one of the soldiers accused in the case—said Wednesday the CIA “was very pleased with My Lai” because a large number of suspected Viet Cong agents were eliminated.

He said his charge could be proven by CIA records to which the My Lai defendants have been denied access.

His statement was included in a summary of evidence filed with a panel of three federal judges in support of Torres’ contention that the Army will not give him a fair trial. Weltner’s summary was kept secret by the court until Wednesday.

# Army Eavesdropping Charged In Statement to Mylai Judges

By Bruce Galphin

Washington Post Staff Writer

ATLANTA, July 29 — A three-judge federal panel made public today a lawyer's statement that includes purported documentary evidence of Army eavesdropping on a telephone conversation involving the chief military counsel for Lt. William L. Calley Jr. The material was submitted to the panel last Monday by Charles L. Weltner, who is civilian counsel for Sgt. Esquivel Torres. The Army has charged both Torres and Calley in the slayings of Vietnamese civilians in Mylai in March 1968.

Weltner, who is trying to convince the panel that Torres cannot get a fair trial in a military court, was allowed to submit the statement — or proffer, in legal terms — of what he reasonably believes he could prove if allowed to take testimony. Weltner has requested subpoenas for a number of high-ranking officials, including Secretary of Defense Melvin R. Laird.

In the matter of alleged Army eavesdropping, Weltner submitted a copy of a "memorandum for the record" dated March 23, 1970. The memo, signed by an officer at the Ft. Benning, Ga., public information office, reports that an unidentified member of the information staff "overheard a discussion" between Calley's lawyer, Maj. Kenneth Raby, and Charles Black, a Columbus, Ga., reporter.

The discussion, according to Weltner, concerned arguments to be used by the defense in Calley's trial.

When interviewed by telephone about the memorandum, Black expressed surprise.

"When I contacted Raby," Black said, "I didn't feel safe about the phone he was using, so I asked him to call me back on another." The conversation referred to in the memo, Black said, took place during the second telephone call.

In his statement to the panel, Weltner declared that information in the memorandum was "obviously obtained by eavesdropping (by electronic or other means)."

Weltner told the panel he could prove these other alleged breaches of fair trial procedure:

in the Pentagon without benefit of counsel, though he requested it.

- His interrogator, Col. William Wilson, later "admitted that potential witnesses, including plaintiff, were not fully briefed of their rights."

- Torres' military counsel has been denied permission to travel to obtain defense information.

- The defense has been denied requests for Army investigators.

- The Army assigned at least nine specialists for several months to make investigations for the prosecution. The Army maintains a "Mylai section" of 12 officers and 15 enlisted men at Ft. Mather, Ga., to aid in the prosecution of Torres and three other soldiers.

- The defense has been denied requests for the summary and conclusions of the Mylai investigation headed by Lt. Gen. William R. Peers.

- The Central Intelligence Agency has refused all de-

fense requests for information.

"It is anticipated," he said "that it can be established from Central Intelligence Agency records that many, not all, of the adult civilians who died in Mylai March 1968, were, either before or after Mylai, placed upon 'black lists' prepared by the CIA meaning lists of persons scheduled for assassination."

The defense contended that the Army had granted reporter Seymour Hersh, who broke the Mylai story, access to investigation materials but that "similar information was denied by Secretary (of the army Stanley) Resor to members of the U.S. Congress investigating the Mylai incident on the basis that 'it would be inappropriate to release this information at this time.'"

STATINTL

## Lawyer Says CIA Planned My Lai Purge

ATLANTA (AP) -- A defense lawyer says the Central Intelligence Agency planned the deaths of many, if not all, of the adult civilians killed in the alleged 1968 massacre at My Lai.

Charles L. Weltner, a former congressman who is the attorney for Sgt. Esequiel Torres, one of 12 soldiers accused of participating, said yesterday the CIA "was very pleased with My Lai" because a large number of suspected Viet Cong agents were eliminated.

He said his charge could be proven by CIA records to which the My Lai defendants have been denied access.

"It is anticipated that it can be established from CIA records that many, if not all, of the adult civilians who died in My Lai on March 16, 1968, were placed upon 'black lists' prepared by the CIA, meaning lists of persons scheduled for assassination," Weltner said.

His statement was included in a summary of evidence filed with a panel of three federal judges in support of Torres' contention that the Army will not give him a fair trial. Weltner's summary was kept secret by the court until yesterday.

Torres is charged with three deaths at My Lai and with hanging a civilian in another incident.

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# A Former Correspondent Views the Conson "Blame"

By David Hoffman

As was attempted, unstylishly, in Saigon, the United States can try to "disclaim responsibility" for South Vietnam's tiger cages and the torture they contained. But whether that responsibility can be shed seems debatable.

In Vietnam, the United States can direct its influence singly or simultaneously in two directions—toward the attainable or toward the impossible. Judged by what one observes

*The writer was a correspondent for The Washington Post in Vietnam for a year and a half.*

there, the U.S. mission has opted wisely against the latter but not yet for the former.

Accordingly, American influence appears to be going wasted. What Americans say they want is not being gotten, while what Americans say they oppose, continues. Last year was rife with examples:

The Saigon government silenced several dozen newspapers for the printing of trivia. A kangaroo court imprisoned the priest who led the Buddhist student movement. President Thieu brought to power a new government headed by a haughty and inaccessible general. A patriotic and charismatic legislator was jailed for consorting with a Communist—his brother.

And now, Conson's tiger cages. Despite the vile reputation of its prison, the island of Conson is a kind of South Vietnamese Bermuda. Thieu fishes there on many a weekend. CIA agents go there to blow steam unnoticed. Lt. Gen. Do Cao Tri, the tiger of Cambodia, sends his daughter there (in American piloted aircraft) to swim with her girlfriends. While a few meters away, wretches were crouching in the heat, their legs partially paralyzed by cages Americans helped pay for.

Forcing Vietnamese to act contrary to their culture has rightly been judged impossible by the U.S. mission in Saigon. No longer do U. S. diplomats demand the ouster of especially bumbling generals. Nor is

Thieu instructed these days to dismiss one or more corrupt cronies.

That kind of pressure—we now recognize—undercuts the president's power base of Army officers, richer businessmen, Catholics and career politicians. After ten years, Americans in Vietnam have learned half of the obvious.

We have learned that when Vietnamese leaders get shoved between the horns of a dilemma, they invariably do nothing at all. Thus, prior to 1968, the generals and the politicians were asked to choose between what they considered career suicide and the appeasement of the U.S. mission. They opted, naturally, for neither.

But because Vietnamese depend on American largess, they will fulfill American desires not requiring huge self-sacrifice and not repugnant to deep-rooted mores. At our insistence (and with our arms), the Vietnamese put weapons in the hands of half a million peasants. Despite grave misgivings, the Vietnamese implemented total mobilization. During the June siege of Benhet and the October siege of Buprang, South Vietnamese foot soldiers clobbered the best the North had to offer. But only after U.S. Commanding Gen. Creighton W. Abrams warned Saigon that under no circumstances would American GIs bail the ARVN out of trouble.

Vietnamese abhor torture, not so much as Americans, but more, certainly, than do some other Asian allies. When the mass graves of Hue were uncovered, South Vietnamese demonstrated a gut horror and disgust at the atrocity. When, in April, panicky Cambodians massacred hundreds of ethnic Vietnamese, there was grief and true concern in Saigon.

U. S. Embassy spokesman Roy W. Johnson admitted recently in Saigon that the United States has been aware of Conson's tiger cages for quite some time. Yet their existence went unreported—to visiting American churchmen, to delegations of con-

gressmen, to investigators from the Senate Foreign Relations Committee, to Western correspondents.

And who emerges as scapegoat? One Frank Walton, a big burly cop from Los Angeles who, untutored in international gamesmanship, put in writing what his bosses wanted to hear. No matter how ridiculous Frank Walton's memo, one cannot blame Frank Walton for the atrocities of Conson. The blame rests rightly with Walton's superiors who alone could have gained him access to the prison. In the scheme of things, the blame rests rightly with U. S. Ambassadors Ellsworth Bunker and William Colby and not with an aging ex-policeman charged with supervising a prison he could visit only on occasion.

Now, the tiger cages at being dismantled, their inmates being transferred, we are told, because Reps. William R. Anderson and Augustus F. Hawkins and the young investigator, Thomas Harkin, exposed them to publicity. How much quicker might the torture have been ended, at Conson at least, had the U.S. mission seen fit to do likewise.

M - 11,056

S - 12,970

Editorial

# Our Discredited But Accurate Men in Saigon

Back in the early 1960s, when the American troops in Vietnam were still "advisers," the resident American press corps was correspondingly small.

The American newspaper reader was served in those days by a small band of correspondents, which included Malcolm Browne of the Associated Press and Neil Sheehan of United Press International, representing the country's two major news agencies, and David Halberstam of the New York Times. Also on hand was a New Zealander named Peter Arnett, also of the AP.

These newsmen were all young, they were all covering their first war (though Halberstam had previously reported the tragedy in the Congo) and they were all writing things that at the time were highly popular because they conflicted with the official Washington line on what was happening in South Vietnam.

As a result, all were harassed and discredited by military officials in Vietnam and by Pentagon and State Department functionaries at home. On one occasion, President Kennedy even interceded personally with the Times to ask that Halberstam be removed from Vietnam; the paper, to its credit, refused.

Eventually, Halberstam, Browne and Sheehan (the former two by then Pulitzer Prize winners) left for other assignments. Their places were taken by other newsmen, for the most part first-rate professionals too. And as the war increased in ferocity, the press corps swelled to a peak of about 500 resident correspondents.

Of the original group, only Arnett stuck it out. Finally a few days ago, after eight years of "twisted bodies and the stench of death," Arnett also pulled out to accept an AP assignment in the U.S. Before leaving, the New Zealander, also a Pulitzer Prize winner for his war reporting, reflected on the conflict and the problems encountered by newsmen in covering it, in an interview with Newsweek magazine. Among his observations:

"Throughout the war, the Administration and the Saigon press corps have been natural enemies, like the cobra and the mongoose. We were attacked by officials because what we found in Vietnam was directly contrary to most of the ideas held in Washington. At times, particularly in 1966 and 1967, there was a conscious government campaign to discredit the press corps in

Vietnam in the eyes of the U.S. public. Americans were told that the press corps was young, inexperienced and, in some cases, non-American. Because I was young, a New Zealander and was covering my first war, I found myself a target.

"But, after all, we journalists were only as good as our sources—and our information was in no way different from that available to the Administration. We wrote what we saw and heard. . . . And what we wrote turned out to be correct."

What they reported was that President Ngo Dinh Diem did not have the support of the South Vietnamese; that before the reconstruction of the last year the South Vietnamese Army was corrupt, demoralized, ill-equipped, poorly led and incapable of fighting; that Gen. William Westmoreland's large-unit battles were not winning the war, but losing it; and that the Saigon government would never win the confidence of the South Vietnamese unless it changed its policies.

Newsmen, of course, are only human. Like generals and bureaucrats, they too make mistakes. But in a time when the American press is being discredited by extremists of both the left and right, and by government officials as high as the vice president, it is worth remembering that in Vietnam the newsmen made a lot fewer mistakes than the generals, CIA agents and politicians who got us embroiled in that tragedy to begin with and have kept us there since.



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*On the Conson Prison Revelations*

The opening sentence of your editorial of July 9 fills me with deep despair: "The United States mission has every good reason to disclaim responsibility for the operation of South Vietnam's prison system, in general, and for the shocking conditions under which prisoners are confined at Conson Island, in particular."

This sounds much too much like what Madame Ngo Dinh Nhu wrote in a letter to the New York Times some years ago, referring to the Buddhist self-immolations: "I would clap hands at seeing another monk barbecue show, for one cannot be responsible for the madness of others."

It isn't that the American people couldn't have known all along what, in their name, was going on. In 1965, Bernard Fall wrote in Ramparts magazine (republished, 1967 in "Last Reflections on a War"): "Then there is the South Vietnamese prisoner cage. I took a picture inside a camp where Americans were present. No attempt was made to hide the cage, an iron frame covered completely with barbed wire. About four feet high, it is used for bringing prisoners to 'reason.' I was not told what kind of prisoners are put in the cage, but no matter who they are this is a pretty violent process. The prisoner cannot stand up or sit down—if he moved out of a crouch he falls against the sharp barbed wire, there is so much wire that his body is punctured all over. This makes Christ's Crown of Thorns look like a child's toy."

That there is direct American involvement in the brutality and repression of the Saigon police and regime is well documented and terrifyingly described in "Vietnam—the Unheard Voices," by Don Luce and John Sommer: "In addition to the national police there have been two military groups involved in counterterrorist activities, the PRU (provincial reconnaissance units) and the CIDG (civil irregular defense group) . . . have received their pay from U.S. sources, in the first instance from the CIA and in the second from the Green Berets."

So how do we fragment "responsibility"? We can't. In time (and the time has come, I fear, in America) turning away from horror in order to bear it becomes what Robert Jay Lifton calls "psychic numbing," this to the extent that we would rather pay patriotic tribute to what our country stood for in the past than face up to what crimes it is committing now, in our name.

HARRIET K. SHEPARDSON.  
Falls Church.

STATINTL

justice of a citizen whatever form it may be."

and Judge Smith said the court has to consider the question of whether the federal judiciary should disrupt the procedures established in the Uniform Code of Military Justice, the legal basis for court-martial proceedings.

THEY NOTED that if the two soldiers were convicted in a general court-martial, the lawyers still could seek recourse in the federal courts through writs of habeas corpus. "They haven't come to trial yet," Judge Bell said.

In essence, Weltner and Davis were maintaining that their respective clients would be unable to get a fair trial in a court-martial.

Therefore, they argue, either the military should be permanently enjoined from court-martialing them or the soldiers should be tried by a jury in a federal court.

"We're trying to get at least a federal court trial," Davis told reporters after the hearing.

Beverly Bates, assistant U.S. attorney, argued that the federal courts do not have jurisdiction. He said it was a matter for military courts. "The totality of circumstances (surrounding the cases) do not present a substantial federal court question," he said.

Judge Bell ordered that the two lawyers' arguments and the U.S. attorney's response be submitted to the panel in sealed envelopes. That means they won't be public record. But, he added, "We will look at them and probably unseal them (for public record)."

"We'll wait until we hear from them (the attorneys), then decide what course to follow," the judge said. He said the panel will try to make as speedy disposition of the petitioned requests as possible.

ON WHATEVER action the panel of judges decides, it will set a precedent for other legal proceedings stemming from the alleged My Lai incident. A total of 12 soldiers have been charged in connection with it.

The case is the first time civilian judges have intervened in the pretrial phase of a court-martial.

# Army Ordered to File Briefs on My Lai Trials

## Fairness Issue to Be Argued, Holding Up Preliminary Action

By CHARLES WHEELER

Attorneys for two soldiers charged with murder in the alleged My Lai massacre have 10 days to file documented arguments as to why the two would not receive a fair trial in a general court-martial.

"I'll submit what I think I will be able to prove about the whole question of unfairness," commented Atlanta lawyer Charles L. Weltner after a hearing Wednesday before a three-judge federal panel here.

Preliminary court-martial proceedings by the U.S. Army against Sgt. Esequiel Torres, 22, of Brownsville, Tex., and Spec. 4 Robert W. T'Souvas, 20, of San Jose, Calif., were suspended for 21 days Wednesday by a military judge at the request of the specially convened panel.

The postponement will give attorneys Weltner and George T. Davis of San Francisco time to file detailed documented arguments with the three federal judges. U.S. attorneys will have five days to respond in writing to the documented arguments submitted to the judges.

THE ARMY had scheduled for Friday a preliminary hearing on the charges against Sgt. Torres. No date had been set for formal proceedings by the military against T'Souvas. Both soldiers are stationed at Ft. McPherson.

On June 24, Weltner, a former congressman, successfully petitioned U.S. District Court here to temporarily enjoin the Army's proceedings against Torres on the grounds he would not get a fair trial in the military courts.

He maintained that pretrial publicity, including a statement by President Nixon that the alleged massacre was "abhorrent to the conscience of the American people," prejudiced the defendant's case.

Weltner also claimed the war is being conducted on command

sional declaration, thus Torres could not be tried for a capital crime under the 5th Amendment.

Davis submitted a similar petition to the federal court here on behalf of T'Souvas. Both petitions asked for a permanent injunction against court-martial proceedings.

The federal panel consisting of Judge Griffin Bell of the 5th U.S. Circuit of Appeals and District Judges Sidney O. Smith and Albert J. Henderson listened to defense lawyers and U.S. attorneys argue for about 2½ hours Wednesday.

PRESIDING JUDGE Bell stipulated near the outset of the hearing that only arguments about the federal court's jurisdiction and the impact, if any, of pre-trial publicity were central to Wednesday's proceedings on the petitions.

But Davis interjected a constitutional question about the war's legality and its implications for the military's prosecution of soldiers involved in the alleged massacre of March, 1968.

"I think this young man (he gestured toward T'Souvas), is being charged for the purpose of whitewashing the Army's guilt (in the alleged incident)," Davis said.

He said T'Souvas' actions were in line with military and government policy in the conduct of the war and added that the company commander at My Lai told his men that they were to go in there and wipe

out every living thing — men, women and children."

Davis claimed the Central Intelligence Agency (CIA) had drawn up a black list of Vietnamese civilians to be exterminated under the code name of "Operation Phoenix."

"The Army was carrying out government policy (during the alleged incident)," he continued. "The Army knew that the Viet Cong battalion had pulled out of the area."

JUDGE BELL observed, "Under the Nuremberg doctrine, following orders is not a defense." After World War II, the allies tried German officers and enlisted men for war crimes at Nuremberg.

Davis later told reporters he has physical proof of CIA orders regarding Operation Phoenix and would include them in his documented arguments to "the three judges. "We don't have a copy of the order but we know what it contains," he added.

"We will produce it (the evidence)," he continued. "We may get shot for doing it. I mean that literally and figuratively. We're going to step on the toes of the mighty and when you do that you have to be willing to take the consequences."

In his brief filed with the petition asking for a temporary injunction, Weltner attacked the court-martial proceedings on 15 constitutional grounds. He referred to it at the hearing.

"It is our position that the sum of the 15 points is greater (in importance) than the individual points," Weltner said. Speaking to the question of the court's jurisdiction, he said, "This court has the power to prevent the operation of an in-

M - 899,231  
S - 1,443,738

JUL 16 1970

# Songmy Defendant Says Nixon Sways Army Court

By HOMER BIGART  
Special to The New York Times

ATLANTA, Ga., July 15—A three-judge Federal court was told today that Sgt. Esequiel Torres, accused of murder in Songmy, South Vietnam, could not receive a fair trial in any American military court because President Nixon had already declared him guilty.

The "command influence" of the Commander-in-Chief would sway the judgment of members of the court-martial, Charles Longstreet Weltner, chief counsel for Sergeant Torres, told the panel.

The case is the first to reach a Federal court in connection with the alleged mass killing of noncombatants by American soldiers in the Mylai 4 hamlet of the Songmy village complex.

Sergeant Torres was joined in court by another Songmy defendant, Specialist 4, Robert W. T'Souvas, whose attorney George Davis of San Francisco made a similar plea for a stay of court-martial proceedings.

Mr. Davis accused the military of seeking a "whitewash" of officers responsible for the killings while seeking a lowly scapegoat among the enlisted men.

## Judges Show Interest

His client is no more guilty of indiscriminate killing than an artilleryman or a pilot of a B-52 bomber, Mr. Davis said.

On July 2, Mr. Weltner obtained an injunction barring an Army trial until a three-judge panel could decide whether a court-martial would violate the sergeant's constitutional rights.

Sergeant Torres, a 22-year-old Mexican-American from Brownsville, Tex., is accused of murdering at least three civilians with a machine gun in a search-and-destroy operation by units of the American Division at Songmy on March 16, 1968. He is also accused of hanging a Vietnamese man shortly before that incident.

In asking the Federal panel to enjoin the Army permanently from trying Sergeant Torres, Mr. Weltner cited remarks by President Nixon that he maintained would weigh heavily on the thinking of military court members who were hopeful of promotion.

Mr. Weltner recalled that on Dec. 16, 1969, shortly after the first disclosure of the Songmy incident, Mr. Nixon told a televised news conference, "I would start first with a statement: What appears was certainly a massacre and under no circumstances was it justified."

This statement, which was repeated by the Secretary of Defense, the Secretary of the Army and the Army Chief of Staff, was in effect an order to subordinates within the military establishment to "convict and punish Sergeant Torres," Mr. Weltner contended.

## To Rule on Jurisdiction

Ranked against Sergeant Torres, Mr. Weltner said, "was a vast array of officers, noncommissioned officers and enlisted men, from the Department of Defense down to, the defendant's command, comprised of investigators, interrogators, prosecutors, lawyers and technicians — all of whom are under the command of the President, who, by his pronouncements, has judged the plaintiff guilty."

The three judges will rule whether they have jurisdiction to decide whether the charges against Sergeant Torres and a trial by the Army would violate his constitutional rights. If they decide they have jurisdiction, Mr. Weltner then hopes to bring out testimony by Army and Central Intelligence Agency officials to show that the slaughter of noncombatants was part of a planned policy.

Mr. Weltner submitted a brief accusing the Army of "selective prosecution." The defendant was merely a sergeant, he said, noting that no officers of field grade (major or above) and no Central Intelligence agents had been ordered prosecuted. The Army wanted a low-ranking "scapegoat," the lawyer said.

## Peers Report Cited

He argued that the Army had already "held court" on the Songmy incident by drawing from the investigation report by an Army panel headed by Lieut. Gen. William R. Peers to the plaintiff, without his being

present or represented, thus denying to him the presumption of innocence."

Government lawyers filed a brief contending that the Federal court had no power to enjoin a courts-martial. Sergeant Torres would have to exhaust the appeal procedures open to him under military justice before seeking relief in civil court, they said.

The defense has challenged the legality of the Vietnam war the Government noted, but previous challenges to the constitutionality of the President's actions have been dismissed as a political question and not an issue to be settled by the courts.

Judges on the panel are Judge Griffin Bell of the United States Court of Appeals for the Fifth Circuit and District Judges Sidney P. Smith Jr. and Albert J. Henderson Jr.

Lawyers for Sergeant Torres are Mr. Weltner of Atlanta, a former Congressman; S. George Berkley, of Miami, and W. Wyche Fowler Jr., of Atlanta.

The Government brief was filed by John W. Stokes, United States Attorney, and Beverly B. Bates, Assistant United States Attorney.

38th parallel separating South Korea and North Korea.

Mr. President, in the first 5 or possibly 10 years following the Korean conflict there was some justification for our continuing a strong military presence in South Korea. It was obvious that the armed forces of South Korea at that time would by themselves have been unable to repel a second attack from the north.

At this time the situation is entirely different. Were the North Koreans to launch an attack against South Korea the armed forces of our client or satellite country—South Korea—should be able to repel that invasion and without additional aid from our Government.

We have continued our presence in Korea far longer than necessary. The South Koreans are now capable of defending themselves.

The fact is that today South Korea has a regular army of 550,000 men, the fifth largest standing army in the world. North Korea has a standing army of but 350,000 men. There are 17,000 men in the South Korean Navy and only 9,500 in that of North Korea. South Korea has 30,000 men trained as marines while North Korea has none. In addition, the reserve forces of South Korea number more than two million men who drill at least twice a week. North Korea has a reserve force of but 1,200,000 men. The Republic of Korea—ROK—standing army and reserves are well equipped with the most modern weapons.

The only category of arms in which North Korea excels South Korea is in its air force of 25,000 men and 590 combat aircraft. The South Korean Air Force is composed of 23,000 men with 215 combat aircraft. Officials of the South Korean Government have stated that plane for plane and airman against airman they have the power to defend their country.

Mr. President, South Korea is the only nation in the world that provides substantial armed forces to assist us in Vietnam. More than 53,000 Republic of Korea soldiers are now fighting in Vietnam alongside our forces. According to our military experts, they have fought well and hard. Many have been killed and wounded in combat. The famed ROK Tiger Division has earned the respect of its allies and foes as have other units in the ROK armed forces now in combat in South Vietnam.

In October 1965 in Korea the distinguished junior Senator from Nevada (Mr. CANNON) and I had the honor to visit the Tiger Division in the field and observe them march in review shortly before they left for Vietnam. Of course, these troops were transported to South Vietnam on American ships and planes and are maintained there entirely at the expense of American taxpayers. South Korea, in reality a client nation of the United States, was given hundreds of millions of dollars in addition to military and economic assistance as a quid pro quo for helping maintain the Saigon militarist regime of Thieu and Ky in power.

Since 1951, the United States has given more than \$3 billion in military assistance to South Korea. In addition,

we have given \$4.6 billion in economic aid to that country. Its increasing prosperity is in large part a result of our help.

Mr. President, I had the opportunity to visit all areas of South Korea. I visited with our officers and men along the 38th parallel near Panmunjom, and elsewhere, and saw for myself the hard conditions under which they live during their tour of duty. At that time nearly 5 years ago I expressed my views that we should not have such a sizable number of American fighting men defending the border separating North Korea from South Korea.

Furthermore, South Korea, with 31,200,000 people is twice as populous as North Korea with its 13,300,000 people. Its economy is now booming and the degree of its economic growth is tremendous as compared to that of North Korea, a poverty stricken, backward nation.

President Nixon has pledged to withdraw another 50,000 American troops from South Vietnam in the next few months. Hopefully, all U.S. troops will be out of Southeast Asia within a year and our involvement in that civil war in Vietnam will be ended.

At that time, and it should be much before then, the 53,000 South Korean troops in South Vietnam will also be returned to their homeland. There cannot be any justification whatever for our continuing to station thousands of young Americans in South Korea. They should be returned home immediately even before the return of ROK forces from South Vietnam.

South Korea undeniably has now sufficient military, naval, and air power to defend itself against any possible attack from the North Koreans. In the very unlikely event of that occurring, our warplanes stationed in Japan and Okinawa but a few minutes flying time distant from North Korea could readily come to the assistance of the South Korean Air Force, if that assistance were required.

Mr. President, surely it cannot be claimed that the United States has a mandate from God to police the entire world. Now, after all these years, we should bring out all of our Armed Forces from South Korea. It is a form of foreign aid that we have maintained this huge force in Korea throughout all the years from the end of 1950 to the present time.

We should withdraw all our Armed Forces from South Korea this year and at the same time proceed without delay to end our involvement in all areas of the Indochinese empire. Southeast Asia is 10,000 miles distant from our sphere of influence. May sanity prevail at the White House and Pentagon. May we bring the boys home from Southeast Asia—all of them within a year at most. Then give top consideration to our grave needs at home which have been neglected.

#### MORE MADNESS IN MAINTAINING THIEU AND KY

Mr. YOUNG of Ohio. Mr. President, on July 6 the Nixon administration announced a new aid program to the south Vietnamese military regime of General

Thieu and Air Marshal Ky. This new program will supply 47,300 tons of canned food as well as materials for the construction of 100,000 housing units for South Vietnamese soldiers and their families to be completed within 5 years. This expenditure will total \$100 million. Sweat on American taxpayers.

That South Vietnam is facing serious economic problems is undeniable. Morale in the South Vietnamese Army has gone down and further down due to the critical shortages of dwellings for soldiers and their families. Already the streets of Saigon have been marked with violence from disabled veterans seeking housing and other aid, and the veterans have begun erecting miserable shantytowns on private and government property. The cost of living during 1969 rose 50 percent.

Mr. President, no one denies that these problems are indeed serious. However, President Thieu demanded \$212 million from the United States and without delay. He hinted that the policy of Vietnamization would fail if such aid were not forthcoming immediately. Apparently the Thieu-Ky dictatorship claims that the United States is a bottomless well of giveaway programs for their regime. Apparently they feel that we have not yet done enough for them, that any demand they make cannot be refused.

How much more can we do for this military regime, Mr. President? In fiscal year 1970 the Saigon government received \$365 million in economic aid from the United States through the Agency for International Development. That represents 20 percent of the total amount of this country's foreign aid for that fiscal year, and is greater than the total amount of foreign aid since 1946, to 87 different countries in the world—including 15 in Latin America. Furthermore, in the last 6 years in addition to economic aid the United States has spent \$115 billion on the war in Southeast Asia to support the Saigon militarist government. In 1969, that was \$600 from each American family to support the war, 23 cents out of each tax dollar. This is not counting the 50,000 American GI's who have died in battle or the nearly 300,000 wounded, many maimed for life.

Is it to maintain General Thieu and Air Marshal Ky in power and to uphold their imprisonment of political prisoners crowding them in stone tiger cages in Con Son, and brutally torturing them, that 50,000 Americans have been killed?

No one can justly claim that the United States has failed to aid the South Vietnamese. No one can say we have not gone the extra mile in South Vietnam. We have given more of ourselves than anyone could have or would have expected.

President Nixon vetoed appropriations for the Department of Health, Education, and Welfare, and he vetoed appropriations for hospital construction. He did so because he said these expenditures would be inflationary. The administration requested funding for the food-stamp program far below what is necessary to fulfill the promise of that vital program. The administration calls for sacrifices, patience, and asks that programs of crucial interest be cur-

STATINTL

## Green Berets, in War Since '62, Being Phased Out This Year

Special to The New York Times

SAIGON, South Vietnam, July 11—The Green Berets, troops of the United States Special Forces, who were the first American fighting men in this country early in the nineteen sixties, will be phased out of South Vietnam by the end of this year, according to reliable military sources.

In their heyday, the Special Forces in South Vietnam numbered about 2,700 men and commanded a 45,000-man mercenary army of hill tribesmen and ethnic Cambodians, Chinese and Vietnamese. At the height of their operations, they ran more than 60 remote posts, primarily along the rugged border with Laos and Cambodia.

Starting in mid-1967, the Green Berets, so known because of their headgear, began turning over a few camps to South Vietnamese authorities.

By the spring of last year, seven camps had been transferred, the mercenaries in them being given a chance either to stay and join the regular military, or go home. Most reportedly stayed. But in the 18 months since then, the Special Forces have turned over all but a handful of posts, and are under orders to complete the transfer by December, the sources say.

The reasons for this sudden acceleration appear to be varied.

One ranking military man said the move was designed to end the use of mercenaries, to clarify and simplify the South Vietnamese command lines, and to de-Americanize another phase of the military effort.

Another source suggested that the displeasure of American commanders over the circumstances surrounding the alleged shooting in the summer of 1969 of a Vietnamese double agent employed by the Green Berets was a major factor in the rush order to the Special Forces to complete their work and move out.

Special Forces headquarters in Nhatrang declined a recent request for an interview. In past years the Green Berets have been eager to respond to similar inquiries.

Special Forces specialists in counterinsurgency warfare first came to South Vietnam in 1962. They were on loan to the Central Intelligence Agency, which wanted to set up border posts to spy on and occasionally harass North Vietnamese and Vietcong units moving from Laos and Cambodia.

About two years later, when the mission became too big and too expensive for the C.I.A. to hide, it was turned over entirely to the Special Forces and run openly under Army financing.

Many military analysts regard that program as one of the most successful in the entire war effort. And yet, the men of the Special Forces have managed to be controversial both within and outside the Army.

### Elite Status Decried

Within the Army, some generals criticized the creation of an elite force, as separate and better than other Army units. Others decried the fact that the Special Forces attracted the more talented and imaginative men, who the critics felt were needed in the Army.

Outside the military, the Special Forces sometimes conjured up an aura of swashbuckling adventurers in uniform, who brushed aside the normal rules of conduct to accomplish what they felt was their mission.

The mysterious case of the disappearance of Thai Khac Chuyen, the suspected double agent, who allegedly was killed and his body encased in a canvas sack and dumped into the South China Sea, probably supported that image, however rightly or wrongly.

The Army first brought charges against several members of the Special Forces in the Chuyen case, and then dropped them, noting that prosecution would depend in part on C.I.A. testimony and that the agency was unwilling to participate in the case on national security grounds.

Sources here say that a small number of Special Forces men may conceivably remain in Vietnam to help train South Vietnamese Special Forces.

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Jack Kefauver Says



# A Different Justice Depending on Rank?

A SERGEANT named Torres has been accused of murdering three civilians in Vietnam. If Torres is guilty of cold blooded slaughter, he should be punished. But, here's a question? Are enlisted men and junior officers to be accused, and higher ranks passed by?

Why did the President allow the CIA to get away with the most notorious act in its history. A double agent in Vietnam was murdered by Green Berets. This wasn't denied. Nor did the CIA present evidence to the contrary, when it was testified the agency had ordered the murder. The official who authorized the crime was certainly as guilty as the officers who carried it out. To save civilians in the high echelon, all involved were given a coat of whitewash.

The lack of equality in justice between low ranks and high ones is quite evident. Torres, and others accused of atrocities at My Lai and elsewhere, will unquestionably go to trial. Nothing will ever be done about the Green Berets and the gentlemen of the Central Intelligence Agency. Murder should be considered murder, no matter who perpetrates it.

★ ★ ★



# The Long Shadowy Hand Of America's CIA

Since every action of the United States Central Intelligence Agency is top secret it is hard to ferret out the facts, but over the years fragments emerge which throw some light on its activities.

Its budget is split among a 100 items in the United States' multi-billion dollar defence appropriations. Only two or three Senators and Congressmen, members of a watchdog committee, are privy to its size.

The CIA itself reports to another super-secret body, the National Defence Council, which for the record says virtually nothing. Even its membership is secret.

But it can be said that the CIA budget rivals that of many medium-sized nations, and it employs tens of thousands of agents throughout the world — probably more than Russia.

The CIA is quick to point out that it operates only outside the limits of the continental United States. Its work internally being done by the FBI. Each foreign post has a "Resident" who controls the activities of his men in the field. Often the Resident operates out of the United States Embassy in the nation concerned, much to the disgust of regular diplomats who call CIA men "spooks," sometimes to their faces.

## Control

Controlling and co-ordinating these world-wide operations is a huge staff in CIA headquarters at Langley, Virginia — a massive concrete building tucked away behind a grove of trees just off a super-highway a few miles from Washington, DC.

A coy direction sign announces it as the Public Works Department for the District of Columbia.

CIA critics say this piece of cloak-and-dagger nonsense which deceives nobody is typical of the theatrical amateurism of the entire CIA operation.

The CIA's most spectacular failure was, of course, the Bay of Pigs invasion of Cuba.

Despite its protestations at being only an external agency, CIA agents were active in Miami, Florida, recruiting Cuban refugees to fight.

The agency's advice to the Pentagon and White House on the degree of support Prime Minister Fidel Castro had in his own country proved competely erroneous. Many liberal Senators claim that the agency is so paranoid about Communists and Communism that its collective judgements are often seriously distorted.

Certainly the record indicates that the CIA is more likely to be friendly to right-wing politicians and military men than anybody else. They have been accused, often with convincing evidence, of interfering on the side of the generals in several Latin American and Caribbean countries, notably Guatemala, Colombia, Argentina, and Brazil.

## Mainstay

The agency has been a mainstay of President Ky's military regime in South Vietnam, and there is no doubt that it had a big hand in toppling the neutralist

government of Prince Sihanouk in Cambodia.

Perhaps its most sickening intervention was in Greece, where the colonels oligarchy boasts of the support of the United States Government as it imprisons and tortures its democratic opponents.

The evidence indicates that the CIA uses all classic tools of a spy organisation — assassination, murder, bribery and blackmail of key officials. Last year the CIA was implicated by Green Beret troops in Viet-

nam who were charged with the murder of a Vietnamese national, said to be a double agent.

Another agency, little-known outside of the United States that plays a key role in supporting CIA activity is the National Security Agency (NSA), not to be confused with NASA, the space agency. Headquartered in a

## Security

sprawling complex at Fort Meade, Maryland, some 30 miles from Langley, the NSA's security arrangements are, if possible, even tighter than those of the CIA. It bristles with Marine guards and anybody walking around the building without conspicuously displaying his identity will instantly have a

gun barrel at his head.

NSA's principal task is to crack the diplomatic and military codes of every other nation on earth. It employs some of the most sophisticated computer equipment ever assembled.

The results of this work are useful to the CIA and the National Security Council. But several allied governments have expressed annoyance over the exercise.

The growing criticism is making it more difficult for the CIA to recruit suitable personnel. It is said that they are more and more turning to men with a law

Almost without exception, military coups around the world in recent years have brought charges of involvement by America's Central Intelligence Agency. Recently King Hussein has hinted at CIA interference in Jordan. What is this shadowy organisation and how does it work? R. W. Cocking investigates for Gemini News Service

enforcement background, as opposed to the more free-wheeling Ivy League college graduates who used to make up the core of their key people.

One problem is that men resigning from the CIA often find that employment at Langley offers real obstacles to getting a new job.

A well-publicised case occurred in Washington recently when a CIA employee resigned to return to university teaching. He was on the short list for a plum appointment, but when it became known he had been a researcher for

the CIA his name was dropped from consideration.

Defenders of the agency argue that every major power must be in the intelligence business as a matter of self-protection.

On the charge of amateurism, one CIA man told me: "Sure we make a lot of mistakes. After all, the United States has been running the world for only a little more than 25 years. Before us, the British were doing it for nearly 300, which gave them plenty of time to learn how to run an intelligence network."

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licable to the real world. Therefore, in order to be other than philosophical speculation, the preceding hypothesis has to work—which is precisely the point of this article. In every case, Christ has been given a chance. He has worked.

If this presentation has made sense to you, it is possible to appropriate this solution for yourself simply by asking Christ to come into your life and trust that He will keep His promise (see Revelation 3:20 above). For, after all, could He lie? When you do, you'll begin to discover that there can be life after birth.

GEN. WLADYSLAW SIKORSKI

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 1970

Mr. HELSTOSKI. Mr. Speaker, 27 years ago, July 4, 1943, was a tragic moment in the history of the Polish nation and its people. It was also a tragic day for the United Nations and to the cause for which they both were fighting.

The untimely death of Gen. Wladyslaw Sikorski, Premier of the Polish Government in exile, and Commander in Chief of the Polish Armed Forces—who perished that day—was an irreparable loss to his own people, and to the United Nations as well.

General Sikorski, killed when the plane that was taking him from Gibraltar to London plunged into Gibraltar Harbor, died at a moment when his hopes for his native land may have been higher than at any time since 1939.

A liberal and a democrat who had devoted a lifetime to the cause of Polish independence, General Sikorski saw the essential problem of victory as one of unity among the freedom-loving nations. To this end he was exerting all his efforts at the time of his tragic death.

General Sikorski was a soldier and a statesman. Winston Churchill did not exaggerate when he described the tragic accident at Gibraltar as one of the heaviest strokes that the Allied cause has suffered. If any man can be called indispensable to his country at a given moment of history, it was Sikorski at the time of his death. He emerged from the defeat of Poland and the obscurity in which he had lived because of his opposition to the policies of its prewar Government as the natural leader and authentic spokesman of the crucified and indestructible nation.

At the time of Sikorski's death, Polish nationalism was fiercer than almost any other nationalism because it had been driven underground and had to feed upon itself. General Sikorski was a flaming patriot, a conspirator for Polish freedom in his student days at Lwow, and he was a man of the world in the same sense that Paderewski was.

One man was primarily a soldier, concerned with building up a new fighting force out of the remnants of the Polish Army, and the other an artist, but both played a similar role, Paderewski in

World War I and Sikorski in World War II, for the liberation of their country. Both had faith in freedom as the prescription for the ills of Poland and Europe.

General Sikorski was no less important as a military leader than as Premier Sikorski, the statesman. He had personally supervised the organization and training of a new Polish Army that, at the time, was the fifth in size among the United Nations, and he had sworn to lead his troops back to Polish soil. In fact, his death came as a result of his dedication to these tasks. He was killed on his return from an inspection of Polish troops in the Middle East.

General Sikorski had one of those careers possible only in the dramatic transitional periods. Only 62 at the time of his death, he had fought in the First World War, served as chief of the general staff, Premier and Minister of Military Affairs in the early 1920's.

The plane in which he was traveling plummeted into the waters of Gibraltar Harbor immediately after takeoff. The tragedy also took the lives of his daughter, the chief of the Polish General Staff, and other important officers, including Col. Victor Cazalet, a popular and promising younger member of the British Parliament, who had been serving as political liaison officer to the Premier. He died with his daughter and 14 others in the crash in which only a badly injured Czech pilot survived. It was a loss that was deeply felt and will be long remembered, but the inspiration of Sikorski's life and heroic struggle for a free and democratic Poland will remain to encourage the Polish patriots who have been fighting for the same cause for so many years.

I wish to pay homage to this great statesman, patriot, and military genius. I also wish to pay homage to his daughter, Mrs. Sophia Lesniowska and to the others who were traveling with him and perished.

As I have stated before, the restoration of a free Poland was the lifeblood of General Sikorski. It is still the primary motivating factor of all those patriots who hope to live again under the white eagle of Poland. Since the origin of World War II was the preservation of the territorial rights of Poland, the complete restoration of these territorial rights should be one of the principal purposes of peace. Unless we are all dedicated to the restoration of these rights, unless we pledge ourselves completely to it, General Sikorski and all other Polish citizens who shed their blood for their country have shed it in vain.

The cause for which General Sikorski fought and died still lives on in the hearts of present day Poland and its citizens. It is the hope of all peace-loving people that Poland will once again live free and independent and the flag of Poland will fly again on its own territory, smiling upon its own happy and industrious people, and proudly take its place among the councils of the nations who have won their peace.

AMERICA'S ASIAN TRAGEDY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 1970

Mr. FRASER. Mr. Speaker, at a time when the fabric of our Nation is being torn over the long overdue national debate concerning our military involvement in Southeast Asia, there is still a great deal of misunderstanding not only of the military and political realities and the unhappy alternatives we face but even the motives of those of us who are critical of our Government's Asian policies. I do not think it is because adequate information is not available—on the contrary, the public has access to most all the pertinent information available to the President. The problem is that most people are just too busy to devote the time required to sift through the available information sources to arrive at an informed judgment.

I ran across four good articles in the Washington Post. These articles, admittedly fall short of providing a comprehensive background on the complexities on our tragic involvement in Southeast Asia. Nevertheless, they serve to provide the basis for a realistic perspective on the truly disastrous series of errors, disregard for facts, mistaken judgments, and fuzzy rationale which characterize four administrations, representing both Democratic and Republican Presidents, leading to our present dilemma.

I include these four articles in the CONGRESSIONAL RECORD at this point in the hope that it will help Members of Congress and the general public to gain a better understanding of our predicament:

[From the Washington Post, June 28, 1970]  
A GRIM NOTEBOOK ON OUR ASIAN TRAGEDY  
(By Stanley Karnow)

HONG KONG.—No exercise is more fascinating, illuminating and depressing for a reporter leaving Asia after a decade than to weed out his voluminous files on Vietnam. For the stacks of frayed notebooks, faded newspaper clippings and unpublished memorabilia provide a personal retrospective of an American tragedy in the making.

And the dominant sensation that emerges from this review of the past is disbelief—disbelief that the United States, purportedly a nation of hardheaded pragmatists, could have stumbled so blindly into a disaster that is now shaking the nation's stability and threatening to undermine its unity for a generation to come.

Equally striking, in retrospect, is how little has changed over the years. The war has grown to monstrous proportions, of course. But it is still, as it has been from the start, an assortment of wars being fought in different ways and for different motives in Washington, Saigon, Hanoi and on the battlefield. Thus nothing can be plausibly measured.

The search for the elusive truth about Vietnam will surely preoccupy historians and social scientists far into the future. Within the scope of my own narrow experience, however, I would suggest that our Vietnam commitment evolved gradually, perhaps in-

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# The War To Get Rid Of The VC Cadres

By COL. ROBERT D. HEINL  
JR.

SAIGON—Besides the military war in South Vietnam, a second war goes on that people rarely hear of. This murky struggle sometimes involves ambush, even assassination, patient surveillance always, and psychology. Its objective is to identify and root out the underground infrastructure of the Viet Cong, or as intelligence officers know it, the VCI.

The VCI is the viscera, brains, and central nervous system of the guerrilla movement inside South Vietnam. Closely but secretly paralleling the legitimate government at nearly every level, the VCI—composed of hard-core Communist political cadres—rules parts of the country not yet under government control, obtains intelligence for enemy tactical units, carries on the VC war of political terror in every city and hamlet, provides VC recruiters, couriers, agents, trigger-men, and spies, and collects secret "taxes," or payoffs.

According to informed sources, some 71,000 members of the Mafia-like VCI are at large and operating inside South Vietnam. Their existence poses as great a threat to the future freedom and stability of South Vietnam as Hanoi's uniformed invaders.

GETTING AT (and then getting) the VCI may well determine the ultimate success of pacification in Vietnam, for it is the VCI cadres who are pacification's most implacable and most invisible enemies. The program which has these persons as its target, is known among Americans as Operation Phoenix and to the Vietnamese as "Phung Hoang."

Phoenix was originally established in 1967 by the CIA. It was and is closely modeled on the similar (and eventually highly successful) British program devised by Sir Robert Thompson to expose and destroy the Communist guerrilla infrastructure in Malaya.

Until recently, Phoenix was conducted in deep secrecy. But two developments have brought much of the program into the open. One was the insistence of Senator Fulbright in publicizing his version of Phung Hoang as an assassination and "counter-terror" program (which it is not). The other was realization that, to make progress, this type of effort needed to involve the populace at large, on whom the VCI bear hardest. As a result, Phung Hoang (or at least certain sides of it) is now widely publicized in order to develop Vietnamese support and information.

ALTHOUGH sponsored, launched and advised by the U. S., Phoenix is a Vietnamese program. That is why its American advisors prefer to speak of it as Phung Hoang and de-emphasize the code-word, "Phoenix."

The heart of Phung Hoang lies in 253 district-level intelligence-coordinating committees with the acronym of DIOCC's. Here, following the Malayan model, representatives of police, military intelligence, the district chief, and an American advisor (formerly CIA, now usually a somewhat sketchy indoctrinated Army lieutenant) pool and compare intelligence leads on VC activities, building standard dossiers on suspected VCI. When enough evidence builds up, an arrest or interception is made.

Since key VCI (like Mafiosi leaders with their "soldiers") travel with fast-gun escorts, the arrest of VCI sometimes involves ambush, shoot-outs, and killings. Here is where the program gets its name as one of assassination. But some arrests in fact involve no more than a policeman and a warrant.

FOR THE tough arrests, for the interception of clandestine agents and messengers, and for ambushes, Phung Hoang uses tough operatives.

The enforcement arm of Phung Hoang may, according to the case, include Provincial Re-

connaisance Units (PRU), Armed Propaganda Teams (APT), Kit Carson Scouts (KCS), or U. S. Navy Seal Teams (NST). All are small-size, highly trained, and designed to exploit small targets and get in and get out rapidly. When required, these teams are backed by National Police Field Force (NPF) platoons, and by U. S. army war-dog tracker platoons (usually composed of Labradors).

Men in any of these organizations (except the Navy beach-runners of the Seal teams and the soldier dog-handlers) often have rough and shadowy pasts. Former VC and Communist defectors are employed, and—with the zeal of the convert—often perform bravely. (This reporter spoke with a wizened ex-VC, Kit Carson Scout who has earned a U. S. Silver Star, a Bronze Star, and a Purple Heart to go with each. Because of the risks involved, pay is high and few questions are asked. Liberal rewards are also paid by the government to informers.

BUT THESE people are not hired killers. They are hired to bring in live prisoners because it is impossible to interrogate a corpse. For every subject the PRU have to kill, they bring in over 15 live ones.

Until last year, arrest of a suspect closed the case as far as Phung Hoang went. He was turned over to the appropriate tribunal, or awarded preventive detention, or sometimes politically lost sight of. Now that is all changed.

Today, every suspect not released by district authorities has to be sent forward for adjudication by the Province Security Committee (which is a higher echelon version of the DIOCC). After questioning at the Province Security Center (PSC), he and his dossier are combed by the committee. Although not a tribunal, the committee can award up to two years' preventive detention for "re-education," may refer serious cases to the courts for

criminal trial, or may release suspects for lack of evidence, as happens in about 30 per cent of cases.

Thereafter, in theory, intensive political re-education takes place during confinement, and a supervised parole system follows up returned detainees. One of the main problems for Phoenix is to improve this machinery. As in the case of American prisons, true re-education and effective parole supervision have proven easier said than realized.

Phung Hoang has been frequently criticized for lack of immediate success and because it is still gnawing only at the outer fringes of the VCI. The same criticisms (and for much the same reasons) can be levelled at the U. S. Justice Department's war on the Mafia, where they are only now proceeding against the village chief of Newark, N. J.

ACTUALLY, Phung Hoang is a long-haul project. It has not even yet solidly identified all its targets (although it now knows the true identity of about 44,000 of the 71,000 estimated VCI). Using computers ("to a disgusting extent," said one official), gradually completing complex "wiring diagrams" of VC organization, Phung Hoang, works patiently ahead. Last year, more than 20,000 VCI were killed, captured, or rallied to the government. So far this year—under tougher criteria and supervision—nearly 7,500 VCI have been killed, captured, have rallied, or been sentenced by provincial committees or the courts.

If the war should end in a political adjustment between the Viet Cong and the South Vietnamese government (as many Americans advocate), the VCI, if not uprooted and exposed, will resort to every device of intrigue, corruption and terror to bring South Vietnam under the Communist domination of Hanoi. And this is the ultimate stake in the shadowy, chance game of Phung Hoang.

# Laird Subpoenaed to Appear in My Lai Case

## Other Officials Also Called to Determine Constitutionality of Army Court-Martials

BY KENNETH REICH

Times Staff Writer

ATLANTA — Secretary of Defense Melvin R. Laird and other high figures of the U.S. defense establishment have been subpoenaed to appear at a hearing before a three-judge federal court panel called here July 15 on the constitutionality of the Army's My Lai courts-martial.

Most of those subpoenaed were served Tuesday and Wednesday in Washington, D.C.

The specific case before the panel concerns the Army plan to try Sgt. Esequiel Torres, 22, of Brownsville, Tex. on charges of at least three murders in the alleged massacre, but the effect of a decision in his matter could reach to the whole range of cases pending in the My Lai affair.

Last week, U.S. Dist. Judge Albert Henderson ruled here that Torres could not be tried by court-martial until the panel had ruled on constitutional questions about the legality of the Vietnam war as well as whether the accused was receiving equal protection under the Uniform Code of Military Justice.

It was the first time a civilian judge had intervened in the pretrial stages of a military court-martial. In addition to Henderson, named to the panel were U.S. Circuit Court Judge Griffin B. Bell, and U.S. Dist. Judge Sidney O. Smith.

Torres' attorney is Charles L. Weltner, a for-

mer Democratic congressman from Atlanta who served following the Korean war in the Army's judge advocate general corps.

He told Judge Henderson that the war was being conducted "without constitution or other lawful authority."

In addition to Laird, also subpoenaed for the hearing were the Army Chief of Staff, Gen. William C. Westmoreland, the head of the Central Intelligence Agency, Richard Helms, and the Secretary of the Army, Stanley R. Rosor, among others.

Attorneys for the government are expected to move in court to crush the subpoenas. A lengthy legal battle could ensue.

Weltner said the men were wanted to testify on the official American policy on killings of civilians in Vietnam. In his petition to the court, he had argued that "the official policy of the U.S. government, its tactics, strategies, and procedures, resulted in the indiscriminate destruction of human lives, including thousands of noncombatants . . ."

He said in the courtroom that he intended to show that it was the policy of the Army to destroy civilians in "free fire zones" such as My Lai and that the purpose of the CIA's operation Phoenix was the destruction of life.

"They want to punish him (Torres) for doing what other people re-

ceived medals for doing," Weltner said.

In an interview this week the attorney asserted, "half the people in My Lai were on the CIA's assassination list anyway. That's the information I have from someone who was there."

"They take a Mexican-American kid of 19-years-old (at the time of the incident, March 16, 1968), who can hardly speak English. They take a poor, simple kid who's out there

getting his head shot off—Torres has a Purple Heart—and they put him on trial.

"They aren't going to try any generals. They may try a captain. They're desperately trying to find a scapegoat to hang this on."

In the subpoenas, the military figures are also instructed to bring with them a large number of documents, including: "Copies of all directives, reports, summaries and analyses prepared or compiled by the Defense Department with reference to the following military tactics—saturation bombing, body count, establishment of free fire zones, interdiction artillery fire, (and) search and destroy missions."

8 July 1970

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## C.I.A. mercenaries infest Cambodia

By TOM FOLEY

Cambodia: May, 1970, is a slim, 15-page report prepared for the use of the Senate Foreign Relations Committee by two of its staff members, James G. Lowenstein and Richard M. Moose. The two committee staffers went to South Vietnam and Cambodia during the U.S.-Saigon invasion, were briefed by top-ranking U.S. Saigon and Cambodian civil and military officials, and returned to Washington to prepare a small package of political dynamite which is this report:

One of the most shocking parts of the report deals with the "ethnic Cambodian" troops from South Vietnam's Mekong Delta. These Khmer Krom Lower Cambodians were organized, trained and equipped by the U.S. Central Intelligence Agency to form the mainstay of the CIA's Civilian Irregular Defense Groups (CIDG) in South Vietnam. The CIDG are the mercenaries who man Special Forces camps along the South Vietnamese border. They seem to have performed other functions too.

It was publicly known that sometime in late April, the U.S. began airlifting thousands of Khmer Krom troops into the Cambodian capital of Phnom

Penh to help defend the Lon Nol regime. The Senate staffers' inquiries about the precise date when the Khmer Krom had intervened in Cambodia were all rebuffed by U.S. military and civilian officials in Phnom Penh and Saigon.

But an American newsman in Phnom Penh told Lowenstein and Moose "that he had talked to one of the Khmer soldiers who had told him that he had been in Phnom Penh for four to six weeks, which would mean that he had arrived there during the month of March." (Emphasis mine—T.F.)

This is a crucially important admission. Prince Norodom Sihanouk was ousted by the Lon Nol clique on March 18, but the country was supposed to have remained at least theoretically neutral until near the end of April. The new Lon Nol regime made quite a point of the assertion that the "Viet Cong" and "North Vietnamese" were the only foreign troops in Cambodia. Now we find that CIA-trained ethnic Cambodian troops were in the Cambodian capital in March, perhaps during or even before the Lon Nol coup.

This may go a long way toward explaining many of the bewildering events of March in

Phnom Penh, which were so uncharacteristic of the Cambodians and baffled people who had lived and worked with them for years. No one would have thought that Cambodians could have been organized to attack and plunder the embassies of the Provisional Revolutionary Government of South Vietnam or the Democratic Republic of Vietnam. Almost no one would have thought it possible for the easy-going, tolerant Cambodians to launch real pogroms against the peaceful, Roman Catholic fishermen of Vietnamese descent who live in a separate quarter of Phnom Penh. Yet, these things happened, and Cambodians were seen waving banners inscribed: "Kill the Viet Cong!" If it were to be assumed that the leaders of these activities and the brutal massacres which followed were Khmer Krom, trained CIA killers who have been fighting in South Vietnam for years against the National Liberation Front, then many people would feel that things begin to fall into place.

Even if none of these assumptions are made, however, the fact that the CIA's Khmer Krom troops were in Phnom Penh in March is enough to rule out the possibility that the Lon Nol coup was a home-made affair.

STATINTL

# Heinl in Vietnam

# S. Viet pacification is working

By COL. R. D. HEINL JR.  
News Military Analyst

SAIGON — If Mao Tse-tung and Che Guevara were right in saying that revolutions succeed when "the countryside devours the cities," then pacification is the most important effort we are making in Vietnam.

Pacification is the long-drawn struggle to bring the entire countryside of South Vietnam under government control and to win the support of the hamlets and villages—that is, of the peasant countrymen — to the government rather than the VC.

Pacification rests on three fundamentals:

- The first is security.
- The second, development.
- And the third, effective administration.

THE VIET CONG response to this triad—and, therefore, what the VC really stand for—is likewise threefold:

- Where the government tries to maintain security, the VC respond with assassination and terror (see box).
- As the government pushes development (constructing roads, building bridges, opening schools, clinics and markets), the VC mine the roads, knock out bridges and blow up schoolhouses, clinics and markets and the people inside them.

• When the government tries to administer the hamlets, villages, districts and provinces in an orderly fashion, the VC extort illegal taxes, undermine census-taking, disrupt elections and sabotage public administration at every level.

To the extent that the government performs its rural functions as well as or better than the VC shadow government and its

effective umbrella of security for the peasant, pacification succeeds and the VC lose.

THE MACHINERY for achieving pacification in Vietnam is headed by Ambassador William E. Colby, who, like his colorful predecessor, Robert Komer, is a former senior CIA official.

Colby reports to Gen. Creighton W. Abrams and the organization he heads goes by the acronym of "CORDS," which stands for "Civil Operations, Rural Development Support."

The span of CORDS' functions (some highly secret, many open and publicized) is practically limitless. Police operations, rural development, intelligence, attacks on hard-core VC leadership, training in public administration—these give only an indication of the things CORDS does and worries about.

Most of all, Colby and CORDS worry over a computerized set of statistical ratings — another acronym, "HES," for "Hamlet Evaluation System." Under HES, every hamlet in South Vietnam is rated by U.S. advisers on a series of criteria (example: "Does the village chief sleep in the hamlet at night with his family?").

The top rating on the HES scale is A—completely pacified; the bottom is E — in enemy hands. HES was Bob Komer's baby, and was at first an object of ridicule because unrealistic criteria, advisers' desire to show progress, and computer garbles produced wildly unrealistic ratings.

YET KOMER, highly intelligent even amid flights of runaway optimism, never claimed infallibility for his computers.

"The computer is just an

## Viet Cong terror in 1970

As of May 31, the Viet Cong had, during 1970 alone, so far committed the following acts of terrorism and atrocity in South Vietnam:

Individuals killed .....	2,856
Individuals assaulted and wounded .....	6,140
Abductions and kidnappings (including children) .....	4,013
Individual selective assassinations .....	816

Note: A "selective assassination" is the premeditated "murder of a specific individual" for political cause.

acting machine," he said to this reporter in 1968. "HES isn't the greatest thing since ice cream but it's the best we have. The important things are the trends."

Since those days, HES has been tightened up and debugged and today, when Colby reports that 89.7 percent of the population of South Vietnam is living in government-controlled hamlets (A, B and C), the statistic can stand examination.

In 1969, for example, Colby's accelerated pacification campaign extended government control to more than 2,000 new hamlets, whose peace and prosperity now literally glisten when their shiny new tin roofs are seen from the air.

In these 2,000 hamlets, 90 percent now have held local elections and over 100,000 hectares of government land have been distributed.

The government has resettled over 350,000 refugees in new villages and just under 300,000 refugees from the Communists have been able to return safely to their original hamlets.

TERRORISM, though still a fierce and deadly weapon of the VC, has dropped nationally and "Chieu Hoi" (Open Arms) ralliers from the VC to the government now are at an all-time high.

Chieu Hoi, originally just a surrender program, has now been converted into one of amnesty and reconciliation and reintegration into South Vietnamese society.

Since 1963 (when former President Ngo Dinh Diem launched it), nearly 100,000 VC and North Vietnamese (NVA) soldiers have voluntarily crossed the line and the threat of Chieu Hoi is very real to Hanoi, as captured documents prove.

The government machinery of South Vietnam has been repeatedly portrayed as leaderless, inefficient where not deeply corrupt and often brutal. The main underlying reason for these charges (many true and substantiable) lies in a fact which is less well known.

One of the principal Communist objectives throughout Vietnam since the end of World War II has been to eliminate (read murder) all promising non-Communists possessing leadership capability.

In the words of Joseph Buttinger, definitive historian of Vietnam, "the Communist policy of killing all true nationalist opponents of the Viet Minh and VC . . . is one of the reasons for the weakness of the non-Communist nationalist government, which, its best and most promising young candidates murdered, was deprived of scores of qualified leaders, enough to guide it for many years to come."

CORDS' ANSWER to this Communist extermination program has been to seek out and train a new generation of grass-roots South Vietnamese leaders.

pleasant spot on the coast southeast

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Mr. FULBRIGHT. I wanted to ask about this particular point.

Mr. BYRD of West Virginia. After I have completed my remarks perhaps I shall have explained it. I shall be glad to yield shortly.

Mr. President, I was discussing significant differences.

Second. A second distinction between the two Byrd amendments lies in the fact that the one on which we will vote today specifically refers to U.S. "armed" forces rather than U.S. "forces" as stated in the first Byrd amendment. The word "forces," as used in the rejected amendment, could very well include CIA people, technical advisers, and perhaps even civilian employees of the military—although it was not intended to be so interpreted—whereas U.S. "Armed Forces" is a more limited term and clearly refers to military personnel, and it is more consonant with the "constitutional power" of the Commander in Chief.

Third. The words "in South Vietnam," as used in the first Byrd amendment were more restrictive than the words "wherever deployed" which appear in the amendment before us. In other words, the words "wherever deployed" are inclusive of South Vietnam but are not limited thereto. I think it is only logical that if the President has the constitutional power—and I say that he does have—to act when necessary to protect the lives of U.S. Armed Forces in South Vietnam, he has the constitutional power to do so elsewhere.

Fourth. A minor distinction—which is really a distinction without a difference—lies in the fact that amendment No. 708 goes to the entire "section," whereas the original Byrd amendment specifically dealt only with paragraph (1) of the Cooper-Church amendment. As far as I am concerned, however, the amendment on which we are about to vote, for all intents and purposes, is, in reality, confined in its thrust to paragraph (1) just as if paragraph (1) had been clearly specified, and that paragraph only. I say this because nobody contends that the President has "constitutional power" to pay the "compensation \* \* \* of United States personnel in Cambodia, who furnish military instruction to Cambodian forces \* \* \* in support of Cambodian forces," as referred to in paragraph (2); he has no "constitutional power" to enter into any "contract \* \* \* to provide military instruction in Cambodia \* \* \* in support of Cambodian forces," as mentioned in paragraph (3); and he has no "constitutional power," as such, to conduct "combat activity in the air above Cambodia in support of Cambodian forces," as referred to in paragraph (4) of the Cooper-Church language.

So much for the significant distinctions between the two Byrd amendments.

Now, as to the similarities. The basic similarity is one of substance. While the first Byrd amendment used the words "shall not preclude" as an affirmative expression with respect to Presidential action to protect the lives of servicemen, the new Byrd amendment does the same thing by clear implication.

Amendment No. 708, upon which we shall shortly vote, must be coupled with the Mansfield amendment in order to get its full meaning. The Mansfield amendment says that "nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief." Webster indicates that the word "impugn" means to assail, to deny, to question, to cast doubt upon. Hence, the Mansfield amendment may be said to state that nothing contained in the Cooper-Church language shall be deemed to cast doubt upon or to question or to deny the constitutional power of the President as Commander in Chief. The Mansfield amendment states that we do not impugn the "constitutional power" of the President, but that is not enough. It does not say what power we do not "impugn." It does not specify. I want to spell it out. The Mansfield language goes part way. Of course, implicit in the words "constitutional power as Commander in Chief" the President has all such power, whatever the bounds of that power which the Constitution reposes in him or imposes on him. But the Mansfield language standing alone fails to state explicitly the most important aspect of that constitutional power and the aspect with which we are most concerned at this time; namely, the constitutional power which may be necessary "to protect the lives of U.S. armed forces wherever deployed"—which includes South Vietnam.

The Byrd-Griffin amendment, No. 708, spells it out in the four corners of the statute, if the Cooper-Church amendment should become law.

Moreover, the Mansfield amendment merely recognizes the possession—and I emphasize the possession—of constitutional power by the President as Commander in Chief. The Byrd amendment recognizes not only the possession but also the "exercise" of constitutional power to protect the lives of U.S. Armed Forces.

A key word in the Byrd amendment, therefore, is "exercise." Ergo, looking at it at the first and second Byrd amendments, I feel that the second Byrd amendment, when coupled with the Mansfield language, achieves in substance the goal which was sought by the sponsors, or at least by the sponsor, of the first Byrd amendment, but it is more clear as to its intent in that it bottoms any exercise of power by the President clearly on the Constitution, and it also presents the other distinctive refinements which I have alluded to already.

One might ask, then, why it is necessary to write into law anything at all with regard to the constitutional power of the President.

Admittedly, the Senate cannot add to or subtract from the constitutional power of the President by anything we might write into any statute. Nonetheless, in consideration of the whole context of the Cooper-Church amendment, those of us who support the Byrd amendment feel that it is absolutely necessary to indicate in the four corners of the law that there indeed is a limitation on what paragraph

(1) of the Cooper-Church amendment may appear to do.

Even the authors of the Cooper-Church amendment have said that paragraph (1) is not completely prohibitive in every respect, but I think that the limitation must be explicitly set forth in the cold letters of the statute. I think the President would be under some strain, otherwise, because he would have to go into the legislative history in order to find that there is indeed a limitation.

What is the limitation that we have been talking about all along? I quote from page S8791 of the CONGRESSIONAL RECORD of June 10, 1970. I read the words of the Senator from Idaho (Mr. CHURCH):

Mr. CHURCH. Mr. President, the key word is "retaining." That word was used advisedly. The amendment provides that funds are not available to retain American forces in Cambodia after the end of June.

Then again:

Mr. CHURCH. The word "retain," as the debate has clarified, was used to serve two objectives: First, to make it clear that the Congress believed American troops should not stay in Cambodia after the end of June; and, second, to allow for those particular occasions that might arise where the President, in the exercise of his constitutional authority as Commander in Chief, might have to make a sudden strike into Cambodia in order to effectively protect American troops near the border.

On page S8765 the Senator from Idaho (Mr. CHURCH) said as follows:

The key word in the Cooper-Church amendment is "retaining." Subsection 1 of the amendment prohibits the retention of American forces in Cambodia after June 30. I agree with the Senator from Kentucky that our amendment is intended to prohibit a permanent or quasi-permanent occupation of a buffer zone within Cambodia for an extended period of time.

However, if it were to happen that the enemy suddenly utilized a staging area, and there was a concentration of enemy troops and equipment obviously intended to be used against South Vietnam beyond the border, we would agree that the President, as Commander in Chief, has the constitutional authority to order his field officers to strike at and destroy such a base to protect American troops in South Vietnam. This would, however, be in the nature of a sudden strike and withdrawal operation.

The able Senator from Kentucky (Mr. COOPER) stated, as appears in the same June 10 CONGRESSIONAL RECORD, at page S8765, as follows:

It has been interpreted as the power to repel sudden attack. I believe it would include the authority of "hot pursuit." If an emergency should arise near or upon the border between Cambodia and South Vietnam which should cause the President, as Commander in Chief, to think it necessary to take limited action to protect troops, I would agree that he could and should protect our men.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 3 additional minutes.

In the middle column on the same page, the Senator from Kentucky (Mr. COOPER) is quoted as saying:

## CIA put kids on death list at My Lai, ex-officer writes

NEW YORK, June 11—A former U.S. Army Intelligence officer charges flatly that the Central Intelligence Agency (CIA) drew up a death list of My Lai inhabitants including children prior to the massacre there.

The ex-Army officer writes that the CIA told Task Force Barber, a U.S. Army group, that the Vietnamese National Liberation Front's 48th battalion was quartered in My Lai hamlet.

Jesse Frank Frosch, who was assigned to a military intelligence advisory team in Quang Ngai province when the massacre occurred there, writes in the July issue of Playboy magazine that a CIA operative estimated the 48th Battalion strength at 450 men.

The Army intelligence group, on the other hand, Frosch says, had told the Barker force that the 48th had moved its few remaining cadremen out of the hamlet area.

The Barker force also got from the CIA operative, Frosch writes, a "black list" of NLF sympathizers that contained the names of "as many as two-thirds of the entire population" of My Lai.

The list, he asserts, "did not overlook children," and among those "tabbed for systematic elimination" were such groups as the Viet Cong Young Girls' Alliance and the Viet Cong equivalent of the boy scouts. He continues:

"In effect, Company C that swept the hamlet was doing no more and no less than following CIA directives by putting the inhabitants of My Lai to the wall."

Frosch, 27, a graduate of Virginia Military Institute, was discharged with the rank of captain last June. He is now a United Press International reporter stationed in Atlanta.

"The premises and assumptions of the war, the tactics employed in combat and the very nature of the military system made the event inevitable and left to chance only the location, time, and individuals involved," he writes.

mittee the other day, when he said that he regretted the decisions that the Nixon administration has so far taken with respect to Cambodia, because it is a repeat of the fateful earlier decisions taken by its predecessors. And he said, in leading up to that:

We mistook Tonkinese aggression for Chinese imperialism and, failing to scrutinize the menace in terms of its marginal relevance to the power balance, we committed the power at our command to a terrain where, for both physical and political reasons, it was impossible to use it effectively.

Mr. Speaker, there are political issues and answers to the problem of Southeast Asia and until those political issues can be settled the involvement of the United States will not be terminated. For that reason, I oppose this resolution.

Mr. MARTIN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FULTON) for the purpose of debate only.

Mr. FULTON of Pennsylvania. Mr. Speaker, in times of emergency and in times of pressure, there is often made poor law by those having the responsibility of decision. This House of Representatives should take the time to debate extensively and in depth what is meant by this resolution, House Resolution 976. It is amazing to find such broad sponsorship by Members, and such disagreement as to what the resolution means. For example, to strike the preamble from the resolution, strikes the reason for the resolution, the area of reference and constitutional responsibilities of the Congress, as well as the need for Congress to have accurate and detailed information, from the bill. Is this expedition of House Members to set out to Southeast Asia with the general instruction "to investigate all aspects of the United States military involvement in Southeast Asia," as a line and a half on page 2 of the resolution provides? One half of line 8, and line 9 on page 2 of the bill are the only authority for a world-shaking investigation officially made on behalf of the House of Representatives. Imagine making the investigation in depth for the purpose of U.S. official congressional action, with no hearings, no witnesses, no sources, no checking of briefings by military personnel of our own, or any other country, with the requirement of report shall be made within 45 days of adoption of the resolution. Queen Isabella did better in her instructions to Columbus.

The House of Representatives has formally set up standing committees that have jurisdiction of the military policy in this House the Armed Services Committee, and we have a committee on the relations with foreign countries, the Foreign Affairs Committee of this House. The House has given jurisdiction of obligation and expenditure of Federal funds to the Committee on Appropriations, with the particular appropriation subcommittees, who have jurisdiction of these various elements of U.S. monetary and financial commitments abroad, stemming from everything from U.S. aid of a military type to peacetime economic and development aid, even to education and cultural welfare programs.

I raise a question on what is meant by the vague generally on page 2, line 9, "in Southeast Asia." Our study committee of the House Foreign Affairs Committee went to nine countries in South and East Asia: Vietnam, Thailand, Philippines, Formosa, Okinawa, Japan, South Korea, India, and Pakistan, and also Hong Kong. We were unable to cover Australia, New Guinea, New Zealand, Indonesia, Malaysia, Burma. How can South Korea with 47,000 troops fighting in South Vietnam be ignored? Seoul is certainly not in Southeast Asia, nor is Tokyo, and so forth.

What countries comprise the term "Southeast Asia"? This can be any number of countries. It is not just a few countries. Does this just include North Vietnam, Laos, and Cambodia? Of course not. Such a limited view and such a limited study, as proposed, is not only impossible, imbecilic, but dangerous. "Facts" based on this study can very adversely affect the carrying on of the war, but our U.S. relations around the world, our many U.S. treaty commitments, and cause disruption of well-founded and longtime friendly relations with many countries.

Second, is this resolution meant to be limited to authorization for an investigation of facts? What kind of facts? Or is it an investigation of U.S. policy? Is that U.S. military policy? Is it U.S. foreign relations policy? Economic or trade policy? Is it U.S. foreign aid policy? Is it CIA policy?

When the resolution says "all aspects" that, of course, includes military policy all around the world because any of the great powers and their allies, even non-aligned countries, have some influence in Southeast Asia. The world is such an untidy place, and this resolution is such a small broom. We Members on the Foreign Affairs Committee who have studied, read volumes of history, heard thousands of witnesses on world conditions, causes, and probabilities, peoples, customs, and wars and disruptions, can hardly wait for this report in 45 days with the "true facts." When this report is made, it may disagree with the investigators who are just now on their way back, the President's factfinding commission. If the reports are each unanimous then no member of the investigations is thinking very much, or very deeply. If these reports disagree with the State Department, the CIA, in what position does this put the Members of Congress who have already served on the regularly constituted and standing committees of the U.S. House of Representatives who have jurisdiction in these very fields and what is more, the responsibility for action, and not just debate?

What does the President of the United States, or the Joint Chiefs of Staff, do with the "facts" found by the President's own current fact-finding commission, if there is a disagreement?

Should the U.S. Congress have the responsibility for the day-to-day running of a war 10,000 miles away in an area that most Members have never been nor had any experience? My answer is the answer of the U.S. Constitution, "No." I

have spent almost a year in the Orient after my graduation from Harvard Law School, have been a member of the House Foreign Affairs Committee almost 20 years, have visited these countries from time to time, and have studied, listened to experienced witnesses, read volumes of history and current events, but I would refuse to serve on any such select committee with such little time, shallow investigation, and forced quick judgment.

I strongly believe we should have some considered answers before the House quickly sponsors another "study" committee with no legislative jurisdiction but which is simply to make a quick report in 45 days.

I would ask the managers of the resolution specifically—Is it facts that the select committee is looking for or is it policy that they are looking for?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. GRAY. I know that my friend is sincere in his remarks, but I just heard that the factfinding committee to which he alluded is on its way back after 2 days. Does the gentleman from Pennsylvania really believe that a searching inquiry could be made in a small time period of 48 hours?

Mr. FULTON of Pennsylvania. You are right; I do not. I do not believe a conducted military tour or State Department tour of House Members is going to come up with very many facts, upon which the judgment of the Members of the House should rest, in decisions involving the very lives and security of the men in our U.S. Armed Forces, as well as the freedom and security of the citizens of the countries of Southeast Asia. Here we have a committee such as this select committee which goes to Southeast Asia really with no specific instructions as to what to do and they are just taken around, and shown fragments, and preordered spots. Who makes the decisions why they may be taken to certain places?

In 1965, with the Asian Subcommittee of the House Foreign Affairs Committee, we made a long and serious study of the Asian situation at first hand, visiting nine countries, including Vietnam. We studied to prepare for the trip, consulted with heads of state, foreign ministers, military leaders, members of parliaments, business and labor leaders, religious members of many faiths, studied when we came back, and made recommendations against escalation of U.S. military forces in Vietnam at that time, 1965. Our study committee report was filed as House Report No. 1345 of the 89th Congress, second session. It contains 89 pages and much reference material. I would strongly advise the Members generally, as well as the select committees, to study this excellent source material.

The question is this, is the House to have this committee come back and comment on escalation or on deescalation on further U.S. involvement in Cambodia, Laos, and Thailand? On immediate withdrawal of U.S. forces, Vietnamization?

May 28, 1970

fulfilling their own responsibilities as Members of Congress in this area of war-making.

Mr. McKAY. I think we're all in agreement on that.

Mr. CHAYES. I think it is important to say that is true, regardless of whether you think the President was within his authority of going in, even if you think he wasn't within his authority of going in, you still have the Constitutional power to stop him now.

Senator KENNEDY. Let me ask one final question: In terms of the Church-Cooper Amendment, if that were to pass, what kind of restrictions do you think that places upon the President in terms of any future activities and expansion back into Cambodia under his stated reasons for the protection of American lives? Do you feel that it serves as a sufficient kind of restrictions upon his activity for future Cambodian ventures, even within his so-called declaration that it is essential and necessary for the protection of American lives?

Mr. McKAY. Speaking only for myself, it is an important restriction, and here Senator Fulbright is right, it would have a political impact. But it is not in my judgment, as great a restriction as might be ultimately desirable.

Senator KENNEDY. Say it passes. If it is enacted, does that bar the President in the future from going on into Cambodia, or will he be able to say the Senate has acted but still the action in Cambodia is for the protection of American lives and, therefore, I feel no compulsion not to move?

Mr. McKAY. As I read the amendment, it is clearly designed to say he would no longer have that power.

Mr. DE WIND. I think the question goes to the heart of our Constitutional arrangement. This is a sweeping declaration of Congressional viewpoint. And if the President follows the dictates of history, he would observe it.

Our tradition has been that there is a response to this sort of thing, but if a President is determined to seek a confrontation of Constitutional power, there is no very satisfactory way of testing; the Constitution doesn't provide for it; you can't take it as a practical matter to court, I think, and one must ultimately rely on our Constitutional system having built into it that kind of accommodation and restraint that makes it work, and all you can say that history indicates that Presidents faced with this kind of thing do back down and I see no reason to conclude at this point that our present administration would be any different.

Senator SAXBE. I can't help fear we are tying a lot of legal niceties here that are proper, and as a lawyer who was actively engaged in Constitutional Law as Attorney General, I recognize that most of these things that we are discussing are the real meat of our Constitution. But I think that we have an area where the will is much more important, perhaps, than the substance of what we are talking about.

Now, the will of Congress to enter this area has to be very determined today, because Congress itself has not exercised the powers that they now have under the Constitution, and they can die, and many have died or withered, anyway, from disuse.

Now, if Congress exerts this will, then I believe that the Constitution will become alive in these various areas. This is where we must work and the people that come in, the lawyers who represent, and others say what can we do?

One of the big questions is: How determined is this effort? Will it die in two weeks? Will they go back to the routine business as usual? Will the students go back home this summer or will this interest continue?

I, personally, am not convinced, because we had a crisis in ecology three weeks ago; we had a crisis in something else before that. We live in a period of crises.

Now, I feel that the only way Congress can assert its will is to cut off the money, because this is one thing where we definitely have not given up this power. If we cut off money we can effectively assert ourselves. And I am prepared to vote for a 25 percent reduction in all defense spending, if it will curb this runaway bureaucracy, but this is where Congress has to assert itself.

You know the story of Richard the Second. I certainly don't recommend what happened after his funds were cut off. But the power of the purse strings goes back to 1350 when that happened under the English concept, and I certainly feel that it exists today just as powerful as it ever was.

Mr. DEWIND. Justice Jackson in 1951 put it very succinctly: "While Congress cannot deprive the President of the command of the Army and Navy, only Congress can provide him with an Army and Navy he may command."

Mr. BICKEL. I want to make a point about the language of the Cooper-Church Resolution. I don't think that it deprives the President of the power in an emergency situation where he has to react to attack, to go into Cambodia and protect in combat as he sees it, American troops. All it prevents him from doing is going into Cambodia and engaging in combat activity in support of Cambodian troops. It does not prevent a reactive decision on his part to defend the threat of attack or react to an attack on American forces in Vietnam, and that is one reason I don't think this job is complete until you get to the McGovern Resolution, of course, though I favor this one.

Senator KENNEDY. Gentlemen, I want to thank all of you very much. I want to extend the thanks of the offices of Senator Pearson and myself and my colleagues who have been able to come this morning, for your discussion and your comments and insight into some of these most complex and difficult questions.

I think this has been extremely constructive and positive and enormously useful. I know it has been to me and I know it will be to the other members in the Senate who will have access to the transcript, and I want to thank you and the people that you represent for your attendance here.

(Whereupon, at 11:40 a.m. the meeting was adjourned.)

CBS TELEVISION COMMENTARY ON NOMINATION OF JUDGE CARSWELL

Mr. DOLE. Mr. President, lest anyone get the idea I am going out of my way to pick on the Columbia Broadcasting System, let me set him straight.

Once in a while CBS does something that offers encouragement to those of us who see unbiased media as the hope of our country.

On April 10, I wrote to CBS and asked them to indicate who had appeared on CBS network television for and against Judge Carswell.

Accordingly, I received a reply that indicates that CBS had 24 Senators on behalf of Judge Carswell and 24 opposed to him.

I must say that one could not ask for fairer treatment, unless one goes so far as to ask that the commentators observe the same balance in inflection, lifted eyebrow, and choice of adjectives.

I ask unanimous consent to have printed in the Record the list of pro- and anti-Carswell Senators who appeared on CBS television between January 10 and April 8, according to CBS President Frank Stanton.

There being no objection, the list was ordered to be printed in the Record, as follows:

STATINTL

APPEARANCES OF SENATORS ON CBS TELEVISION NETWORK BETWEEN JAN. 19, AND APR. 8, 1970

Pro-Carswell		Con-Carswell	
Name	Date	Name	Date
Scott <sup>1</sup>	Jan. 19	Bayh <sup>1</sup>	Jan. 28
Eastland <sup>1</sup>	Jan. 19	Proxmire <sup>1</sup>	Jan. 28
Griffin <sup>1</sup>	Jan. 27	Goodell <sup>1</sup>	Feb. 8
Gurney <sup>2</sup>	Jan. 28	Tydings <sup>1</sup>	Feb. 17
Scott <sup>1</sup>	Jan. 28	Bayh <sup>2</sup>	Feb. 17
Ervin <sup>1</sup>	Jan. 29	Bayh <sup>2</sup>	Mar. 11
Hruska <sup>1</sup>	Feb. 2	Case <sup>2</sup>	Mar. 13
Eastland <sup>1</sup>	Feb. 16	Bayh <sup>1</sup>	Mar. 16
Griffin <sup>1</sup>	Feb. 16	Bayh <sup>1</sup>	Mar. 20
Hruska <sup>1</sup>	Mar. 11	Tydings <sup>2</sup>	Mar. 25
Hruska <sup>1</sup>	Mar. 11	Packwood <sup>2</sup>	Mar. 25
Thurmond <sup>1</sup>	Mar. 20	Fulbright <sup>1</sup>	Mar. 26
Scott <sup>2</sup>	Mar. 22	Hatfield <sup>1</sup>	Mar. 26
Scott <sup>1</sup>	do	Spong <sup>1</sup>	Apr. 1
Hruska <sup>2</sup>	Mar. 26	Cranston <sup>1</sup>	Apr. 3
Saxbe <sup>1</sup>	Apr. 1	Hart <sup>1</sup>	Apr. 3
Griffin <sup>1</sup>	Apr. 3	Fong <sup>2</sup>	Apr. 3
Gurney <sup>2</sup>	Apr. 5	Tydings <sup>2</sup>	Apr. 3
Gurney <sup>2</sup>	Apr. 5	Dodd <sup>2</sup>	Apr. 3
Dominick <sup>2</sup>	Apr. 5	Prouty <sup>2</sup>	Apr. 3
Dominick <sup>2</sup>	Apr. 6	Tydings <sup>2</sup>	Apr. 3
Griffin <sup>1</sup>	Apr. 6	Tydings <sup>1</sup>	Apr. 3
Gurney <sup>1</sup>	Apr. 6	Brooks <sup>1</sup>	Apr. 3
Hruska <sup>1</sup>	Apr. 6	Bayh <sup>2</sup>	Apr. 3

- <sup>1</sup> The Evening News with Walter Cronkite.
- <sup>2</sup> The Morning News with Joseph Bevil.
- <sup>3</sup> The Evening News with Roger Mudd.
- <sup>4</sup> The Sunday News with Harry Reasoner.
- <sup>5</sup> Face the Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. HOLLAND). The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

Mr. STEVENS obtained the floor. Mr. MANSFIELD. Mr. President, will the Senator from Alaska yield without losing his right to the floor?

Mr. STEVENS. I yield. Mr. MANSFIELD. Mr. President, I think that the distinguished Senator from Alaska is entitled to a more attentive audience than is in the Chamber at the present time and, therefore, with his permission, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

INTRODUCTION

Mr. STEVENS. Mr. President, for the past 2 weeks I have listened to a great number of statements on the recent ac-

It was when Reuther sought to impose his broad social concepts, often far afield of traditional trade union activity, that he repeatedly was rebuffed by other national labor unions, particularly when he assaulted the wages-hours-working conditions proponents among craft unions.

In higher levels, Reuther lost more battles than he won.

When the UAW withdrew from the AFL-CIO in July, 1968, it was a defeat, an acknowledgement that Reuther had failed to persuade the labor establishment that the problems of the nation demanded the zeal, fervor, hardship and commitment in which industrial unionism was born.

When Reuther relinquished his AFL-CIO vice presidency and the presidency of the federation's 7-million-member Industrial Union Department, he lost an influence and national platform that was not regained.

He charged that the AFL-CIO was resting on its laurels and was too content with the status quo.

"I didn't join the labor movement to sit on my fat bottom," he told delegates to the UAW convention.

Federation President George Meany who fought with Reuther from the time of the AFL-CIO merger in 1955, has responded that Reuther had every chance to make his point inside the organization and failed.

Many of the things that Reuther wanted to do, Meany pointed out, were already being done—usually in a methodical, businesslike manner. That seemed to be at the heart of Reuther's complaint.

He wanted American labor to lead a great social crusade on many fronts picking up steam through the infusion of young people and widening its base until a major segment of poor people, minorities and other groups became, in effect, one big union.

Toward this goal, the UAW joined with the Teamsters Union in the Alliance for Labor Action, a group that grew to about 4 million with the addition of the United Chemical Workers.

In St. Louis, Los Angeles and other cities the ALA is organizing community unions among the poor, but there has been little national impact. The broad social reforms supported by the ALA have yet to get off the ground, and there is a visible coolness among many bread-and-butter Teamsters to Reuther's programs.

He had hoped to imbue union members, particularly young activists, with a sense of purpose to raise the living standards of the downtrodden, to aid them in gaining dignity as workers did for themselves in the auto industry. In an interview in Detroit last year, he talked in terms of convincing young, well-paid workers that they had the same duty toward the less fortunate that their fathers during the 1930s had to themselves.

At the time of his death, Reuther was on his way to the UAW's new family education center at Black Lake, Mich., an 800-acre preserve where families of union members can have a free vacation while the union, at the same location, teaches the member the techniques and fundamentals of union activity.

"General Motors will probably pay" for the Black Lake facility, a UAW official said yesterday in discussing the wide range of benefits that Reuther has negotiated with the auto industry since becoming president in 1946.

His expertise as a negotiator is virtually unchallenged, even by industry. Reuther's death is even more untimely because contracts covering about 700,000 auto workers expire this year, with negotiations set to begin in July.

Louis G. Seaton, who retired as GM's chief negotiator last week, said the state of the economy and UAW demands may bring

about a strike longer than the record 113-day GM walkout in 1945-46.

Reuther's practice had been to have his vice presidents—Leonard Woodcock, Douglas Fraser and Ken Bannion—and Secretary-Treasurer Emil Mazey conduct the early phases of bargaining. He then stepped in during the final stages, usually after the union had selected a target company to set the pattern in the industry.

So the Reuther team remains intact, but without the dynamic personality that pioneered a score of new benefits in the industry.

He is credited with being the first labor leader to seek a profit-sharing plan as part of a contract, at American Motors. He negotiated it over 10 years, but finally succeeded in 1967 in combining unemployment compensation and supplemental unemployment benefits—paid by the employer—to the point where senior employees have a guaranteed annual wage.

Reuther also secured a cost-of-living escalator, which has meant more than \$1 an hour to UAW members.

In 1950, he pioneered a management-paid pension plan in the industry. In 1964, he negotiated an early retirement plan whereby a worker may retire at 60 with \$400 a month in benefits. This year, the goal is a service-based early retirement plan at \$500 a month.

During Reuther's career, the UAW went from zero to 1.6 million members. He took auto workers from Henry Ford's \$5-a-day pay scale to more than \$5 an hour in wages and fringe benefits. Reuther himself earned \$33,000 a year, lowest of any major union leader. He liked it that way.

In April, UAW delegates elected Reuther to his 13th term as president. It would have been his last, because of a constitutional bar to officers serving beyond their 65th birthday.

Reuther was born Sept. 1, 1907, in Wheeling, W. Va., one of five children of Valentine Reuther, an organizer for the United Brewery Workers. Walter left school at 15 and learned to be a tool and die maker at Wheeling Steel Co.

He went to Detroit in 1926, worked for nearly seven years at Ford Motor Co. during the day and completed high school and three years of college at night.

In 1933, Ford fired young Reuther for union activity. The day before the depression "bank holiday" he and his brother Victor drew their money out of the bank and set out on a walking and bicycling tour of the world that lasted until 1935. During that time, they worked 18 months in a Russian auto plant at Gorki.

In 1965, at the AFL-CIO convention in San Francisco, Russian reporters from Tass and Trud accosted Reuther in an aisle and asked him to compare the nations' respective auto industries.

In response to his comparison, they extolled the virtues of the Russian industry, particularly at the Gorki works.

"Don't give me that ———," said Reuther. "I think I still have calluses from that factory."

When the Reuther brothers returned to Detroit they were confirmed socialists and eager to organize workers. In 1936, Walter became first president of UAW Local 174, a new unit with 78 members. Within a year, the local had 30,000 members and Reuther became an international UAW executive board member. He was elected a vice president in 1942.

He was a designer of the sitdown strikes in Detroit and Flint in 1936-37. But he seemed to relish most the organizing campaign at Ford in 1937, and he soon came in contact with Harry Bennett, Ford's security officer.

Some of Bennett's "service men" or company police caught Reuther and Richard Frankenstein handing out leaflets near the

River Rouge, Mich., plant and worked them over with clubs in what became known as "The Battle of the Overpass." The beating was carried out in front of a photographer and the picture of the blood-spattered pair has become one of the best-known labor photos in existence. The picture showed so much blood that a company official said later, "There was a lot of blood but also a lot of catsup covering them."

Reuther was nearly killed in 1948 when a still-unidentified person fired a shotgun blast through his kitchen window. The shot struck Reuther in the chest and right arm, nearly severing the limb. Just over a year later, a similar attack cost Victor Reuther an eye.

In both attempts on Walter's life, his wife, May, was with him. They were married in 1936 in Detroit.

Reuther became more influential in the UAW during the war years despite restraints on labor. When peace came, Reuther took 175,000 GM workers on a strike that lasted 113 days. In the UAW at that time, Communists were consolidating their strength, but when Reuther won election as president only days after the GM strike, he proceeded to weed out the Communist elements.

In 1952, upon the death of Philip Murray, Reuther became president of the CIO, and led it into the AFL-CIO in 1955.

He joined with federation president Meany in 1958 to eject the Teamsters Union from the organization for corruption.

The Reuthers are survived by two daughters, Linda, a teacher in California, and Lisa, a college student. Reuther is also survived by two brothers, Victor, of Washington, and Ted of Wheeling, W. Va.; a sister, Christine Richey, of Reading, Mass.; and his mother, of Wheeling.

#### SAIGON PLUNDERERS

Mr. YOUNG of Ohio. Mr. President, while 500,000 Americans fight and die in Vietnam, Thieu, Ky, and their cohorts in the Saigon militarist regime continue to fatten their pockets and their bank accounts in Hong Kong and Swiss banks. Now this corrupt junta, our so-called allies, has come up with a plan to "assist the budget" out of prostitution, gambling, and dancing. They propose to open a series of official "entertainment centers" containing brothels, gambling dens, and dance halls under the direction of the Minister of Social Welfare. The first proposed center is expected to show a \$1 million profit the first year. This is the same government that remains in power solely because of the support of our Armed Forces and CIA. How long will this administration continue to risk the lives of young Americans for the sake of the plunderers in Saigon?

#### CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Judge Harry A. Blackmun.

The PRESIDING OFFICER. Without objection, it is so ordered.



May 7, 1970

CONGRESSIONAL RECORD — SENATE

S 6829

the distinguished Senator from South Dakota for a unanimous-consent request.

**THE McGOVERN-HATFIELD AMENDMENT TO END THE WAR—ADDITIONAL COSPONSOR**

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the amendment to end the war in Vietnam, an amendment to the military procurement bill. This brings to 14 the number of Senators who are cosponsoring that amendment.

I wish to associate myself with the remarks made by the distinguished majority leader. There is no question that a person cannot hope to end violence in Asia by backing it in America. We are not going to end the war by wringing our hands, by throwing bricks, or by burning buildings. The way to do it is by our constitutional system, in voting yes or no on the question of whether we want the war to continue. I expect that that vote will come in 30 or 40 days, when the military procurement appropriation bill is before the Senate for consideration. Then every Senator will have a chance to go on record before the American people and for the historical record as to whether at this time of crisis in the life of our country he favors the continuance of our involvement in Southeast Asia or would like to end it in the only way Congress can end it; namely, by a curtailment of funds.

The ACTING PRESIDENT pro tempore. Without objection, the name of the Senator from Indiana (Mr. HARTKE) will be added as a cosponsor of the amendment.

Mr. McGOVERN. Mr. President, the amendment I submitted with the cosponsorship of the Senator from Oregon (Mr. HATFIELD) a week ago today, Thursday, April 30, to end the war in Southeast Asia now has the cosponsorship of 12 additional Senators. When I first conceived the idea of an amendment to the military procurement bill to limit further funds for Vietnam, Laos, and Cambodia to the amount needed to withdraw our forces safely, I did not at first think there was a chance of getting more than a handful of cosponsors. But that was before the invasion of Cambodia, the shocking events at Kent State, and other developments which, I now believe, will, with hard work in the Senate, produce enough cosponsors and votes to carry this amendment. It is the hottest and most hopeful article now sweeping the campuses, concerned churches, and peace-oriented groups in America.

From the beginning, I was determined to seek the broadest possible bipartisan base for this effort, and asked Senator HATFIELD to join me as a Republican cosponsor of the amendment. He readily agreed to do so.

Then, in quick order, the Senator from New York (Mr. GOODELL), the Republican Senator who had earlier proposed cutting off funds for U.S. military forces in Vietnam, joined as a cosponsor with two highly respected Democratic Senators—the Senator from Iowa (Mr.

HUGHES), and the Senator from California (Mr. CRANSTON).

The modified amendment which I submitted on Tuesday, May 5, with the cosponsorship of Senators HATFIELD, GOODELL, HUGHES, and CRANSTON drew as cosponsors that same day the Senator from Hawaii (Mr. INOUE), the Senator from Minnesota (Mr. MONDALE), the Senator from Montana (Mr. METCALF), and the Senator from Ohio (Mr. YOUNG). Then yesterday the junior Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. NELSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Alaska (Mr. GRAVEL) joined as cosponsors, with the senior Senator from Indiana (Mr. HARTKE) joining today. Thus a total of 14 Senators have joined in 7 days' time as cosponsors.

The dynamics that are unfolding in the Nation and in the Senate lead me to believe that before the Senate votes on this amendment in approximately 30 days, we will have enough votes to carry it. In any event, every Senator will at long last be required to stand up and be counted for the American people and for the historical record on the all-important issue of whether he wishes the war to continue or to end.

Under the Constitution, Congress has no control over this question except by the method of either granting or withholding funds. That question will be voted on in this amendment.

No longer will we merely make speeches lecturing the President on what we think we should do. No longer will we ask him to bear the risk and the opportunity alone of ending or continuing the war. Rather we will force Congress to share that risk and opportunity on a broad bipartisan basis. If the President is fearful of the political recriminations of either continuing or ending the war by withdrawing our forces, this amendment is saying, "Mr. President, we are now going to share that risk with you."

But this amendment does more than that. It seeks to reclaim the constitutional power of Congress over issues of war and peace. It seeks to prevent the arbitrary decisions of the Executive by restoring to the Congress as elected Representatives of the people the power the Constitution intended.

It provides, too, a constructive alternative to citizen powerlessness and despair and violence. For it says to outraged students, to disillusioned GI's and worried parents, to concerned Wall Street brokers, and to disturbed clergymen and other citizens: "Here is the way you can work your will and lift your voice in an orderly, effective way. You can write, telegraph, telephone, or visit with your Senator and Representative, asking their support for this amendment. You can take a piece of paper and ask your fellow citizens to sign it in your neighborhood, at your club, in your office, at your school or college, in your church or labor hall, or elsewhere, pledging their support for the amendment to end the war and their willingness to urge their Representatives and Senators to vote for it."

Already petitions embracing over a hundred thousand signatures including 50,000 names secured by students and faculty at Columbia University have

come to my attention. Let us get 20 million signatures and let us call or write every Representative and Senator, and we will adopt this amendment.

Instead of wringing our hands, or tearing our hair, or throwing bricks, or blocking traffic, or cursing the system, let us go to work on our Senators and Representatives, neighbors and friends, and make constitutional government serve our needs.

This is a prudent, carefully drawn amendment. It cuts off funds for military operations in Cambodia 30 days after passage. It begins the cutoff requiring withdrawal from Vietnam and Laos effective December 31 and concluding with all forces out by June 30, 1971—unless a joint and specific declaration by the President and Congress can demonstrate the need for a specific, publicly recorded reason for an extension of time. In addition to permitting funds for the safe and systematic withdrawal of our forces, it permits funds to arrange for the exchange of prisoners and for asylum in friendly countries for Vietnamese who might feel threatened by our withdrawal.

Let us not talk about Nixon's war or Johnson's war or the Pentagon's war, or the CIA's war. Let us take hold of this war as citizens and as elected representatives and let us vote to end it.

The alternative to ending it is more death and devastation in the civil strife of Southeast Asia, more violence and disorder in our own society, more damage to our own economy in wartime inflation, a jittery, skidding stockmarket, and more erosion of our material and spiritual strength by wasting on war what we need to fight hunger, and answer the crisis in agriculture, housing, unemployment, health care, pollution, and crime.

Many years ago, the ancient Biblical prophet wrote:

I have set before you life or death, blessing or cursing; therefore, choose life that thou and thy seed may live.

Let us choose not cursing but blessing. Not death but life. Let us adopt amendment No. 609 to the military procurement authorization bill (H.R. 17123) to be voted on in the Senate in about 30 days. That amendment will emancipate us from a war we never should have entered, a war that we cannot win and should not want to win. It will save the lives of our troops, stop the incredible destruction of villages, homes, rice crops, and people in Southeast Asia, heal the divisions in our society, nourish our shaky economy, and restore constitutional government in America.

Following is the list of cosponsors as it presently stands:

**COSPONSORS OF AMENDMENT No. 609**

George McGovern, Mark O. Hatfield, Charles E. Goodell, Alan Cranston, Harold Hughes, Lee Metcalf, Daniel K. Inouye, Walter F. Mondale, Stephen M. Young, Birch Bayh, Fred R. Harris, Gaylord Nelson, Mike Gravel, and Vance Hartke.

**MESSAGE FROM THE PRESIDENT**

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.



6 MAY 1970

STATINTL

## Thieu Foe's Conviction Ruled Unconstitutional

SAIGON (AP)—National Assemblyman Tran Ngoc Chau, 46, a foe of President Nguyen Van Thieu, was convicted of crimes unconstitutionally by a military court, South Vietnam's Supreme Court ruled yesterday.

The ruling apparently clears the way for the release of Chau from a 10-year prison sentence imposed March 5 by the military court. He was charged with pro-Communist activities.

It was the second legal break for Chau, who charged that by arresting him Thieu was trying to throttle political opposition.

Feb. 24 he was sentenced to 20 years in prison by the same military court. A new trial was ordered because he had boycotted the court and taken refuge in the National Assembly.

Police hauled him from the assembly building two days later in a melee in which a dozen newsmen were attacked.

Police took Chau to prison and put him on trial the next week.

Throughout his trial, Chau denied the government charge that he worked in collusion with his brother, Tran Ngoc Hien, an intelligence agent for North Vietnam.

Chau maintained he contacted his brother between 1963 and 1968 but was reporting the conversations to the U.S. Central Intelligence Agency. He admitted he did not report the talks to the Saigon government.

Chau accused the U.S. Embassy of refusing to come to his defense and charged that U.S. Ambassador Ellsworth Bunker was supporting a Thieu campaign to silence political opposition.

The United States refused to be drawn into the case, maintaining it was a domestic matter.

Chau's case, however, drew considerable support from such Thieu critics as J. W. Fulbright, D-Ark., chairman of the Senate Foreign Relations Committee. Many South Vietnamese claimed Chau was railroaded.

This was the second time recently that the Supreme Court had challenged the military court. It ruled two weeks ago that the trial of 21 Saigon University students was unconstitutional because the students had been beaten and tortured to obtain confessions.

2 MAY 1970

International

## Nixon blocks the only peace plan

BY TOM FOLEY

The American people were never asked beforehand whether they wanted to get involved in Vietnam. They were presented with an accomplished fact. Blatant fraud was used to get the Congress to agree to the Tonkin Gulf Resolution, which was then stretched to the breaking point to cover anything the Pentagon felt like doing.

The Tonkin Gulf Resolution has now been repudiated by Congress, and most strongly of all by the man who got it through in the first place — Sen. J. William Fulbright. I think few observers would disagree with the statement that the American people are heartily sick of this war today, and would do almost anything to end it.

Nixon has been able to muster what little support he has for his so-called "Vietnamization" program, because he promised it would get the U.S. out and bring the troops home from Vietnam. Yet it is clear today that those who were misled at first by "Vietnamization" are growing increasingly unhappy about it.

"Vietnamization" is a military program, not a political one. It means that Nixon will continue to ignore the Ten-Point Peace Plan made public by the new Provisional Revolutionary Government of South Vietnam in the Paris peace talks last May 8, although in reality this plan is the only way of ending the war.

What Nixon and other members of his administration most of all would like to see in South Vietnam is a "solution" based on the South Korean model: a CIA-backed military dictatorship, supported by Asian troops used as cannon fodder pure and simple.

No matter who does the fighting, the Pentagon is clearly committed to "winning" a military victory in Vietnam and is in fact responsible for spreading the war with much greater intensity than ever before into Laos and Cambodia. It was the Pentagon which insisted on stepping up the bombing of Laos in conjunction with the CIA-directed assault on the Lao Patriotic Front last fall,

and is now insisting that the bombing cannot be halted.

The Pentagon and the U.S. military command in Saigon both have argued that they can "win" in South Vietnam within a year if they go into Cambodia. As a result, "Vietnamization" as a military solution has come to mean spreading the Vietnam war all over Southeast Asia.

The peace movement in the U.S. has got to get busy in order to prevent thousands more American GIs from dying in senseless battles in Vietnam, Cambodia and Laos. It must insist that the only solution to the war is a political one which recognizes the points put forward in South Vietnam's Provisional Revolutionary Government's peace plan almost a year ago, which the Nixon administration has been evading ever since.

# Charge Nixon defies people and constitution

STATINTL

NEW YORK, May 1—The following statement condemning U.S. aggression against Cambodia was issued today on behalf of the National Committee of the Communist Party by James Jackson, international affairs secretary, and Daniel Rubin, national organizational secretary:

In launching his criminal aggression against Cambodia, following the bombardment of Laos, President Nixon is violating the Constitution of the United States and defying the expressed will of the American people. He is violating Cambodia's sovereign rights and is recklessly gambling with moving to a world nuclear war. He tries to cover up the deed and the danger by a series of lies and false promises. That disastrous course must be reversed.

The most massive and militant response by millions of our people must be mounted to the new, criminal expansion of aggression in Cambodia. The mask has been removed. The policy pursued by Nixon is the continuous expansion of the brutal aggression in Vietnam, Laos and now Cambodia. Thousands of U.S. ground troops as well as planes and supporting units have invaded Cambodia together with Saigon puppet troops.

The inevitable result will be intensified fighting throughout the entire area and a grave new threat to world peace. To the 325,000 admitted U.S. casualties will be added new thousands in the stepped-up war. The toll of Vietnamese, and now Cambodians and Laotians, predominantly non-combatant women and children, is of genocidal proportions. Song My's will increase

In the U.S. the mass of workers, particularly black, Chicano and Puerto Rican, will pay the heavy

costs of the escalating war in lives and broken families. Runaway prices and taxes will increase further. Paychecks and contract settlements will be cut, even as unemployment grows. Programs for schools, hospitals, welfare, etc. will suffer even sharper slashes.

Jingoism, racism and repression will be further stimulated. In our country where racism has been the main tool of reaction for so long, it is not possible for President Nixon to rattle the saber jingoistically in justifying the slaughter of darker peoples in Southeast Asia, treating them as mere pawns of U.S. imperialism, without promoting racism at home.

It was no accident that at the moment U.S. troops were being sent into Cambodia, other federal troops were being sent to Connecticut. They were sent there to intimidate and provoke a mass rally opposing a repression which has especially singled out the Black Panther Party and the black community for victimization.

Such a course requires President Nixon to couple his announcement of expanded aggression with threats not only to university students but even to the Senate and Supreme Court. It requires lying about U.S. involvement to the country in the TV speech ten days before and to the Senate two days before the April 30 announcement. It requires acting contrary both to the will of the people expressed in actions and polls and to the opinion of Congress and, thereby, violating fundamental principles of the Constitution he has sworn to uphold.

The new aggression arises out of a crisis in the policy of so-called "Vietnamization." U.S. ruling imperialist circles have sought to maintain control of South Vietnam which can only be done by mili-

tary means. Having failed to force such a solution at the conference table or in fact on the battlefield, it has sought to exhaust the Vietnamese in a war of attrition.

A rising tide of opposition at home and around the world forced the Nixon Administration to try to achieve the same results by scaling down U.S. ground forces, with puppet troops increasingly taking over the ground fighting and casualties. The attempt is to deceive public opinion and reduce the massive popular opposition, while pursuing the same aims.

Such a policy was bound to fail, for it does not recognize that the Thieu and Lon Nols can achieve no stable popular support because they serve the interests of U.S. imperialism and not those of their own people. "Vietnamization" was, therefore, both immoral and doomed to failure because the Provisional Revolutionary Government represents the popular will for national freedom and the Thieu-Ky regime is nothing but a fascist, dictatorial creature of the CIA.

"Vietnamization" immediately required military buttressing of the Thieu clique to have any hope of success. These steps included stepped up bombing in South Vietnam, increased bombing and military action in Laos and the CIA-engineering coup in Cambodia.

But the CIA coup in Cambodia rapidly suffered the same fatal weakness. The Lon Nol regime, a tool of the CIA, had no popular support and was rapidly collapsing before the wrath of the Cambodian peoples. A new crisis then confronted the military preparations for "Vietnamization"; the next logical step in its pursuit is being taken, military action to save the Lon Nol puppets.

President Nixon acknowledged that the military support had to be U.S. forces and Saigon puppet troops because Lon Nol could mus-

STATINTL

# The Secret Team and the Games They Play

STATINTL

by L. Fletcher Prouty

"The hill costumes of the Meo tribesmen contrasted with the civilian clothes of United States military men riding in open jeeps and carrying M-16 rifles and pistols. These young Americans are mostly ex-Green Berets, hired on CIA contract to advise and train Laotian troops." Those matter-of-fact, almost weary sentences, written late in February by T.D. Allman of *The Washington Post* after he and two other enterprising correspondents left a guided tour and walked 12 miles over some hills in Laos to a secret base at Long Cheng, describe a situation that today may seem commonplace to anyone familiar with American operations overseas, but that no more than 10 years ago would have been unthinkable.

To take a detachment of regular troops, put its members into disguise, smuggle them out of the country so that neither the public nor the Congress knows they have left, and assign them to clandestine duties on foreign soil under the command of a non-military agency—it is doubtful that anyone would have dared to suggest taking such liberties with the armed forces and foreign relations of the United States, not to say with the Constitution, to any President up to and especially including Dwight D. Eisenhower. Indeed, the most remarkable development in the management of America's relations with other countries during the nine years since Mr. Eisenhower left office has been the assumption of more and more control over military and diplomatic operations abroad by men whose activities are secret, whose budget is secret, whose very identities as often as not are secret—in short a Secret Team whose actions only those implicated in them are in a position to monitor. How determinedly this secrecy is preserved, even when preserving it means denying the United States Army the right to discipline its own personnel, not to say the opportunity to do justice,

was strikingly illustrated not long ago by the refusal of the Central Intelligence Agency to provide witnesses for the court-martial that was to try eight Green Beret officers for murdering a suspected North Vietnamese spy, thus forcing the Army to drop the charges.

The Secret Team consists of security-cleared individuals in and out of government who receive secret intelligence data gathered by the CIA and the National Security Agency and who react to those data when it seems appropriate to them with paramilitary plans and activities, e.g., training and "advising"—a not exactly impenetrable euphemism for "leading into battle"—Laotian troops. Membership in the Team, granted on a "need to know" basis, varies with the nature and the location of the problems that come to its attention. At the heart of the Team, of course, are a handful of top executives of the CIA and of the National Security Council, most notably the chief White House adviser on foreign policy. Around them revolves a sort of inner ring of Presidential staff members, State Department officials, civilians and military men from the Pentagon, and career professionals in the intelligence services. And out beyond them is an extensive and intricate network of government officials with responsibility for or expertise in some specific field that touches on national security: think-tank analysts, businessmen who travel a lot or whose businesses (e.g., import-export or operating a cargo airline) are useful, academic experts in this or that technical subject or geographic region, and, quite importantly, alumni of the intelligence service—a service from which there are no unconditional resignations.

Thus the Secret Team is not a clandestine super-planning board or super-general staff but, even more damaging to the coherent conduct of foreign affairs, a bewildering collection of temporarily assembled action committees that respond pretty much ad hoc to specific troubles in various parts of the world, sometimes in ways that duplicate the

by DIANE LEONETTI

# SONG MY & OPERATION PHOENIX

■ The massacre at Song My was not an isolated event. Other such massacres have been charged, and the military is investigating at least one of them, in which a Vietnamese girl claims to have lost eighteen relatives and all the people in her village. Nor were the murders at Song My simply an aberration, the result of rage, fear and the particular situation of some men in the field. They stemmed directly from military policy in the province at the time (if not still), which directed that no more civilians were to be brought in, as the camps were full.

It is well-known that the U.S. has been waging war against the defenseless rural population of South Vietnam for years: with B 52 raids of a ferocity surpassing that of all previous wars, with napalm, white phosphorus, gas, and anti-personnel bombs that riddle the insides with steel. We have spread poison that is banned here over thousands of square miles; it is now causing birth defects in South Vietnam. For the hundreds of thousands of wounded and maimed, there has been only the most rudimentary care and no transportation. If they cannot crawl or be carried to a hospital, they don't go.

## The "Innocent" GI

The average soldier arrives in Vietnam innocent of these facts. He has been lectured on the need to show respect for the Vietnamese people whom he believes he is there to help. But he quickly finds out that to the men in the field "the only good gook (or slope or dink) is a dead gook." The old hands he meets are hardened on the outside, angry and terrified inside, by a war where friend and foe are impossible to distinguish. Some of them release their rage after friends are blown up by land mines by shooting civilians or burning down a village. They cannot afford to be interested in the peasant's plight, but must justify their own excesses by adopting the military viewpoint: that every South Vietnamese who is not V.C. should know about, and warn Americans of, the presence of mines.

The newly-arrived G.I. finds old hands who think it's fun to use peasants in the field for target practice. He finds free fire zones, where anything that

just to scare (or kill or maim) whoever is out there. He sees that many Americans have ceased to care whether the Vietnamese they kill are innocent or not. Journalist Orville Schell reports a captain, when asked how he knew the man he had just shot was V.C., saying "Son, I know he's a V.C. by the nine bullet holes in his chest."

In the province where the Song My massacre occurred, Schell reports that so many peasants had been driven into "pacification" camps that they were overflowing, and Army units in the area were told not to bring in any more people. Air strikes were called without prior warning and the people killed in their villages because there was no room for them in the camps. This is the world into which American kids are flown in a matter of hours. This was the situation in the Song My area when the massacre took place.

## Blame Falls on the Non-Com

The tragedy is that the men in the lowest ranks are the ones blamed when a hue and cry is finally raised that the military cannot ignore—not a Capt. Medina, although he has already been placed at the scene by more than one participant in the massacre, or those higher up who told *him* that no more refugees could be brought in. Capt. Medina said he saw no killing of civilians, and that was that. It has never been suggested that he stand trial with the son of a tenant farmer and the other young victims, who are not likely to put up a fight or implicate anyone on a high level.

In using the lowliest soldiers as scapegoats, the military is trying to conceal the contempt for our allies that has led to such brutal policy decisions as the stepped-up terror against civilians known as Phoenix. This CIA brainchild was instituted by the U.S. military in July 1968. Officially, Phoenix is a plan for destroying Vietcong leadership. One or two reporters in Vietnam have mentioned in their dispatches the summary executions taking place under Phoenix, but details of its cold brutality only began to come to light when two officers in training for the program at Fort Holabird, Md., suddenly balked and asked for C.O. status.

The two officers, Francis Britton and Michael Cohn, were stunned by what they had to do to hold their jobs.

to reveal the nature of their training for Phoenix, they refused at first to document any of it. Their lawyer had to convince them that there was no other way. The document they eventually and reluctantly filed with the U.S. District Court of Baltimore revealed that one of them was to "supervise and pay with funds from an undisclosed source 18 mercenaries (probably Chinese, not U.S.) who would be explicitly directed by him . . . to find, capture and/or kill as many Vietcong and Vietcong sympathizers as was possible. . . ." He was told he might have to produce 50 bodies a month. The kind of torture that was being used under Phoenix was described as follows. A wounded V.C. under interrogation was promised treatment if he talked. After he did, he was left bleeding in the middle of the village. The next day, his screams were silenced by decapitation with a rusty bayonet. While this was done, the American advisors were having breakfast at the scene—forty feet away.

## USA Version of "The Lighter Side"

Another field instructor gave what he termed "the lighter side of Phoenix": a description of Americans (Phoenix advisors) and South Vietnamese soldiers throwing hand grenades into a pond where Vietcong were submerged. "Although this incident might appear somewhat gory in this classroom," he was quoted in the document, "it was actually a lot of fun to watch the bodies of the Cong soldiers fly into the air like fish." Reitemeyer and Cohn were told that Phoenix was aimed at civilians and political enemies, not soldiers, however. They were warned that if captured they could be tried as war criminals under the Nuremberg rules "as well as other international precedents such as the Geneva Convention."

After the judge read Reitemeyer and Cohn's description of their training for Phoenix, they were granted C.O. status and released from the Army. The Baltimore Sun and the Washington Post had bits of the story, but did not pursue it. A long story about it in the *village VOICE* last December, by Judith Coburn and Geoffrey Gunn, includes the following comment:

"In recent months Phoenix has become

# SAIGON'S SECRET POLICE

STATINTL

## D. GARETH PORTER

*Mr. Porter is a graduate student in the Southeast Asia Program of Cornell University. He has contributed to a volume of essays on Vietnam, soon to be published by Random House.*

In 1967, New Jersey Gov. Richard Hughes, sent to Vietnam to help legitimize the Presidential election there, remarked to reporters that if peasant voters were pressured or intimidated, they could "call their policemen" — as though the friendly local cop would save them from the political thugs. The U.S. Public Safety Division of AID, in the more grandiose rhetoric of the "nation-building" bureaucracy, refers to the Vietnamese National Police as the "builder/protector of the orderly political development of Vietnam's newly emerging Democracy."

The reality behind this benign imagery is a police apparatus that has always been an instrument of political control and repression, but whose capabilities have been enormously increased by a determined effort on the part of the U.S. mission. Only in the last five years, in fact, has the Vietnamese National Police been molded into an effective, nationwide apparatus for controlling the thought and behavior of the Vietnamese people. One of the costs of maintaining in power a government as unpopular as the Saigon military regime has been the creation of a police state as complete as any in Asia.

The basis for this police state was laid during Ngo Dinh Diem's regime, which ruthlessly tracked down political opposition and rounded up tens of thousands suspected of working for the Vietminh. Diem's secret police were only one facet of his complex machinery of surveillance. The system was nevertheless too limited and ineffective for the counterinsurgency specialists in the U.S. Public Safety Division, who took the initiative in creating a "modern" police system in Vietnam. In 1962 they prevailed upon Diem to create a unified National Police out of several loosely coordinated national and local police organizations. The next step was to begin experimenting in 1963 with techniques of "resources control" borrowed from the British operations in Malaya. By March 1964 police advisers had completed an elaborate "National Police Plan," which envisioned building up the numbers, equipment and technical competence of the police, and which combined British tech-

niques of population management with South Vietnamese concepts of political surveillance.

Apparently convinced that British methods in Malaya were not sufficiently tough to control the population of revolutionary Vietnam, the United States pushed a police program which involved a degree of political surveillance that had previously been attributed only to Communist totalitarian regimes. Far from hiding the fact, the manipulators who planned it have done their best to publicize their accomplishments.

The main features of police control in Vietnam are the national registration card program and the family census program, which together are intended to bring everyone living in government-controlled zones under effective observation. The registration card program, decreed by former National Police Chief Nguyen Ngoc Loan after his American advisers had, in their own words, "provided . . . the draft of a suitable decree," is supposed to be, when finished, "one of the most complete national identification systems in the world." The technical machinery put at the disposal of the program is indeed impressive: the national repository of fingerprints and biographical data, for example, will be comparable to the files of the FBI.

The cards give the police a basis for automatic arrest, since the lack of one is taken as proof of complicity with the National Liberation Front. On March 8, 1968, the very day on which General Loan announced that all male citizens from 15 to 40 would henceforth be required to possess registration cards, Saigon police seized more than 1,000 youths who didn't have cards and prepared to send them to prison on Con Son Island.

Far more important for the purpose of political surveillance is the attempt to classify politically each individual and family registered by the government. This scheme is a major component of the overall "population control" plan put into effect beginning in 1965. As described by the Public Safety Division's E. H. Adkins in his handbook on the police and counterinsurgency, it involves gathering information not only on the behavior but also on the political attitudes of families and individuals.

Each booklet issued to a family under the family census program has a duplicate which is retained by local authorities, along with a matching "control sheet." On



STATINTL

## Cambodia needs help

PRESIDENT NIXON'S decision to send rifles to the beleaguered government of Cambodia was a correct one in a very unpromising situation.

A sensible next step would be to send in the 3,000 Cambodian mercenaries that the Central Intelligence Agency has working for it in neighboring South Vietnam. They could help the Cambodian army, which is badly in need of stiffening.

Neither step, to be sure, will insure the survival of Gen. Lon Nol's anti-Communist regime. If the 40,000 North Vietnamese and Viet Cong troops in Cambodia really make an effort, they can probably take over the entire country.

Nevertheless, a modest American aid program is worth trying. It might prevent the Communists from having a cake walk in Cambodia. And it could conceivably deter them from pressing their illegal invasion of that peaceful and neutral land.

Unfortunately what happens in Cambodia may determine the outcome of the whole Vietnam War. If Cambodia can stay free and not be a sieve for North Vietnamese supplies, Hanoi's troops will be less able to threaten Sai-

gon and the Mekong Delta. If, however, they can turn all of Cambodia into a sanctuary and supply area, South Vietnam would appear to be doomed.

With so much at stake, Mr. Nixon should disregard his dove critics and do what he can to save Cambodia. The South Vietnamese army, for instance, should get carte blanche to attack the North Vietnamese inside Cambodia. There is no reason for Saigon to be a stickler for borders after Hanoi has spread the war by openly invading South Vietnam, Cambodia and Laos.

Given the mood of this country, the President will not send U.S. combat forces to Cambodia (alho, from a hard-nosed geopolitical point of view, it might be a good investment). But if the Cambodians show any will to fight in their own defense, Mr. Nixon should give them aid—short of our troops.

Incidentally, as the Communists ravage a near-helpless country, we trust nobody has missed the old double standard at work. If we "imperialists" had put so much as a platoon across a border, the howls would be heard in heaven. But when Hanoi tears apart a small neutral nation, there is absolute silence from our own doves and peace movement, from the Communist bloc and from the professional Afro-Asians at the United Nations.

It is so hypocritical that it sinks.



2 2 APR 1970

STATINTL

# CIA Reported Coordinating Cambodia Military Attack

SAIGON (AP)—Informed sources said today two Americans believed to be from the Central Intelligence Agency flew into the Cambodian provincial capital of Svay Rieng last week apparently to coordinate military operations against enemy forces.

They reported two South Vietnamese helicopters flew the Americans into Svay Rieng, 25 miles west of the South Vietnamese border.

The informants gave this account:

When the helicopters landed the two Americans were met by Cambodian officials carrying maps in their hands. The Cambodian officials pointed out to the Americans the North Vietnamese and Viet Cong positions inside Svay Rieng Province.

Shortly after the meeting, South Vietnamese fighter-bombers began attacking suspected North Vietnamese base camps and troop positions along a 30-mile stretch on both sides of the border. Their effort was aimed at softening up the enemy positions for a division-sized infantry assault that was to follow.

At daybreak Monday, as many as 5,000 South Vietnamese troops and hundreds of armored

personnel carriers began a drive across a 30-mile line stretching from the South Vietnamese district town of Tuyen Binh, 55 miles west of Saigon, to the district town of Tuyen Binh, 55 miles west of Saigon, to the district town of Hong Ngu, 75 miles west of the capital.

Sources said that in the first two days of the operation, South Vietnamese forces have killed 221 enemy troops, seized nearly 1,000 new weapons from base camps, and destroyed 90 huts apparently used as storage areas. Field reports said South

Vietnamese forces suffered 26 troops killed and 101 wounded.

Efforts to reach CIA officials in Saigon for comment were fruitless. There was no answer at the agency's phone.

Sources have said the South Vietnamese and Cambodian local officials are collaborating in efforts to crush up to 20,000 North Vietnamese and Viet Cong troops in base camps in southeastern Cambodia.

19 APR 1970

## Correspondents' Dinner Misses Guest of Honor

The White House Correspondents Association held its annual dinner at the Sheraton Park Hotel last night under somber circumstances and with its guest of honor and many of its members spending the night on the Pacific island state of Hawaii.

President Nixon had been expected to make the principal speech this year, as he did last year, but the decision to meet the Apollo 13 astronauts in the Pacific changed all that. The newsmen covering the White House regularly went along as always.

Chief Justice Warren Burger of the U.S. Supreme Court substituted for the President.

The death last week of Meriman Smith, White House reporter of United Press Inter-

national and one of the mainstays of the annual event, cast a pall over the dinner. But officers of the association decided not to cancel the dinner because, they said Smith would have wished it to go on. Smith's colleagues attending the dinner offered a toast to him last night.

Tom Lambert of the Los Angeles Times was named winner of the Raymond Clapper Memorial Award at the dinner for his coverage of the death of a South Vietnamese intelligence agent said to have been killed by U.S. Green Berets.

William J. Eaton of the Chicago Daily News won honorable mention for his work covering the Supreme Court nomination of Judge Clement F. Haynsworth.

1 8 APR 1970

## Madness on the Grand Scale

It simply does not matter very much for the US, in cold, unadorned strategic terms, who rules the states of Indochina. Nor does it matter all that terribly to the inhabitants. At the risk of being accused of every sin from racism to Communism, I stress the irrelevance of ideology to poor and backward populations. Someday, perhaps, it will matter, in what one hopes will be a constructive and utilitarian way. But in the meantime, what earthly difference does it make to nomadic tribes or uneducated subsistence farmers, in Vietnam or Laos or the north of Thailand, whether they have a military dictator, a royal prince, or a socialist commissar in some distant capital that they have never seen and may never even have heard of?

At their current stage of undevelopment these populations have more basic requirements. They need governments which will provide medical services and education, fertilizer, high-yield seeds and instruction in how to use them. They need governments which are honest enough to refrain from robbing and exploiting them, purposeful enough to want to modernize their societies, and efficient enough to have some ideas about how to do it. Whether such governments are capitalist or socialist can be of little interest to the people involved, or to anyone except their present rulers, whose perquisites are at stake, and their great power mentors, fretting in their distant capitals about ideology and "spheres of interest."

I am apprehensive of our ability to stay out of war in Laos and Cambodia as long as we remain at war in Vietnam. The issues in the three countries are inseparable. I do not see how we can get out of any of them except by means of political settlement applying to all of them. As they have shown

by their advance in Laos, and as further developments in Cambodia may also demonstrate, the Communists are not going to confine the fight to a battlefield of our choosing and, as Secretary Rogers readily admitted, the initiative is theirs.

I do not know what more is needed to demonstrate the incongruity of the policy of Vietnamization. The Administration is trying to strike a "low posture" in the rest of Southeast Asia while preserving an American base in Vietnam, and the Communists are not allowing them to do it. They cannot drive us out of Indochina, but they can force upon us the choice of either plunging in altogether or getting out altogether.

It is this choice that the Nixon Administration has thus far refused to make. "Myth" is a mild word for madness on so grand a scale. Not only has the rationale for Vietnam proved unfounded; it has shown itself to be disastrously mistaken. Instead of deterring Communist intervention in Southeast Asia, American military involvement has turned out to be a powerful magnet for it.

We have one great liability and one great asset for negotiating a political settlement. The liability is our peculiar devotion to the Saigon dictators. Since they survive at our sufferance, the handicap could be removed by the simple expedient of putting Mr. Thieu and Mr. Ky on notice that they can either join us in negotiating a compromise peace or make some arrangement of their own. Of all the options open to the Thieu government, the only one we can and should remove is their present veto on American policy.

I have always been puzzled by our gratuitous tenderheartedness toward rightwing dictators who need us far

more than we need them. It is one thing to tolerate such regimes, because it is not our business to be overthrowing foreign governments anyway. But in the case of such unsavory military dictatorships as those in Greece and South Vietnam, we have been much more than tolerant; we have aided and supported these regimes against their own internal enemies. I do not think this is done out of softheartedness—although our Embassy in Saigon has seemed extravagantly solicitous of Mr. Thieu, even to the extent that Ambassador Bunker has stanchly refused to intercede on behalf of Tran Ngoc Chau, the South Vietnamese deputy who was sentenced by a kangaroo court to 10 years at hard labor for maintaining contacts with his brother, a North Vietnamese agent—despite the fact that Chau reported these contacts to the CIA and the US Embassy.

It takes more than Realpolitik to explain such gratuitous friendliness toward rightwing dictators. I suspect that the explanation lies in that attitude of crusading anticommunism which has colored so much of American foreign policy over the years. The charm of the rightwing dictators has been their staunch anticommunism, and that appears to have been enough to compensate for such trivial defects as their despotism and corruption . . . If devotion to Thieu and Ky are the obstacle to a compromise political settlement, the asset we have is our remaining force of over 400,000 men in Vietnam—and our freedom to take them out. The Communists want them out, and it is supremely in our interests to get them out. That would seem a promising basis for doing business.

J. W. FULBRIGHT  
—on the floor of the United States Senate, April 2, 1970

THE NEW YORKER  
18 April 1970



## THE TALK OF THE TOWN

### Notes and Comment

IN 1968, America had a kind of national debate on the Vietnam war, and it appeared that, as far as the *debate* was concerned, the dissenting forces won a victory of sorts. All of the political candidates for national office incorporated a good deal of the rhetoric of the peace movement in their public remarks, and all of them seemed persuaded that withdrawal of our troops was the only course the next President could afford to follow. The war was shorn of its justifications not only in the minds of its veteran critics but also, somewhat surprisingly, in the minds of its former supporters. The demand for military victory in Vietnam all but disappeared from national politics, and the considerably slackened debate centered almost exclusively on the question of how long it should take us to get out. Hawkish sentiment appeared to undergo an odd twist, in which anger at critics of the war intensified but support for the war actually declined. (A rally held in Washington last week in support of military victory in Vietnam drew, according to police estimates, only fifteen thousand people.) And yet now, nearly two years after the beginning of the 1968 campaign, in a peculiar atmosphere of mental exhaustion, in which both opponents and supporters of the war seem to have lost their forensic stamina, our involvement in the conflict continues on almost the same scale, and even threatens to expand into Laos and Cambodia. It is as though the public had shrugged its shoulders and decided to accept the war as something that

cannot be affected by human effort. The war has outlived the *issue* of the war.

In the days when the debate was still vigorous, opponents of the war used to find it helpful to expose false claims made by the government, and to point out ironies and contradictions in government policy. They used to say things like "The body count is exaggerated, and anyway a body count is no real measure of success," or "The pacification program isn't going as well as the government says it is," or "The South Vietnamese elections are rigged, and the Saigon regime is a dictatorship and doesn't have the support of its own people." And finally they pieced together the ultimate irony—that we seemed actually to be physically destroying the country we were supposed to be saving. In the last year or so, however, opponents of the war have found that it is inadequate to repeat these arguments. Perhaps one reason is that the gap between the official explanations and the realities we are faced with daily on television and in the newspapers has become so staggeringly huge and so obvious that when one persists in making these points one feels almost ludicrously simpleminded. Also, pointing out discrepancies between the official versions and the realities seems to presume a rationality in the whole enterprise that is now revealed to be entirely lacking. It is as though we were taken on a tour of an alleged health resort that turned out in fact to be a concentration camp, and were then obliged to write a report describing in great detail the specific differences between the facilities of a

health resort and those of a concentration camp. We might well feel slightly mad as we wrote things such as "Whereas in a health resort there are doctors giving people medicine, here, on

the contrary, we find armed guards systematically murdering the inmates." We might have the same sense of absurdity as we wrote that "whereas the American forces are supposed to be building democratic political structures in the villages of Vietnam, we find that they are bombing the villages and shooting the villagers." The disparity between the official policy and the reality is now so great that it appears as though policy is developing in accordance with a set of rules that will be responsive to the political situation in America but that the actual conduct of the war is developing according to a completely separate set of rules, determined by the conditions of unspeakable brutality and confusion in Vietnam itself. (Our soldiers in Vietnam have started referring to the United States and other places outside Vietnam as "the world"—as though Vietnam were on another planet.) The war, which now grinds on without evoking either much support or much new criticism, or much national debate of any kind, seems to have acquired an insane life of its own, and to have developed in utterly unexpected ways that neither its critics nor its supporters ever anticipated. Several recent news stories have brought this feeling home to us with particular force. A number of them have been so strange as to almost defy rational comment, and we have been trying to imagine what this Administration would say about them

17 APR 1970

# Cambodian regime admits massacres of civilians

Daily World Foreign Department

Spokesmen for the Cambodian military regime admitted yesterday that hundreds of corpses reported floating in the Mekong River south of Phnom Penh were Vietnamese civilians. They claimed, however, that the corpses, of which there were hundreds, some with hands tied behind their backs, were "Vietcong" or "Vietcong collaborators."

A Cambodian Information Ministry spokesman denied that the bodies came from a single massacre, such as the one that took place at Prasaut, in Cambodia's Svay Rieng province, last Friday, in which at least 90 Vietnamese refugees were massacred by armed Cambodian "civilian volunteers."

Cambodia's military dictator, General Lon Nol, has issued a call for a campaign to drive the Vietnamese out of the country. The Lon Nol regime evidently has distributed arms to "civilian volunteer" forces it has rounded up.

In South Vietnam, the U.S. Special Forces and CIA have drawn heavily on the Cambodian minority for recruits for their mercenary forces.

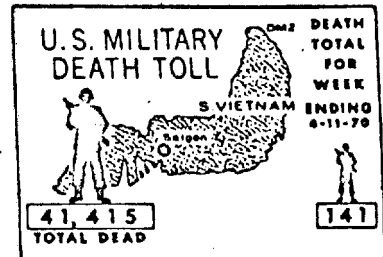
The CIA-organized mercenaries are referred to in U.S. news re-

ports as "Civilian Irregular Defense Groups" (CIDG).

The CIA mercenaries man nearly all the "Special Forces" camps along the South Vietnam-Cambodia border.

In the Paris peace talks yesterday, the Democratic Republic of Vietnam and the Provisional Revolutionary government of South Vietnam blamed the U.S. for the massacres of Vietnamese now going on in Cambodia. PRG delegate Dinh Ba Thi said the U.S. plotted the coup which brought Lon Nol to power in Cambodia on March 18, and therefore the U.S. "must be held responsible for the criminal acts of its henchmen in Cambodia and for the consequences of these acts."

The DRV and PRG delegations said the U.S. side's call for a "slowdown" in the war was "arrogant" and hypocritical, when the U.S. was doing ev-



everything it could to step up and expand the war.

In Washington yesterday, Senate Democratic majority leader Mike Mansfield (D-Mont) urged the Nixon administration to turn down the Cambodian government's appeal for U.S. arms. Mansfield said the Lon Nol regime is "already in deep trouble" and the U.S. should take no action to rescue it. He said the cry for arms has dragged the U.S. "time and again ever deeper into the morass of Southeast Asia."

17 APR 1970

## Vietnam vets to reveal U.S. torture of prisoners

NEW YORK, April 10 — Eyewitness accounts of U.S. torture of prisoners in Vietnam will be given on April 14 in New York and Los Angeles by six Vietnam veterans who served in military intelligence units.

In simultaneous news conferences at New York's Overseas Press Club and the Los Angeles Press Club, the Vietnam vets will give eyewitness testimony of electric shocks, severe beatings, and in some cases murder of prisoners.

Testimony by the ex-GIs was arranged by the National Committee for a Citizens' Commission of Inquiry on U.S. War Crimes in Vietnam.

Those testifying will be:

In New York, Michael J. Uhl, former First Lieutenant, Chief, Military Intelligence Team, 11th Brigade, Americal Division; Gordon H. Gray, former E-5 (sergeant), in Counter-Intelligence, attached to Lt. Uhl's unit; Edward Murphy, former E-5, Military Intelligence Detachment, Fourth Infantry Division.

In Los Angeles: Robert Stemmes, former E-5, Counter-Intelligence Special Agent, 172nd Military Intelligence Detachment, 173rd Airborne Brigade; Fred Browne, former SP-5 (Sergeant), Military Intelligence Interrogator, in Mr. Stemmes' unit; Peter Martinsen, former SP-5, Prisoner-of-War Interrogator, 101st Airborne Division.

The Vietnam vets will tell how field telephone electrical equipment are attached to prisoners' breasts and genitals to give them electric shocks, a form of torture used earlier by the French in Algeria.

Sgt. Murphy will tell how scout dogs attack prisoners and how murders are committed in the CIA's "Operation Phoenix" in South Vietnam.

Sgt. Martinson witnessed a National Liberation Front officer being tortured by gouging bamboo splinters under his fingernails. He has cited classified U.S. Army documents listing procedures for torturing prisoners.

WATTON  
13 APR 1970

## EDITORIALS

### The Third Indo-China War

It is the nature of governments to deceive. In the perspective of its two-century existence, the government of the United States is no worse than others. In fact, in its early history, its candor was considerably better than the average. Now, however, it appears to be making up for lost time. Mr. Nixon may plead, plausibly enough, that Vietnam is not his war. He did, however, undertake to get us out of it. The plain fact is that the war is being extended, and so far Mr. Nixon has done nothing to prevent its spread. On the contrary, his policy of Vietnamization is dragging us deeper into the Indo-Chinese quagmire. Unless he takes forthright action to arrest this trend, it will be difficult to avoid the suspicion that he is not averse to developments that will enable him to keep massive American military power in Asia, and that recent events have been largely of our making.

Of course, that is not the official scenario. Officially, we were taken by surprise when the coup ousted Prince Sihanouk; we are now waiting for the dust to settle, and perhaps hoping for events to take a turn that might redound to our advantage. There is a suggestion that Sihanouk was overthrown because the enemy is losing, is being pushed back, and that this accounts for the turn to the right in Cambodia which, though nominally neutralist, had been giving shelter to some 40,000 to 60,000 North Vietnamese or Vietcong troops.

That scenario warrants scrutiny. It begins in Laos, where there was a tacit standstill with the enemy. It was incomplete, to be sure, but fighting was at a low level. The CIA upset that balance by egging on its mercenaries, deployed with the aid of American "advisers." The enemy retaliated and seized a major piece of the Plain of Jars. Did the CIA plan it that way? They may have been as innocent as unborn babes, but that is not their usual role. Anyhow, it happened; and it now appears that Laos is in dire straits—another domino is in danger of falling. There is one difference, however, from the earlier domino game: the public does not seem to be concerned. It does not demand that we "save" Laos; it would rather that we get out of Southeast Asia, and the sooner the better, as long as we retain some shreds of superpower dignity.

The illicit scenario continues with the coup in Cambodia. Whoever pulled the strings, the result was very much to the liking of the Pentagon and the CIA, and perhaps of an Administration bent on keeping a big, sprawling foothold in Asia. (See Michael Klare: "The Great South Asian War," *The Nation*, March 9.) It passes understanding that Prince Sihanouk's rivals should have acted so boldly, unless they had substantial covert backing. It may be assumed that the CIA no longer delivers sledgehammer blows, as in 1953 when Mossadegh was eliminated in Iran. Whatever weight the CIA threw into the scales may

have been tossed indirectly—perhaps through Thai intermediaries. (We know that Thai troops have been fighting on the American side in Laos, and that the Thai satraps are unexcelled in intrigue.)

So now the Vietcong and North Vietnamese who have been using the Cambodian sanctuary are caught in a squeeze between, on the east, the South Vietnamese, aided by reinforced American detachments close to the border and by American gunships firing into Cambodia, and on the west, such forces as the new government of Cambodia can muster. From the standpoint of the Pentagon and the CIA it is a much more agreeable situation than when Prince Sihanouk held the reins. It is worth noting, also, that General Westmoreland has long advocated military action against Cambodia.

Can our Southeast Asian allies act in matters of such importance without American approval and some kind of commitment that, if the gamble turns against them, Uncle Sam will not let them go down the drain? The Cambodians say they are not asking for American military help now. They do not say they will not ask tomorrow.

What has happened took considerable rigging. Did the President know about it? Did he want to know about it? How much control has Mr. Kissinger got over operations in the field? Does even General Abrams know exactly what goes on while he runs the war from a desk in Saigon and with an occasional visit to the numerous fronts for which he, or the CIA, is responsible?

In the news these latest developments are referred to as the second Indo-China war. The count seems short. First there was the war in which the French lost the flower of their officer corps and got the *coup de grâce* at Dienbienphu. Then there was the second Indo-China war, engineered mainly by Lyndon B. Johnson, and which proved his political nemesis. Now we have the third war. Will it rescue Mr. Nixon politically, or ruin him? He must be thinking hard; his risks are not small.



# The Downfall of Sihanouk: Don't Blame It on CIA

By DONALD KIRK  
Star Staff Writer

PHNOM PENH, Cambodia —

The American Central Intelligence Agency could not claim the credit for overthrowing Prince Norodom Sihanouk as Cambodian chief of state even if it wanted for some reason to publicize its role here.

All the ingredients exist in this pleasant, intrigue-filled capital, only 80 miles from the South Vietnamese border, for high-level international spy drama, but no one here has found a shred of evidence to indicate the CIA was even remotely involved in Sihanouk's downfall.

The truth of the CIA's non-role in Cambodian politics strains credibility, particularly in view of Sihanouk's hostility to America's role in Vietnam and the desire of American military leaders and diplomats for Cambodian cooperation in fighting the Vietnamese Communists based in "sanctuaries" along the frontier.

Yet the American presence in Cambodia, when Sihanouk was overthrown on March 18, was limited officially to only two diplomats and a small embassy staff. No American businessmen lived here.

American newsmen visited the country only rarely, and then usually on tourist visas, and no American military advisers, AID officials or information officers had been here since Sihanouk expelled them all in 1963 and 1964.

The CIA may well hire operatives from among the sizable French community or among Cambodians, but the agency's activities in all other countries in Southeast Asia seem to depend basically on the existence of large American embassies and aid missions.

The CIA "station chief" in most countries holds the title of "special assistant to the ambassador," and members of his staff serve as embassy "political officers," American AID officials and the like.

In neighboring Thailand, for instance, the CIA assigns agents under the auspices of the AID mission's public safety program, ostensibly an effort aimed solely at building up the Thai national police force. In South Vietnam, CIA agents in the field often advise the Phoenix program, the South Vietnamese government's American-inspired intelligence gathering operation.

The almost complete lack of an

American presence here before Sihanouk's downfall does not of course exclude the possibility that CIA-hired operatives could somehow have engineered the movement against him.

The anti-Sihanouk drive among intellectuals politicians and cabinet ministers was so overwhelming, however, as to contradict any impression it might have been the result of a plot among a limited circle of American-paid operatives.

The pressure against Sihanouk, mounting almost unnoticed for the past two or three years, already had become apparent to analysts here when the prince appointed his conservative military commander, Gen. Lon Nol, as prime minister in August.

The reason for discontent, besides Sihanouk's reluctance to attempt to drive the Vietnamese Communists from frontier base areas, was his failure to cope with mounting economic problems.

The national assembly in December approved a bill undoing his Socialist economic policies.

Sihanouk clashed openly with Prince Sisowath Sirik Matak, the first deputy prime minister, whom

he accused of attempting to "undermine" Lon Nol.

Sihanouk's accusation against Sirik Matak, a member of a rival branch of the royal family, epitomized the manner in which he was accustomed to playing his ministers against each other in order to maintain his own position.

And yet Lon Nol, although he did not directly oppose the prince, was already known to have allied with Sirik Matak, the prime mover behind the opposition to Sihanouk's economic outlook.

Sihanouk was also confronted by increasingly vocal, though subtle, hostility among a handful of deputies who persisted in posing embarrassing questions about the influence of his wife, Princess Monique, and his in-laws and personal friends.

He attempted to cut down the influence of some of these deputies by police investigations of their activities, but he was always afraid of the reaction he might provoke by arresting them or attempting to expel them from the assembly.

"He did not mind jailing little people," said Bock Rasy, one of the rebellious deputies, "but with ministers and assemblymen he used

threats and intimidation. He was strong enough to keep anyone from urging him to resign."

One of the strangest ironies of the drama of Sihanouk's decline and fall was that his opponents in the assembly criticized him for his militant campaign against indigenous Cambodian Communists, who were supported by the North Vietnamese and Viet Cong troops.

"I said he must have the proof," said Rasy, "but he said he had the right to suspend the constitution if he wished and jail these people without trial."

The reason Sihanouk's anti-communist critics objected to the manner in which he fought the Cambodian Communists was their fear he might employ the same tactics against them.

Sihanouk's opponents were afraid he might finally suspend the constitution entirely and turn the country into a complete dictatorship.

In their campaign against the prince, however, none of Sihanouk's opponents seemed particularly aware of the consequences in terms of the United States, much less the Central Intelligence Agency. Most of them, including Lon Nol, do not speak English, do not seek out the company of Americans and do not seem attuned to "American influence" in general.

The main Western influence on Cambodia is France, which ruled the country until Sihanouk himself led a bloodless campaign for independence after World War II. Sihanouk, after obtaining complete independence in 1953, developed close ties with France and permitted French business interests to remain here.

The French also maintain a military advisory mission as well as advisers in all the ministries. Frenchmen helped Sihanouk write his speeches and edited some of his magazines.

One difference between Sihanouk and his opponents was that most of them did not share his antipathy to the U. S. Military officers, although they gladly accepted Chinese and Russian arms and equipment, did not think he should have expelled the American Military Assistance and Advisory Group in 1963.

Cambodian officers in particular, received in the U.S. This phase of the American effort, in the opinion of

STATINTL

# Peter Dale Scott.

## Laos, Nixon, and the CIA

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### Laos: The Story Nixon Won't Tell

STATINTL

Peter Dale Scott

President Nixon cannot expect peace in Vietnam while escalating the war in Laos. His Key Biscayne statement on Laos of March 6 itself draws attention to the connection between the two conflicts, which has since been underlined by Vice President Agnew. In reality the so-called "Vietnamization" in 1969 of the ground war in South Vietnam was balanced by a sharp escalation of the US air war in Laos, beyond the range of inquisitive TV camera teams. This escalation is now rationalized (though not admitted) by the President's statement on Laos, which puts forth a grossly misleading history of North Vietnamese "persistent subversion" and "invasion."

This story was put together long before the present administration. Many of its allegations were supplied years ago by US intelligence sources, who had a stake in misrepresenting the Laotian war which they had themselves largely helped to create. The statement must however be answered, since it is at least as misleading as the intelligence reports of North-Vietnamese and Chinese aggression in South Vietnam, which preceded our air war in that country. Of course, the escalation in the long run will involve two sides, and some day historians can analyze the whole involvement in Laos of Thailand, the Philippines, South Vietnam, North Vietnam, the United States, Taiwan, and China.

It is important, however, to see that it has been not North Vietnam but the United States, and more particularly its apparatus of civil and military intelligence agencies, which has been consistently guilty of the initial subversion of whatever order has been established in Laos through international agreements. Thus the President's statement should be examined in the light of indubitable CIA and US air force activities that he wholly leaves out.

Although the present war in Laos the then Premier Prince Souvanna dates back to 1959, the President's Phouma, received more votes than any statement is totally silent about the other candidate.) 1959-61 period. This is understandable, since virtually every independent observer has condemned the subversive activities in Laos of the CIA and other US agencies during the period when Mr. Nixon was Vice President. A RAND Corporation report on Laos concluded, for example, that in 1959 it was not the pro-Communist Pathet Lao but the right-wing Sananikone government (which had been installed by US intrigue and was counseled by US advisers) that "precipitated the final crisis which led to war in Laos."

This "final crisis" followed a probe by a government patrol into the small but sensitive disputed area of Huong Lap on the North Vietnamese border, which had been governed as part of Vietnam in the days of the French. When the patrol was, predictably, fired upon, the government charged the North Vietnamese with frontier incursions and claimed that this was related to a planned insurrection by the Pathet Lao. It then obtained a vote of emergency powers from the Assembly, and soon ordered the two remaining battalions of the Pathet Lao to be integrated forthwith into the national army.

The Pathet Lao had previously (in November 1957) agreed to this integration, as part of a political settlement in which they received two Cabinet posts and were permitted to participate in elections for specially created seats in the National Assembly. In this election the Pathet Lao and their allies (the party of left-leaning neutralist Quinim Pholsena) obtained 32 percent of the votes and thirteen of the twenty-one contested seats, showing that they had grown considerably in popularity in the four years since the 1954 Agreements. (Prince Souphanouvong, the Pathet Lao leader and half-brother of

Arthur Schlesinger, Jr., in *A Thousand Days*, has recorded the response of the US to the election:

Washington decided to install a reliably pro-Western regime. CIA spooks put in their appearance, set up a Committee for the Defense of National Interest (CDNI) and brought back from France as its chief an energetic, ambitious and devious officer named Phoumi Nosavan. Prince Souvanna, who had shown himself an honest and respected if impulsive leader, was forced out of office [by a withholding of US aid and CIA encouragement of a parliamentary crisis, allegedly through the use of bribes]... a veteran politician named Phoumi Sananikone took his place.

The Pathet Lao were then excluded from the new Cabinet approved on August 18, 1958.

In May 1959 one Pathet Lao battalion refused, understandably, to be assimilated under the new right-wing government, and it decamped to a valley on the North Vietnamese border. The Sananikone government then declared that the Pathet Lao had committed an act of open rebellion and that only a military solution appeared possible. It thus by its own actions deflected the Pathet Lao from the role of political opposition into a military insurgency for which it was poorly prepared, and hence it was forced increasingly to depend on North Vietnamese support. (By 1969 this included regular units of the North Vietnamese army.)

In August 1959 the government itself received a large increase in US military support by claiming, falsely, that it had been "invaded" by a North

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**Correction**

Members of U.S.-financed mercenary forces in South Vietnam reportedly get no financial assistance beyond a \$200 payment if they are disabled in the line of duty. Because of mechanical error, a story in yesterday's Washington Post stated that these forces can expect further assistance.

## AIR AMERICA: ANYTHING GOES

It doesn't pipe Mantovani into its cabins, dress stewardesses in colorful Puccini or serve *bœuf bourguignon* on any of its flights. And yet Air America is one of the largest U.S. airlines, ranking behind National and ahead of Northeast in the number of its planes and personnel. Air America can afford to be indifferent to the extras provided by other airlines because it has only one customer to please—the United States Government—for which it performs a wide variety of services connected with the American military involvement in Southeast Asia. As a rule, these services go unpublicized. Recently, however, Air America came into the spotlight when it flew several hundred Thai troops into Laos to help the CIA-sponsored "secret army" of Gen. Vang Pao defend the outpost of Long Cheng from Communist attack.

Although in practical terms it is an operating arm of the CIA, Air America is owned by a private aviation-investment concern called Pacific Corp. Its managing director and chief executive, a large, affable man named George Doole Jr., laughs heartily when questioned about dealings with intelligence organizations—but hedges his answer. "I don't know all of our customers' private business and relations," he said last week. "So help me, that's a fact." But while that may be so, Air America's motto, "Anything, Anytime, Anywhere—Professionally," suggests the company plays by rather free-wheeling rules.

"I guess we carry about everything except bombs under our wings," says Air America Saigon manager E.J. Theisen. And in fact, the range of the company's activities almost lives up to its motto. CIA agents working in the Phoenix program—

a campaign to ferret out Viet Cong operatives in South Vietnam—fly Air America when they need to move a high-level prisoner. Green Berets use the airline to carry supplies to Montagnard mercenaries. And according to Theisen, even the U.S.'s supersecret Special Operations Group in Saigon, which works almost exclusively behind enemy lines, relies on Air America for some of its transport needs within South Vietnam.

**Contract:** At present, though, the bulk of the line's work is in Laos, where it drops tons of rice to Meo tribesmen under a contract with the Agency for International Development, carries troops to the front and evacuates refugees. But when it comes to discussing operations behind Pathet Lao lines, only miles from the North Vietnamese border, Vientiane manager James Cunningham Jr. is not giving away any secrets. "We operate on a you-call, we-haul basis," he said. "We don't go into details."

For its varied operations, Air America uses a fleet of some 150 planes—mostly unmarked twin-engine Vo'par Beechcrafts and Swiss-built Pilatus Porters. Its 600 pilots, many of them Vietnam veterans, make as much as \$25,000 a year—and earn every penny of it. Under all kinds of weather—and often under fire as well—they fly into remote jungle airstrips no bigger than football fields and wear thick gold bracelets which they can barter for food and medicine in case of forced landings in remote regions. But in spite of the risks they take, the pilots are rarely the daredevil Steve Canyons one might expect. "They're in it for the money," comments one old Asian hand. "These guys all read Barron's for stock-market tips."



STATINTL

# USIA Puts Tight Lid On Its Vietnam Polls

By GENE OISHI

(Washington Bureau, of The Sun)

Washington, April 4—The Vietnamese are "the most polled and researched people in the world," says a former official of the United States Information Agency, but there is but scant evidence of that research in the agency's public files.

The retired official, who was stationed in Saigon during the late 1960's, said the USIA took weekly readings of Vietnamese public opinion, in addition to special "flash polls" on any significant occurrence.

The USIA also had access to the results of surveys taken by Vietnamese agencies—usually directed by the Central Intelligence Agency. It also "piggy-backed" questions on polls being taken by private organizations, with the USIA paying for part of the survey cost.

## Only 3 Surveys Turned Up

Yet a search of the USIA's public files turned up only three surveys taken in Vietnam. One dealt with the use of the mass media by university students in Saigon and another with "users' reaction" to the USIA's library in Saigon.

A third showed that Vietnamese University students were generally well disposed towards the United States. That survey was taken in 1959, when U.S. involvement in Vietnam was minimal.

The agency appeared only a little less reluctant to make public polls taken in other countries about U.S. involvement in Vietnam.

A survey of the Far East taken in March, 1964, showed that the vast majority of Asians were unaware of or had no opinion about U.S. policies in Vietnam. Among those who were aware and had opinions, the United States policies got good marks in Bangkok, Kuala Lumpur and Manila.

## Adverse To Policies

In Japan and Singapore, public opinion was adverse to U.S. policies in Vietnam.

The only other such polls that have been made public were taken in Western Europe.

One showed that the United States' image as a peaceful nation dropped sharply there in 1965, when the U.S. first committed combat troops in Vietnam.

Two other polls showed that public support in Western Europe for U.S. actions in Vietnam fell sharply again between February and May of 1967. That was a period in which there was a sizable build-up of the U.S. war effort, both in the commitment of troops and bombing of North Vietnam.

## Opposition Heavy

During that period, public support of U.S. actions in Vietnam was cut almost in half in France, Germany and Italy and substantially reduced in Britain, to a point where opposition to U.S. policies was heavy in all four countries.

The biggest opposition was in France, where 71 per cent of those polled said they opposed U.S. actions in Vietnam, while only 8 per cent approved. In West Germany, 55 per cent opposed U.S. actions and 20 per cent approved.

The United States got the most support in Great Britain. But even there, 43 per cent of those who had an opinion said they opposed U.S. actions in Vietnam while 32 per cent said they supported U.S. actions.

## Poll Results Withheld

The USIA has not made public the results of any subsequent polls on world opinion toward U.S. policies in Vietnam.

It refused last month to give any information whatever to the Senate Foreign Relations Committee on polls taken anywhere.

A USIA official said the agency is supplying the committee with Vietnam poll information, but only on the basis that it be kept confidential.

According to USIA policy, all poll results are supposed to be made available to the public two years after they are taken, unless national security is involved.

Among other reasons, national security would be involved if the release of poll results would "embarrass the host country and affect its relations with the United States," or "embarrass" a third country and affect its relations with the host country, according to the USIA.

## Criterion Dropped

The USIA said that at one time national security was thought to be involved if the release of poll results embarrassed the polling organization. That criterion was dropped, but even now the USIA does not identify the polling organizations doing work for it.

The USIA spends about \$360,000 a year on surveys and estimates that it has taken about 600 of them since the agency was created in 1953. When asked for its complete file of declassified polls, the USIA produced 401 surveys. But a spokesman said a large number of polls taken during the agency's early years might be missing from the four-foot-high stack.

There seemed to be little doubt that the USIA is keeping confidential most of its polls taken in Vietnam. But according to one former USIA official, who was in the top echelon of the organization, the agency actually cut back sharply on opinion polls taken elsewhere about Vietnam during the late 1960's.

said he still had "an open mind" on the subject. Then he voted for Haynsworth's confirmation.

Smith is not fond of discussing the subject. Again, he says he was misquoted and misunderstood. [The high school debater in him still doesn't communicate with newsmen.] It is obvious that he was apprehensive about the mood of his home state following the recent scandal in the Illinois Supreme court.

It has been rumored that Smith was erroneously informed that Nixon was going to withdraw Haynsworth's name. The rumors cannot be substantiated, but he did try to contact the President several times before calling his fateful press conference. The President, as many congressmen have discovered, could not be reached. When he could, it was too late and too bad for Smith.

He has denied that the President pressured him into his affirmative vote, but it is obvious that Nixon exerted his executive influence on every senator he thought could be budged. Smith does not deny that he was greatly influenced by a heap of mail, most of it angry and nearly all of it demanding that he vote for Haynsworth's confirmation.

But the Haynsworth incident occurred early in the game, and Smith is still out there running around with the ball. He has learned to maneuver most adroitly; it was a significantly different Smith who attacked the Democratic-sponsored tax reform bill.

Sen. Albert Gore [D., Tenn.] introduced an amendment increasing individual tax exemptions from \$600 to \$800. His fellow Democrats called it an advantage to the taxpayer. Smith called it a fraud.

He noted that while the amendment increased the individual exemption, it cut the tax bill's proposed basic deduction from \$2,000 or 15 percent down to \$1,000 or 10 percent. Also, he said, it removed other possible deductions to the point where anyone earning between \$6,000 and \$15,000 a year would pay more taxes than before.

The Gore amendment lost and was replaced with one that increased individual exemptions by \$150 over a period of years and left the deduction provisions just as they were.

But altho Smith has many admirers in Washington, his political fate is about to fall into the hands of the voters. By law his appointment is temporary. If he is to serve out the four years remaining in Dirksen's term, he must run for reelection—first in the March 17 primary, then in the Nov. 5 election against Adlai Stevenson III.

Should he lose, it could be the last the political world sees of the Senator. Certainly it would be an irrevocable termination of his school boy dream. Should he win, he will be provided a future in which to dream further. Perhaps he will ascend to the power and influence of his predecessor, perhaps even to a "higher office." I once asked him if he would like to be Vice President. He replied automatically that his place is in the Senate, but when he did so he grinned.

The odds are against him, but, characteristically, he is confident. There is a bit of the cocky kid in this, the small town boy in knickers who went up to the blackboard and tossed the chalk into the air.

But then, the small boy solved the equation.

#### TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, last week, several news stories appeared which cast new light on the case of Tran Ngoc Chau. These stories, apparently obtained within the executive branch, raised serious questions concerning the role of our Saigon Embassy in the Chau affair.

I urge that Senators read these articles, and I ask unanimous consent that

they be printed in the Record at the conclusion of my remarks. They were written by Mrs. Flora Lewis of Newsday, Mr. Murray Marder and Mr. Robert G. Kaiser of the Washington Post, and Mr. James Doyle of the Washington Evening Star.

On Saturday, Mr. Tad Szulc of the New York Times reported that "administration sources" had acknowledged the substance of the earlier stories, including the fact that the Embassy had delayed from December 22 to February 7 in intervening with the Thieu regime regarding the Chau case. I ask unanimous consent that Mr. Szulc's article also be printed in the Record.

The more we have learned about the Chau case the more deplorable and significant it becomes. I would hope that the administration and the Senate would give serious thought to the implication of the case as presented in the articles mentioned.

Our Embassy in Saigon appears to have misread and misinterpreted President Thieu's motives at every point in the Chau affair. At no time does the Embassy appear to have concerned itself with the substance of the case. Instead, the Embassy seems to have been obsessed with appearances and the maintenance—at any price—of good relations with the Thieu regime.

One may well ask, toward what end are we so solicitous of Thieu? He has corrupted the constitution we are supposed to be defending and he is prosecuting an anti-Communist Vietnamese nationalist for espousing views on ending the war which appear to be closer to President Nixon's than President Thieu's are. Perhaps this is the answer. If it is, how great a veto power does the administration intend to give President Thieu over matters affecting how the war is to be ended? What price do we pay to maintain Thieu in power? It is time this was made clear to Congress and to the American people.

It still may not be too late for the administration to salvage something from the Chau affair. The Vietnamese Supreme Court has already ruled that the original petition used to prosecute Chau was illegal.

Appeals on two other critical points in the case are still before the court. If the court also rules against the government on these remaining points there will no longer be any vestige of legality in Thieu's actions. Should the court rule against Thieu but refrain from ordering Chau's release out of fear of a direct confrontation, it will not detract from the fact that Thieu has acted illegally throughout.

The U.S. Government has every right to tell President Thieu that we expect him to observe all the provisions of the Vietnamese constitution, not just those which he chooses to observe. If it should be argued that this would constitute unwarranted intervention in Vietnamese internal affairs, then it would follow that there is no basis whatsoever for our involvement in every other aspect of Vietnamese internal administration.

We are told that the war in Vietnam is being fought to allow the Vietnamese people the opportunity to determine their

own future. Presumably this implies that they should have the protection of a political system which guarantees individual rights and political freedoms.

In this respect I would mention a very pertinent statement, reported in the March 27 New York Times, made in the course of the court martial proceedings of a young American Army officer accused of murdering a Vietnamese civilian. According to the Times, the assistant trial counsel said:

What the hell are we fighting for here anyway? . . . We are fighting so that the people here can have the same rights we do—so that a man cannot be tried, sentenced, and executed by one other man. If we didn't believe these principles we wouldn't be here.

The parallel to the case of Tran Ngoc Chau is obvious.

Finally, there is the matter of official acknowledgement of our Government's prior dealings with Chau. In a press conference following Chau's trial, a minister of Thieu's government had the temerity to say that prosecution might have been averted if the Embassy had confirmed its relationship with Mr. Chau. While I would not believe this for a minute, there is no reason why the public record should not be set straight. The embassy and the Thieu regime already know the truth of the matter.

**THE PRESIDING OFFICER.** Is there objection to the unanimous consent requests of the Senator from Arkansas?

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 27, 1970]  
**OFFICIALS SAY BUNKER DELAYED CHAU PLEA**  
(By Tad Szulc)

WASHINGTON, March 26.—Administration officials acknowledged today that despite instructions from the State Department, Ellsworth Bunker, the United States Ambassador in Saigon, had delayed in pressing for dismissal of criminal charges against Tran Ngoc Chau.

Mr. Chau, a member of the National Assembly, was sentenced on March 5 to 10 years at hard labor on charges of maintaining contacts with North Vietnam through his brother, Capt. Tran Ngoc Hion, who was sentenced last year as a spy for North Vietnam.

In response to questions, Administration officials confirmed reports from congressional sources that Under Secretary of State Elliot L. Richardson sent cablegrams to Mr. Bunker last Dec. 22 and again on Feb. 7 instructing him to intervene directly with President Nguyen Van Thieu to urge him to drop the charges against M. Chau. The deputy had supplied to United States Embassy and intelligence officials, information on Communist intentions.

The officials also conceded that Mr. Bunker took up Mr. Chau's case with President Thieu on Feb. 10, after criminal proceedings had already begun in a Saigon military court. Mr. Chau contended in his trial that his meetings with his brother had taken place with the knowledge and backing of the United States Embassy.

#### EARLIER REPORTS

A detailed article on Mr. Bunker's position, and on the reported dispatch of the two cablegrams from Mr. Richardson to Mr. Bunker in Saigon, appeared today in The Washington Star.

Earlier this week, Flora Lewis, a syndicated columnist, wrote that Mr. Bunker, acting to protect President Thieu, had suggested mak-

Stamford (Connecticut) "ADVOCATE"  
3 April, 1970

## Duffey Asks South Asian Role Of CIA

WEST HARTFORD  
(AP) — Maintaining that "the American disaster in Vietnam has shown the dangers of secret governmental activity in unstable nations," Joseph Duffey called Thursday for a Senate investigation of the Central Intelligence Agency's role in Southeast Asia.

Duffey, national chairman of Americans for Democratic Action, is also a candidate for the Democratic U.S. Senate nomination.

Duffey said the investigation is needed "to confirm or dispel allegations that CIA operatives played a role in a recent coup resulting in the ouster of Cambodia's Prince Sihanouk."

"The future of all Americans is affected by CIA operations in this and other sensitive areas of the world. The American people no longer can permit these activities to proceed in total secrecy, free of restraint by public or Congressional opinion," Duffey said.

Duffey also asked that the investigation look into the "veiled activities, both past and present, of the CIA in Vietnam."

"The American people," he said, "need to be told the full story behind our tragically-misguided policy in Vietnam and its neighboring countries."



2 APR 1970

# CIA-Type Saigon Unit Center of Controversy

## Critics Say Phoenix Committee Program Involves Americans in Assassinations

BY GEORGE McARTIUR

Times Staff Writer

SAIGON — When 20-year-old Nguyen Thanh Lei left her home in the Mekong Delta, she left behind a photograph—the portrait of a pretty girl with pensive eyes, delicate hands and hair worn long in the traditional manner.

That portrait now appears on a police poster above the bold-faced caption: "Nguyen Thanh Le, alias Dan Huyen, born 1950 in Phuoc Hiep, Mo Cay. Sapper cell chief, Communist armed security section, Ben Tre province."

"All troops, police and civil servants should watch for this dangerous Communist cadre who has organized many acts of terror in the city by planting mines and explosive charges, killing more than 100 innocent civilians."

Signed by the Phoenix Committee of Kien Hoa province, the wanted poster uses standard police terminology. There is no cloak-and-dagger ring to it. Many thousands of similar posters are nailed up in police posts, military camps and government offices throughout South Vietnam.

### Visible Aspect

They are the most visible aspects of the controversial program launched two years ago to root out the high and low members who form the vital backbone of the Communist movement in South Vietnam.

The chances are roughly one in three that Nguyen Thanh Le will be "neutralized" this year, either by surrendering or by being swept up, dead or alive, by the police or military forces of the Saigon government. On paper, the credit will be given to the Phoenix program whether it

actually had anything to do with her "neutralization" or not.

This statistical numbers game, which obscures what the Phoenix program actually accomplishes, plus the clandestine flavor it inherited from its Central Intelligence Agency parentage, are at the heart of the controversy.

On one extreme, critics say the program is involving Americans in distasteful and stealthy assassinations best left to the South Vietnamese, if necessary at all.

### Both Charges Denied

On the other extreme, some say that the cloak-and-dagger image is ridiculous and that the whole program is so wasteful and inefficient no self-respecting spy would have anything to do with it.

Those American advisers within the program naturally deny both charges.

"I never ordered anybody killed in all my life," complained one young Phoenix adviser in a hot and dusty provincial police compound.

He explained that his role was mainly to sit in the middle and pass on information among a dozen or so South Vietnamese agencies—each so suspicious they frequently will not talk to one another.

This is a widespread situation among the 450 American advisers at provincial and district levels. Many say that the South Vietnamese technically could handle the whole program right now but that it would actually come to a standstill if the Americans were removed because much information would freeze up.

"If you are a Vietnamese, you are not going to blow the whistle to another Vietnamese about a lot of things you would ac-

tually like cleared up," one American said. "They feel safe in telling us because we will protect them and at the same time see that the information gets used."

As for killing people, the official position is that no Americans accompany the South Vietnamese forces on actual operations. Such instructions from Saigon, however, occasionally get ignored down at the district level but this seems to happen infrequently.

### 'Unavailable' Figure

Just how many Communist agents have been killed by the clandestine side of the program is a figure that is somehow "unavailable" in the welter of otherwise freely available statistics in Saigon.

An unofficial but probably reliable estimate is that about 900 Viet Cong Infrastructure (VCI) were killed last year in operations by South Vietnamese police forces operating directly under the Phoenix mantle.

Officials claim that as-

sassinations as such are never scheduled. The aim is always to get the selected victim back alive if possible. Since such "snatch" operations usually take place in contested or Viet Cong controlled areas shooting quite frequently breaks out.

If the victim turns up dead as a result of this,

one source said, wryly, that is regrettable but it is not intended.

Available statistics show that in 1969, the Phoenix program (called Phung Hoang in Vietnamese) was credited with "neutralizing" 19,534 VCI.

Of these, 6,187 were killed, 8,515 were captured, and 4,832 surrendered or defected.

While these figures are impressive, they are also questionable. They include every positively identified Communist agent killed, captured or otherwise "neutralized" by any means. If a dead Viet Cong was found on a battlefield after an air strike and papers on the body identified him as a Communist Party cadre, he was put down on Phoenix statistics. If an agent who had never even heard of the Phoenix program surrendered, he, too, was listed.

"Somebody has to keep books on the VCI and we get the job," one explanation goes. "If we don't, nobody will."

At the same time, however, officials say there is no breakdown on how many VCI are actually "neutralized" by the Phoenix program itself. This is the official reason that no figure on those killed in Phoenix operations is available.

The best estimate, however, is that the Phoenix program itself accounts for only about 15%

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continued

## CIA Capers

COMPETITIVE INTERFERENCE AND 20TH CENTURY DIPLOMACY. By Richard W. Cottam. University of Pittsburgh, 1967.

THE CIA HAS BEEN back on the front pages lately with tales of its full-scale "secret army" in Laos and its role in the assassination of a suspected Vietnamese double-agent. These are the exploits which capture the headlines while at the same time tending to mystify and obscure the critical and integrated role which covert action has come to play in the formulation and execution of American foreign policy.

Now, a recent and relatively unknown book by a political scientist who appears to have had some intimate associations with the CIA allows us to detect more clearly than ever before some of the overall strategic notions which inform these CIA maneuvers. From insights developed during two years of service at the American Embassy in Iran—and most likely, therefore, with the CIA—Richard Cottam, now a professor at the University of Pittsburgh, has come up with a theoretical model intended to help the U.S. government manipulate more effectively the politics of foreign countries.

With what appears to be a combination of personal bitterness and academic arrogance, Cottam's study argues that the thrust of U.S. competition with other powers "whether recognized as such or not, is to be found primarily on the levels of political warfare, economic warfare, and psychological warfare." His central complaint is that the government, particularly the CIA, is not sophisticated enough to successfully use these tools to influence global political trends in "a direction favorable to Western objectives." Obsessed with the need to insure America's long-run hegemony in the world, Cottam offers his solution to what he regards as the dangerous lack of a focused long-range strategy for American foreign policy.

Radicals should treat his book as a captured enemy document, offering, as it does, a glimpse into the tactical arsenal of covert action strategies and big power political engineering. Although his concepts are camouflaged by the elusive and dense jargon that typifies political science, the academic "cover" for this scholarly policy memorandum is thin and digestible.

COTTAM'S ARGUMENT centers around the need for continuing U.S. interference in the internal affairs of countries around the globe. He makes short work of those fuzzy-headed politicians who use "ethical" arguments to avoid the realization that the protection of U.S. interests requires more than simply a policy of intervention in moments of crisis. "Overturning a regime is the easy part of political engineering," he writes. "Creating a stable, popular, and ideologically compatible regime is infinitely more complex and seems at this stage to be beyond the theoretical competence of the United States. Yet the probability remains that the United States will be increasingly involved in operations that can be described as competitive interference and that a failure to perform well in these operations could be decisive."

Developing the competence necessary for such a task, says Cottam, requires a new and more systematic approach to policymaking. First, he calls for institutional changes to allow a more effective integration of covert and overt diplomacy. Once the institutional apparatus is

in order, Cottam would have it make use of systematically developed "situational analyses" to guide the shaping of strategy. Present bureaucracies, he says, are unable to produce usable objective studies; as a result, strategists are crippled by reliance on distorted intelligence and simplistic policy options. Cottam proposes to remedy this by making greater use of academic and non-academic specialists who "need not necessarily understand the manipulation potential of their work."

More specifically, he states: "The suggestion here is that the academic area specialist can play a significant role in the policy formulation process without departing from his scholarly standards and without becoming involved in specific policy recommendations. The role he can play is that of constructing situational analyses that have operational relevance. But in most cases that relevance will not be apparent to the lay reader."

The "situational analysis," which avoids the sterility of most ideologically loaded, cold war-infected area studies, aims at diagnosing strategic institutions and members of the political elite in the "target" country. In the dry language of political science: "The type of operational

proposed here calls for a tightly constructed frame within which attitudinal and perceptual trends can be categorized and evaluated." Cottam's home, of course, is to introduce techniques to improve the administration and control of the American empire.

Cottam argues that the long-range goal of preserving American hegemony requires a well-balanced strategy, oriented primarily towards "the greatest possible effect in altering long-term trends in a direction consistent with policy objectives." This notion of trend alteration is paramount; it involves "reinforcing some trends, redirecting others, and reversing some." The trends which Cottam sees as significant in this respect are: (1) Trends in power potential rating; (2) Trends producing or encouraging mass participation; (3) Trends in elite relationships, public, political and bureaucratic; (4) Trends in relevant sections of elite and mass value systems, perceptions and attitudes.

These are the categories of information needed by policymakers in order to successfully influence developments in any given country or area.

COTTAM BELIEVES THAT the significance of U.S. power must be evaluated in terms of its leverage over specific issues or areas. Effective diplomatic strategy can have many faces: a passive lever might be a threat; a more active one could range from the withdrawal of aid or, failing everything else, to direct military intervention. This type of approach provides a precise way of estimating the target country's "tolerance for interference," as well as helping to measure U.S. impact. Such a leverage system allows policymakers more control over their own machinery and minimizes the possibility of working at cross purposes with other agencies or policy objectives.

It is this thinking which leads Cottam to criticize the war in Vietnam. He believes in the need for intervention but thinks that in this case the government has made a mess of it. In his view, the correctness of "any one intervention must be determined in the context of our global objectives. "The impact of American policy in Vietnam on every other aspect of American foreign policy," he writes, "has been so great as to threaten a systemic change." And that is frightening to one whose basic objective is to defend and rationalize an international status quo.

# Back-of-the-Book

## The New Empire: A Star-Spangled Bummer

INTERVENTION AND REVOLUTION. *By Richard Barnet. New American Library, 1968. \$6.95. Meridian, 1969. \$2.95.*

THE ROOTS OF AMERICAN FOREIGN POLICY. *By Gabriel Kolko. Beacon, 1969. \$5.95.*

THE AGE OF IMPERIALISM. *By Harry Magdoff. Monthly Review, 1969. \$1.95.*

V IETNAM, LIKE THE battle of the Alamo, is history. Scholars are already hard at work probing its warm entrails for lessons; books and conferences warn against future Vietnams. "Remember the Bay of Tonkin" rallies the troops for Fulbright's guerrilla raids on presidential power, while the future diplomatist somewhere on the edge of a university sit-in wonders, "What can we learn from this disaster?"

Every expert has his answer. For some, Vietnam was simply the wrong war in the wrong place. For others, it was Lyndon Johnson's arrogance of power. Liberal sophisticates, like Atlantic Editor Irving Kristol, even admit to a new imperialism. But, like the Cold War Liberals who earlier defended the nuclear arms race, the new Crackpot Realists fully accept the notion of "global responsibility," of "the inevitable burden of a great power." The experts, as Richard Barnet laments, seem to have learned from Vietnam only that we never should have fought in Vietnam.

Amateurs at foreign policy—those who people the Moratorium and block campus doorways to Dow recruiters—know better. Lacking "sophistication," they never learned to escape the similarities in Washington's responses to the Dominican Republic, Cuba and Vietnam. Looking back to the first post-war intervention in Greece, they see that Washington has continually sent military or paramilitary forces into other countries, either to fight popularly backed guerrilla movements or to

overthrow recalcitrant governments. According to Barnet's count, the U.S. managed to bat out these interventions on the average of one every 18 months. AID missionaries, university scholars and CIA agents put the intervention on a daily basis. National Guardsmen in urban ghettos and on college campuses have brought the pattern home.

Recognizing that a pattern exists, however, doesn't tell us its cause. If Vietnam is not an isolated mistake, what does lead the United States to intervene and how can we put an end to this pattern of aggression?

Two distinct camps within the anti-war movement have produced two very different answers. One camp, well represented in the liberal analysis of Richard Barnet, blames America's two, three, many Vietnams on Cold War anti-communism and the drive for power within government bureaucracies—military and civilian. The second, more radical camp, whose intellectual spokesmen include Gabriel Kolko and Harry Magdoff, hits out at either the political dominance of big business or at the inevitable thrust of America's big business economy. To date, the liberal attack on "the bureaucracy," aided by Wall Street's well-publicized peace rallies, has proved the more persuasive. But if people take time to compare the arguments of these three books, the radicals are likely to win some new adherents.

A FORMER STATE DEPARTMENT official and now co-director of Washington's loyal oppositionist Institute for Policy Studies, Richard Barnet lays America's interventionist policy at the feet of the National Security Managers—those officials in the State Department, Pentagon, CIA and the White House who manage U.S. foreign relations. Looking at over-all foreign policy rather than simply military strategy, Barnet differs with run-of-the-mill Pentagon-baiters. But like them, he sees the cause of intervention in "the bureaucratic compulsion to control as

much of the world as possible." He contends that the (chiefly civilian) national security bureaucrats intervene because they view Third World revolution as part of the Cold War with China and Russia.

Barnet challenges their Cold War myopia in terms that were already gaining popularity in the early part of the Kennedy Administration. By now his critique is something of a conventional wisdom, sustained by Russian passivism in the Third World, the possibilities of a new "open door" in Eastern Europe, and the recent wave of anti-militarism at home. According to this view, revolution in the less developed countries is neither an export of "International Communism" nor a threat to our national security. "Beyond the reach of the Red Army," says Barnet, "the Soviets soon abandoned the idea of exporting revolution. Indeed, a principal function of the Comintern was to cool revolutionary zeal where such activity would embarrass the Soviet government in its relations with other states."

Contrary to what Chairman Mao writes, Stalin steered the Chinese Communists into an early alliance with Chiang Kai-shek's Kuomintang and, consequently, into the Shanghai Massacre of 1927. The Great Russian Leader pushed similar "revisionist" policies in Turkey, Iran, Indonesia, Spain and Greece. Those revolutionary movements that did take root, Barnet concludes, grew less out of this barren internationalism than out of the oppressive conditions of the countries in question.

Barnet's concern is that our National Security Managers, blinded by their Cold War anti-communism, are actually encouraging the oppressive conditions that feed revolution—especially when their strategy calls for intervention. But Barnet only shows why the National Security Managers should not intervene. He never explains why they do, except by pointing to their mistaken view of the world. Rather than a series of unrelated mistakes, then, America's

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## THUNDER OVER THE POTOMAC

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At Great Falls, a few miles above the Nation's capital, the Potomac is a narrow shining ribbon of water twisting and winding between its palisades as seen from 20,000 feet. It is here that the great procession of mighty thundering jetliners begin their descent as they head toward National Airport. It is challenging to a pilot to keep in the narrow twisting corridor above the river, where he is required to remain because the thundering roar of his aircraft is unwelcome to the residents of the District of Columbia and Virginia on the land below. Apparently the residents of Georgetown in the District of Columbia have more political influence, for as a result of their complaints pilots make sure that when they stray from over the river, it is on the Virginia side. As the planes thunder over Langley, Va., passengers look out upon the roof of a tremendous office complex, a massive white building with two gigantic bean-shaped parking lots--the imposing headquarters of the Central Intelligence Agency (C.I.A.).

## MYSTERY FOR A SHROUD

Intelligence is generally thought of as a cloak and dagger hush-hush business, shrouded in mystery, and much is made of how secret the C.I.A. operation is. But the iceberg has a big tip--the building in Langley, the recruiters on college campuses, and operations such as the U-2 overflights of Russia, and the Bay of Pigs invasion of Cuba.

Most people recognize the need of governments for accurate intelligence, necessary for the protection of their nationals. Things that are really subject to question by the layman are the concept of this operation being a world wide network, computerized, and mass-produced with a massive bureaucracy, and the quality and orientation of the personnel involved. Of course, the size of the budget to sustain all this should be a justifiable question for taxpayers. This is particularly important as the budget of the C.I.A. is secret--even the Congressmen who vote the funds are not supposed to know the amount of the agency's budget. The allotments are concealed in appropriations for other agencies of government. If, however, the C.I.A. gets the reputed amount of \$4 BILLION a year, and this amount can be hidden in the budget, it would certainly cause taxpayers to wonder if the federal budget is not leakier than the New York City water system.

One thing is certain--anybody who recruits on college campuses should know what he is hiring--for the students who get honors these days are those who please their

STATINTL



Joseph Kraft

## General Diplomatic Accord Needed to Prevent Asia War

YOU CAN'T BEAT something with nothing even in Southeast Asia. So the myriad local forces working to widen the war there will win the day again unless there is developed an alternate course of events.

The obvious alternative is to move in the Geneva conference for a general diplomatic settlement covering Vietnam, Laos and Cambodia. And fortunately that approach is now being pushed in Washington.

Of the forces working to widen the war, the most important are the North Vietnamese. Their central political purpose is to create in South Vietnam a friendly regime, free of support by outside troops and disposed toward eventual unification. Hanoi is not making any progress in that direction at the Paris peace talks. Opinion in this country has ceased to generate irresistible pressure for peace. And Gen. Creighton Abrams' spoiler tactics impose on Communist military action in South Vietnam a cost Hanoi is not prepared to pay.

Instead the North Vietnamese have found cheaper ways to maintain military momentum and keep pressure on the United States. They moved thousands of troops into Laos and mounted a major attack there. More recently another cheap shot became available when a right-wing coup overthrew Prince Norodom Sihanouk in Cambodia. So the North Vietnamese, who had long used Cambodia as a base, went on the attack there too.

HANOI'S INSTINCT for widening the war is shared with a vengeance by the regime of President Nguyen Van Thieu in Saigon. President Thieu's first interest is to try to deal the Communists a crushing military blow. His second is to keep American troops on the scene as long as possible.

His third is to maintain the state of tension that justifies the repression he uses to keep the regime in power.

All three of these interests are served by military engagement with the North Vietnamese. And the best place for fighting the North Vietnamese is to hit them at their bases in Cambodia. Indeed the most prestigious military man in South Vietnam, Gen. Cao Van Vien, has long claimed he could win the war if he was allowed to take a bit of Cambodian territory.

So it was no surprise that the South Vietnamese stepped up their Cambodian border operations immediately after the coup in Pnom Penh ousted Prince Sihanouk. Indeed, suspicious persons pleased to believe that coup was arranged from the outside would do far better to direct their inquiries to the Saigon government than to the Central Intelligence Agency.

Not that all Americans are so opposed to a little widening of the war. Ambassador Ellsworth Bunker and some American military commanders on the spot conceive that their mission is to put in place a pro-American, a n t i-Communist regime. As part of that mission, they have long itched to cross over into Cambodia and hit the Communist bases there. They are not even particularly bothered by the prospect of slowing down the rate of American troop withdrawal from Vietnam, if that is necessary to help the Saigon government.

So it is natural, not surprising, that American forces aided South Vietnamese troops in some of their recent forays into Cambodia. And it is equally natural, not surprising that American officials in Saigon should be talking, in the light of recent events, about stretching out the schedule for winding down American force levels.

WITH ALL these forces promoting a wider and deeper war it takes some doing to contain the conflict. After all what led to the deep American involvement in the first place was these very same local conditions. American leaders did not, as sometimes alleged, want to get into the war. They were backed in by the thrust of events. They didn't have the wit and political courage to take the decisive steps necessary for staying out.

That is roughly the position of the Nixon administration at this time. Unless the President takes decisive steps to contain the war, the force of events will push him into a wider conflict.

Exactly what steps to take are not in doubt. The central fact is that there is now serious military action in Vietnam, in Laos and in Cambodia. The Geneva conference, set up in 1954 and reconvened in 1962, offers a forum that covers all three countries. It should plainly be called again to seek a general regional settlement. The more so as it offers a way to move beyond the Paris peace talks that are now deadlocked, and subject to revival only if this country abandons its past position by sending a new, high-level negotiator.

Suggestions that this country follow the Geneva route have been pushed inside the State Department and the Defense Department at the assistant secretary level. They have apparently been blocked by a political consideration—namely that to go to Geneva is to deviate from the Vietnamization line to which the administration has wedded itself.

But Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the

TIME  
30 MAR 1970**Strength in Purity**

Sir: TIME includes my name among U.S. sources who supposedly have stated that Tran Ngoc Chau reported meetings with his Communist brother "not only to other Vietnamese officials but also to the CIA" [March 9]. If you had checked with me first, I would have told you truthfully that I had no knowledge of Chau's meetings with his brother or of what he did about telling anyone of such meetings.

The direct quote attributed to me that Chau is "a very loyal, patriotic Vietnamese" is correct. It was my privilege to have known Chau when he was a province chief in Kien Hoa, later as the director of Revolutionary Development cadre training at Vung Tau, and then as an elected Deputy in the lower house of Viet Nam's National Assembly. He impressed me with the firmness with which he believed and followed the tenets of Confucian ethics in his public life, tenets that provide ideal guidance for a public servant in any human society.

In talks with me, as in his actions, Chau expressed a deep love of his country and his opinion that the Leninist system the Communists were trying to force on his fellow countrymen was a form of immoral slavery every man of good will must fight against. He was critical of some of the things done in the name of the Nationalist cause. He wanted it pure enough to gain the strength needed to win out over Communism and bring meaningful new life to the Vietnamese people.

**EDWARD G. LANSDALE**  
Major General, U.S.A.F. (Ret.)  
Alexandria, Va.

E - 345,675  
S - 581,591

MAR 29 1970

# Bunker Criticized In Jailing Of Chau

By RICHARD DUDMAN  
Chief Washington Correspondent  
of the Post-Dispatch

WASHINGTON, March 28—The United States ambassador to South Vietnam is in the midst of a controversy in Washington and Saigon over the prosecution of a member of that country's National Assembly.

Ambassador Ellsworth Bunker is being blamed by some officials here and in his embassy for letting the case run full course to the point where Assemblyman Tran Ngoc



Tran Ngoc Chau

Prosecuted Assemblyman

Chau has been sentenced to 10 years at hard labor.

The result is that the case is regarded as having damaged the institution of parliamentary immunity, weakened the role of the Vietnamese Supreme Court and severely rocked the structure of constitutional self-government that the U.S. has helped erect in South Vietnam, to the tune of much self-congratulation.

Texts of cablegrams between Washington and Saigon over the last few months show the rising concern on the part of the Department of State, as it prodded Bunker to protect U.S. interests in the case, over what appeared to be foot-dragging on Bunker's part as he seemed to give the government of President Nguyen Van Thieu the benefit of the doubt.

## Retirement Rumors

A Republican Senator, meanwhile, said that he had been informed that Bunker soon would retire. The Senator did not relate Bunker's reported retirement plans to the Chau case, but to the strains that the Saigon post have placed on the diplomat, who is 75 years old.

Chau, a former colonel who worked closely with the U.S. Central Intelligence Agency in the Vietnam pacification program, later was elected to the National Assembly and became its Secretary General, a position not much different from that of Speaker John McCormack of the United States House of Representatives.

As an able, independent-minded man who was looking for a political settlement of the Vietnam War, Chau incurred Thieu's disfavor. Most authorities agree that the Thieu regime could not survive a compromise political settlement with Hanoi and the Viet Cong.

The charge against Chau was that he had illegal and unreported contacts with a Communist agent from Hanoi. The agent is Chau's brother, Capt. Tran Ngoc Hien, who was ar-

rested in Saigon and testified that he was sent south in an effort to persuade Chau to defect to the communists.

Chau admitted seeing Hien, but said the contacts were with the knowledge and backing of the U.S. Embassy.

## Startles Guests

Political specialists at the Embassy are said to be convinced that Chau is neither a Communist nor is he pro-Communist. But Bunker startled his guests at an Embassy dinner party in December by saying that he knew Chau to be a Communist.

Among the guests at the dinner party was Dong Van Sung, leader of the government bloc in the South Vietnamese Senate and a strong anti-Communist. A move to lift Chau's parliamentary immunity and prosecute him began shortly afterward.

Last Dec. 22, Under Secretary Elliot L. Richardson sent a cablegram to Bunker instructing him to head off Chau's prosecution. Richardson made the point that Chau was considered loyal to South Vietnam and important to the interests of the United States. He said also that Chau's background was well known in the U.S. and that any attempt to imprison him for aiding the enemy would bring an adverse press reaction in the country and would damage support for President Richard M. Nixon's Vietnam policy.

Richardson told Bunker to "leave no doubt of our concern in the mind of President Thieu," and to point out that it would be harmful to U.S. interests if Chau was prosecuted.

# Of Chau

## Sends Assurances

Bunker interpreted the instructions as leaving him free to avoid seeing Thieu personally on the matter. After handling it through low-level subordinates, he reported back assurances that Chau would not be imprisoned, but might be prosecuted in absentia for seeing his brother.

The Ambassador cabled Washington also that Chau had called for a coalition government, which, he said, was "tantamount to advocating the Viet Cong's war aims."

This remark seemed to disregard the fact that Mr. Nixon had said that he would accept a coalition government in Saigon if the South Vietnamese people wanted it. Bunker had noted in a cablegram a year ago that Chau never had favored coalition in terms of membership of Communists in

the cabinet or executive branch, but only in the National Assembly.

Chau never was labeled a Communist in Bunker's cables, informed sources say. Nor does Thieu really consider Chau, his old friend and former roommate in military service, a Communist. Thieu is said to have told Bunker that he had to prosecute Chau so that the generals and other strong anti-Communists would not think he was leaning toward the idea of coalition.

Chau's conviction has had a much broader effect. It has been regarded as a signal to all South Vietnamese politicians that any moves in the direction of political accommodation with the enemy to end the war could mean prison.

Chau's prosecution was first thought to require the lifting of his immunity. When an effort on the National Assembly floor failed to get the necessary three-fourths votes, Thieu's agents began circulating a petition, a move of dubious constitutionality.

## Reports of Bribery

While Bunker was assuring Washington that Chau would not be imprisoned, others in his own Embassy were reporting that Thieu seemed to be planning investigations against the Assemblyman. They said also



28 MAR 1970

## U.S. Is Said to Have Blocked Visit by Chau, Thieu Foe

By TAD SZULC

Special to The New York Times

WASHINGTON, March 27—

The United States blocked a visit here by a South Vietnamese Deputy, Tran Ngoc Chau, last summer after the embassy in Saigon had advised that his trip would displease President Nguyen Van Thieu, authoritative quarters said here today.

This decision by the State Department came according to highly placed informants, at the time when President Thieu began the pressure against Mr. Chau that led to his arrest and trial three weeks ago, when he was sentenced to 10 years at hard labor.

The charges against Mr. Chau in a Saigon military court were that he maintained illegal and criminal contacts with his brother, a North Vietnamese intelligence captain, Tran Ngou Hion, despite secret information conveyed to the Saigon Government by a high-ranking American official in July, 1969, that Mr. Chau had acted with the knowledge and approval of the United States Embassy and the Central Intelligence Agency.

### First Move Last Summer

As reconstructed from Administration, Congressional and other sources here, the first effort by Mr. Chau's American friends to save him from prosecution by the Thieu regime, which regards him as a political foe, came last summer when it was first recognized that he was in danger of arrest and trial.

John Paul Vann, chief of the Rural Pacification Program in

the Mekong Delta, testified at a closed session of the Senate Foreign Relations Committee last month that he had presented "in detail" the background of Mr. Chau's association with the United States Government at a meeting in July, 1969, with Tran Thien Khiem, who was then Deputy Premier and now is Premier.

Mr. Vann testified that he informed Mr. Khiem of Mr. Chau's status with the authorization of his immediate superior, the Deputy Ambassador, William P. Colby.

The United States Government has not, however, publicly conceded that Mr. Chau was acting in concert with American political and intelligence officials.

Mr. Vann's testimony before the senate foreign relations committee was heavily censored by the State Department and was returned to the committee this week pending a decision on its release.

### Bunkers Role Revealed

Mr. Vann's testimony, according to senatorial sources, also touched at length on the alleged delays by Ellsworth Bunker, the United States Ambassador in Saigon, in carrying out instructions from the State Department to intervene in favor of Mr. Chau.

At about the time Mr. Vann conferred with the Deputy Premier, a number of Mr. Chau's American friends in South Vietnam arranged for him to visit the United States. But when Mr. Chau applied for a visa, he was refused one. Informants here said this was done on Mr.

Bunker's recommendation, based on the belief that President Thieu would resent Mr. Chau's departure.

Mr. Chau's concern was communicated to Senator J. W. Fulbright of Arkansas, Chairman of the Foreign Relations Committee. He is reportedly to have suggested to Under Secretary of State Elliot L. Richardson that the Administration intervene.

Mr. Richardson cabled instructions to Mr. Bunker on Dec. 23—the date was erroneously reported in The Times today as Dec. 22—to raise the Chau case with President Thieu and inform him of the Administration's desire to see the charges dropped.

Officials confirmed yesterday that Mr. Richardson followed up the first cable with a second one on Feb. 7, when it developed that Mr. Bunker had conveyed softened expression of American concern to lower ranking South Vietnamese officials.

As a result, Mr. Bunker met Mr. Thieu on Feb. 10, when he was informed that the case was already in the hands of the military court.

Before his audience with Mr. Thieu, Mr. Bunker was relaying assurances to the State Department that even if tried, Mr. Chau would not be imprisoned.

Meanwhile, the Administration continued to maintain silence on the Chau case.

The State Department's spokesman, Robert J. McCloskey said today that he would not comment on any aspect of the case, and did not anticipate

that comment would be forthcoming.

In Key Biscayne, Fla., where President Nixon is spending the Easter holiday, the White House press secretary, Ronald O. Ziegler said that there "is no displeasure on the part of the President whatsoever in relation to Ambassador Bunker's handling of his post in Saigon."

POUGHKEEPSIE, N.Y.

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## Vassar Group Plans Protest Of Defense Contracts Of IBM

A group of Vassar College faculty members and students, calling themselves the Committee on IBM's Corporate Responsibility (CICR), will seek to introduce an anti-war resolution into the stockholders' meeting of the International Business Machines Corp., in Atlanta on April 27.

The resolution would compel IBM to reject contracts with the Department of Defense until "all United States armed forces personnel and all military operations personnel of the Central Intelligence Agency are irrevocably withdrawn from the Republic of Vietnam."

The committee intends to ask IBM stockholders to sign their proxies over to them in support of the resolution.

David E. Novack, an assistant professor of economics at Vassar and spokesman for the group, calls the move "part of an exciting new phase of the anti-war movement."

"For six years we've been demanding that the government end the war in Vietnam," he

said, "and little has happened. Now we intend to confront the companies that produce the materials that make the war possible."

IBM, Novack explained, was the 27th largest military contractor in fiscal 1969, with \$257 million in Defense Department business. As part of the increasing computerization of the Vietnam War, the company has manufactured everything from bomb-sights for B-52 bombers to data-processing systems for military bases.

And yet, if it wanted to do so, IBM could end its role as a war producer without major economic dislocation, he continued. Military work in 1969 comprised only about 4 per cent of IBM's gross income of \$7 billion.

According to Novack, CICR also intends to leaflet and organize in support of the resolution throughout the Mid-Hudson region, where IBM has many of its major research installations.

"This is not an attack on

IBM," Novack emphasized. "It is an attack on production for war. IBM, and all corporations, will simply have to accept responsibility for what they produce and how it is used."

The Committee on IBM's Corporate Responsibility is an independent organization that operates without the official sanction of Vassar College.

26 March 1970

## Vietnam: The Future

Frances FitzGerald

Apart from the symbolic reversal from "escalation" to "de-escalation," there has been little change in US policy toward Vietnam. During the past year President Nixon has lowered the troop ceiling by 110,000 men, bringing the American forces down to the level they held at the time of the Tét offensive. Though General Abrams, a much abler commander than Westmoreland, has stopped sending US troops to storm mountains and destroy large swaths of jungle, the remaining American forces continue to pursue with minor variations the strategies they have been following since 1965: the occupation of bases throughout the country, the search-and-clear operations in populated areas, combined with the usual amount of bombing and shelling of unspecified targets.

As for his policies toward the Saigon government, Nixon has shown respect for an even longer tradition. If "Vietnamization" means anything at all, it means the continued support of an "anti-Communist" government, the enlargement and re-equipment of the Vietnamese army on an American model, the increase in the number of US advisers and support units, and the attempt to create a "really" effective counter-insurgency program. Or precisely the strategies the US adopted after the French withdrawal in 1954.

These strategies do not appear to serve the long-run interests of anyone, President Nixon and General Thieu included. In the first place they do not, any more than they did two years ago, constitute a strategy for winning the war. At least some of the Administration officials recognize that they cannot defeat the NLF and the North Vietnamese. They may have adopted the more limited goal of a slow US disengagement that will keep the NLF out of Saigon for as long as possible. In this case—the case of slow retreat—the "Vietnamization" plan is folly, for it is no more than a return to the strategy which failed in the early 1960s and whose prospects have not improved with the entry of the North Vietnamese into the war and the growth of political awareness among all the South Vietnamese. While Nixon can prolong the current stalemate for an indefinite period, he cannot prevent the Vietnamese army fight his war for him.

The present strategies do not comprise a plan for peace inside South Vietnam. In fact, quite the opposite. By maintaining the current level of hostilities, the Nixon administration is weakening the prospects for a "Southern solution"—that is, a peaceful settlement among South Vietnamese, independent of the North. Each day as the war goes on, the North Vietnamese go deeper into the South, taking up the responsibilities of the NLF guerrilla units and political cadres until even the village forces become a thick mixture of Northerners and Southerners.

The present war is not only retarding the process of accommodation among the various South Vietnamese political groups, but also creating the conditions for an extended and bloody political conflict after an American withdrawal. Though supporters of the war have usually defended the Administration's policies by summoning up the specter of a Viet Cong massacre, they have misplaced both the cause and the agent of the massacres. In fact it is the Vietnamese who will suffer—not from an American pull-out but from the after-effects of current American war strategies. Because neither hawks nor doves have yet grasped the full consequences of these strategies for the Vietnamese, it is perhaps useful to clear away some of the misapprehensions that most Americans have long held about Vietnam, the most fundamental of which is that there are two sides to the present conflict.

To the Vietnamese the simple American opposition of "Communist" and "anti-Communist" is an arbitrary one. As a glance at the post-Geneva period will show, it is a Manichaean idea applied, indeed imposed, regardless of the Vietnamese reality. When the American military mission first installed itself in Saigon, the southern half of the country was a mosaic of warlord fiefdoms, Viet Minh districts, and regions controlled by various political sects—most of them managed, but by no means governed, by the French and their Vietnamese minions. As soon as the French departed, the thin shell of the administration collapsed, leaving the countryside in the control of autarchic villages, and Saigon an anarchy. The Emperor, the prime minister, the chief

of police, and the Binh Xuyen bandits fought for control of the gambling dens with grenades and submachine guns.

Selected, built, and financed by the American mission, the Diem regime was no more than an act of will—a vast artificial bureaucracy, representing no one, governing no one, except perhaps the 800,000 Northern Catholics who had with American help fled South during the period of armistice. Though left-wing journalists have usually argued that the National Liberation Front grew up in response to the Diemist repressions, the truth never adequately emphasized is that the Viet Minh had been ruling various parts of the country during the past decade: the NLF had merely to continue their work of driving out the old village oligarchies and the bureaucrats from Saigon.

After the fall of the Diem government in 1963, the non-Communist regime again disintegrated in the anarchic struggles of Buddhists against Catholics, urban Central Vietnamese against Saigonese, soldiers against civilians, and almost everyone against the central government. In the midst of this confusion the United States continued to pour money and arms into the Vietnamese army in the conviction that because it was an army it was therefore a strong anti-Communist force. To the Vietnamese, however, the army seemed no less divided than the country itself—a group of men, all of whom were carrying weapons. When in the spring of 1965 the US sent its first regular combat troops to Vietnam, it confirmed in power not the army leaders, but those generals who, after a dozen coups and counter-coups, happened to be occupying the Armed Forces Headquarters at that moment.

For the past four years the United States has proceeded systematically to increase the size of the regular Vietnamese armed forces while depriving it of its regular military functions. An army trained with Fort Benning standards of expertise to fight a conventional foreign invasion, the ARVN has had to cope with a domestic political insurgency and to administer everything in the country from cultural exchanges to water works.

MAR 26 1970

# Claims Nixon's Administration Blotting Out History

By Mary McGrory

WASHINGTON — The Nixon administration continues to show a special gift for bringing the discussion of those old and inflamed issues — war and race — right back to ground zero.

It is a technique of blotting out history and restating blood-stained problems in sanitized and unassailable terms that mean nothing.

Before the Senate Foreign Relations Committee the other day, a suave, imperturbable ex-CIA official, whose title is deputy to COMUSMACV for CORDS, was skillfully covering familiar territory as if it had just been discovered.

As Ambassador W. E. Colby explained it, everything is at last going well because of our "new approach."

Chairman J. W. Fulbright stared at him in weary disbelief. The ambassador said it was because "we have involved the people of South Vietnam" in the struggle.

One's mind slid back to the "Hearts and Minds" program of the Diem regime. One remembered the buoyant departure in 1967 of Robert Komer, another former CIA official, for the Revolutionary Development program, which took over from the Pacification program, which is now known as the Civil Operations and Rural Development Support program.

Fulbright growled that what was "different" about this war was that we were fighting against the guerrillas instead of with them.

The ambassador said we had decentralized the government, as if it had been a tremendous feat, when, in fact, Vietnamese had for centuries governed themselves at the village level. He spoke of the miraculous new rice we had introduced, although before we got to saving them, the Vietnamese exported rice in large quantities.

The ambassador admitted delicately that the methods of routing out the Viet Cong, while admirable on paper and immaculately couched in Western judicial terms, had resulted in "procedures that have not been totally satisfactory." One thought back to the picture of

the Saigon police chief shooting an enemy in the head in the street, and more recently to My Lai.

Phoenix, an operation that might not bear too much looking into, is a new method of destroying the Viet Cong infrastructure. The ambassador thought it might have a few administrative flaws.

At about the same time, the President was issuing a long, solemn paper on the state of the world. In it, he announced flatly: "This administration is carrying out a concerted and coordinated plan for peace in Vietnam."

Also on the same day, Robert H. Finch, the secretary of Health, Education and Welfare, went before the House Rules Committee. The subject was school integration and, listening to the exchanges, one would have thought that the Supreme Court decision on desegregation had been handed down the day before and no one had the slightest idea of what would happen.

Rep. William M. Colmer, the Mississippi chairman of the Rules Committee, looked the secretary straight in the eye and said in a voice throbbing with grievance:

"You know, Mr. Secretary, the great importance of this troublesome question to our people."

The secretary nodded sympathetically and for the next half hour demonstrated that the administration has no philosophy on the most agonized social question of the century.

It is, of course, for the observance of law and order, which means obeying the Supreme Court, whose rulings, Colmer said feelingly, could lead to the destruction of the public school system and particularly the neighborhood school so dear to Richard Nixon's heart.

But it is, on the other hand, opposed to busing, the most direct way of correcting racial imbalance. Finch pleasantly cocheted from one pillar of his argument to the other,

never making it clear what he meant.

Rep. John B. Anderson, R-Ill., wondered aloud why, after all these years, "there is all this furor about busing."

It is, of course, because the Nixon administration, George Wallace ever in mind, encouraged the resistant South to believe that all was not lost. By asking for delay in Mississippi integration before the Supreme Court, it brought the controversy to where it was 16 years ago.

Ambassador Colby cautiously said, under questioning from Sen. Stuart Symington, D-Mo., that the war in Vietnam might be over in 10 years. The prospect for peace between the races at home seems more remote than ever.

THE CHAU AFFAIR

STATINTL

# In Saigon, Bunker's in the Middle

By JAMES DOYLE  
Star Staff Writer

A ruling yesterday by the South Vietnamese Supreme Court has placed American Ambassador Ellsworth Bunker squarely in the middle between the Thieu regime and the State Department.

The court, which has shown some independence from President Nguyen Van Thieu, ruled that the arrest of Assemblyman Tran Ngoc Chau was carried out in an unconstitutional manner.

The ruling lent support to the heavy pressure that has emanated from lower levels of the American Embassy, and higher levels of the U.S. government here, to see that Chau is freed from his sentence of 10 years at hard labor on charges of aiding the enemy.

In a cable to his superiors some weeks ago, Bunker defended the South Vietnamese government action in prosecuting Chau and suggested that judgment against it be suspended until Saigon's Supreme Court ruled on the constitutionality of Chau's arrest.

Chau is a former army colonel and province chief who was in communication with his brother frequently in Saigon, although his brother was an agent of the North Vietnamese government.

Aside from the fact that a number of the South Vietnamese government have family members fighting on the other side, Chau's case has caused much criticism for the other reasons.

He painstakingly passed on to the U.S. government information he gained from conversations with his brother.

And at one point, in 1966, he undertook to set up a meeting between his brother and then-U.S. Ambassador Henry Cabot Lodge, with the knowledge and cooperation of the American Embassy. Before the Paris peace talks, this kind of contact with North Vietnam was sought.

The 1966 meeting never came off because Lodge wanted to send a lower official and Chau's brother, North Vietnamese Captain Tran Ngoc Hien, refused to meet with anyone except the ambassador.



TRAN NGOC CHAU

But agents of the Central Intelligence Agency and members of the U.S. mission in Saigon knew about Chau's dealings with his brother, and implicitly approved.

In fact, Chau's recommendations before the Tet offensive of 1968 were taken most seriously by some military and civilian officials, and turned out to be a proper response to the North Vietnamese tactics that subsequently came during Tet.

The Chau case has caused great anxiety in U.S. diplomatic circles — especially suggestions that Bunker is responsible for not heading off Chau's prosecution.

Bunker received a cable from Undersecretary of State Elliot L. Richardson on Dec. 22 instructing him to do whatever necessary to convince President Thieu that the U.S. wanted the Chau case quashed.

The cable said that lower level members of the government knew Chau and considered him loyal to South Vietnam and an invaluable aid to the United States.

Beyond that, Richardson said, high level government officials were concerned that an adverse press reaction to Chau's trial would hurt support for Nixon's Vietnam policy.

The cable pointed out that Chau's background was well known in the United States, and any attempt to imprison him would be viewed as unjust.



AMBASSADOR BUNKER  
Bunker's Decision

Bunker was told to "leave no doubt of our concern in the mind of President Thieu," and to point out that prosecuting Chau would be harmful to United States' interests.

The ambassador chose not to see Thieu himself, but to have the instructions from Washington handled on a lower level in a very low-key manner. He reported back to Washington assurances that Chau would not be imprisoned, but that he might be prosecuted "in absentia" for seeing his brother.

Despite the fact that President Nixon has said he would accept a coalition government in Saigon if it were the peoples' wish, Bunker also cabled the State Department that they should understand that Chau was guilty of a crime under South Vietnamese law because he had advocated a coalition government.

In fact, say Chau's supporters, he never advocated allowing Communists to serve in the cabinet but only to allow an accommodation of members of the National Liberation Front on the province level through negotiations. Presidential advisor Henry A. Kissinger has advocated the same thing in published articles.

### A Dinner Party Remark

There are various theories on why Bunker decided to downplay the State Department's stated wishes in the Chau case. But one clue came



PRESIDENT THIEU

early December, before the cable traffic started to flow on Chau.

Bunker told his guests that night in early December that he had "irrefutable proof" that Chau was a Communist.

Among those present who heard the remark were Dong Van Sung, leader of the government bloc in the South Vietnamese Senate and a strong anti-Communist.

Also on hand was a staff member of the National Security Council during the Johnson administration and the early Nixon administration, Richard Moos, who was in Saigon on a fact-finding trip for the Senate Foreign Relations Committee, confirmed today that he had heard Bunker make the remark, and that Sung heard it too.

It was after this that Thieu began a concerted move against Chau, and Bunker began to downplay the cables from Washington.

No member of the Vietnam action group at the State Department professes to believe that Chau is a Communist. No other member of the U.S. Embassy in Saigon has ever suggested it. Many in both groups have said, on the contrary, that Chau is not a Communist.

Bunker has never charged it in writing or within official channels, and he has never disclosed his "irrefutable proof."

## THE GREAT SOUTH ASIAN WAR

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. RYAN. Mr. Speaker, the revelations of past weeks about U.S. military and paramilitary activities in Laos portend a repetition of the tragic history of our involvement in Vietnam.

Any student of these events must conclude that there is more than happenstance which accounts for America's involvement in Vietnam, nor is the United States increasing role in Laos unintentioned.

Michael Klare, a staff member of the North American Congress on Latin America, has written a remarkable analysis of U.S. policy in Asia entitled "The Great South Asian War." This article appeared in the March 9, 1970, issue of the Nation. It is Mr. Klare's thesis:

To gain a world-historical perspective on the war in Vietnam, one must see it as but one episode in a Great South Asian War that began almost immediately after World War II, and can be expected to continue into the 1970's, if not well beyond them.

In support of this thesis, Mr. Klare points out that—

United States military activity in Southeast Asia has actually increased in the past few months, with most of this increase taking place in Laos.

And he maintains that—

The Pentagon is now preparing for combat operations in the neighboring regions of South Asia.

Mr. Klare predicts that future conflicts are inevitable. These conflicts stem from the United States' "stabilization of Asia's dependent status vis-a-vis the United States, as a supplier of raw materials and market for manufactured goods." This strategy "will doom South Asia to a condition of permanent underdevelopment, and most of its inhabitants—especially those in rural areas—to a condition of permanent impoverishment."

Michael Klare concludes:

It has become abundantly clear that American plans for creation of a mercantile empire in South Asia will require the continued presence and intervention of United States troops (or native troops under American command) for as long as one can see into the future.

I commend this article to my colleagues, and urge that they give it the most careful and thoughtful consideration.

I further urge them to support the creation of a joint congressional Committee on Foreign Policy, which I have proposed in House Concurrent Resolution 531, and in which 17 of my colleagues have joined. This instrument would enable Congress to analyze and assess from all aspects those political and economic moves by this Nation which all too often result in military involvement up to, and even including, intervention. Clearly, the warning Mr. Klare sounds in his article should awaken Congress so it defaults no longer on its responsibility to the American people by

falling to render effective oversight of our foreign policy.

The article referred to follows:

[From the Nation, Mar. 9, 1970]

THE GREAT SOUTH ASIAN WAR

(By Michael Klare)

(Mr. Klare, a staff member of the North American Congress on Latin America, is completing a book on counterinsurgency planning in the United States.)

To gain a world-historical perspective on the war in Vietnam, one must see it as but one episode in a Great South Asian War that began almost immediately after World War II, and can be expected to continue into the 1970s, if not well beyond them. The Great War has already encompassed the Indo-Chinese War of Independence (1946-54), the guerrilla war in Malaya (1948-60), intermittent warfare in Laos (continuing), guerrilla skirmishes in Thailand (continuing), and other armed struggles in Burma, Malaysia and Indonesia. Combatants in these conflicts have included, in addition to troops of the countries named, the armies of Great Britain, France, Australia, New Zealand, South Korea, Nationalist China and, of course, the United States.

These episodes constitute a common war not only because they occupy overlapping zones in a single theatre of war but also because they spring from a common cause: the determination of the advanced industrial nations of the West (led by the United States) to intensify their control over the destinies of the underdeveloped lands of Asia. The Western presence in South Asia is naturally a military and economic challenge to Communist China, whose real or imagined influence has been a factor in each of these struggles. But it is not the threat of Chinese bellicosity that lends unity to all these episodes; it is rather the determination of the region's indigenous peoples to secure a future that will be free of foreign control. Because the nations of South Asia are frozen in a state of underdevelopment, and because national boundaries (which, more often than not, were established by European powers) do not always conform to ethnic distribution, these conflicts often take the form of "insurgencies"—i.e., local struggles against centralized authority—and the response to them has been a succession of "counterinsurgencies." Although the doctrine of counterinsurgency was originally formulated to substitute a strategy of "limited warfare" for the obsolete strategies of "all-out" (i.e., nuclear) warfare, in South Asia counterinsurgency threatens to become unlimited in its duration.

At the end of World War II, the United States and its allies in Western Europe agreed to sanction the re-establishment of one another's spheres of influence in Asia. The United States, having conquered Japan, was to be dominant in the western Pacific (China, Japan, the Philippines, etc.); France would remain in Indo-China, and Britain in the Indian Ocean area (India, Burma, Malaya, Singapore, etc.). The Allies also apportioned responsibility for the maintenance of a defense perimeter, corresponding to their colonial holdings, which encircled the eastern half of Asia from Korea to Kashmir, and pledged to assist one another if any point on the perimeter came under heavy attack. This "gentleman's agreement" was soon put to the test, for the restoration of colonial regimes in South Asia (revoking wartime promises of independence) produced guerrilla warfare throughout the region. Several countries won their independence this way, where continued occupation would have been unprofitable (Burma) or beyond the capacity of the home economy (Indonesia). But in Southeast Asia proper, the colonialists were prepared to engage in protracted counterinsurgency struggles to maintain their

control of the area's resources. In Malaya it took Britain (with the aid of Australia and Gurkha tribesmen) twelve years to force the last remnants of the Malayan Races Liberation Army across the border into Thailand. In Indo-China, France faced an even more formidable foe. In 1950, confronted with a deteriorating military situation in Vietnam and growing discontent at home, France appealed to the United States to honor its commitment and help prevent a breach of the Asian defense perimeter. Although the United States had already deployed its troops in South Korea to protect the northern flank of the perimeter, it nevertheless agreed to supply France with arms and badly needed funds (the total U.S. contributions to the French military struggle in Indo-China amounted to \$2.6 billion, or 80 per cent of the cost of the war).

Despite this help, the Viet Minh won at Dienbienphu, and the French army withdrew from Southeast Asia, leaving a substantial military vacuum at the mid-point of the Asian defense perimeter. The United States—which until this time had considered Southeast Asia to be of secondary importance to its Pacific territories—quickly moved in. The French colonial apparatus had not completed its removal from Saigon when America's first paramilitary legions began arriving. To circumvent the Geneva Accords, which prohibited the introduction of new weapons or foreign military personnel into Vietnam, the Michigan State University Group (MSUG) was established to provide a "cover" for the CIA team which armed and trained Ngo Dinh Diem's secret police and palace guard. The gradual intensification of U.S. military activity in Vietnam—from the arrival of the first Special Forces "advisers" to the deployment of a half-million-man army—is too familiar to need repeating. Less familiar, perhaps, is the history of U.S. involvement in Laos and Thailand; it is only in the past few months, in fact, that the public has learned that the United States maintains a substantial—and active—military establishment in Laos, and that we are bound to the Bangkok government by secret military protocols. Despite the well-publicized U.S. troop withdrawals from South Vietnam, U.S. military activity in Southeast Asia has actually increased in the past few months, with most of this increase taking place in Laos.

During his recent eleven-nation tour of Asia, Vice President Spiro Agnew stated in Australia that "despite a great deal of speculation and rumor, the United States is not withdrawing from Asia and the Pacific." Thanks to the assiduous journalism of a few "Establishment" newspapers—particularly those which have come under attack from Mr. Agnew—there can no longer be any denying that the U.S. war effort in Vietnam has "spilled over" into the rest of Southeast Asia. What is not known by most Americans is that the Pentagon is now preparing for combat operations in the neighboring regions of South Asia.

On January 16, 1968, Prime Minister Harold Wilson announced that Great Britain would withdraw all its troops stationed east of the Suez Canal by the end of 1971. British bases in Asia—located in Singapore, Malaysia and several Persian Gulf sites—formed the backbone of a defense line extending across the entire Indian Ocean. Britain's impending withdrawal from this region produced consternation in Washington, where it had always been assumed that the English could be counted upon to protect America's western flank in Asia. One U.S. strategist, James D. Atkinson, wrote: "For almost a century the vast Red Sea-Persian Gulf-Indian Ocean complex was an area of relative stability. This was so because . . . British forces were on hand throughout these sea spaces and able to respond quickly for any needed police ac-



*The ousting of Prince  
Sihanouk had all  
the hallmarks of the  
C.I.A. at its best*

**A**FTER several years of waiting in the shadows, America's Central Intelligence Agency may be fully operational again.

This week's incredible coup in Cambodia, which will have such far-reaching consequences through the entire Asian theatre, had the stamp of the C.I.A. at its most professional.

Of course, there will be no official detail on the C.I.A. role, but it would be naive in today's world to assume that Prince Norodom Sihanouk's overthrow was just a lucky accident for the United States.

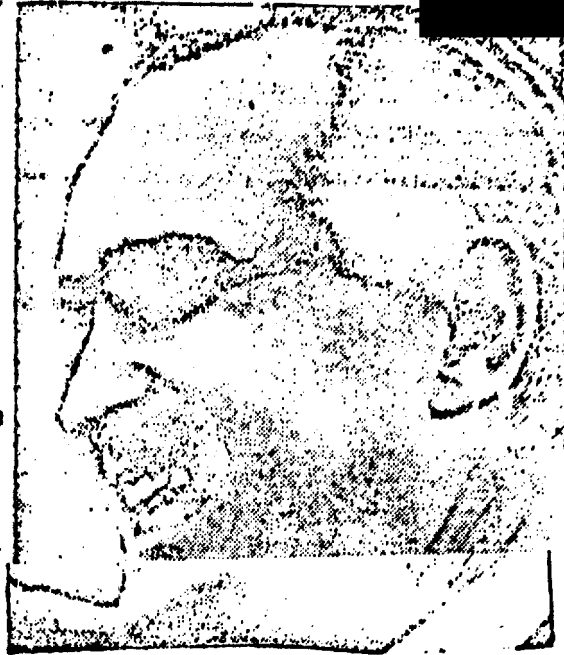
Way back in 1966, the agency was accused by some watchdog American Senators of supporting Cambodian rebels who opposed the Prince — an accusation that was widely trumpeted about South-East Asia, where the C.I.A. is credited with having spies in every town and in every Government.

It probably does.

While the super-spy agency has made grotesque mistakes over the past 10 years, it has also scored some brilliant successes and, under the enthusiastic support of President Nixon, C.I.A. director Richard Helms and his world-wide network of spies are doubtless more powerful than ever.

Charges that they had meddled far too much in Asian politics caused the C.I.A. men to lie low for some time, but it was obvious even to a reporter on a brief visit to South-East Asia this month that the C.I.A. was "gung-ho" again.

Transport and passenger planes of Air America Inc., which is run as a C.I.A. subsidiary, are to be seen in Thailand, Laos and South Vietnam, and it is common knowledge that these aircraft are used to move agents and weapons for secret projects.



C.I.A. chief Richard Helms . . . more powerful than ever

**THE SPOOKS  
ARE BACK  
IN BUSINESS  
IN ASIA**

**From PETER  
MICHELMORE  
in New York**



# 7 Women Vietcong Suspects Sit and Wait

By GLORIA EMERSON

CAOLANH, South Vietnam, March 14 — It is a smaller, quieter war now, but the wreckage can be seen even in a small, bare room here where seven Vietnamese women sit, brushing the flies away from their faces and bare feet.

They are Vietcong suspects. The seven women are together in Kienphong Province detention center, one of the 44 in South Vietnam, waiting for a local security council to decide whether they are guilty and, if so, the degree of that guilt.

A one-story building where men and women are segregated, the detention center in the Mekong delta town of Caolanh is hardly a tourist attraction. The province police commissioner forbids unauthorized visitors to speak with the detainees, or to ask about them. Any films taken of the people are confiscated.

But sometimes it is possible to slip in.

If found guilty, the women in the room could serve jail sentences up to two years. They do not know it.

Their detention is part of a three-year-old operation called Phoenix—Phung Hoang in Vietnamese—whose purpose is to catch Vietcong leaders and agents from the civilian population. It was established by the United States Central Intelligence Agency in 1967 and has the official sanction of the South Vietnamese Government.

**They Are Used to Questions**

The seven women, who have all been interrogated by the provincial police for at least one day, are used to questions. They answer with a slow, almost mournful manner. Name, age, village, parents, husband, children.

It was the first time they had seen a white person who was not a man. They refused to accept cigarettes—very few Vietnamese women smoke—but they refused with a smile, except for one of them. She was the only woman who did not look downcast, or dimmed by her confinement or what might be ahead. The iron self-assurance of that 25-year-old woman, who gave her name as Tran Kim Dinh, and the coolness with which she volunteered information not asked for, made her very different.

child whose is age is four

months," Mrs. Dinh said. "I was arrested one month and thirteen days ago."

How did she keep track of time? Mrs. Dinh was asked if she make markings on the wall so she would not be confused or forget the passing of each 24 hours. Something close to a smile moved her mouth. She was the prettiest of the women.

"I do not need to, I do not lose track," she said. Her family farmed and she was a farmer, Mrs. Dinh said. The other women looked at her, but not openly, as she spoke.

**Husband Was a Vietcong**

"My husband was a Vietcong information cadre," she said, not hiding an inflection of pride. "The last time we have seen each other was a year ago. I do not know whether my husband still lives." She would not give his rank in the Vietcong.

Who takes care of her child? "My mother-in-law," she said. Her face had showed only a widening of the eyes when the American visitor walked into the cell.

The feet of Mrs. Dinh were different from the feet of the other women, whose soles and toes show that for years they have worked in the fields or rice paddies. Hers looked too soft.

Why were her feet not the feet of farm women? Mrs. Dinh ignored the question. She made sure, too, that she was not photographed. The others did not seem to care much although no one accused of being a Vietcong suspect wants to be photographed. Their pictures, if they moved, could be used, in "wanted" posters to locate them.

The room appeared to be 10 by 12 feet wide, most of it a raised cement platform where the women sat, ate and slept. There was no room for any two of them to walk up and down while the others sat, but it is not a habit of Vietnamese women to pace.

They do not mind sleeping on thin straw mats covering the platform, because most Vietnamese like very hard wooden beds with no mattresses. But the cement is cold at night and there are no blankets in the detention center. The ceiling of the high room is barbed wire.

Below the platform is a narrow ditch and in the right-tion blocks off a container of

water and the pot that serves as their toilet. Prepared meals are given to the seven women, and a guard said their families were able to bring them clothes or more food but he did not know how they were able to let their families know where they were. During the day, the seven women work cleaning up the police headquarters or the grounds or the detention center.

It is not a brutal place by Vietnamese standards. The women did not look maltreated. The smallest of them—24-year-old Nguyen Thi Hon—looked very frightened. She was arrested a month ago.

Only one of them was scheduled to be released soon: Thuong Thi Dung, 34, who had been cleared by the province security board, which is headed by the province chief.

**Unaware of Rights**

Five of the women did not seem to know how long it would take for their cases to be decided. They also did not know that the alleged limit for detention was three months.

One woman said she had already been found guilty although, unlike Mrs. Dinh, she was not reckless enough—or perhaps proud enough—to say why. Nguyen Thi Ranh, 36, has been in the room for nine months. She was sentenced to one year in jail but returned to the detention center to act as supervisor of the other women.

"The reason is my good behavior," Mrs. Ranh said.

The women spoke in Vietnamese through an interpreter in low voices so the guard listening outside the door of iron bars would not report the conversations. He finally did.

There was not enough time to ask the women who had arrested them. They all came from villages of the province. There was not time to ask them whether informants in their villages had reported them to the police and if so, they would return to the villages and live with ease among the informers again.

Some of the methods of Operation Phoenix seem too sophisticated for Vietnam. There is no trial to pass a verdict. The province security council needs a dossier on each detained person. But it is hard, often impossible, to gather a dossier on a Vietnamese vil-

that identify people in other nations: education, health, financial status, voting habits.

The objections voiced by some Vietnamese—usually experienced anti-Communists—to the Phoenix program is that detention may help the Vietcong recruit new people. They do not seem as concerned that the Phoenix program may detain and embitter the innocent, and cause anguish to their families who in some cases do not even know where these relatives have disappeared.

They worry—although not loudly—that Phoenix, which is part of the pacification program, may ironically increase the ranks of the Vietcong when its purpose is to diminish them.

A typical reaction came from a village chief in the same province, whose anti-Communism has shaped the last 20 violent years of his life. He asked that his name not be used for it would not do him good to criticize a plan approved by his Government and the Americans.

"A detention center is a way of helping the Vietcong to reach and influence other Vietnamese," the 51-year-old village chief said, "for you cannot expect the Vietcong, even the lower ranks, to be confined in quarters with unhappy people for so long and not try to win them over. It is a good Vietcong training school."

# B-52s in Laos pounding advancing patriots

Daily World Foreign Department

U.S. B-52 bombers and other warplanes were diverted yesterday to missions over northern Laos as two outposts barely six miles away from the U.S. CIA base at Sam Thong fell to the Lao Patriotic Front. Military sources in Saigon said the B-52's made only three raids yesterday over South Vietnam because most of them had been sent over Laos.

Cambodia has suspended its earlier demand that what it alleged to be "North Vietnamese and Vietcong" troops leave Cambodian territory. The change was indicated during a Monday meeting between Cambodian Foreign Minister Norodom Phourisara and representatives of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of South Vietnam, in the Cambodian capital of Phnom Penh.

In Moscow, Prince Norodom Sihanouk, Cambodia's chief of state, postponed his scheduled departure for Peking on his way home, and in an interview he said: "The events which have just occurred in our country may make some foreign observers think that Cambodia may change its orientation and its ideology. But as head of state I can assure you that we shall not change our principles. We shall keep our neutrality and our independence. The Cambodian people and I personally will not permit any changes concerning our friendship with the socialist camp, especially with the USSR."

Joint communique

Sihanouk met with top-level Soviet officials on Monday, including President Nikolai Podgorny and Premier Alexei Kosygin. The joint Soviet-Cambodian statement at the end of the meeting stated: "The aggression of the American imperialists in Vietnam, armed intervention in Laos, U.S.-Saigon provocations against Cambodia and Cambodian neutrality are the main reasons for the aggravation of the situation in Indochina and in Southeast Asia as a whole."

The Soviet government "again confirmed its respect for the neutrality and territorial integrity of Cambodia within its pres-

ent frontiers," and said that Cambodia and Sihanouk could "reply on the Soviet Union's all-round support in the struggle against imperialist provocations, and interference in her affairs."

Cambodia parley

U.S. news sources in Cambodia said that in Monday's Cambodia-DRV-PRG meeting, the two Vietnamese representatives did not discuss the charge of Cambodian Premier Lon Nol's government that NLF and DRV troops were operating on Cambodian territory. The PRG and DRV pledged to respect Cambodia's neutrality, territorial integrity and independence, and also asked for damages to pay for last Wednesday's mob attacks on their two embassies in Phnom Penh.

Informed sources are dubious about General Lon Nol's wild charges that 40,000 DRV and NLF troops are in Cambodia, a charge that U.S.-Saigon military propaganda has been making for several years. In the Nov. 16, 1969, Washington Post, Canadian General Donald Ketcheson gave some reasons why.

Gen. Ketcheson, a member of

the International Control Commission (ICC) on Vietnam, admitted that he "passed on" information to the U.S. CIA. The Canadian officer said the CIA would come to him claiming that "an entire Vietcong corps" was in a certain border area, and Ketcheson said he would disagree "but very often they chose to believe their own spies."

A report in the Feb. 26 issue of the conservative "Far Eastern Economic Review" (Hong Kong) says that a reporter who traveled all over Svay Rieng province in Cambodia, where the U.S. and Saigon say thousands of "Vietcong" are hiding, found it to be an absolutely flat, almost treeless area surrounded on three sides by South Vietnamese territory, where nothing could be hidden from patrolling U.S. aircraft.

GREENSBORO, N.C.  
NEWS  
MAR 18 1970

M - 83,477  
S - 101,081

## A neglected friend

✓ Although the case of the South Vietnamese assemblyman Tran Ngoc Chau has been much publicized in recent days, it is only a piece on the case by Washington columnist Flora Lewis that brings its dangers — and dishonor — into focus.

Mr. Chau, it may be recalled, was a member of the anti-Thieu faction of the South Vietnamese National Assembly. At the insistence of the Thieu regime he was recently dragged by police from refuge in the assembly building, tried, and sentenced to 10 years at hard labor for "talking" with his brother, a North Vietnamese army officer.

✓ Now a senior American corps adviser in Vietnam has testified secretly to the Senate Foreign Relations Committee that Chau "kept him informed of those meetings (with his brother) to help the allied cause." It is reliably rumored that Chau regularly passed information to the CIA, although never a CIA agent.

Chau, in short, is considered by Washington officials to be "a loyal patriot who has helped Americans and to whom the U.S. owes some protection."

But the protection is not forthcoming; and Chau is off to Thieu's prisons, in grave peril of his life.

The case is very delicate in view of the touchiness of the South Vietnamese government about American intervention in "internal affairs," but Miss Lewis spells out several practical dangers:

First and most simply, it may have ruined Americans' ability to hold the confidence of any Vietnamese outside of President Thieu's coterie since the U. S. cannot or will not protect them.

Second, it is clearly a power play by Thieu to smash his non-Communist opposition in South Vietnam.

The case has strengthened Thieu against any non-Communist rivals, but it has much weakened Saigon's chances of building a national political base that could hold its own against the Communists. That is a blow against Mr. Nixon's Vietnamization policy because it reduces hopes for an "orderly withdrawal." It is another example of the wily way Thieu has managed to box the Americans and gain power through his own weakness.

We would suggest, moreover, that U. S. honor is at stake. It is intolerable, a mockery of all the goals we profess in Vietnam, to permit the political persecution of a friend of freedom who does not happen to be a friend of Thieu's.

1 6 MAR 1970

# Vietnam Lawmaker's Jailing Causes U.S. Government Rift

BY FLORA LEWIS

The case of a jailed Vietnamese deputy is threatening to become a critical watershed in the Nixon Administration's relations with South Vietnam.

It has provoked an intense argument inside the U.S. government. Some officials feel it jeopardizes President Nixon's whole Vietnamization plan, as well as discrediting the United States in Vietnam and abroad.

The immediate dispute centers on what the United States should do about Tran Ngoc Chau, the 46-year-old opposition member of the South Vietnamese assembly who has been sentenced to 10 years at hard labor on charges of compromising national security. Private reports from Saigon have been received in Washington saying there is serious risk that if he is left in jail, Chau may suddenly be reported a mysterious prison "suicide" or "killed while attempting to escape."

Chau's prosecution, on the orders of President Thieu, was based on the fact that he was in touch with his brother Capt. Tran Ngoc Hien, now in a Saigon jail as a convicted agent of Hanoi. But John Vann, senior

The CIA and Army Chief of Staff Gen. Westmoreland, then commander in Vietnam, have so far refused to confirm or deny reports that they got advance warning of the 1968 Tet offensive through Chau. But it is known that Chau did provide information to the CIA though he was never a U.S. agent.

Rufus Phillips, who was senior U.S. adviser in Kien Hoa province when Chau was the province chief, says, "I'm sure he wasn't working for us, he would never be on anybody's payroll. He would have told what he learned because he

thought it was in the national interest."

Because of the widespread conviction of U.S. Vietnam experts that Chau is a loyal patriot who has helped Americans and to whom the United States owes some protection, Washington ordered U.S. Ambassador Ellsworth Bunker to head off the trial. Bunker, who was in Saigon during the Tet offensive, did not. He told Washington he thought Chau was a Communist.

No American evidence of Chau's loyalty and service to the nationalist cause was presented at his trial, a lapse for which the Saigon administration is now ironically blaming the United States.

A high State Department official was in Saigon last week trying to figure out what can be done now. White House advisers are urgently debating further moves, including the possibility of rescuing Chau from prison and getting him out of the country. A number of senators, both Hawks and Doves, are pressing Mr. Nixon to help Chau.

The case, as all things Vietnamese, has layers upon layers of complications and ominous meanings.

First and most simply, it may have ruined Americans' ability to hold the confidence of any Vietnamese outside of President Thieu's coterie since the United States cannot or will not protect them.

\*

"And on my left the South Vietnamese government is demonstrating the self-determination we're fighting for!"

American adviser in South Vietnam's IV Corps, testified before a closed session of the Senate Foreign Relations Committee last month that Chau kept him informed of those meetings to help the allied cause.

Second, it is clearly a power play by Thieu to smash his non-Communist opposition in South Vietnam.

The case has strengthened Thieu against any non-Communist rivals, but it has much weakened Saigon's

political base that could hold its own against the Communists. That is a blow against Nixon's Vietnamization policy because it reduces hopes for an "orderly withdrawal." It is another example of the wily way Thieu has managed to box the Americans and gain power through his own weakness.

Nobody knows his real motives, but he seems to be playing for the highest stakes—maneuvering himself into a position where Mr. Nixon will have to choose either indefinite support for the war with a Thieu veto on any proposals for settlement, or risking total collapse in Saigon by dumping Thieu.

Bunker, for whom Mr. Nixon is seeking a replacement, argues that Thieu must not be challenged openly because nobody else can hold South Vietnam together long enough for Mr. Nixon to seek his "honorable peace." Some Administration officials agree.

But the Chau case is another distressing sign that Thieu has no intention of letting the United States off its painful Vietnamese hook, and that once again he has outwitted Washington for the benefit of no one but himself.



16 MAR 1970

# Laos: Another Vietnam?

STATINTL

There was a time when Laos—the Land of the Million Elephants and the White Parasol—was a subject of considerable mirth in Washington. Beside the slaughterhouse realities of Vietnam, events in the remote Buddhist kingdom seemed almost like an opium dream in which little men with unpronounceable names chased each other back and forth across the Plain of Jars with monotonous regularity. But last week, Laos was once again in the forefront of the news, and this time neither the Administration nor its critics was finding it a laughing matter.

One reason for the seriousness in Washington was the stunning success of the current dry-season offensive by the North Vietnamese and their local Communist allies, the Pathet Lao. But even more unsettling to the White House was the captious mood on Capitol Hill, where many congressmen, not all of them doves on Vietnam, were making plain their unhappiness with the sub-rosa nature of the U.S. role in Laos. A sizable number even shared the fear of South Dakota's Sen. George McGovern that "in spite of the painful lessons of Vietnam, we are going down the same road in Laos, and we are doing it in secret."

**Role:** Trying to contain the rising tide of Congressional criticism, President Nixon last week issued a carefully phrased, 3,000-word statement from his Florida White House at Key Biscayne. The U.S. commitment in Laos, the President said, "is limited. It is requested. It is supportive and it is defensive." Mr. Nixon then, for the first time, admitted the U.S. had taken on something of a combat role in Laos. "In addition to air operations on the

Ho Chi Minh Trail," he said, "we have continued to carry out reconnaissance flights in north Laos and fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government."

While admitting the U.S. air role, however, the President denied that there are any "American ground combat troops" in Laos or that his Administration had any plans for introducing such troops. He contended that there are only 1,040 Americans in Laos either "directly employed" or "on contract" to the U.S. Government, and that of this number 643 are engaged as military advisers or in logistics. "U.S. personnel in Laos during the past year has not increased," Mr. Nixon stated, while the North Vietnamese "have poured over 13,000 additional troops into Laos during the past few months, raising their total in Laos to over 67,000." In view of the massive North Vietnamese buildup and their recent offensive, Mr. Nixon disclosed that he had written to Prime Minister Harold Wilson and Premier Aleksei Kosygin, urging them to help restore the 1962 Geneva accord. (Britain and the Soviet Union were co-chairmen of the Geneva conference that established the neutrality of Laos and set up a government in Vietnamese theoretically composed of rightists, neutralists and Communists.)

**Buffer:** Whether that help would come was subject to considerable doubt. The British appeared willing to have consultations among the fourteen signatories of the 1962 convention. But the Russian attitude was another matter. Most observers are convinced that Moscow, already concerned over an ambitious Red Chinese road-building program in Laos, would like to preserve the precariously balanced buffer state much as it exists today—mainly to block any further encroachments by Peking into Southeast Asia. But now that the U.S. has publicly admitted its military role in Laos, it might be difficult for Moscow to avoid denouncing the U.S. as a violator of the Geneva pact. Hanoi, of course, has never admitted that it has troops in Laos.

Domestically, it was not at all certain that Mr. Nixon had managed—as he has done in the case of Vietnam—to throw his domestic critics off stride. For despite his assurances that he was leveling with the American people on Laos, it was readily apparent that the President had tiptoed through some delicate semantic tulips. There may not be, as he stated, any uniformed U.S. "ground combat" troops in Laos. But correspondents on the scene in Laos have reported that a sizable number of American "civilians"—many of them former GI's—are not only



Everybody lower your voices



Stanley Karnow

# Topsy-Turvy Asian Events Breeding Irrational Policies

STATINTL

**HONG KONG**—This is one of those periods in Southeast Asia when events are so tangled that, to cite the old adage, anybody who is not completely confused is just very badly informed.

The major powers as well as the states of the region themselves are apparently being swept along in a topsy-turvy momentum over which they seem to have little control. And, as a consequence, well-planned policies have degenerated into irrational, knee-jerk reactions that compound the confusion.

Nothing illustrates the contradictions of American conduct more dramatically than the spectacle of the United States desperately seeking to resurrect the coalition government in Laos while balking at the creation of a similar coalition in South Vietnam.

The argument against a coalition in Saigon is that it will open the way for a Communist takeover. The argument for bringing the Communists back into the Vientiane coalition is that it will restore peace and stability to Laos.

The official line, moreover, is that a coalition cannot be "imposed" on the South Vietnamese. In Laos, however, the United States forced the right wing to cooperate with the Communists when the original coalition was formed in 1962.

**AN EQUALLY CURIOUS** contrast between American and Laotian attitudes emerged on the same day last week in simultaneous but obviously uncoordinated statements by President Nixon and Premier Souvanna Phouma.

Mr. Nixon insisted in his statement that the U.S. bombings of the Ho Chi Minh trail are imperative "to save American and allied lives" in Vietnam. In his view, Souvanna Phouma said, the Communists could use the trail as much as they want. **Approved For Release 2001/03/04 : CIA-RDP80-01601R000900050001-0**  
leave the rest of Laos alone.

The President also stressed that the bombings are being carried out at the request of the Laotian government. Asked whether the bombings would continue if Hanoi accepted his offer, Souvanna Phouma replied:

"It is up to the Americans to decide."

In the meantime, the Thais have been blurring the situation beyond comprehension by characteristically taking firm, unswerving stands on both sides of the question.

Speaking in New York a few weeks ago, for example, the Thai Foreign Minister Thanat Khoman asserted that the nations of Southeast Asia could no longer rely on the United States for protection and suggested instead an accommodation with Communist China.

Thereupon, it was later disclosed, he proceeded to Washington to put in an "urgent" request for an increase in American military aid to Thailand because of the Communist offensive in adjoining Laos.

**WEIRD INCONSISTENCIES** also embroil South Vietnam, where President Thieu's regime alternatively praises U.S. support and displays blatant anti-Americanism, as it did at the trial of Tran Ngoc Chau, the Saigon politician accused of colluding with the Central Intelligence Agency.

Oddly enough, in a broadcast the other day from Hanoi, the Communists came to Chau's defense despite his admitted CIA connections. His conviction, said Hanoi, was "a fascist act of repression."

Americans baffled and dismayed by all this incoherence may find a measure of consolation in the fact that the Communists, whatever their tendency, are mixed-up as much as everyone else.

Judging from their conspicuous silence on the subject, for instance, the Chinese are clearly unhappy with the Laotian Communist's recent five-point proposal for a peace settlement in Laos.

Moscow, Peking, Hanoi and the Vietcong have undoubtedly been thrown into a tizzy as well by the sudden turnabout in Cambodia, which served as their key *pled-a-terre* in the Indochina peninsula.

In places like Indonesia and Burma, meanwhile, both the Russians and Chinese have nothing to show for their efforts to encourage native insurgents or to improve their relations with the local government.

This widespread disarray partly represents internal changes in the countries of the region as a younger generation, dissatisfied with the doctrines that stirred its fathers' thirsts for fresh approaches.

To a significant extent, the ferment reflects a quest for new alignments in response to such developments as the Sino-Soviet conflict and an eventual American withdrawal from the area.

Whatever unfolds in the future, then, the past turmoil and present instability of Southeast Asia are proof that it is a quagmire that is bound to swallow up the most brilliant of strategies.

## Fulbright's Questions Deserve Prompt Answers

Sen. J. William Fulbright, D-Ark., a leading anti-war critic of the Nixon Administration, is right to question some of the alleged improper involvement of the Army and Central Intelligence Agency in Laos and South Vietnam.

There has been no definite confirmation, but word has leaked out that a secret report defines the relationship between the Agency for International Development and the CIA.

Earlier reports confirmed that the U.S. Army had infiltrated South Vietnamese government offices by providing agents with phony press accreditation.

Compromising the integrity of these institutions is appalling and should be discontinued immediately.

The Nixon Administration can hardly disapprove graft and corruption in connection with foreign aid if its own intelligence agencies have no respect for the State Department's foreign assistance arm.

AID coordinates public and private foreign-aid programs with U.S. foreign policy. Tainting AID with CIA participation can only impair its effectiveness.

AID promotes long-range social and economic development, and tries to help countries help themselves. Countries that receive AID assistance are responsible for the major planning of their own development programs.

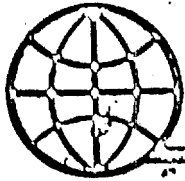
To use such an organization as an intelligence front is an insult to the recipients of the aid.

Misusing the press is just as reprehensible. The Administration allows intelligence to misrepresent accredited newsmen while the vice president assails newsmen and television commentators for being biased in their coverage of government.

The government should practice what it preaches.



14 MAR 1970



## Editorials

### Bombers and framers

Mayor Lindsay has denounced the perpetrators of the latest bombings in New York as "morally reprehensible." He ordered Police Commissioner Howard R. Leary to use "every resource at his command to apprehend those responsible."

It would have been more appropriate if Mayor Lindsay had assured New Yorkers that the FBI was not involved in those bombings. It would have been reassuring because George Demmerle, an FBI-payroller, was one of the five persons charged with tossing a bomb into a National Guard truck here only four months ago, on the night of Nov. 12-13.

City Council President Sanford D. Garelik virtually accused the Black Panthers, the Young Lords, and others of complicity in the bombings.

It would have been more appropriate if Garelik, formerly Chief Inspector in the Police Department, has assured the public that the New York Police Department was not involved in the present bombings.

It might have been reassuring because in 1965, Raymond A. Wood, an agent of the Police Department's Bureau of Special Services, was one of the four members of an alleged conspiracy to blow up the Statue of Liberty, and other national shrines.

Such an assurance of innocence would carry special weight since Garelik, champion of law and order, and foe of dynamiting, was chief of the Bureau of Special Services from 1960-1962, one of whose special functions is entrapment and framing of radicals in violence plots.

Agent Wood was not punished. Following the "exposure" of the alleged plot in which he was a conspirator, he received an \$1,800 raise in annual pay, with ex-police commissioner Michael J. Murphy making the award.

The probable involvement of the forces of "law and order" in the latest bombings is heightened by the statement of Assistant District Attorney Joseph A. Philips last week that five cops were part of the alleged dynamiting plot for which 13 Panthers are now being tried. Who can assure us that one or more of the five cops was not ready to win a promotion, a hike in pay, an award at the hands of the chief of police, and perhaps even a City Hall commendation for providing the police with pre-determined "suspects" after an explosion?

14 March 1970

STATINTL

## VIETNAM NEWS



The 57th session of the Paris peace talks was cut short last Thursday when the U.S. refused to discuss unconditional withdrawal. Philip Habib, the acting U.S. representative at the talks, tried to discuss Americans being held prisoner. In a statement issued by Mme. Nguyen Thi Binh, Chief of the delegation of the Provisional Revolutionary Government of South Vietnam, she discussed the "pacification" program of the U.S.:

"To implement that program, the U.S. and its puppets have spared no brutal methods: air bombings, shellings, sprayings of toxic chemicals, sweep operations, complete destruction of villages, massacre and terrorism against the population, the setting up of "no-man's lands" and "free-bombing zones," all the above combined with extremely perfidious political maneuvers in order to forcibly herd people into concentration

camps dubbed "prosperity zones," "strategic hamlets," "new-life hamlets," "refugee camps," "resetlement camps" etc. . . .

"In 1969, along with the release of over 1,200,000 tons of bombs, the firing of dozens of millions of shells and the spraying of scores of millions of litres of toxic chemicals and gases to destroy many populated areas and raze to the ground whole areas of villages . . . the U.S. . . . conducted tens of thousands of sweep operations, perpetrating so many mass murders, in order to herd the population into so-called "safety zones" around U.S. puppet military posts and bases, treading upon all liberties, destroying means of living, sowing famine and misery among the South Vietnamese population . . . ."

Tran Ngoc Chau, the Saigon assemblyman who was sentenced in absentia last week to 20 years in prison, was sentenced by the same military court March 5 to 10 years at hard labor. Tran is accused of endangering the security of the Saigon regime by meeting with his brother, Tran Ngoc Hien, who is alleged to be an agent for the Democratic Republic of Vietnam. Sen. J. William Fulbright (D-Ark.) blamed the U.S. for "shrugging its shoulders" over the case. On March 6 a Saigon deputy said that if the CIA had acknowledged the now imprisoned man's assertion that the CIA knew about the visits and had encouraged them, that Tran would not have been prosecuted. While the U.S. has not issued a statement about the case, it is reported that ambassador to Saigon Ellsworth Bunker privately urged that Tran not be prosecuted.

In a report to the New York Times Feb. 28. from "Landing Zone Baldy," South Vietnam, it was reported that officers handling the case of the five marines accused of murdering 16 South Vietnamese civilians "appear to be taking pains to avoid the controversy that surrounds the . . . massacre at Songmy." The marines, all between 19 and 22 years old, had volunteered for an ambush team in Sonthang, about 28 miles from Danang when they allegedly committed the murders.

The following U.S. casualty figures are based on government statistics. They are lower than casualties claimed by the NLF. The first figures cover the war from Jan. 1, 1961 to Feb. 28, 1970. The figures in parentheses show increases from Feb. 21 to Feb. 28, 1970.

Killed: 40,758 (113) "Non-combat" deaths: 7534 (45) Wounded: 268,415 (465) Missing, captured: 1447\*(\*Figures for current week not available.)

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13 MAR 1970

**VIETNAM SETBACKS** threaten to result from Thieu's tough behavior.

U.S. analysts worry about his relentless efforts to jail as a spy Tran Ngoc Chau, a former army pal turned political foe. Thieu's attempt antagonizes some potential allies in South Vietnam. It bodes ill for a political settlement with the North; Hanoi will view Thieu's stance as a sign he'll be intransigent in negotiating.

Another problem: The action against Chau, who had reported contacts with his Communist brother to the CIA, implies the U.S. can't be trusted. Ambassador Bunker advised Thieu not to prosecute Chau but didn't press hard. Some diplomats evidently reason that backing the Saigon chief is essential, even at the risk of riling U.S. doves.

*Field reports fail to support a Washington theory: That Mekong Delta peasants resent lately arrived North Vietnamese troops with different accents and mannerisms.*

UTICA, N.Y.  
PRESS

M - 28,782

MAR 1-1 1970

## Hanoi's Offers to Stop Fighting In Laos and Vietnam Encouraging

Are the North Vietnamese showing signs of wanting peace in Vietnam and Laos? Their latest moves in this direction could be just another propaganda effort, but there is enough substance to suggest that a major peace effort could be in the making.

THE OFFER TO CALL a halt to the fighting in Laos has been given considerable publicity, and the Laotian government appears to be anxious to do most anything that will stop the fighting.

Our involvement there is highly questionable, with the CIA offering combat support without congressional approval or the public's knowledge. Now we have also extended our South Vietnamese forces to provide aid combat assistance.

More important, but less publicized, is the report from Daniel DeLuce, of the Associated Press, that the North Vietnamese told him they were willing to agree to a ceasefire in Vietnam, if we would make public a total troop withdrawal plan.

Normally, this might be considered another of many similar proposals that always seem to have strings attached. But this one appears so simple and direct that

it suggests the North Vietnamese might have allowed DeLuce's visit so they could present a true ceasefire plan.

IT MIGHT BE SAID that such a proposal could have been made at the Paris talks, but Hanoi might have felt it would lose face if it made such an important proposal in Paris, after it has refused to talk without a top-level replacement for Henry Cabot Lodge.

"If the United States will agree to carry out such a withdrawal, discussions can be held and a date agreed on for completion of the withdrawal," DeLuce quoted a Hanoi spokesman as saying.

"Conditions will be assured that all foreign troops will be able to leave South Vietnam in perfect safety and without harm."

Assuming that the two offers are bona fide, it would suggest that Hanoi has recognized that we are not giving up easily in either country and that they might do better by talking.

THE OPPORTUNITY appears to be there for us to exploit, and hopefully we will do so without delay.

STATINTL

## Kissinger Team Ends Vietnam Survey

By Robert G. Kaiser

Washington Post Foreign Service

SAIGON, March 10 — Ten U.S. officials sent here by Dr. Henry Kissinger to assess the pacification program have completed their work and headed back to Washington.

The ten—five from the State Department, three from the CIA and two from the Defense Department — came to Vietnam to investigate optimistic reports from the field with a deliberately skeptical eye.

According to informed sources here, Kissinger and other top officials in Washing-

ton hoped this kind of special investigation would help them evaluate the steady stream of optimism that has dominated official reports from Vietnam for months.

"They're inundated with facts in Washington," one official source said. "They don't know what to make of them."

The 10 men who came to Vietnam for visits of about three weeks all had previous experience here. All spent most of their time in the countryside, each investigating the situation in one or two provinces. Several went to prov-

inces they had worked in on earlier tours in Vietnam.

Sources who talked to the visitors said many of them found grounds for skepticism about the official optimism here. Several, for example, said the South Vietnamese government seemed to have little to do with pacification's success in the last year, these sources reported.

Some pacification officials in Vietnam have also expressed the view that the dramatic increase of government control in the countryside has been achieved in spite of a medio-

cre performance by the government. Like several of Kissinger's investigators, these officials attribute many of the gains to U. S. firepower and temporary Communist weakness.

Informed sources also said some of the Kissinger investigators were impressed by the degree of government control in the country, even if they questioned the reasons for it.

Most of the 10 investigators shared their observations with Gen. Creighton W. Abrams and other top officials here before returning to Washington. Abrams was said to have spent as much as two hours with some of them.

MARTINSBURG, W. VA.  
JOURNAL

E - 11,977

MAR 10 1970

## Saigon Ruthlessness

The ruthlessness of the Saigon government once again was spotlighted last week when a 46-year-old South Vietnamese Assemblyman, Tran Ngoc Chau, was convicted and sentenced to 20 years in prison on what appears to be a trumped up charge.

Mr. Chau was accused of pro-Communist activity but it would seem that his real crime was that he had spoken out in favor of negotiating a settlement of the war in opposition to the stand taken by South Vietnamese President Thieu.

The Assemblyman has admitted having meetings with his elder brother Tran Ngoc Hien who last year was sentenced to life in prison after being convicted as a Communist spy. Mr. Chau said the meetings with his brother were held for the purpose of finding out for the Americans what course Hanoi might be willing to follow in working out a settlement of the war. In fact, he charges that his dealings with his brother were carried on with the full knowledge and encouragement of U. S. officials.

As was to be expected, when Mr. Chau ran into trouble with the Saigon regime, American officials deserted him. But a high-level American source in Saigon admitted to a New York Times reporter that the U. S. embassy there had had communication from Washington on the Chau case and that Ambassador Ellsworth Bunker had discussed the matter with President Thieu.

The same source conceded that it was possible that Mr. Chau had acted with the knowledge and approval of lower level officials working for the C.I.A. or other agencies. No one in the mission disputes the fact that Mr. Chau maintained close working relations

with officials in the C.I.A. and embassy during his years as a province chief in the Mekong Delta, and as mayor of Da Nang. In 1966, he was a key official in the revolutionary development program, which was devised and operated by the C.I.A. As one of the administrators of the program, he worked on a day-to-day basis with C.I.A. agents.

All of this would make it seem that there is much truth to what Mr. Chau has claimed. But the Saigon intrigue goes even much deeper. It has been charged that an aide to President Thieu had bribed a majority of Lower House colleagues to get them to sign a petition lifting Mr. Chau's immunity from prosecution as an assemblyman. Bribes as much as 400,000 piasters (about \$3,400) were said to have been paid for some of the signatures on the petition.

In a more recent development, Mr. Chau has been granted a new trial probably because of the notoriety given his conviction by the press and possibly because of the agitation it has stirred among various South Vietnamese factions that aren't happy with President Thieu.

The whole affair is one more illustration of the type of government we are supporting in South Vietnam. It is clear to us that the Saigon junta wants no peace that might in any way threaten the removal of the generals now in authority, even though they do not represent the majority of the South Vietnamese people. This unrealistic and self-defeating marriage we hold with the Thieu-Ky regime prevents any possibility that a negotiated settlement of the war in Vietnam can be expected at any time in the foreseeable future.

NEWSWEEK  
9 MAR 1970

## Thieu Gets His Man

Even by Vietnamese standards, there was something decidedly odd about the military court that met in Saigon last week to judge two of President Nguyen Van Thieu's political enemies. First, neither of the defendants was present, even though one of them, National Assemblyman Tran Ngoc Chau, 46, was the central figure of a much-publicized vigil in Vietnam's Parliament building a few blocks from the courtroom. And no lawyers were permitted to plead. But then, neither were there any witnesses to be cross-examined. Nonetheless, five young officers of the court deliberated for twenty minutes before imposing the maximum sentences: death by firing squad for Assemblyman Hoang Ho (who was out of range in another country) and twenty years at hard labor for Chau.

Chau's crime was to hold eight meetings with his elder brother, Tran Ngoc Hien, a confessed Communist who was one of Hanoi's top spies. But what the court chose to ignore were Chau's protestations that high-ranking Americans, including U.S. Ambassador Ellsworth Bunker, had known about his contacts with Hien and encouraged the meetings (NEWSWEEK, March 2). Some U.S. officials privately admit that Chau is telling the truth, but the U.S. Embassy has declined to intervene. According to one report, the U.S. abandoned Chau, who had once been rated as one of Vietnam's brightest leaders, after Thieu agreed to rid his palace of several cronies adjudged by the CIA to be dangerous security risks.

**Crime:** The U.S. Embassy, upset by Thieu's hamfisted conduct, did, however, send two diplomats to call on Chau in the Assembly building, where he defiantly held court and challenged the police to arrest him. Chau's real crime, his friends charged, was to emerge as a potential leader of the legislature and threaten Thieu's autocratic power. And Chau insisted that Thieu had used that power to obtain an illegal petition, signed by 102 assemblymen, to strip him of his parliamentary immunity from prosecution (three members have since repudiated their signatures).

Disregarding the uproar over Chau's trial, Thieu chose to touch off a constitutional crisis by sending armed police into the Assembly. After a wild mêlée in which newsmen and parliamentarians were slugged and pistol-whipped, Chau was carted off to Chi Hoa prison. Though he will be retried this week by another court on the original charges, Chau was unfazed—and unrepentant. Thieu, he charged, was trying to rule by dividing the Vietnamese. "Ho must give the people something worth fighting for."



## *Destroying Chances For A Peace Agreement*

Two specialists on political affairs in South Vietnam have told Richard Dudman of our Washington Bureau that the conviction of Tran Ngoc Chau has destroyed the possibility of a negotiated peace. This is a shocking judgment, but unfortunately it is substantiated by what is known of recent events in Saigon.

Mr. Chau, a member of the national assembly, was stripped of his parliamentary immunity (possibly illegally) so he could be prosecuted and convicted for failing to inform his government of several meetings with his brother, who is an acknowledged Communist agent.

Mr. Chau admits this, but the U.S. Embassy and the Central Intelligence Agency had full knowledge of the meetings and apparently encouraged them as a means of obtaining information on Viet Cong activities.

Mr. Chau's real crime was that he began last fall to advocate a cease-fire and direct talks with the National Liberation Front, a concept abhorrent to President Thieu of the Saigon regime. Competent authorities say Mr. Chau is not a Communist; these include specialists

at the American Embassy. But President Thieu says Chau is a Communist, and his friend United States Ambassador Bunker parrots the same phony line.

The sorry picture that emerges is that President Thieu, fully backed by Mr. Bunker, unscrupulously intends to destroy any political opponent who speaks of a negotiated peace. The sentencing of Mr. Chau to 10 years in prison means that he can get away with it; other voices of opposition will be stilled.

The signals will be read in Paris as well as in Saigon. They mean the United States intends to keep Thieu in power by force of arms, its own or those of its South Vietnamese clients, indefinitely. There will never be a negotiated settlement so long as this situation continues. What President Nixon ought to do is recall Thieu's crony, Ambassador Bunker, and encourage the emergence of political groups that have the confidence of the people and the desire to bring peace to all of Vietnam.

Washington cannot advocate self-determination for the Vietnamese people and at the same time block it, without appearing hypocritical.

### SOUTH VIET NAM

#### How to Make a Martyr

Though South Viet Nam's National Assembly has occupied Saigon's neo-Romanesque Opera House for more than two years, the old building has not suffered from a dearth of drama. Most recently it has been the principal site of President Nguyen Van Thieu's bare-knuckle campaign to silence his opposition in the Assembly. Last week the performance reached a climax.

**Forged or Forced.** Thieu's ire was directed particularly at two Deputies, Hoang Ho and Tran Ngoc Chau. Both were accused of having had "contact with the Communists." Chau admitted to having been in touch with his elder brother, a North Vietnamese intelligence officer, but said that he was trying to persuade him to "renounce Communism." U.S. sources, including John Paul Vann, chief of the U.S. pacification effort in the Mekong Delta region, and retired Major General Edward G. Lansdale, a counterinsurgency expert with long service in South Viet Nam, have stated that Chau reported his meetings not only to other Vietnamese officials but also to the CIA. Chau, said Lansdale, is "a very loyal, patriotic Vietnamese."

According to one U.S. source, Thieu was well aware that Chau had been briefing the CIA on his meetings. Thus there

is little likelihood that he really believed Chau was in league with the enemy. Evidently, what the South Vietnamese President really feared was Chau's potential strength as an opposition leader. In recent months, Thieu has relentlessly maneuvered to undercut Chau. He has publicly denounced the presence of "Communist elements" in the 137-member lower house; government-paid demonstrators have been sent storming into the Assembly to break windows and furniture. Finally, last month, Thieu rammed through a petition stripping Ho and Chau of their legislative immunity. Though several Deputies said their signatures had been forged or forced out of them, the petition enabled Thieu to bring the two men to trial.

Last week a five-man military court was convened for that purpose in Saigon. Neither of the accused turned up; Ho had fled the country and Chau had retreated to the National Assembly building. The kangaroo court got under way an hour before schedule, and by the time Chau's lawyer turned up at 9 a.m. it was all over; he was even denied the right to speak because he was late. Ho was sentenced to death, and Chau to 20 years' imprisonment.

Even before the verdict was announced, Chau was arguing his case in the supposed sanctuary of the National

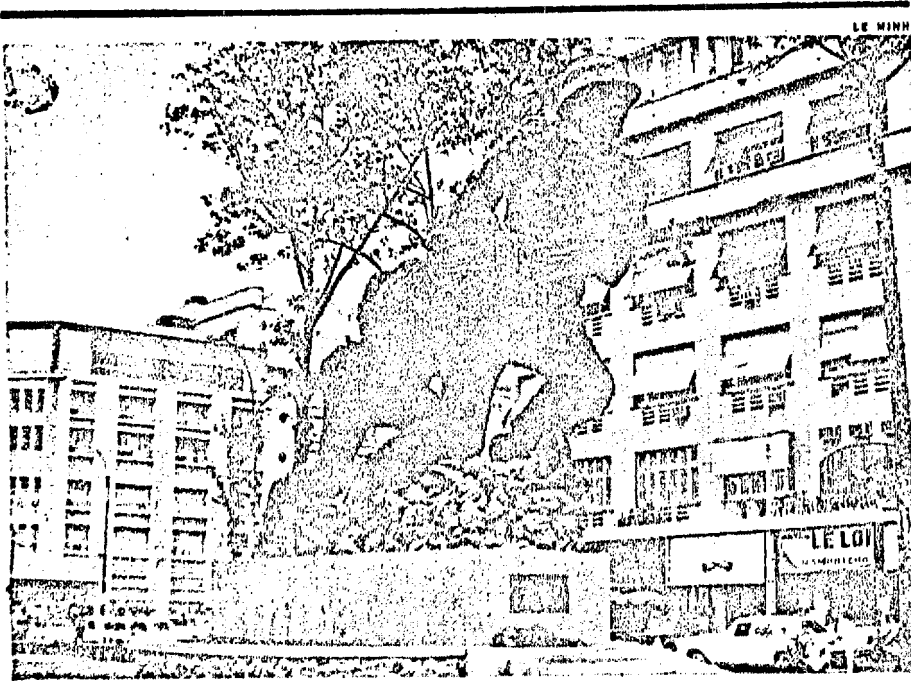


CHAU JUST BEFORE ARREST  
*With particular courtesy from the cops.*

Assembly, which was in recess. For 80 hours, he held forth in the old Opera House, entertaining newsmen with Vietnamese beer, fruit and copies of his biography, and maintaining a steady anti-Thieu patter. "Did you hear?" Chau jeered at one point. "President Nixon has sent a dossier to the Senate asking for the lifting of Senator [George] McGovern's parliamentary immunity because he was in contact with the Communists in Paris." What did Chau think of his sentence? Thieu, he replied, "won't last 20 years—he's likely to last less than two."

As a final dramatic gesture, Chau pinned on the green and gold National Order medal he had won for his service as a former Mekong Delta province chief. The decoration, South Viet Nam's highest, bears the inscription: "The nation is grateful to you." Wearers of the medal are supposed to be saluted by soldiers and police, and to be treated with particular courtesy. But when the cops burst in, they unceremoniously ripped his medal off, beat him to the floor, handcuffed him, dragged him down a flight of stairs by his feet, bumping his head on each step, and tossed him into a waiting Jeep.

**Less Than Deft.** The chief effect of the Chau fiasco was to show that Thieu is less than deft in handling opposition. In recent years, he has turned relatively ineffectual opponents like Truong Dinh Dzu, the runner-up in the 1967 presidential election, and Thich Thien Minh, a leading Buddhist, into near martyrs by arresting and imprisoning them. Now, as a U.S. official in Saigon notes, "he has changed Chau overnight from a political nonentity into an international figure." When Chau gets a new trial to clear his conviction, probably this week, he can be expected to make the most of his day in court.



The National Assembly under the Gun

**S**OUTH Viet Nam's legislators are forever fretting about the possibility of domination by the military, and the regime's action against Deputies Ho and Chau last week proved that their fears are not unfounded. One thing that particularly disturbs the lawmakers is a grotesque, 30-ft-tall statue of a man, one of them toting a light machine gun that is aimed straight at the Opera House

30 yds. away, where the Assembly's lower house sits. When some legislators suggested that the statue had an unsavory symbolism, Thieu smilingly agreed to have it removed. But that was six weeks ago. As yet, no cranes or dismantling crews have appeared to remove it. The statue, which is still covered, who still have the Assembly well

# Chau Case Tarnishes U.S. View of Thieu

By Robert G. Kaiser

Washington Post, Foreign Service

SAIGON, March 8—The persecution, prosecution and conviction of Deputy Tran Ngoc Chau have changed the political climate in Vietnam. Like the hot, sticky weather here, the new political atmosphere is somewhat oppressive.

Saigon's politicians and camp followers have not agreed on a common interpretation of the Chau case and its eventual significance. The biggest mystery—as it has been from the beginning—is why President Thieu pursued Chau so relentlessly. As long as this question remains unanswered, the significance of

the case will remain unknowable.

But some ramifications of the case are obvious and widely agreed on: It has in-

## News Analysis

timidated Thieu's opposition, aggravated bad relations between him and the National Assembly, and tarnished the presidential image among those who are devoted to constitutional processes in Vietnam. This last group includes some Vietnamese, but its most important members may be American.

Thieu's handling of the Chau case has cost him the respect of numerous Americans in Vietnam, in both the U.S. Mission and the press corps.

It is a cliché among Americans here that President Johnson was foolish to try to re-create American democracy in South Vietnam. Nevertheless, due process has an undeniable attraction for Americans, even Americans hardened by cynicism in Vietnam. And Thieu tossed due process out of the window in the Chau case.

The reaction of Americans here has fathered a very tentative theory about the case that one could hear this weekend.

Thieu may have passed an important and dangerous turning point in the last few weeks by giving up—whether purposely or not—any claim on American affection for him as an Asian democrat.

In the past, Ambassador Ellsworth Bunker and other Thieu supporters have stood staunchly by the president. If the Chau case represents a permanent change in Thieu's patience with his opponents, some diplomatic observers hypothesize, Bunker's case may be drastically weakened.

"As long as he's a reliable horse," one American said of Thieu this weekend, "We'll ride him. But if people think he's beginning to falter, that could cause difficulties."

The American establishment in Saigon fervently hopes this incident was an aberration, and that Thieu will revert to the generally tolerant—if fundamentally authoritarian—attitude that has typified most of his presidency.

Senior American officials here regard the continued stability of the regime as the most crucial aspect of "Vietnamization." They will happily bury the bad memory of the Chau case if Thieu redeems himself. This process of forgiving has worked before.

But some U.S. officials and other Westerners note a disquieting anti-American tone in the prosecution of Chau. For instance, the government seemed to make a great deal of Chau's connections with the CIA. The military prosecutor pressed this point in court last week, implying that Chau was serving the United States at the expense of his own country.

Apparently, President Thieu simply ignored repeated pleas from Ambassador Bunker to handle the

case more diplomatically. Some diplomatic observers here think Thieu was using the Chau case in part to send a message to the Americans—a message to leave Vietnamese politics to the Vietnamese. There is also speculation that Thieu was warning other Vietnamese not to cooperate with Americans as intimately as Chau had.

In a purely Vietnamese context, speculation about the eventual effect of the case is less apocalyptic. Chau was not a particularly popular figure here before his arrest. He still isn't widely known, though Thieu's attacks on him have made Chau a much more familiar name, at least in Saigon. Though Chau was close to the Buddhists, there are no indications that they will make a major issue of his conviction. He had no other constituency that could make his case a cause.

So there is general agreement among Vietnamese politicians that Thieu will not be seriously threatened by any Vietnamese reaction to Chau's conviction.

The Vietnamese, most affected by the case are members of the small group whose public lives are directly dependent on a reasonably fair application of the Vietnamese constitution. Perhaps 500 people fall into this category.

Most prominent among them are Chau's colleagues in the National Assembly. They used to think that their version of congressional immunity enabled them to speak out on controversial issues without fear.

The Chau case suggests to many of them that this immunity may not be very valuable—not so much because Thieu went after Chau, but because of the way he went after him.

Moderate politicians and newspaper editors have been virtually unanimous in condemning the president's methods.

The use of violence in arresting Chau seems to have been particularly abhorrent to many Vietnamese. Legislators are predicting new delays for Thieu's bills in the Senate and House.

Yet Thieu's opposition has clearly been intimidated by the Chau episode. "I used to let anybody come into my office to talk," a young member of an opposition bloc in the House said the other day. "Now I'm more careful about who I see."

Public discussion about a "third force" to end the war, promoted by Sen. Tran Van Don and former Gen. Duong Van (Big) Minh late last



TRAN NGOC CHAU

... opposition intimidated year, has all but disappeared. The silencing of the Vietnamese editor said, "Maybe it was his main purpose."

Thieu may have gained another advantage too—renewed and stronger support from his army colleagues. Saigon is abuzz with rumors that the army pressured the president to prosecute Chau. If the stories are correct, the army should be pleased with the outcome of the case.

If it was the army that forced Thieu's hand, the U.S. Mission will have to accept the irony with a smile. The embassy here has long believed that the army is the sole source of significant political strength in South Vietnam.

# Browning - Waynesville's Reluctant But Authentic Hero

By LEWIS W. GREEN

Citizen-Times Staff Writer

The Warrant Officer brought the helicopter down into the battle quickly and looked around for the wounded. He saw a man on the ground in front of the chopper and climbed out swiftly and ran to him.

He had landed the craft in a cross-fire as American and North Vietnamese troops contested the ground, and when he discovered the fire-fight he didn't stop but went on to the downed soldier.

Then a North Vietnamese lieutenant raised up from the ground and shot him through the chest with a 9 mm pistol. The bullet went in about an inch above his right nipple and came out through his shoulder blade.

The Warrant officer had his own .38 pistol out and he shot the man who had shot him, but his was better because his killed. Then he reached the body of his comrade and found he was dead. For no good reason he stumbled back to the helicopter with the corpse, losing blood as he went. He laid the dead American in the chopper and leaned over.

"Is anyone else hurt?" asked the 18-year old medic.

"Yeah, Man," said the Warrant Officer. "Me."

The chopper got airborne with someone else at the controls. Then the Warrant Officer felt his strength going and he slumped over. The medic pushed him on over, got his shirt cleared, then took a scalpel and went into his lung. He stuck a tube into the incision and let the blood start draining away. The Warrant Officer was in pain but he

never lost consciousness on his way to the hospital. He stared blankly at the corpse he had carried back.

That was on the 18th of January of this year, and Chief Warrant Officer James L. Browning of Waynesville wound up back in the States at Womack Hospital at Ft. Bragg. He recuperated enough and the Army let him have a long leave.

Homecoming from the war is always a sweet and heady experience, but young Browning is growing accustomed to it. He is 26 years old and he has served four tours of combat duty in Vietnam. If his recuperation goes well, he will return to the war zone soon.

Browning is Haywood County's reluctant but authentic hero. He is the most heavily decorated soldier since Max Thompson brought the Congressional Medal of Honor to his mountain home after World War II.

The glory sits lightly and uneasily on the young professional — he is at once hard and tough and in the same instant a shy, grinning young man trying to comprehend the world around him. There are few traces of egoism to him, and there is much that is harassed and worrisome in his clear eyes.

CWO Browning has seen the war in South Vietnam from all angles. He served as a paratrooper in a rifle company, as a "Tunnel Rat" with the Montagnards, a tour in behind-the-lines guerrilla warfare with the Green Berets, with the CIA security forces, and on his last tour, as the pilot of a helicopter gun-ship. As soon as one tour ends and he has a little rest, he volunteers for another shift in

the furnace room of the world.

Browning went into the Army in 1961 as a volunteer. He had finished high school that year, and worked a short time at Dayco Southern in Waynesville, where his mother, Mrs. Virginia Browning, is employed.

The military is mostly a thankless profession, and the tougher the outfits, the harder the recognition. However, the Army looks out for those comers' who choose the hard places. Young Browning found the hard places challenging, and ran head-long at them. Following his basic training at Ft. Jackson, Browning went Airborne and went through jump school at Bragg and Benning. Following that he was stationed at Ft. Campbell, Ky., with the 101st Airborne Division. While there he volunteered for Pathfinder School. Pathfinders have the most harrowing of jobs during a combat jump. They must go in well ahead of the other jumpers and mark the drop zone and perform various other incidentals that can take one to an early grave.

Following the Pathfinder School, Browning then went into 18 months of intensive training to become a Green Beret at Ft. Bragg. He returned to Airborne Division status in 1965, just in time to take part in the street fighting in the Dominican Republic. It was later in 1965 that he went to Vietnam as a buck sergeant. He found himself back in an infantry company with the 101st Airborne.

During this tour, he began picking up souvenirs — some shrapnel in his right leg from a 60 mm mortar. He also served as a "Tunnel Rat", also one of the finest occupations to get

yourself killed if that is what you seek. During his tour as a rat, Browning said he did run into booby-traps and Bangalore torpedoes but didn't have to contend with those fearsome traps known as "Malayan Gates" (spiked gates loosely attached to the ceiling... when tripped they come in on you fast) or the curtains of live snakes that the Cong was fond of preparing in the low dark caves. They tied several snakes by the tail and let them hang among curtains of vines. Browning was once featured in a story on "Tunnel Rats" in the New York Times.

Later came his tour as a Green Beret and with the CIA security forces.

Once another North Vietnamese soldier shot Browning through the arm with a .45 greasegun. This time Browning shot his man down with four rounds from his M-16 rifle. He has also been wounded by shrapnel in the left knee thigh and head. Each time, as soon as he was released by the medics, he returned to the line.

Through hard work and devotion to duty, Browning rose to the rank of master sergeant by the time he was 24 — the youngest master sergeant in the Army at that time. His decorations were piling up also.

When he returned to the States the time before last, the Army put him through the helicopter flight school and made him a Chief Warrant Officer. As soon as that training was over, he returned to the war and that's what he was doing when he got shot the last time.

Browning is the son of the late Denton Browning, who

8 MAR 1970

# Chau Case: The Basic Trauma of Vietnam War



ARTHUR J. DOMMEN

SAIGON

At one point in the trial of Rep. Tran Ngoc Chau, the presiding officer of the military tribunal, a lieutenant colonel, said to the defendant, also a lieutenant colonel:

"You were in contact with the Americans to get dollars. That's all." The colonel had raised a good point. There was even a faint

*Arthur J. Dommen is chief of The Times' Saigon bureau.*

stirring among the Vietnamese MPs in their American helmet-liners, their American pistols and their American-supplied boots.

The question not only of American dollars in Vietnam, but also of the presence of Americans themselves and of their activities is a question that interests many South Vietnamese.

Chau was convicted of pro-Communist activity involving illegal contacts with his brother, who was a Viet Cong intelligence agent and who is now in a government prison. Chau admitted having contacts with his brother but said he informed the U.S. Central Intelligence Agency of them.

But for the people in the villages, the constitutional contortions of Chau's prosecution have no meaning. The sight of American pilots in American helicopters ferrying Vietnamese soldiers, however, or of an American adviser in conference with their district chief, have great meaning.

As Chau said in self-defense, there are hardly any Vietnamese, at least those with some military or other official position, who have not, at some time in the last few years and in some form, received dollars from Americans or done an American's bidding.

From landlords to laundry women, from officials caught in the maze of pacification, development, support, counterterror, or other U.S.-Vietnamese programs to privates with their M-16s, all have been incriminated, if association with Americans means incrimination.

This was certainly Chau's case. He was caught between the Americans and the Vietnamese, between the drive for efficiency and success that his Westernized education had inculcated in him and his loyalty to his own country.

His was the trauma of the Vietnam war, and his brother, Hien, the

Communist intelligence agent, knew this perfectly. Hien played on Chau's vanity, telling him, according to the confession Hien has given the police, that although Chau was wearing an American-style uniform he could still show he was Vietnamese.

During his two tours as chief of Kien Hoa province, from mid-1962 to mid-1963 and from 1964 to 1965, it was reassuring for Chau to know, of course, that American helicopters were available in an emergency, for instance, if a Viet Cong battalion tried to overrun one of his outposts.

## He Made Adjustment to U.S. Ideas, Programs

When Chau moved to Vung Tau and became director of the Revolutionary Development program he had to adjust to American ideas and programs and he met more Americans.

He had already met the top Americans in Vietnam, including Ambassador Ellsworth Bunker, by the time he took his seat in the lower house of the National Assembly.

There, he continued to meet Americans from the embassy, who asked how various pieces of legislation were progressing and how the constitution, with its American-type division of powers, was working out. But Chau also heard rumors of money—large sums of money—changing hands.

The president had in his service a millionaire pharmacist, Nguyen Cao Thang, who maintained close contact with National Assembly deputies. Of course Thang said that any money used for donations before critical votes came from his own pocket and not from President Nguyen Van Thieu's special fund.

Still, there was the fact that Thang earned his money importing and selling medicines subsidized by American aid funds, for which official licensing was required. Having friends in the right places helped.

So Chau saw a lot of money changing hands and the origin of

this money, in one way or another, was the United States, and the reason for its changing hands, in one way or another, was the war.

There were frequent charges of corruption in lower house sessions, briefly revealed discontent, and then things settled down again. Corruption remained.

# The Tragedy of Vietnam Is Mirrored in Chau Trial

STATINTL

By DONALD KIRK  
Special to The Star

SAIGON — It was a tale of three brothers, but it was also a tale of a nation divided by war, emotions, ideology and geography.

It was a drama of political and diplomatic intrigue, of double-dealing and almost defenseless honesty. It was stranger than fiction, stranger than a Greek tragedy or an Ian Fleming novel, far stranger than most of the gossip passed every day in the bars and coffee-houses of this rumor-torn capital.

It was the trial of Tran Ngoc Chau, a saga in military justice imprinted as almost a footnote beneath the greater epic of the war for national survival. Yet it capsulized, it seemed, some of the dilemmas confronting Vietnamese fighting Vietnamese for more than a generation.

Why did Tran Ngoc Chau, the successful politician, the benedict-aled soldier, confidant of presidents and ministers, possibly a future minister himself, entertain his long-lost brother, the North Vietnamese army captain, Tran Ngoc Hien, who came calling on him one day in 1965 and tried to persuade him to defect to the Communist cause?

## Report to CIA

Why did Chau, if he entertained his brother merely out of brotherly love, not report the meeting at once to the authorities, who would presumably have arrested Capt Hien — and perhaps presented Chau with another medal for bravery or national service?

Finally, why did Chau report the meetings to the American Central Intelligence Agency and even, according to his testimony, see the American ambassador, Ellsworth Bunker, for three hours — and still keep the meetings a secret from Vietnamese authorities?

The questions struck at the fundamental fears of the government of President Nguyen Van Thieu. On the answers hung the deeper questions of how many Vietnamese are angling secretly for coalition with the enemy, of how the Americans really feel about secret "contacts" with the North Vietnamese — of whether American and South Vietnamese officials, in some cases, might be working at cross-purposes in their efforts to end the war.

Chau himself was perfectly cast for his role. At 46, the former province chief, the ex-mayor of Da Nang, the popular lower house deputy could pass for a man in his 30s. Short and stocky, he shouted and growled out his words at the final session of his trial on Thursday as if he were dressing down a rival politician or some unfortunate critic of his policies.

## 'Nationalist'

"I am a nationalist. I like the traditions of my country," he pleaded. "But if you force me to denounce my brother, if South Vietnam is so cruel, then I deserve to be a Communist."

"I told Hien that North Vietnam followed Red China and Russia," said Chau at another point in the drama. "His eyes blinked and tears came out. I know Hien lived under Communist control, but fundamentally at the bottom of his heart, he was still a nationalist."

Chau was as different from Hien as both of them were from the third brother, Tran Chau Khang. It was difficult to believe, in fact, that all three of them, bound by war and prison, should also be united in blood.

While Chau played for the gal-

leries, Hien was interested only in answering questions as briefly as possible and then returning to the small room outside the court where he had waited throughout the five-day trial.

Chau wore black peasant pajamas, the uniform variously of the Viet Cong and the Revolutionary Development Cadre, once funded by the CIA, but Hien preferred the anonymous open-necked grey shirt and trousers of a typical Saigon clerk, teacher — or Viet Cong agent.

Chau changed expression quickly from a smile to a frown, but Hien, sentenced to life imprisonment at a similar trial last July, remained expressionless, impassive, and spoke in a monotone. Chau, he said, was "not cooperative," and might even have been "playing a trick" on him to give the impression he was seriously considering his views.

After their eighth and last meeting in April of 1969, soon after President Johnson had halted the bombing of all North Vietnam, Hien con-

tinued. "It was impossible, said Hien, to know 'exactly what Chau had in his head.'"

Hien looked precisely like the photographs of Communist agents — taut-faced, thin, mirroring little if anything of the emotions or torments that had driven the brothers apart more than 20 years ago, when Chau protested and resigned from the Viet Minh and Hien remained in the enemy ranks.

If both of the brothers were activists in Vietnam war and politics, however, the third — and oldest — of the trio was clearly a victim of circumstances. Khang, grey-haired and still pudgy despite having served nine months in prison since he was sentenced to five years last July for colluding with his brother, looked ill at ease under questioning.

Khang, explained courtroom observers, was the family ne'er-do-well an unsuccessful businessman, a nonentity as a government clerk, whom Chau had rescued by appointing to an obscure position in the Revolutionary Development program.

Again it was brotherly devotion, according to Chau, that motivated him. "Khang had no employment," said Chau. "I wanted to help him. I did not need Khang. I could deal directly with Hien myself. Why should I use Khang to convey secret documents, as the prosecution has claimed?"

Khang introduced only one new element into the case — the revelation that Chau had told him he "intended to persuade Hien to return to the nationalist side and then send him to the United States for study." It was the kind of boast, Khang's testimony implied, that one might expect of the successful government official who himself had gone on a tour of the U.S. in 1968.

The irony of Chau's defense was that it rested to a large extent on his claims of contacts with South Vietnam's American ally, just as

the prosecution insisted he was conspiring with the Communist enemy. If the latter appeared questionable, no one in the courtroom disputed that Chau had dealt directly with representatives of the American CIA.

Chau's position as director of a training center for Revolutionary Development team members put him in direct touch with the CIA for



7 March 1970

## VIETNAM NEWS



Tran Ngoc Chau, a member of the opposition in the Saigon National Assembly who was seized by police and dragged off to jail Feb. 26 to serve a 20-year sentence, was granted a retrial by the Saigon regime the next day. The new trial will be before the same military court that sentenced him.

Tran had been sentenced to serve a 20-year jail term due to his eight visits with his brother, Tran Ngoc Hien, who is alleged to be a North Vietnamese intelligence officer. Another assemblyman, Hoang Ho, was also found guilty of pro-Communist activities and sentenced to death. He is believed to have fled the country.

Tran Ngoc Chau claims, and the CIA has not denied, that the visits to his brother were made with the full knowledge of the CIA and of other high-ranking South Vietnamese officials. After Tran's seizure, representative Nguyen Huu Chung stated: "President Thieu has just made a giant stride toward total collapse of the regime."

Daniel Elsberg, who was senior embassy analyst of the pacification program from 1965 to 1967, said "... Tran fell out of favor with some American agencies because he refused ever to be or act like a paid American employe. Thieu can't buy him either, that's why he's being destroyed." Sen. William J. Fulbright (D-Ark.) charged that Thieu had had Tran arrested to prevent a negotiated settlement of the war. He also denounced the Nixon government for not coming to Tran's aid.

Five U.S. marines in South Vietnam were arrested Feb. 20 and accused of murdering 16 South Vietnamese civilians. Members of the Seventh Marine Regiment, the marines were on a five-man patrol 27 miles south of Danang in Southang village. The only other details released so far about the case concerned the finding of the slain bodies of 11 women and five children by fellow villagers.

Mme. Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of South Vietnam, boycotted the 56th session of the talks in Paris on Vietnam Feb. 26. Xuan Thuy, head of the Democratic Republic of Vietnam delegation, who has boycotted the talks for several months, has charged that the failure of the Nixon administration to replace Henry Cabot Lodge with a top-ranking diplomat is another U.S. attempt to sabotage the talks.

The following U.S. casualty figures are based on government statistics. They are lower than casualties claimed by the NLF. The first figures cover the war from Jan. 1, 1961 to Feb. 21, 1970. The figures in parentheses show increases from Feb. 14 to Feb. 21, 1970.

Killed: 40,645 (83) "Non-combat" deaths: 7489 (31) Wounded: 267,950 (657) Missing, captured: 1447\* (\*Figures for current week not available.)



NASHVILLE, TENN.  
TENNESSEAN

M - 141,842  
S - 234,036

MAR 7 1970

## This Is the 'Democracy' The U.S. Is Fighting For

**P**RESIDENT Thieu of South Vietnam has finally got Mr. Tran Ngoc Chau off to prison where, presumably, he won't be able to cause any more trouble for the Saigon regime for awhile.

Mr. Chau, a deputy in the National Assembly, is a former friend of Mr. Thieu's. But since he had been in the assembly, the deputy had become a thorn in Mr. Thieu's side by opposing the president's repression of his political opponents. In a situation of that type friendship was not of much value.

\* \* \*

Finally, Mr. Thieu charged his old friend with "Communist activity" for maintaining "illegal" contacts with his brother, an intelligence agent for North Vietnam. Mr. Chau was tried by Mr. Thieu's military court two weeks ago. The deputy refused to attend the trial and stayed in his office in the assembly building. But the trial went on and Mr. Chau was convicted as charged and sentenced to 20 years at hard labor.

After the deputy was arrested in his office—while Saigon police beat newsmen and threw them out of the building—another trial was held—to fulfill a technical legal requirement. It took the five-man military court just one hour to find the deputy guilty a second time. But his sentence was reduced from 20 to 10 years at hard labor.

Mr. Chau acknowledged that he had contacts with his brother between 1965 and 1968 but maintained

he was reporting these dealings to the U.S. Central Intelligence Agency, which he said pervades "all levels" of the South Vietnamese government. In the end, he said, the CIA failed to come forward and tell the truth to save him from prison.

Whatever the merits of Mr. Chau's story about the CIA, there is little evidence to support the claim that he is a Communist—and no such evidence was presented at the trial. In fact, he has a good record in a number of government posts as an opponent of communism. But apparently this was ignored at the trial.

The crime for which Mr. Chau was convicted was not committed between 1965 and 1968. It was committed when he was elected to the National Assembly and began to speak out against the repressive tactics of President Thieu.

It is hard to believe that any U.S. official versed in law and justice—either in Saigon or in Washington—could agree that Mr. Chau got a fair trial, or that he was given the right to call witnesses in his behalf or other fundamental rights.

\* \* \*

Yet no official word has been heard from the administration in criticism of President Thieu and his repressive tactics. This is not likely to convince many Southeast Asians that the U.S. is sincere when it claims it is fighting in defense of democracy in South Vietnam.

Nation  
March 1970

# THE GREAT SOUTH ASIAN WAR

STATINTL

## MICHAEL KLARE

*Mr. Klare, a staff member of the North American Congress on Latin America, is completing a book on counterinsurgency planning in the United States.*

To gain a world-historical perspective on the war in Vietnam, one must see it as but one episode in a Great South Asian War that began almost immediately after World War II, and can be expected to continue into the 1970s, if not well beyond them. The Great War has already encompassed the Indo-Chinese War of Independence (1946-54), the guerrilla war in Malaya (1948-60), intermittent warfare in Laos (continuing), guerrilla skirmishes in Thailand (continuing), and other armed struggles in Burma, Malaysia and Indonesia. Combatants in these conflicts have included, in addition to troops of the countries named, the armies of Great Britain, France, Australia, New Zealand, South Korea, Nationalist China and, of course, the United States.

These episodes constitute a common war not only because they occupy overlapping zones in a single theatre of war but also because they spring from a common cause: the determination of the advanced industrial nations of the West (led by the United States) to intensify their control over the destinies of the underdeveloped lands of Asia. The Western presence in South Asia is naturally a military and economic challenge to Communist China, whose real or imagined influence has been a factor in each of these struggles. But it is not the threat of Chinese bellicosity that lends unity to all these episodes; it is rather the determination of the region's indigenous peoples to secure a future that will be free of foreign control. Because the nations of South Asia are frozen in a state of underdevelopment, and because national boundaries (which, more often than not, were established by European powers) do not always conform to ethnic distribution, these conflicts often take the form of "insurgencies"—i.e., local struggles against centralized authority—and the response to them has been a succession of "counterinsurgencies." Although the doctrine of counterinsurgency was originally formulated to substitute a strategy of "limited warfare" for the obsolete strategies of "all-out" (i.e., nuclear) warfare, in South Asia counterinsurgency threatens to become *unlimited* in its duration.

At the end of World War II, the United States and its allies in Western Europe agreed to sanction the re-establishment of one another's spheres of influence in Asia. The United States, having conquered Japan, was to be dominant in the western Pacific (China, Japan, the Philippines, etc.); France would remain in Indo-China, and Britain in the Indian Ocean area (India, Burma, Malaya, Singapore, etc.). The Allies also apportioned responsibility for the maintenance of a defense perimeter, corresponding to their colonial holdings, which encircled the eastern half of Asia from Korea to Kashmir, and pledged to assist one another if any point on the perimeter came under heavy attack. This "gentleman's agreement" was soon put to the test, for the restoration of colonial regimes in South Asia (revoking wartime promises of independence) produced guerrilla warfare throughout the region. Several countries won their independence this way, where continued occupation would have been unprofitable (Burma) or beyond the capacity of the home economy (Indonesia). But in Southeast Asia proper, the colonialists were prepared to engage in protracted counterinsurgency struggles to maintain their control of the area's resources. In Malaya it took Britain (with the aid of Australia and Gurkha tribesmen) twelve years to force the last remnants of the Malayan Races Liberation Army across the border into Thailand. In Indo-China, France faced an even more formidable foe. In 1950, confronted with a deteriorating military situation in Vietnam and growing discontent at home, France appealed to the United States to honor its commitment and help prevent a breach of the Asian defense perimeter. Although the United States had already deployed its troops in South Korea to protect the northern flank of the perimeter, it nevertheless agreed to supply France with arms and badly needed funds (the total U.S. contributions to the French military struggle in Indo-China amounted to \$2.6 billion, or 80 per cent of the cost of the war).

Despite this help, the Viet Minh won at Dienbienphu, and the French army withdrew from Southeast Asia, leaving a substantial military vacuum at the mid-point of the Asian defense perimeter. The United States—which until this time had considered Southeast Asia to be of secondary importance to its Pacific territories—quickly moved in. The French colonial

7 MAR 1970

## Saigon Aide Blames U.S. for Chau Trial

By The Associated Press

SAIGON, South Vietnam, March 6 — A top official in the South Vietnamese Government sought today to divert criticism of the conviction of Deputy Tran Ngoc Chau to the United States Embassy.

Cao Van Tuong, liaison minister with the National Assembly, said at a news conference that Mr. Chau might have escaped prosecution if the embassy had confirmed publicly his claim that he had worked with the United States Central Intelligence Agency.

Mr. Chau was convicted yesterday of having held illegal meetings with his brother, Tran Ngoc Hien, a North Vietnamese intelligence officer. Mr. Chau said that he had passed on information from these meetings

to the C.I.A. He was sentenced to 10 years in prison.

"We only have heard Mr. Chau's own declaration," said Mr. Tuong. "We cannot, on his own declarations, take or start any action in order to go to his defense. Instead, we waited to the American Embassy here.

"Had we heard from these authorities, then we might have adjusted or taken action accordingly. But so long as we had not heard anything from the American authorities or the American Embassy here, we could not start any action to go to his defense."

### No U.S. Comment

The United States Embassy has made no public comment on the case.

The news conference made clear that the Government considers the case closed even though Mr. Chau's lawyers have appealed to the South Vietnamese Supreme Court. The appeal, which is awaiting a ruling, questions the legality of the resolution by the National Assembly that removed Mr. Chau's legislative immunity.

Mr. Chau's lawyers content that the resolution was fraudulently adopted that at least one signature on it was forged, and that two deputies did not know what they were signing.

Maj. Nguyen Dinh Tri, the military prosecutor in Mr. Chau's trial, told the newsmen that no appeal was possible from the verdict of the court,

which has jurisdiction in national security cases.

Even if the Supreme Court decides the Assembly resolution was invalid, he said, "this ruling will have no bearing whatsoever on the verdict already handed down by the military court."

### U.S. Silent but Angry

Special to The New York Times

WASHINGTON, March 6—

The Nixon Administration was publicly silent but officials here were privately angered today by the conviction of Deputy Chau on charges of consorting with the enemy.

The trial, which ended yesterday, has already caused friction between the United States and the Government of President Thieu. Administration sources said that the Administration did not favor political prosecution and that this view had been made known to President Thieu.

Ambassador Ellsworth Bunker reportedly tried to persuade President Thieu to desist from prosecuting Mr. Chau but his protests were brushed aside.

Mr. Chau was sentenced to 10 years at hard labor for meeting with his brother, Tran Ngoc Hien, who was earlier sent to jail for being a North Vietnamese intelligence agent. Mr. Chau did not deny the meetings but said he furnished intelligence information obtained from them to the United States.

Reports from Saigon today said the Vietnamese government might have escaped prosecution if the C.I.A. had publicly confirmed that it had given them information. The agency, following its custom, had no comment here.

7 MAR 1970

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which has jurisdiction in national security cases.

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7 MAR 1970

**Salgon Says U.S.****Failed to Help Chau**

SAIGON, March 6 (AP)—A top official in President Thieu's government sought today to divert criticism of the conviction of Tran Ngoc Chau to the U.S. Embassy.

Cabinet Minister Cao Van Tuong told a news conference Chau might have escaped prosecution if the embassy had confirmed publicly his claim that he worked with the CIA.

Chau was convicted Thursday of illegal contacts with an admitted Communist agent—Tran Ngoc Hien, his brother—but claimed he passed on information from those meetings to the CIA. He was sentenced to 10 years in prison.

The U.S. Embassy has made no public comment on the case.

WILMINGTON, DELA.  
NEWS

M - 44,027

MAR 7 1970

## Thieu doesn't get the word

U.S. Ambassador Ellsworth Bunker apparently has never been able to convince President Nguyen Van Thieu of South Vietnam that jailing his political opposition isn't good for his image as the head of a free and democratic nation.

The avowed object of American intervention in Vietnam is to preserve the freedom of the Vietnamese people from the autocratic rule of the Hanoi Communists and preserve the free and independent government of Saigon. The saving has been very expensive in American lives and American money.

But Americans tend to become disenchanted with the whole project when they read in their newspapers and see on television cases like that of Tran Ngoc Chau.

Mr. Chau, a deputy in the South Vietnamese National Assembly and a former mayor of Da Nang, was arrested and jailed a few weeks ago on charges that he consorted with two Communist agents — specifically, his brothers. After a drum-head military trial, which he boycotted, Mr. Chau was sentenced to 20 years in prison. He then

agreed to come to court for a second trial (wearing bandages that suggested strongly to American reporters that he may have been rather heavily persuaded to show up) and the first decision was reaffirmed but his sentence was reduced to 10 years.

Chau admitted seeing his brothers but claimed that he was trying to persuade them to defect from North Vietnam. Chau was working for the U.S. Central Intelligence Agency at the time.

But the testimony was probably not too important. Mr. Chau's real crime was that he has been a very vocal leader of President Thieu's political opposition in the National Assembly. And he is not the first leader of the opposition, loyal or otherwise, to be rewarded with a prison term.

It is incidents like this that have convinced a growing number of Americans that they are being asked to fight one dictatorship to preserve another one. Insofar as American public opinion is an important factor in supporting the Saigon government, one might think that President Thieu would get the message.

6 MAR 1970

STATINTL

# Laos 'Secret War' Stirs Fear of Second Viet Nam for U. S.

This is the first of two articles on the extent and nature of our involvement in the war in Laos and how that involvement grew.

BY FRED FARRAR and JAMES YUENGER

Washington, March 5—As the Nixon administration proceeds with its announced policy of pulling the majority of American troops out of Viet Nam, there is increasing concern here that the United States is heading toward another Viet Nam in the strategic kingdom of Laos.

This concern is not only over whether the United States is getting into another Viet Nam in Laos, but also whether this administration—or any administration—can get the United States involved in a war without the expressed consent of the Congress.

## Tribesmen Aided by U. S.

This concern began to mount last September when a pro-government force of about 15,000 Meo tribesmen, with the help of United States fighter-bombers based in Thailand, captured the strategic Plain of Jars in northern Laos for the first time in four years.

It continued to mount in the last few weeks when communist forces re-took the plain despite increased pressure from the American fighter-bombers plus the first use so far of giant B-52 bombers in northern Laos.

The B-52s reportedly were used for only two days and then called off when they failed to halt the enemy drive.

The result was a series of charges, many of them coming from members of the Senate foreign relations committee, that the administration is running and escalating a secret war in Laos without letting the people of this country know what is going on there and without consulting Congress.

There also were charges, based mainly on what the critics say are published reports from Laos, that the Meo force is paid, trained, advised, and supplied by the central intelligence agency.

And depending on what report is being quoted, the CIA is using special forces [or Green Beret] troops on detached duty and wearing civilian clothes from the army or former special forces men recruited especially for the job.

## Answers Not Easy to Learn

Those are the charges, and charges are relatively easy to come by. But what actually does American involvement in Laos amount to?

The answer is not easy to come by—mainly because of the refusal of the administration to go beyond generalities. President

Nixon has acknowledged American planes are bombing the Ho Chi Minh trail in southern Laos in an attempt to slow the pace of supplies and replacements from North Viet Nam into South Viet Nam. This was at a press conference last December 15. But he ended up by saying:

"I don't think the public interest would be served by any further discussion."

At a press conference last Sept. 15 he said the United States is "providing logistical support and some training" for the royal Laos government to keep it from falling under

communist domination. He added: "We do have aerial reconnaissance; we do perhaps have some other activities. I won't discuss those other activities at this time."

As pieced together from a variety of sources, this is a review of what the United States is doing in Laos.

It has been an open secret for years that American planes flying from Thailand and elsewhere have been making air strikes against North Vietnamese and Pathet Lao [the Laotian equivalent of the Viet Cong] troops and fortifications in the areas they hold in northern and northeastern Laos.

The cover story is that these are armed reconnaissance missions flown at the request of the royal Laotian government. But they are in effect tactical air strikes made in support of government forces.

## 193 Flyers Missing

These strikes, along with air strikes on the Ho Chi Minh trail in Laos, have not been made without losses. Since Jan. 1, 1961, a total of 193 air force, navy and marine flyers have been listed as missing in action over Laos.

In recent weeks, informed sources say, American aircraft have been flying from 450 to 500 sorties a day over Laos.

But these are approximately equally divided between sorties against the Ho Chi Minh trail—which therefore must be counted as part of the war in Viet Nam—and the rest of Laos.

Also the United States does have military men stationed in Laos who in effect function as advisers to the royal Laotian army and air force.

## Forbidden by Accords

But the Geneva accords of 1962, which were supposed to make Laos a neutral buffer state between North Viet Nam and Red China on the north and Thailand on the south, forbids the introduction of outside military forces into Laos.

So these American servicemen are officially listed as attaches to the American embassy in Vientiane, the administrative capital of Laos.

The state department's foreign service list issued this month lists only eight military attaches as being attached to the embassy, but published reports from Laos say the figure is closer to 100.

The state department also says that the United States government has only about 500 Americans in Laos. But again, reports from Laos put the figure at approximately 1,000.

The cover story of listing advisers as military attaches is so transparent that in the Pentagon the so-called attaches says that the United States government has only about 500 Americans in Laos. But again, reports from Laos put the figure at approximately 1,000.

The cover story of listing advisers as military attaches is so transparent that in the Pentagon the so-called attaches are often openly referred to as advisers.

As late as last Feb. 26 Laird referred to "our advisors" in Laos while talking to newsmen. The department later explained that Laird really meant to say attaches.

The central intelligence agency responds with its usual "no comment" when asked about its reported support and direction of the Meo force and its employment of either former or current Green Berets to work with the Meos.

But as far as is known, it hasn't been assuring newsmen on a basis that it isn't doing so.

continued



HONOLULU, HAWAII  
STAR-BULLETIN

E - 115,688  
S - 166,171  
MAR 6 1970

## Silence Gives Assent

It does us little credit to see Tran Ngoc Chau, a member of the South Vietnamese National Assembly, begin a prison sentence of 10 years at hard labor when a word from the U.S. might have saved him.

Chau has a brother who is a captain in the North Vietnamese intelligence corps. Chau, charged by the Thieu government with compromising national security by meeting his brother on several occasions, claimed he had done so on the advice and with the consent of the CIA and American Ambassador Ellsworth Bunker.

Had a spokesman for either the CIA or the Ambassador denied this, things would have seemed different. But both refused to comment, lending encouragement to the conclusion that silence gives assent.

MINNEAPOLIS, MINN.  
TRIBUNE

M - 240,275

S - 674,302

MAR 6 1970

## Thieu Jails Another Opponent

*"Our system is a democratic one, our aspirations and objectives are democratic ones; therefore, right from the beginning, we should solve our problems in a democratic way." — South Vietnam President Nguyen Van Thieu, in a message to the National Assembly, April 7, 1969.*

*"There often seems to be, particularly at home, some misunderstanding on the conception of what these (our objectives) are. I conceive them to be: First, an honorable, just and durable peace . . . secondly, the right of the people of Vietnam to choose the kind of government under which they wish to live; third, to help the Vietnamese people create their own stable, democratic institutions. . ." — U.S. Ambassador Ellsworth Bunker, in a speech to the American Chamber of Commerce in Vietnam, Jan. 16, 1969.*

AMERICANS were given a fresh picture Thursday of South Vietnam's "democracy" in action, when President Thieu's kangaroo military court sentenced one of Thieu's political opponents to 10 years in jail.

National Assemblyman Tran Ngoc Chau's crime was to have met eight times with his older brother, a Communist North Vietnamese captain now serving a life sentence in South Vietnam for spying.

Assemblyman Chau, a former director of a CIA-sponsored training

school for South Vietnamese pacification cadre, had reported the meetings to the CIA, as well as to South Vietnamese officials. Some high-ranking Americans have said that the U.S. government encouraged the contacts. John Paul Vann, head of U.S. pacification efforts in the Mekong Delta, said in Washington recently that Chau had reported to him on the meetings. Chau is not a Communist, Vann said, but rather a very dedicated nationalist.

Chau's real crime, the evidence so far indicates, is that he became a political opponent of Thieu. While Thieu caters to his American backers with rhetoric about democracy, he has been busy shutting down newspapers and repressing political opposition.

The failure of senior American officials to intervene in Chau's behalf is further evidence of how closely the American government and our Vietnamization program are wedded to the survival of Thieu. Perhaps success in Vietnamization at this late stage does depend on Thieu's personal political survival, but this is not quite the same thing as self-determination for the Vietnamese people (as measured by democratic standards). President Nixon has said that "anything is negotiable except the right of the people of South Vietnam to determine their own future." The people, that is, except those who represent a political danger to President Thieu.

# Thieu and Chau

## Prosecution of Opposition Deputy Viewed as Naked Display of Power

By TERENCE SMITH

Special to The New York Times

SAIGON, South Vietnam, March 5 — The conviction of Tran Ngoc Chau today on charges of pro-Communist activities is the culmination of what independent observers here agree has been the most naked display of presidential power by Nguyen Van Thieu since his election in 1967. The case, which was finally concluded this afternoon after a number of procedural delays, raises some serious questions about the future of parliamentary democracy, about President Thieu's tactics with his opposition and the National Assembly, and about the efficacy of the American role.

From the moment President Thieu accused the articulate opposition Deputy of liaison with the enemy five months ago, Mr. Thieu has pressed relentlessly to remove him from the political scene. In the process he has brushed aside the protests of political figures here and in Washington and ignored the entreaties of American officials, including Ambassador Ellsworth Bunker.

Nothing Mr. Thieu has done since his election has stirred more controversy or provoked among the South Vietnamese more unflattering comparisons with the late dictator, Ngo Dinh Diem.

"The whole thing has been a travesty," Tran Van Tuyen, a respected lawyer and former Deputy Premier who served as one of Mr. Chau's defense counsel, said today.

Thieu is acting like Diem in his worst days. This trial was a test case for Vietnamese democracy, and democracy lost."

### U.S. Embassy Troubled

The episode has been painful one for the United States Embassy from the beginning.

Mr. Bunker and his associates have been accused by Senator J. W. Fulbright, the chairman of the Senate Foreign Relations Committee, of failing to come to the defense of Mr. Chau, who had close working relationship with United States officials here dating back to the early nineteen-sixties.

Mr. Chau has accused the Americans of betraying him in his time of need despite the years of cooperation during

the course of his protracted trial he disclosed in detail — with names and dates — the contacts he maintained with members of the Central Intelligence Agency. None of that is the sort of publicity the embassy enjoys.

The Deputy insisted that he had kept the Americans informed of meetings he had with his brother, later convicted as a North Vietnamese intelligence agent, between 1965 and 1968 — meetings for which he has now been sentenced to 10 years in prison at hard labor.

He also said that ranking members of the American mission encouraged him to continue those meetings and asked him to put them in touch with his brother on two separate occasions.

As far as the embassy is concerned, this last is perhaps the most damaging testimony because it touches a sensitive nerve among many South Vietnamese both in and out of government.

A principal fear held by Mr. Thieu and his associates has been that the United States might deal privately with the North Vietnamese to achieve a compromise settlement. The testimony by Mr. Chau, accurate or not, has served to confirm their suspicions that the Americans have at least tried to contact the other side without advising them.

Many people here, Americans as well as South Vietnamese, believe that the embassy had a moral duty to acknowledge its role in the case and to stand behind Mr. Chau. They maintain that its failure to do so must inevitably raise doubts among other South Vietnamese who are cooperating with them.

Mr. Chau has come down hard on this point, asking reporters with whom he has spoken: "Is this the way Americans treat their friends? If so, it's a sad fact." The motive behind his question may be self-serving, but his point has not been lost on the South Vietnamese.

Senator Fulbright has accused the embassy of "shrugging its shoulders" over the case despite instructions from Washington to intervene on the Deputy's behalf. Embassy officials repeatedly urged Mr. Thieu to abandon his campaign against

Mr. Chau, arguing that it would inevitably produce a strong adverse reaction in United States public opinion.

One question that will long survive the episode is why Mr. Thieu was so determined to prosecute Mr. Chau in the face of private advice to the contrary and public criticism of his heavy-handed tactics.

One school of thought holds that the President was reacting to complaints by senior South Vietnamese Army officers that he had been overly tolerant of the more liberal members of the National Assembly. Mr. Chau apparently became the target of the officers' wrath in 1968 when he advocated direct negotiations with the Vietcong before the idea was adopted as Government policy.

Mr. Thieu, it is believed, may have been trying to satisfy the complaints and, in the process, discourage further displays of independence by members of the National Assembly.

### Theory of Personal Grudge

Another school holds that Mr. Thieu harbored a personal grudge against Mr. Chau, with whom he had once been close, because of the Deputy's increasingly vocal criticism of the Government.

Thieu could never forgive Chau for joining the opposition and working so closely with the Buddhists," an astute South Vietnamese political observer said recently. "By removing him from the scene, he could discourage others who might be considering the same move."

Whatever his motive, Mr. Thieu's campaign against Mr. Chau has reduced his relations with the National Assembly to a new low. Forty-six of the 135 deputies have sent a letter to the Supreme Court protesting the proceedings against their colleague, and a special committee has been formed to investigate.

Finally, the episode raises questions about the efficacy of an American policy that, in the name of stability, encourages a strong executive and then seems incapable of coping with the situation when the executive employs his strength in a troublesome fashion.

5 MAR 1970

**MILITARY COURT ACTION IN SAIGON*****Chau found guilty, sentence cut***

SAIGON, March 5 (UPI) — A military court found National Assembly Deputy Tran Ngoc Chau guilty of consorting with a communist agent in his retrial today but reduced his original sentence from 20 to 10 years at hard labor.

Mr. Chau, 46, took the stand in his own defense shortly after the trial entered its fourth day and testified he had indeed met with his brother, the agent, eight times as charged.

He said he did so with the knowledge of the U. S. Government and "I left it to them to tell my government about it." The purpose of the meeting, he said, was to convince his brother to return to the government side in the war.

The brother, Tran Ngoc Hein, at the time was a high-ranking North Vietnamese official

who had come to visit Mr. Chau in the Mekong Delta. Mr. Chau has said his brother tried to get him to work toward peace talks between the north and south.

Hien, captured later by government forces, was brought to Saigon for the trial and was in the courtroom but did not testify.

The five-man military court deliberated one hour before finding Mr. Chau guilty again but reduced sentence. South Vietnamese law rules out an appeal of a military court decision when the defendant is present, as Mr. Chau was.

Mr. Chau told the court he was co-operating with CIA agents at the time but did not say what the CIA role was in his discussions with Hien.

5 MAR 1970

## Chau Loses Saigon Trial, Sentence Cut

SAIGON, March 5 (Thursday) (AP)—A military court convicted National Assemblyman Tran Ngoc Chau today for the second time of pro-Communist activity, but reduced the 20-year sentence it gave him last week to 10 years.

The political opponent of President Thieu was accused of illegal contacts with a brother who was a Vietcong intelligence agent and who is now in prison.

As he was led from the courtroom, Chau told newsmen: "When peace is restored, I will be back and serve the nation." Then he flashed the "V" sign with his right hand.

Chau admitted having contacts with his brother, but said he was acting as an unofficial agent for the U.S. Central Intelligence Agency. He testified today that he warned the CIA in mid-1967 of the Communists' plans for the February, 1968, Tet offensive but did not report the information to South Vietnamese leaders.

"You were wrong," said Lt. Col. Trieu Khac Huynh, the chief of the five-officer court. "Why didn't you report this to the Vietnamese authorities? The Americans were not our rulers."

The judge said Chau was "nothing more than an opportunist" who had taken South Vietnamese leaders too lightly while being overly zealous toward the Americans. "who should have been just our allies and advisers."

STATINTL

# Chau Gets 10-Year Term, Half of Original Sentence

By DONALD KIRK

Special to The Star

SAIGON — Deputy Tran Ngoc Chau today shouted he was "still useful for peace settlement" a minute before a military court sentenced him to 10 years in prison for meeting secretly with his brother, a confessed North Vietnamese espionage agent.

Chau's declaration, delivered in English to American reporters as he was led into the military courtroom for sentencing, climaxed a bizarre courtroom drama featuring testimony by Chau and both his brothers, all of whom admitted the meetings but denied Chau was cooperating with the enemy.

The court sentenced Chau on exactly the same charges on which it had sentenced him in absentia nine days ago to 20 years at hard labor. Chau, arrested eight days ago in the National Assembly building, was granted the retrial after agreeing to appear in his own defense as a prisoner.

## Defends Black Pajamas

"You can say I'm a Communist or you can say I'm an agent of the CIA," said Chau, shouting out the implications of much of the testimony delivered by himself and his brothers during the trial.

Chau claimed, however, that the black pajamas he wore throughout the trial symbolized the uniform of neither the Viet Cong nor of the members of the CIA.

"I wear these pajamas as a symbol of a good Vietnamese citizen," declared the defendant, a bemedaled veteran of 23 years army service "when I die I ask for one favor — to be buried at a military cemetery."

Chau's appeal to Vietnamese nationalism epitomized the essence of his defense against charges that he was assisting his brother, Tran Ngoc Hien, a North Vietnamese Army captain, in infiltrating the Vietnamese political and intellectual community. Chau, in press conferences before his arrest and again in testimony today, maintained he was an anti-Communist nationalist who had tried to dissuade his brother from his mission as a North Vietnamese agent.

## Soviet "Reconciliation"

Chau's final remark concerning his value in a "peace settlement" indicated that he had not relented in his support of "reconciliation" with the enemy as a means to end the war. Chau's position conflicts directly with that of President Nguyen Van Thieu, who has repeatedly expressed his opposition to any form of compromise or "coalition" with the enemy.

In his testimony, however, Chau indicated he was motivated only by brotherly loyalty in meeting his brother on eight occasions between 1965 and 1969. Chau said he was serving as head of the Training Center for Revolutionary Development near the coastal town of Vung Tau, 70 miles southeast of here, when his brother first approached him after returning to the south on his mission for his North Vietnamese superiors.

"I gave him 30,000 piastres for his wife and children and then I used my own car to take him out of the province." The brothers again met in the Buddhist crisis in the spring of 1966 when Captain Hien "mentioned about the advantages of neutrality," which the Communists have always advocated as a means to draw South Vietnam from its alliance with the United States.

## Tells of Pleas

"I told him that Vietnam is a neighboring country of Communist China and cannot be neutral" said Chau. "I tried to persuade him to return to the true nationalist cause but he refused."

It was at this stage in his testimony that Chau first discussed the highly sensitive question of why he had discussed his meetings with American officials but not with Vietnamese.

"I did not want Captain Hien, since he was my brother, to be arrested," said Chau. "so I reported my meetings with my brother to the Americans."

Chau specifically named John Paul Vann, now the top American pacification official in the Mekong River delta region.

Vann, in secret testimony before the U.S. Senate Foreign Relations Committee, has admitted Chau was in contact with Americans at the time.

## Sees Government in Chaos

Chau, who was then head of the Training Center for Revolutionary Development team members, also said he preferred to talk to his American "counterparts" — a term for American advisers — because senior officials in Saigon were not sufficiently interested in what was happening in the countryside.

"In 1964 and 1965 the government of Vietnam was in a chaotic situation," said Chau. "It did not have any legal authorities. It was completely controlled by Americans. There was no representative of the central government who ever came to see me and ask about the situation."

Chau said he was particularly upset by the attitude of the government in 1964 and 1965 when he was serving as chief of Kien Hoa, an upper delta province traditionally noted for its high percentage of Viet Cong sympathizers.

"As a Vietnamese, I was saddened and ashamed to think I was better off working with the Americans," he said.

## Denies Tet Secrecy

Chau denied the government's charge that he had withheld information about the Tet offensive launched by the Communists against all important cities and towns at the beginning of the lunar new year holidays in early 1968.

"I did not have specific information," he said, "but as I worked at the Revolutionary Development Training Center and as I had seen the reaction of Hien, I was able to estimate the enemy's intention and purpose."

"On the persuasion of the Americans," Chau went on, "I gave a three-hour briefing to Ambassador Bunker and other Americans in August of 1967."

Chau said the Americans basically did not believe what he told them then about the enemy's plans for an offensive but accepted some of his suggestions. "That's why," he went on, "the offensive of the enemy was reduced a great deal."

U.S. Ambassador Ellsworth Bunker and other American officials have refused to comment publicly on the case, but privately they have admitted they are not happy that Chau was brought to trial. An American diplomat has attended all the proceedings.

## Accused of Greed

The chief judge, Lt. Col. Trieu Khac Huynh, indicated at today's sessions that the disapproval of the Americans may have been a factor against Chau, whom John Vann described as "not a Communist."

"You were in touch with the Americans to obtain dollars, that's all," said Col. Trieu, replying to Chau's claim that he saw Americans "to save South Vietnam for independence — not to be a puppet for foreigners."

The chief judge earlier had remarked that Chau's contention that he informed the CIA and not the government of his meetings with his brother "proves that you look down on the government of Vietnam."

Chau did not quarrel with this remark, but he was indignant over the judge's insinuation that he had accepted bribes from Americans in return for his reports.

"No," he shouted to the court, "I was in liaison with intellectual Americans at high official positions."

He then also argued with the judge over whether his sentence had been set in advance. "I am frank, I say what I think," said Chau, replying to Trieu's assertion that "we can never prepare a sentence in advance."

Capt. Hien, sentenced in July to life in prison, testified after Chau.

## Brothers on Stand

"We are brothers," said Hien, "but he was against the National Liberation Front and I was a member of the National Liberation Front."

Chau's other brother, Tran Chau Khang, sentenced to five years in prison in the same trial with Hien, testified that Chau had told him he would "send Hien to the U.S. for study" if he returned "to the Nationalist side."

Chau earlier had denied that he hired Khang as his assistant at the Revolutionary Development Training Center so he could transmit stolen documents through him to Hien. "I could have done this myself," said Chau, explaining he employed Khang out of the same brotherly loyalty that had led him to see Hien.

The prosecution and the chief judge both made clear their belief that Chau was deeply involved with Hien to undermine the government.

FIRMS, W.VA.  
INTER MOUNTAIN

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MAR 4 1970

## The Ruthless Saigon Regime

THE RUTHLESSNESS of the Saigon government once again was spotlighted last week when a 46-year-old South Vietnamese Assemblyman, Tran Ngoc Chau, was convicted and sentenced to 20 years in prison on what appears to be a trumped up charge.

Mr. Chau was accused of pro-Communist activity but it would seem that his real crime was that he had spoken out in favor of negotiating a settlement of the war in opposition to the stand taken by South Vietnamese President Thieu.

The Assemblyman has admitted having meetings with his elder brother Tran Ngoc Hien who last year was sentenced to life in prison after being convicted as a Communist spy. Mr. Chau said the meetings with his brother were held for the purpose of finding out for the Americans what course Hanoi might be willing to follow in working out a settlement of the war. In fact, he charges that his dealings with his brother were carried on with the full knowledge and encouragement of U.S. officials.

As was to be expected, when Mr. Chau ran into trouble with the Saigon regime, American officials deserted him. But a high-level American source in Saigon admitted to a New York Times reporter that the U.S. embassy there had had communication from Washington on the Chau case and that Ambassador Ellsworth Bunker had discussed the matter with President Thieu.

The same source conceded that it was possible that Mr. Chau had acted with the knowledge and approval of lower level officials working for the C.I.A. or other agencies. No one in the mission disputes the fact that Mr. Chau maintained close working relations with officials in the C.I.A. and embassy during his years as a province chief in the Mekong Delta, and as mayor of Da Nang. In 1966, he was a key official in the revolutionary development program, which was devised and operated by the C.I.A. As one of the administrators of the program, he worked on a day-to-day basis with C.I.A. agents.

All of this would make it seem that there is much truth to what Mr. Chau has claimed. But the Saigon intrigue goes even much deeper. It has been charged that an aide to President Thieu had bribed a majority of Lower House colleagues to get them to sign a petition lifting Mr. Chau's immunity from prosecution as an assemblyman. Bribes as much as 400,000 piasters (about \$3,400) were said to have been paid for some of the signatures on the petition.

In a more recent development, Mr. Chau has been granted a new trial probably because of the notoriety given his conviction by the press and possibly because of the agitation it has stirred among various South Vietnamese factions that aren't happy with President Thieu.

The whole affair is one more illustration of the type of government we are supporting in South Vietnam. It is clear to us that the Saigon junta wants no peace that might in any way threaten the removal of the generals now in authority, even though they do not represent the majority of the South Vietnamese people. This unrealistic and self-defeating marriage we hold with the Thieu-Ky regime prevents any possibility that a negotiated settlement of the war in Vietnam can be expected at any time in the foreseeable future.



# Analyst Fears U.S. Accepts Viet Repression

By Lee Lescaze

Washington Post Staff Writer

The case of Saigon Deputy Tran Ngoc Chau indicates that the United States is willing to accept any repressive action by the Thieu government, a long-time Vietnam analyst believes.

"The case signals so clearly our willingness to collaborate with a regime that is destroying all factions that seek to end the war and are able and willing to compete politically with the Communists," Dan Ellsberg said in an interview yesterday.

Ellsberg predicts that "an increasing role for the American presence (in Vietnam) will be the support of the Thieu government against the non-Communist opposition that will grow in the face of repression."

Chau was stripped of his parliamentary immunity by a petition that some Vietnamese lawyers in Saigon feel was unconstitutional. He is being tried for aiding the Communists through conversations with his brother, who is an admitted Communist agent. He earlier was found guilty in absentia and sentenced to 20 years; he is now being retired.

Before his arrest and prosecution, Chau had been critic of the Thieu government and had made public charges that Nguyen Cao Thang, a close associate of the president, was bribing and blackmailing members of the legislature to get their votes.

"If Thieu can act this blatantly against a man known by many Americans and Vietnamese to be an anti-Communist nationalist then he can do it to anyone," Ellsberg said.

Ellsberg says the message of the Chau case to political opponents of Thieu is that the Americans will do nothing to protect them.

Non-Communist elements like the An Quang Buddhists and friends of Chau will think twice before running for the Senate in this year's elections or for the house in 1971 if they fear reprisals, Ellsberg said.

The suppression of non-Communist opponents of Thieu also ends whatever small hope there was for a negotiated settlement, Ellsberg said. "It puts time on the side of the Communists."

In Ellsberg's view, the Communists have nothing to fear politically from the Thieu government. Without American support, it will collapse, and the longer it remains in power the more effective it will be in preventing a cohesive non-Communist opposition from forming.

In addition, the Vietcong seem certain to reason that if Thieu and the Americans do not protect the freedom of a non-Communist legislator they would not be likely to guarantee the fairness of elections that included Communists or the physical safety of Communist campaigners.

Ellsberg and Gen. Edward G. Lansdale, for whom Ellsberg worked in Vietnam during 1965-67, agree that Chau is not a Communist.

Chau and other foes of Thieu would, however, not lead an anti-Communist war if they were to come to power, Ellsberg said. They would seek first to end the fighting and then to avoid, to the greatest possible extent, political domination by the Communists.

"Thieu's actions," Ellsberg said, "exclude from power any Vietnamese voices that want the fighting to end."

In supporting Thieu, Ellsberg believes, the United States "has made once again

a choice to block a Communist dictatorship by support of a military dictatorship."

He thinks this course will not lead to a successful Vietnamization of the war, but will confront President Nixon eventually with a choice between staying on in support of Thieu or withdrawing and watching the immediate collapse of the Saigon regime.

The South Vietnamese Supreme Court still has an opportunity to review the Chau case and the American Embassy could still break its official silence on Chau. But if the case proceeds as it has begun with Thieu getting his way, Ellsberg believes the basis for hopes of a Saigon government determined to end the war will have been stripped away.

Before his two years with the State Department in Vietnam, where Ellsberg came to know Chau well, he worked for Assistant Secretary of Defense John McNaughton in 1964-65. He is now doing research on the origins of the U.S. involvement in Vietnam.

**CHAU CLAIMS BEATINGS*****Tragic, comic air of Saigon trial***

By DON TATE

Scripps Howard Staff Writer

SAIGON, March 3 — Television cameras whirred, flash-bulbs popped, newsmen and spectators stood on court benches craning for a better look. Others leaned into the barn-like courtroom thru big open windows and it became increasingly difficult to decide whether the trial of Tran Ngoc Chau was a political tragedy or a Vietnamese comedy.

The trial of Mr. Chau, a member of the Vietnamese National Assembly's lower house, who is accused of pro-Communist activities, was recessed yesterday when his three attorneys quit after charging the military court had "already fixed his sentence." The court was expected to name a new defense attorney and resume the trial today.

At one point Mr. Chau, surrounded by Vietnamese military police, emerged from Saigon's Third Corps Military Court during a recess and newsmen, crowding in, asked how he was being treated.

"Agh," replied Mr. Chau, who wore bandages around his neck.

"Have they beat you?"

He nodded, yes, then grabbed his own throat in a choking motion with one hand, hacked an imaginary karate chop at the back of his neck with the other. Then he pounded his stomach with his fist before being herded away.

**PAJAMAS AND SANDALS**

Mr. Chau was clad in black pajamas and sandals, hardly his usual garb.

"They forced him to wear that," declared Rep. (Mrs.) Kieu Mong Thu.

Madame Thu, fiery and attractive, is referred to by some as the "Dragon Lady." She had conducted a shrieking, sobbing defense of Mr. Chau in speeches in the House, reportedly handed Mr. Chau a gun just before police

took him in a wild tragicomic scene at the National Assembly, a former French opera house, and was observed applying a knee to a policeman's groin at the height of the melee.

Mr. Chau, clobbered by police when arrested, was finally rifle-butted to the floor, then dragged, head bumping, down steps and thrown into a jeep. That was last week after he had been sentenced in absentia by the same military court that is hearing his case now. After the first trial, Mr. Chau was sentenced to 20 years at hard labor. He was granted a new trial on grounds that he was entitled to one because he had not appeared in his own defense at the first trial.

Mr. Chau, who had refused to attend the earlier trial, showed up instead at the National Assembly, announcing he would sit-in until police came and took him. After 82 hours they did, and heads, including those of some newsmen to whom Mr. Chau had been colorfully protesting his innocence, got knocked about.

Mr. Chau is charged with meeting eight times with his brother, Tran Ngoc Hien, a North Vietnamese agent, before Mr. Hien was captured. Mr. Chau, 46, is a former province chief, former mayor of da Nang, has been a member of the lower house since 1967 and was awarded the Vietnamese National Honor Medal which supposedly made him immune from arrest. (He says police ripped the medal off him and trampled on it.)

**TOLD OF MEETINGS**

Mr. Chau was once considered extremely able by Americans who worked with him, reportedly including Central Intelligence Agency agents, who, Mr. Chau's defenders contend, encouraged him to make the contacts with his brother as a means of gaining information.

Mr. Chau also has said he told U. S. intelligence officials of his meetings with his brother

er and has accused the United States of "betraying" him by not preventing the trial.

Whether Mr. Chau is a Communist or Communist sympathizer has almost become lost in the shouting and frenzy surrounding the case. His defenders say the real issue at stake is Mr. Chau's political opposition to President Thieu. They contend that if Mr. Chau is convicted, legitimate opposition to the Thieu government will be completely stifled, that all Mr. Thieu has to do to snuff out protest toward his policies is have dissenters jailed as Communists.

Illinois campus row

# U.S. aid for Viet studies rapped

By Ben Gelman

Special to The Christian Science Monitor

Carbondale, Ill.

The future of the Center for Vietnamese Studies and Programs at Southern Illinois University is uncertain after a sometimes-violent demonstration by 3,000 of the university's 20,000 students. The real target of the protest was the United States State Department's Agency for International Development (AID), which provides \$1 million of the center's support.

"Off AID," the demonstrators shouted. "Off YOU," the students in a small counter-demonstration chanted back.

Perhaps more significant, some of the SIU faculty members are opposing involvement with the AID-sponsored center as a threat to academic freedom.

## Damages tallied

The protest began when about 250 representatives of a loosely knit "coalition" of student groups petitioned the SIU board of trustees for termination of the AID contract for the center within 30 days.

The board took the matter under advisement. But that evening, an anxious group of students roamed the streets of downtown Carbondale, smashing glass windows and doors of business establishments and causing more than \$12,000 worth of damage.

The official protest rally the next day spurred no violence, although Illinois Gov. Richard B. Ogilvie did put 140 National Guardsmen on standby in case of another window-smashing spree following the rally.

At the rally, I. F. Stone, publisher of a weekly Washington newsletter, urged a crowd of 3,500 to oppose the SIU Vietnam study center because AID funding serves to further American involvement in Vietnam.

Jonathan Mirsky, head of the Asian Studies Center at Dartmouth College, said that while "real academic programs" like his are being denied federal funds, the AID is sponsoring the SIU program, which puts the university in the position of supplying "technical assistance" in Vietnam.

## Charges repeated

He also spoke out against Wesley Fishel, formerly head of a Michigan State University project sponsored by the AID in Vietnam, who is teaching now at the SIU center. He repeated charges aired in Ramparts magazine that Mr. Fishel masterminded the regime of the late South Vietnamese Premier Ngo Dinh Diem and that he tolerated CIA agents in his program who were arming South Vietnamese secret police. (Mr. Fishel denies the charges and contends Ramparts refused him space for a rebuttal.)

John McDermott, Massachusetts Institute of Technology, said he had seen a

Report," asserted the SIU center perpetuates American policies in Vietnam.

Perhaps more significant for the future of the SIU Vietnam study center was the action of the SIU history department, one of seven faculties asked by center director H. B. Jacobini to provide a professor.

## Curbs resisted

The faculty agreed on a resolution that said, in effect, they want no part of the restrictions placed on hiring, firing, research, and travel of Vietnam study center personnel by the AID contracts.

Twenty of 23 faculty members also signed a background statement that "fiscal and administrative involvement with the center poses a threat to academic freedom."

Speaking in the nearby town of Herrin earlier in the week, the SIU president defended the Vietnam study center.

He described it as a program wherein the Vietnamese language would be taught and the economy, geography, and other facets of Vietnam studied. He said it would be aimed at aiding both South and North Vietnam after the war had ended.

Terming the center a national target of student dissidents, he denied charges that AID contract terms calling for technical assistance by SIU imply anything undesirable or not in the best interests of SIU.

He said the recent demonstrations may be just the beginning of a national effort to destroy the center.

SIU has conducted two AID-sponsored teacher-training programs in South Vietnam since 1961. A program to train vocational teachers now is terminated, but a program to train grade-school teachers is still in operation.

The university also has AID-sponsored programs in Afghanistan, Mali, and Nepal.

STATINTL

**Operation Phoenix**

This is the name of a South Vietnamese-American project initiated by the CIA in late 1967 to root out the approximately 75,000 Vietcong political leaders and agents from the civilian population. Writing from Saigon in *The New York Times* (February 18) James P. Sterba says that "American officials here privately continue to call it one of the most important and least successful programs in South Vietnam." From Sterba's own description, apparently based on extensive probing, almost anything can happen under this title, from outright murder to farcical detentions.

Often a Vietcong suspect is arrested and walks out of the back door of the police station an hour or two later, presumably having convinced the authorities that it would not be healthy for them to detain him longer, or having paid the necessary ransom. At the other extreme, out of 19,534 Vietcong "neutralized" in 1969, 8,515 were reportedly captured, 4,832 defected, and 6,187 were killed. These being official South Vietnamese figures, their reliability may be gauged from a remark which Sterba ascribes to a "critic" of the program: "One thing about the Vietnamese—they will meet every quota that's established for them. That's what makes the head count so deceptive. How do you know they are not assigning names and titles to dead bodies?"

Although the CIA gave birth to Phoenix, it has been adopted by the U.S. Army and all but six of the 441 Americans at present involved are military personnel. These are only a small fraction of the total Phoenix operatives. In each province there are South Vietnamese mercenaries, originally recruited by the CIA. On the basis of information supplied to

Sterba by Americans working at both the local and regional levels, these units are made up of "local hoodlums, soldiers of fortune, draft dodgers, defectors and others" who are paid well by South Vietnamese standards to hunt down Vietcong. The role of these patriots has diminished of late, Saigon officials having found them to be engaged in extortion or terror. Their activities have been transferred to a special branch of the national police.

Another story on Operation Phoenix appears in the same issue of the *Times* under the by-line of Tad Szulc, who covered a session of the Senate Foreign Relations Committee that heard testimony from William E. Colby, head of the pacification effort in Saigon. Mr. Colby, with the rank of ambassador, serves as a deputy to Gen. Creighton W. Abrams. He assured the committee that Operation Phoenix was not a program for the assassination of Vietcong leaders. Mr. Colby verified the figure of 6,187 slain Vietcong and swore that those captured under the program had not been "legally executed." In further testimony, he stated, "I won't say that some actually were not executed. But the policy is to assure that they be captured and held," adding, "there may have been some aberrations." Such a high official would of course be the last to hear of "aberrations"—torture, terrorism, assassination and other unpleasant things which do not often turn up on desks in Saigon.

As for money, Mr. Colby presented figures showing that the cost of "pacification" in 1970 would be \$1.5 billion, of which \$873 million is paid by the United States. (One way or another, Uncle Sam probably pays it all.) Asked to estimate how long it would be before the Saigon government could cope with the Vietcong (assuming that North Vietnamese were withdrawn), he said five years would be too short a time. Maybe in ten years, he thought, although he was reluctant to offer a specific timetable. Meanwhile, President Nixon, after conferring with Secretary of Defense Laird, who had just returned from a look-see at what was going on in South Vietnam, assured some visitors that the Vietnamization program was "on schedule" and that the work being done in the pacification program was "remarkable." Such are the workings of faith and public relations.

## The Chau Affair

There was a time when Tran Ngoc Chau was one of South Vietnam's most promising leaders. Americans liked the stocky little colonel so much they placed him in charge of the CIA-financed Revolutionary Development program. And President Nguyen Van Thieu, an old army comrade, often sought Chau's political advice. But no longer. For by last week, Chau had been denounced by Thieu, abandoned by the Americans and summoned by a military tribunal to face charges of "treasonous relations with the Communists."

The story of Chau's fall had as many improbable twists of fate as the plot of a traditional Saigon opera. It began in November 1965, when his long lost elder brother, Tran Ngoc Hien, one of the top Communist undercover agents in South Vietnam, came to Chau's door, choosing the siesta hour when most Vietnamese were at home resting. They had not seen each other since 1949, when Chau had quit the ranks of the Viet Minh forces fighting the French rather than knuckle under to Communist officials. Chau happily introduced his brother to his wife and seven children. Hien, a member of Hanoi's Office of Strategic Studies intelligence network, brought news of kinfolk living in North Vietnam. But to Hien, ties of blood were just a convenient tool. His real motive for contacting Chau, he confessed when he was arrested last April, was to try to subvert his brother politically and convert him to the Communist cause.

**Ads:** The brothers held half a dozen meetings, arranged by placing classified ads in a Saigon newspaper. Chau, however, remained staunchly anti-Communist. Indeed, he told NEWSWEEK's François Sully last week that he informed the U.S. Embassy in Saigon of his contacts with the other side soon after his first meeting with his brother. John Paul Vann, a former U.S. Army colonel with a long and frequently stormy career in Vietnam, encouraged Chau to continue the meetings. There was even an attempt, according to former Pentagon official Dan Ellsberg, to have Hien confer with Ambassador Henry Cabot Lodge. Ellsberg, one of Chau's old friends, said Vann was later authorized to meet Chau's brother but that Hien refused. Vann last week declined to testify in public on his dealings with Chau when questioned on the subject by Sen. J. William Fulbright's Foreign Relations Committee.

The U.S., Chau says, wanted him to pump his brother for information on Communist intentions in peace negotiations. Chau had little success on this score, but some careless remarks by his brother did enable him to warn the U.S. high command in Saigon that attacks against Vietnam's cities were being planned months before the 1968 Tet of-

fensive. After the Paris peace talks began, Chau, who had been elected to a seat in South Vietnam's House of Representatives in the 1967 elections, proposed that members of the legislature should travel secretly to Hanoi to try to end the war by direct negotiations.

**Deal:** This proposal, which was backed by several leading Vietnamese, angered Thieu. He construed the move as an attempt to undermine his own power and reacted by breaking publicly with Chau. At the same time, Chau believes, high-ranking Americans, including the CIA, became disturbed that North and South Vietnamese might try to deal behind America's back. Hien's arrest in Saigon

despite the fact that reporters and other friends have had little difficulty locating his Saigon "hide-out." "I am not in hiding," Chau insists. "The police know where I am. If they want me, they can come and get me."



Tran Ngoc Chau: Abandoned

last year gave Thieu a chance to attack Chau openly, and U.S. officials did little to protect him.

When Thieu's supporters failed—despite widespread allegations of vote-buying—to muster a three-quarters majority of 102 assemblymen to strip Chau and two others of their parliamentary immunity from arrest, Thieu allowed a mob to storm the lower house. Then, on another tack, Thieu's men did manage to gather 102 signatures to a petition from the assembly permitting Chau's prosecution. But a handful of members swiftly repudiated their signatures. The constitutionality of Thieu's maneuver is now being challenged in Vietnam's Supreme Court.

Thieu is apparently determined to destroy Chau—even if it means raising a major constitutional rumpus. Beginning this week, a military tribunal of five officers will open the trial of Chau in absen-

# Sentence Already Fixed, Chau Says in 2nd Trial

By DONALD KIRK  
Star Staff Writer

SAIGON — Deputy Tran Ngoc Chau charged today his "sentence was already fixed" after he faced a retrial by the same five-man military tribunal that had convicted him in absentia five days ago for pro-Communist activities.

"Since this morning my lawyers have presented everything possible but the court has rejected it all," said Chau, charged with having failed to inform Vietnamese officials of a number of meetings with his brother, a confessed North Vietnamese espionage agent.

Chau's outburst came after the court rejected arguments by his three attorneys that the entire proceeding was illegal since the South Vietnamese Constitution did not provide for military tribunals.

The court also was expected to refuse his demand for a hearing before the Supreme Court.

Chau's attorneys then "resigned" from the case on the grounds that the court "obviously was not interested in hearing their arguments." The court was expected to appoint its own defense attorney before rendering its final verdict.

"I want only to defend my honor. I have spent 23 years in the army," said Chau, sentenced by the tribunal last week to 20 years in prison. The chief judge cut him off by declaring he did not "want to debate" with Chau.

Chau flashed the "V" sign for victory or peace, it was not certain which — as he faced the tribunal at the beginning of the afternoon session.

"This is a trial of Thieu and Bunker," he shouted during one of several recesses, but it was clear no higher-level official, much less President Nguyen Van Thieu or U.S. Ambassador Ellsworth Bunker, would involve himself directly in the case.

The military court, which said Chau was still "innocent until proven guilty" — although it had found him guilty once before — eliminated the possibility of any testimony by American officials.

"There will be no foreigners allowed to testify," the chief judge ruled after defense attorneys formally asked permission to interrogate Bunker, Deputy Ambassador William Colby, in charge of the pacification program, and John Paul Vann, senior U.S. pacification official in the Mekong Delta.

### Claims U.S. Aware

The reason the defense wanted testimony by Americans was that Chau, formerly chief of the Upper Delta province of Kien Hoa, claims he informed U.S. intelligence officials of the meetings with his brother. Chau has accused the United States of having "betrayed" him by not preventing the trial.

Chau, arrested on Thursday in the National Assembly building, was granted a new trial on the technical grounds that he was entitled to one as long as he had not appeared in his own defense at the first trial.

Chau boycotted the earlier trial while talking to reporters in the National Assembly building, where he was granted immunity until the assembly speaker signed a paper waiving the privilege normally granted all deputies.

Bandages on Neck



—Associated Press

South Vietnamese Assemblyman Tran Ngoc Chau, his neck bandaged, heads for his retrial today in Saigon. American newsmen said his neck was not injured just before his arrest last week. There have been charges he was roughed up by Saigon police.

Chau today wore a black peasant's costume, which officials said he preferred as a prisoner to the business suit he normally wore before his arrest. He still appeared confident and smiling as he walked by reporters into the courtroom, but bandages were fastened to his throat and the back of his neck.

"I protest against this attitude of the security men who beat me and trampled my medals on the ground," said Chau, who had worn national medals presented to him by the late dictator Ngo Dinh Diem in 1955 and Thieu in 1965. Witnesses said police tore the medals off Chau's chest before arresting him.

"On what ground does the country arrest me," Chau asked, reiterating the question posed by defense attorneys when they claimed the Constitution did not provide for military tribunals.

The court, which sentenced

Hien, to life imprisonment last year, overruled this objection.

### 'Flagrante Delicto'

Despite the court's decision, the military officer representing the government as the prosecutor gave the impression he was not so certain of the real legal authority for the case, on which the tribunal rendered its decision after 30 minutes last week.

Rather than stress the fact that 102 deputies had signed a petition waiving Chau's immunity from trial as a deputy, the prosecutor contended that Chau was arrested "flagrante delicto" — caught in the act of violating national security for pro-Communist activities.

Chau's attorneys replied by asking why the government had waited until this year to try him for meetings which he is charged with having held with his brother between 1965 and 1968.

WHEELING, W.VA.  
NEWS-REGISTER

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MAR 2 1970

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THE RUTHLESSNESS of the Saigon government once again was spotlighted last week when a 46-year-old South Vietnamese Assemblyman, Tran Ngoc Chau, was convicted and sentenced to 20 years in prison on what appears to be a trumped up charge.

Mr. Chau was accused of pro-Communist activity but it would seem that his real crime was that he had spoken out in favor of negotiating a settlement of the war in opposition to the stand taken by South Vietnamese President Thieu.

The Assemblyman has admitted having meetings with his elder brother Tran Ngoc Hien who last year was sentenced to life in prison after being convicted as a Communist spy. Mr. Chau said the meetings with his brother were held for the purpose of finding out for the Americans what course Hanoi might be willing to follow in working out a settlement of the war. In fact, he charges that his dealings with his brother were carried on with the full knowledge and encouragement of U.S. officials.

As was to be expected, when Mr. Chau ran into trouble with the Saigon regime, American officials deserted him. But a high-level American source in Saigon admitted to a New York Times reporter that the U.S. embassy there had had communication from Washington on the Chau case and that Ambassador Ellsworth Bunker had discussed the matter with President Thieu.

The same source conceded that it was possible that Mr. Chau had acted with the knowledge and approval of lower level officials working for the C.I.A. or other agencies. No one in the mission disputes the fact that Mr. Chau maintained close working relations with officials in the C.I.A. and embassy during his years as a province chief in the Mekong Delta, and as mayor of Da Nang. In 1966, he was a key official in the revolutionary development program, which was devised and operated by the C.I.A. As one of the administrators of the program, he worked on a day-to-day basis with C.I.A. agents.

All of this would make it seem that there is much truth to what Mr. Chau has claimed. But the Saigon intrigue goes even much deeper. It has been charged that an aide to President Thieu had bribed a majority of Lower House colleagues to get them to sign a petition lifting Mr. Chau's immunity from prosecution as an assemblyman. Bribes as much as 400,000 piasters (about \$3,400) were said to have been paid for some of the signatures on the petition.

In a more recent development, Mr. Chau has been granted a new trial probably because of the notoriety given his conviction by the press and possibly because of the agitation it has stirred among various South Vietnamese factions that aren't happy with President Thieu.

The whole affair is one more illustration of the type of government we are supporting in South Vietnam. It is clear to us that the Saigon junta wants no peace that might in any way threaten the removal of the generals now in authority, even though they do not represent the majority of the South Vietnamese people. This unrealistic and self-defeating marriage we hold with the Thieu-Ky regime prevents any possibility that a negotiated settlement of the war in Vietnam can be expected at any time in the foreseeable future.



CHICAGO, ILL.  
SUN-TINES

M - 545,570  
S - 712,175

MAR 1 1970

## 'Democracy' in South Vietnam

President Thieu of South Vietnam has again demonstrated that the government he heads is an outright, full-blown dictatorship.

Thieu has charged a member of South Vietnam's National Assembly, Rep. Tran Ngoc Chau, with being friendly with the Communists. Chau has been friendly with one Communist, his brother, a North Vietnamese intelligence agent who was arrested last April. Chau says he met his brother several times before his capture to try to bring the brother over to his side. Chau says the CIA knew about the meetings and encouraged them.

Late last year Thieu began to denounce Chau as a Communist sympathizer despite the fact that Thieu had in the past decorated Chau for his anti-Communist work. The reason for

Thieu's attacks on Chau are clear. Chau is a political opponent of Thieu, a member of the so-called "third force" nationalist group in South Vietnam which opposes both the Thieu government and the Communists.

Political opponents don't have a long freedom expectancy in a dictatorship. Chau took sanctuary in the National Assembly building. Thieu had him tried in absentia in a military court and sentenced to 20 years in jail. Saigon police then raided the National Assembly and took Chau away.

The United States has paid dearly to support the ideal of democratic self-government for all the people of South Vietnam. In return for that sacrifice Thieu has created a brutal dictatorship that is every bit as repressive as any Communist government.

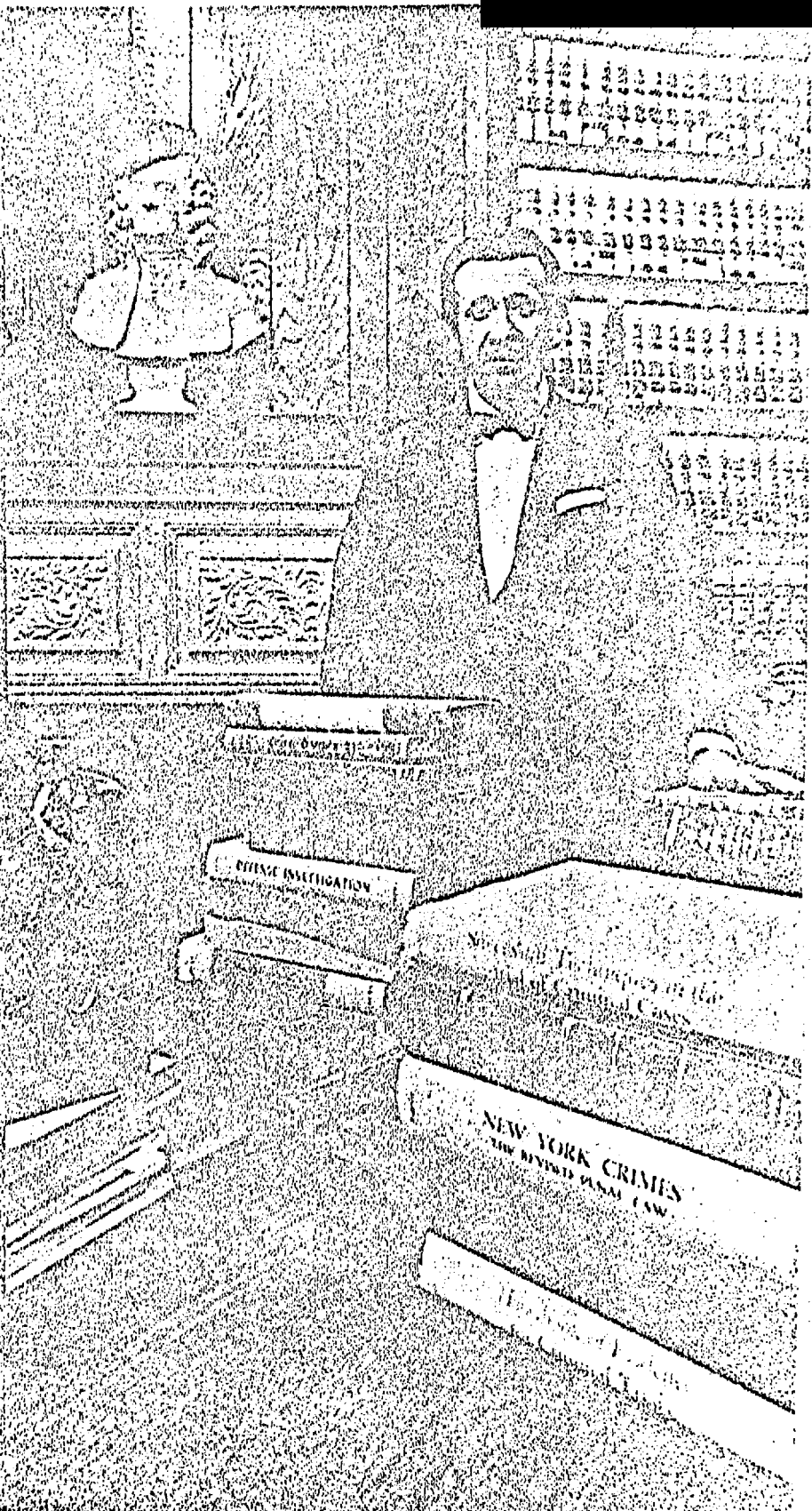
The  
civilian attorney  
who defended them  
tells

# WHY THE ARMY WANTED TO RAILROAD THE GREEN BERETS

Jealousy,  
not justice, prompted  
the prosecution  
of seven officers for  
a spy killing, says  
this top criminal  
lawyer

BY  
HENRY B. ROSENBLATT

PHOTOGRAPHS BY  
TIMOTHY L. SMITH



Moss, John  
P. Starbaj James  
Original  
Rothblat

# Progress in Vietnam: Is It a Masquerade?

By HENRY S. BRADSHER  
Asia Correspondent of The Star

SAIGON — The signs of progress are all around a visitor returning to Saigon for the first time after many eventful years.

Most villages are secure behind their own defense forces, roads once mined and marked by ambushes are open now, a democratic constitution is in force and the National Assembly calls upon the executive to explain its actions.

This and much more makes up progress. It is undeniable.

Some people — they seem to be strongest in Independence Palace and four blocks down Thong Nhat Avenue in the U.S. Embassy—contend that the situation in Vietnam is really quite good, that despite the admitted problems prospects are most favorable.

Undeniable, and yet . . .

And yet, a small sense of history raises a number of awkward, perhaps unfair, comparisons.

Fortunately, no doubt, for most foreigners here, there is no history. Vietnam began yesterday, when they arrived. At most, their comparisons seem to be with the darkest days of military coups and Communist rampages in 1964 and 1965, making almost anything look brighter.

And for those who have lived the history, the Vietnamese people, it is often best forgotten. That might ease the pain or despair.

But maybe it is true that those who forget (or do not know) history are doomed to repeat it.

Saigon today is full of stories of corruption. It seems to permeate the Army and the government.

This in itself is not particularly noteworthy in this part of the world. It is endemic in the Chinese culture which Vietnam adapted, as well as in surrounding Asian cultures.

They accept a moderate amount of corruption, condemning only "inordinate" levels.

The new democratic constitution provides for an inspectorate to fight corruption. But President Nguyen Van Thieu has failed to act on some cases it has exposed.

History offers a reflection.

The last constitutional president, the late and very unlamented Ngo Dinh Diem, failed to prosecute some obvious corruption cases. By leaving the corrupt man in office and holding the accusation over

him, Diem assured that the man's loyalty would be more a personal allegiance to the president than an objective allegiance to the law.

One builds personal, not constitutional, power that way.

There are many indications that Thieu has been narrowing his circle of personal advisers. Although he travels extensively, meeting a wide range of people the way any politician looking toward re-election next year would do, he consults few and confides in fewer.

Increasingly, there is a tendency to equate opposition with communism, to seek only a military solution to Vietnam's endless war and to scorn or even repress those who say otherwise. There can be no neutralism or "third force."

## Embassy Explains

The U.S. Embassy watches and, when asked about this, explains it away smoothly.

It is reminiscent of seven or eight years ago, when Diem sought — unsuccessfully — to narrow the domestic choices of Vietnam to himself or communism.

The book which a top State Department authority on Vietnam recommends as one of the best (but hardly anyone here ever heard of — it is not on the U.S. press mission's lengthy list of suggested readings for correspondents, most of whom are unread on Vietnam), "Government and Revolution in Vietnam," by Dennis J. Duncanson, has an interesting passage.

American "aid and advice without any formal agreement to ensure consistent policy, coordination and guidance, which ill-wishers might have condemned as 'colonialism,' tended to harden the defects of the Diem regime rather than to correct them, and to reinforce its defeats.

"But American expressions of dissatisfaction with the government dwelt almost exclusively on its unwillingness to share power with other politicians or to establish representative institutions or to allow freedom of non-Communist political expression."

Not quite right for today. But interesting.

There is naturally no "formal agreement" today for Thieu to accept American guidance with the aid. Since cutting off aid as a disciplinary measure is unrealistic—it brought down Diem, leaving chaos—Thieu has considerable latitude to ignore politely any guidance and harden any defects.

He has refused to share the power, which he won with 37 percent of the vote in a rather controversial election. He will not "broaden his government," the phrase used in Washington. He rejects Saigon's noisy politicians as representing hardly anyone but themselves, which is essentially correct.

Representative institutions exist. The Americans wanted them and, in fact, willed them into existence—Americans whose sense of Vietnamese history and traditions and institutional possibilities is, to put it politely, limited.

It is another matter whether these institutions work above the village level, where local governments have been elected. A patriarchal sense of representative traditions in the villages is hundreds of years old here and in many other parts of Asia. Yet it has never before proved a base for nationwide democracy—a point seemingly missed by many who point proudly today at the resurrection of village elections.

Provincial council elections are coming soon as the next step up the democratic ladder. But it remains to be seen when province chiefs will cease to be military men appointed from Independence Palace.

Although the National Assembly has questioned and sometimes obstructed Thieu's policies, he has forced his will on key points. The general assumption is that presidential bribes and threats were used against legislators.

The Supreme Court seems to have put more emphasis on being "reasonable" than on establishing the American-style division of authority written into the Constitution.

Just how free non-Communist political expression is, even allowing for the existence of numerous political parties and a wildly free press, is debatable.

Most of the current debate centers on whether the government's conviction of Tran Ngoc Chau and another legislator is simply a case of subversion or uses that garb to silence dangerous political opposition and destroy any possibility of a compromise solution to the war.

In those parts of the country where Vietnamization has caused

the withdrawal of U.S. ground combat troops, the situation looks a lot like 1962 or 1963.

Americans are back to the roles of advisers and helicopter-taxi drivers. And again they are wondering when the Communists will hit hard at South Vietnamese troops, and how the troops will react.

## On The Record

It could hardly be worse than the battle of Ap Bac, seven years ago, when the troops refused to go into action. Now officers talk about how well some units are fighting. That is on the record.

There are also reports, not on the record, of troops who do not want to be helicoptered into battle.

Back in the dimness of Vietnam's pre-American history, there are descriptions of French-trained Vietnamese units under their own officers in the first Indo-China war who were "timorous."

Now the leadership is being improved, and the army is being equipped and trained to fight both guerrillas and the North Vietnamese regulars.

When he was out here recently for a very quick look around, Secretary of Defense Melvin R. Laird emphasized that his Vietnamization program was the first time Saigon's army has been prepared to defend South Vietnam against the northern regulars.

The political point, of course, was criticism of the Johnson administration for preparing it only for guerrilla warfare.

Laird overlooked the fact that the Eisenhower administration had trained the South Vietnamese army solely in terms of meeting a conventional northern invasion—but, the vital omission, not to cope with guerrillas.

In 1965, the United States put in its own ground troops when Saigon's could not withstand the Communists. Now, under Vietnamization, they are going. But, beginning with his Nov. 3 speech, President Nixon has strongly implied a threat to do something tough if, as in 1963 and 1964, the South Vietnamese cannot stand fast by themselves.

This raises a probably tiny possibility for history repeating itself. In other ways, it already does repeat.

The Phoenix program to eliminate Viet Cong agents is now under accusation of being a system of assassination sometimes used on political opponents. It had its Dich Van parallel under Diem and was accused on the same grounds.

In 1963, Binh Thuan Province reported a stockade had been built around every hamlet and 98 percent of the people lived inside. Saigon declared the province pacified, despite the existence of two sizeable units in the country-side.

4  
Soc. 4.01.2 Government  
continued

NEW YORK TIMES  
28 Feb 1970

## Saigon Government Grants a New Trial To Convicted Deputy

SAIGON, South Vietnam, Feb. 17 (UPI) — The Government today granted a new trial to Tran Ngoc Chau, a 46-year-old member of South Vietnam's National Assembly who was sentenced Wednesday to 20 years in prison for alleged Communist activity.

Mr. Chau, a former mayor of Danang, had appealed the sentence of the military court that tried and convicted him in absentia. He began a sit-in at the National Assembly Monday and stayed there during his trial, claiming legislative immunity from arrest.

He was arrested in an Assembly office last night in a dramatic move by the police that dissolved into a melee in which several newsmen were injured.

A Government spokesman said that Mr. Chau would be brought from Chihoa prison in suburban Saigon, where he has been held since his arrest, to appear Monday before the military court that tried and convicted him.

### He Denied Charges

In the hour-long trial, Mr. Chau was charged with eight unlawful meetings with his brother, Tran Ngoc Hien, a North Vietnamese intelligence officer. He also was accused of having prior knowledge, through his brother, of the 1968 Tet offensive.

Mr. Chau denied charges that he was a Communist or an agent of the United States Central Intelligence Agency. He said that he was a dedicated nationalist and patriot.

Vu Van Huyeh, Mr. Chau's lawyer, filed the appeal request with the court yesterday before Mr. Chau's arrest. A police official said that Mr. Chau was undergoing "intensive interrogation."

Nguyen Ngoc Huyen, chief of the National Press Center, said today it was "regrettable" that about a dozen newsmen and photographers were injured when policemen arrested Mr. Chau.

Approved For Release 2001/03/04 : CIA-RDP80-01601R000900050001-0

CHARLES SPON, W.V.A.  
GAZETTE  
M - 63,294  
GAZETTE-MAIL  
S - 106,775

FEB 27 1970

Editorials—

## Chau Case Proves U.S. Not Guarding Democracy

The strange case of Tran Ngoc Chau provides new reason to wonder just what the United States is doing in South Vietnam, and also whether the present ruling militarists in that country are at all interested in bringing about a peaceful settlement of the brutal war there.

There was a time when Chau was one of South Vietnam's most promising leaders. Americans liked the stocky little colonel so much they placed him in charge of the CIA-financed Revolutionary Development Program. And President Nguyen Van Thieu, an old army comrade, often sought Chau's political advice. But Chau has now been denounced by Thieu, abandoned by the Americans and summoned by a military tribunal to face charges of "treasonous relations with the Communists."

The 46-year-old Chau is a member of South Vietnam's National Assembly, having been duly elected to the House of Representatives in 1967. When the charges were brought, Chau holed up in the National Assembly building for 80 hours—although insisting he was not in hiding and "the police know where I am."

In the meantime, a military court quickly tried him in absentia, convicted him, and imposed a sentence of 20 years in prison. Thursday night, police moved in, dragged Chau from the building,

threw him into a Jeep, and drove swiftly off with him.

Newsweek Magazine traces the story of Chau's fall back to November 1965 when his long lost elder brother, Tran Ngoc Hien, came to Chau's door. It was a happy reunion, even though Hien was a top Communist undercover agent in South Vietnam, for they had not seen each other since 1949 when Chau quit the ranks of the Viet Minh forces fighting the French rather than knuckle under to Communist officials.

The brothers held half a dozen meetings, but Chau remained staunchly anti-Communist. Indeed, he told a Newsweek correspondent this week that he informed the U.S. Embassy in Saigon of his contacts with the other side soon after his first meeting with his brother. John Paul Vann, a former U.S. Army colonel, encouraged Chau to continue the meetings. There was even an attempt, according to former Pentagon official Dan Ellsberg, to have Hien confer with Ambassador Henry Cabot Lodge. Ellsberg, one of Chau's old friends, said Vann was later authorized to meet Chau's brother but that Hien refused.

Chau says the U.S. wanted him to pump his brother for information on Communist intentions in peace negotiations. He had little success on this score, but some careless remarks by his brother did enable him to warn the U.S. high command in Saigon that attacks against Vietnam's cities were being planned months before the 1968 Tet offensive.

After the Paris peace talks began, Assemblyman Chau proposed that members of the legislature should travel secretly to Hanoi to try to end the war by direct negotiations. This proposal, which was backed by several leading Vietnamese, angered Thieu, who construed it as an attempt to undermine his own power and reacted by breaking publicly with Chau. At the same time, Chau believes, high ranking Americans, including the CIA, became disturbed that North and South Vietnamese might try to deal behind America's back. Hien's arrest in Saigon last year gave Thieu a chance to attack Chau openly, and U.S. officials did little to protect him.

From all this it would appear that Chau is a loyal citizen who is also deeply concerned about finding a way to bring an end to the agony that has plagued his country for more than a generation. The Thieu regime, however, appears more interested in continuing the war as a protection to its power. After two attempts, and amid widespread allegations of vote-buying, Thieu supporters managed to get the necessary 102 signatures on an assembly petition to strip Chau of his parliamentary immunity from arrest and pave the way for his prosecution. But a handful of members swiftly repudiated their signatures, thus putting Thieu's maneuver under a serious constitutional cloud.

The government has now agreed to a second trial for Chau, but this appears more an effort to cover up constitutional questions than to provide justice for Chau. The swift conviction of Chau in absentia in his first "trial" demonstrates Thieu's regard for constitutional government and tells Chau what he can expect in a second trial. This should be evidence enough that the United States is not protecting a democracy in South Vietnam.

THE DES MOINES REGISTER  
27 Feb 1970

## Dirty Tricks Department

"Departments of Dirty Tricks" have rough going in the United States. If focs don't find them out, American boasts or American consciences unveil them.

Once an American secretary of war (Henry Stimson in 1911) abolished one whole segment of military intelligence with the comment, "Gentlemen do not read other people's mail." Back in the office in World War II he thought differently. But the wartime Office of Strategic Services was abolished at the end of the fighting, and the Central Intelligence Agency not organized until 1947.

For all its general reputation for competence and good sense in fact-gathering, the C.I.A. catches brickbats whenever it gets caught venturing into the "dirty tricks" department. It doesn't belong there, and its performance there has sometimes been disastrous.

Most "intelligence" is humdrum fact-gathering. Some is extremely perilous fact-gathering. Dirty tricks are not fact-gathering at all.

Right now Fort Holabird, the Army Intelligence School in Baltimore, is in two kinds of hot water along with the C.I.A.

- The Senate Committee on Foreign Relations is investigating "Project Phoenix". This is a U.S.-South Vietnamese project to eliminate Viet Cong leaders by capture, death or defection. The C.I.A. is said to be back of it, and the joint teams of secret agents are led in some cases by American "advisers" trained at Fort Holabird.

- Also, the American Civil Liberties Union is suing the Pentagon to make it stop spying on legal civilian protest activities in the United States and circulating reports about them from Fort Holabird.

The suit should bring out at least some of the facts about this bizarre and possibly sinister fact-gathering and give courts and public a better idea about its legitimacy. Is a chapter meeting of Women Strike for Peace worth study by military intelligence?

Project Phoenix is hush-hush, and the government has no comment or denies most of the lurid stories told about it. But reports on abuses and shortcomings from Richard Dudman in the St. Louis Post-Dispatch and Erwin Knoll in Progressive magazine, and a petition for discharge as a conscientious objector by an officer trained for Project Phoenix are no mere gossip.

These include allegations that Vietnamese Phoenix agents sometimes arrest wealthy innocents and let them go for a bribe; that Viet Cong plant false reports of Viet Cong ties against persons they want to see eliminated; that American advisers are taught to kill and torture and that they are given a monthly "kill quota" of 50 bodies.

Some captured suspects are turned over to a Vietnamese military field court for trial, but if most of the evidence is beyond reach in hostile territory, a suspect may be legally "detained" for two years without charge, plus extensions—or he may be illegally killed. The Phoenix suspect list had 70,000 names last summer after rank and file were trimmed out and only Viet Cong leaders left.

Officially, Phoenix is "not a great success." After nearly two years of "eliminating" Viet Cong leaders by the thousand, official estimates of the number left remain the same: about 80,000.

There is no mystery about this. The Viet Cong have an excellent system for recruitment and leadership training. There are signs that Viet Cong military "main force" units may be short of manpower — though this may be an illusion, as it was in 1967 when they were getting ready for the Tet offensive. But there are hardly any signs of fall-off in numbers or quality of the Viet Cong political leadership.

Phoenix is killing and capturing real people (not necessarily always the right ones), but the Viet Cong organization keeps regenerating — like the legendary Phoenix!



# Saigon Deputy Seized in Assembly



Tran Ngoc Chau watching policemen oust newsmen from the National Assembly yesterday before they removed him.

By RALPH BLUMENTHAL

Special to The New York Times

SAIGON, South Vietnam, Feb. 26—National policemen seized Representative Tran Ngoc Chau in his sanctuary in the National Assembly today and dragged him struggling out of the rear gate to begin a 20-year prison sentence on charges of pro-Communist activity. The police raid, watched by hundreds of South Vietnamese spectators who had been expecting it, ended a four-day sit-in in the National Assembly by the 46-year-old deputy, who accused President Nguyen Van Thieu of having acted unconstitutionally to bring his prosecution.

Mr. Chau was arrested even though a Government spokesman conceded yesterday that a court appeal filed by the deputy should entitle him to freedom pending a decision.

He was seized at 6:30 P.M. in a small rear office he was making his home. Minutes before, about 50 newsmen were pushed and dragged out of the room by the police.

## Knocked to the Floor

According to witnesses, Mr. Chau was knocked to the floor, grabbed by four or five policemen and hustled down the back steps to a rear courtyard, where he was pushed into a waiting jeep and driven off. Almost all newsmen and spectators had been moved by the police to the front entrance of the assembly building, a former French opera house on Saigon's central square.

While the Government's spokesmen and its supporters and United States officials depreciated or tried to ignore the affair, opposition elements expressed outrage.

There were also signs of long-range impact. The visit of several Buddhist leaders to Mr. Chau in his refuge yesterday and supporting comments in many South Vietnamese newspapers indicated that the case held a common interest for various factions of the fragmented opposition.

On the other hand, such leading figures in the opposition as Maj. Gen. Duong Van Minh and Senator Tran Van

Condemnation in House  
In the strongest immediate condemnation, 16 members of the 135-member lower house termed the arrest an illegal oppressive measure of the Government. Their statement said they would bring Mr. Chau's arrest to the attention of international associations such as the International League for the Protection of Human Rights.

Nguyen Huu Chung, an opposition deputy who saw Mr. Chau being carried off, said: "They brought him out like a pig being taken to the market. President Thieu has just made a giant stride toward total collapse of the regime."

The Chau case dates from last April when the deputy's brother, Tran Ngoc Hien, a North Vietnamese intelligence captain, was arrested in South Vietnam. He and Mr. Chau, it turned out, had met eight times since 1965, with Captain Hien trying to obtain intelligence information and Mr. Chau, according to his account, trying to persuade his brother to defect and making feelers for a settlement of the war.

Mr. Chau has said that officials of the United States Central Intelligence Agency and some other American officials here knew about the meetings and encouraged them. He said he had not informed the South Vietnamese Government because political instability made it too dangerous to do so. The United States Embassy has declined all comment on the case.

Late in November President Thieu, in speeches denouncing advocates of coalition with the Communists, began singling out Mr. Chau for attack.

Earlier this month President Thieu reportedly succeeded in obtaining 102 deputies' signatures — representing a three-quarters majority — on a petition stripping Mr. Chau of his parliamentary immunity so he could be tried on charges of having damaged national security.

Critics of the action questioned the constitutionality of the procedure as well as the authenticity of all the signatures. Nevertheless, early yesterday, Mr. Chau and Hoang Ho, another deputy accused of treason, were tried in absentia by a five-man military court and—after 35 minutes' deliberation—sentenced Mr. Chau to 20 years at hard labor and Mr. Ho to death. Mr. Ho is believed to have left the country before the trial.

Mr. Chau sought refuge in the National Assembly on Monday, insisting that he could not be legally arrested. But he conceded that he was resigned to being arrested.

The scene last night in the small office in the National Assembly a party more than a vigil.

To entertain the crowd of about 50 friends, colleagues and newsmen who flocked in to interview him and wish him well, Mr. Chau ordered two cases of beer, a case of orange soda, French pastries, sandwiches and bananas.

Transistor radio provided music and news and Mr. Chau joked and bantered without any apparent nervousness over his future.

"Did you hear," he quipped, "President Nixon has sent a dossier to the Senate asking for the lifting of Senator McGovern's parliamentary immunity because he was in contact with the Communists in Paris."

In the same vein, he joked: "I hope they send me to the same jail as my brother — we can have a family reunion." Captain Hien was sentenced to life imprisonment last July.

These light remarks were interspersed with more serious ones: "We have to cease fighting simply against the Communists and say we're fighting for something" and "as long as the United States supports Thieu I will be in jail."

Assisting Mr. Chau by feeding him chicken, handing him freshly ironed shirts to change into and spraying him periodically with a deodorant, was a close friend, Mrs. Kieu Mong Thu, also a deputy. In the bitter house debate over Mr. Chau last year she drew a pistol against his detractors. When that was taken away from her, she waved her spiked shoe at them.



ST. LOUIS, MO.  
POST-DISPATCH

E - 345,675  
S - 581,591

FEB 27 1970

### *The Silent Ambassador*

It is high time that Ellsworth Bunker, the United States Ambassador in Saigon, issued a statement on the scandalous persecution by the Thieu regime of Tran Ngoc Chau, a member of the National Assembly, and a colleague, Huynh Van Ho. Both deputies are political opponents of President Thieu. Allegedly through bribery, Thieu persuaded the Assembly to remove their parliamentary immunity, and now Mr. Chau has been sentenced to 20 years and Mr. Ho has been sentenced to death.

Ambassador Bunker enters the picture because Mr. Chau has accused him of participating in his prosecution. Mr. Bunker has made no comment on this charge. But he should, for in the past Mr. Chau had close associations with the U.S. Embassy and with the Central Intelligence Agency. The charge against Mr. Chau was that he had illegal contacts with his brother, a Communist intelligence agent. This he freely admits, but he points out the Embassy and the CIA knew all about it (and presumably encouraged the contacts in the hope of obtaining information about the Viet Cong).

There have been reports that Washington instructed the Saigon Embassy to intervene in the Chau case, but apparently all that happened was that Mr. Bunker called on his good friend President Thieu. There is really a question as to whether Mr. Bunker's unerring support of the Thieu regime has not destroyed his usefulness as a representative of the United States. Mr. Chau's crime, in the eyes of the regime, was that last fall he began to advocate a cease-fire and direct peace negotiations between the opponents. This is anathema to Mr. Thieu; is it also anathema to Mr. Bunker? His silence in the Chau case says Yes.

STATINTL

TV  
By BEN LEVINE

## Who invited Spiro.

The sinister spirit of Spiro Agnew still darkens the airwaves. Public television is its latest target.

On Feb. 16, National Educational Television broadcast a documented story of a century of U.S. intervention in foreign lands. It was called "Who Invited US?"

This column on Feb. 19 outlined some of its highlights, including the 1846 war on Mexico, the 1898 war that seized Cuba, Puerto Rico and the Philippines, the 1917 intervention in Siberia, the counter-insurgency training in South America, the slaughter in Vietnam.

The documentary, produced by Alan Levin, was sent out over the NET affiliates, and it was seen on Channel 13 and many stations throughout the country. But word came from Washington to stifle the program, and the word was heeded by the Washington NET affiliate, WETA-TV, by Texas public TV stations in Austin, San Antonio and Lubbock, and by the Virginia public TV stations of Richmond and Norfolk.

These six stations canceled the program.

The cancellation was at once protested by Association of Public Television Stations, of which Levin is a member. The association called on the Federal Communications Commission to investigate "this arbitrary ab-

ridgement of the public's right to know."

"We particularly abhor the fact," it said, "that viewers in the nation's capital were denied the opportunity to judge for themselves whether the NET documentary raised valid points about America's foreign policy.

"At present the medium is under attack from many quarters, with much of the impetus coming from Washington, particularly the offices of the U.S. Attorney General and the Vice President of the United States."

Alvin Perlmutter, the association's president, said he met Nicholas Johnson, a member of the FCC, and had received his support.

James Day, president of the NET 160-station network, added his voice to the protest.

"The facts reported in the program," he stated, "came out as critical of American policy in this area. We believe the facts are correct. . . . We recognize the program is controversial. But we believe the American people are capable of seeing such programs and making their own judgments.

"We treat the viewer as the Village Idiot, and it does the country as a whole a disservice when we fear to expose him to points of view which may be contrary to widely-held beliefs, or may be unusually provocative to those who hold these beliefs."

FEB 1970



STATINTL

—Associated Press

South Vietnamese Assemblyman Tran Ngoc Chau (left) argues with a Saigon police officer

# Viet Deputy Seized In Assembly Hall

By DONALD KIRK  
Star Staff Writer

SAIGON — South Vietnamese police today seized Deputy Tran Ngoc Chau in the National Assembly building and hustled him to jail.

Some 50 police entered the assembly building where Chau had defied arrest since a military court sentenced him yesterday to 20 years in prison for meeting secretly with his brother, a North Vietnamese espionage agent.

"Here you see how democracy works in Vietnam," shouted Chau, a former upper delta province chief, as he was being reported his meetings with

his brother to the U.S. Central Intelligence Agency but not to South Vietnamese authorities.

"Here you see police closing the windows," yelled Chau, standing on a chair in the office of the deputy speaker of the assembly while police entered the room and began to shut the wooden screens opening on a roof.

"Will you please take a picture," Chau shouted to a dozen or so foreign photographers, but police pulled and pushed all correspondents from the small room before arresting the deputy.

Policemen showed several reporters in the corridor outside

in the National Assembly Building shortly before his arrest early today.

the room. An official in civilian clothes pulled a holstered pistol from his pocket and pointed it at Ralph Blumenthal, a correspondent for the New York Times. The official grabbed at a camera hanging on a strap around Blumenthal's neck but did not remove the pistol from its holster.

Chau, who had held an almost non-stop press conference with reporters since the military court sentenced him, was clearly delighted with the entire performance. He smiled, gestured and talked in Vietnamese, French and English until the reporters had all left the office.

Chau, who served first as chief of Keim Hoa Province some 80 miles south of Saigon and then as mayor of Da Nang, South Vietnam's second-largest city, did not appear at his 30-minute trial.

His attorney, Vo Van Huyen,

the assembly building, said he had petitioned the military court for a new trial and also was planning to appeal to the Supreme Court.

"I am asking if he can be tried again if he agrees to appear in person," Huyen said.

The other convicted deputy, Huynh Van Tu, alias Hoang Ho, sentenced to death for having given classified information to a senior Communist leader, probably will never be arrested. His wife said yesterday he had fled to "a free country."

Chau, talking to reporters just before police arrested him, predicted he would remain in prison for "two or three years."

Chau indicated the government pressed the case against him because President Nguyen Van Thieu personally objected to his support of the "third force" in Vietnamese politics which seeks "political reconciliation"

continued

## Viet Deputy Convicted, Asks Nixon to Intercede

SAIGON (AP) — A South Vietnamese military court sentenced a prominent political opponent of president Nguyen Van Thieu to 20 years in prison today, and the convicted man appealed to President Nixon to intercede.

After 30 minutes of deliberation, the court found Tran Ngoc Chau, a 46-year-old member of the National Assembly, guilty of having illegal contacts with an admitted Communist agent, his brother.

The court also found another member of the assembly, Huynh Van Tu, guilty of rebellion and sentenced him to death. He has been missing for weeks and is believed to have fled abroad.

### Cable Cites U.S. Casualties

Chau said he sent his plea to Nixon by cable on behalf of himself and other Vietnamese politicians in jail. He contends that the purpose of prosecuting him was to silence opposition to Thieu.

"For these liberties you take for granted, 40,000 of your sons and over 200,000 of our sons have died," he told Nixon. "Let not their sacrifices be in vain."

Chau, who did not attend his trial because he said he consid-



TRAN NGOC CHAU

ered it an unconstitutional proceeding, continued a protest sit-in at the National Assembly building.

There was no indication when he would be arrested.

"I came here by the will of the people," he told newsmen. "If I yield, it will have to be by the bayonet."

The assembly lifted Chau's and Tu's parliamentary immunity under pressure from Thieu.

### Not Democratic

Chau said Americans whose sons died "for South Vietnam can be proud of the sacrifices they made" but "they have to realize this country is not a democratic country."

Chau's brother was arrested in 1968 and is now in prison. Chau admits he visited him but said the contacts were of a "brotherly" nature and made with the agreement of the U.S. Central Intelligence Agency.

Chau contends that he himself is staunchly anti-Communist.

## Thieu Opponent, Facing a Trial, Holds National Assembly 'Sit-In'

By RALPH BLUMENTHAL

Special to The New York Times

SAIGON, South Vietnam, Feb. 23—Tran Ngoc Chau, the opposition deputy accused by President Nguyen Van Thieu of pro-Communist activities, made a surprise appearance this morning at the National Assembly and announced he would stage a sit-in there until his trial ended.

The trial, which was scheduled to start today, was postponed for reasons the Government did not disclose. Mr. Chau, who emerged after weeks of hiding in fear, he said, of being "eliminated" by Government agents, said he would boycott his trial because he had been "unconstitutionally" stripped of his parliamentary immunity.

Mr. Chau said today that he and his brother, a North Vietnamese intelligence agent, were discussing peace formulas and the release of American prisoners—with the knowledge of United States intelligence agents—when their talks were broken off in April by the brother's arrest by South Vietnamese authorities.

The arrest, he said, destroyed a plan "to get the North Vietnamese to accept a delegation from the South" to discuss peace.

Mr. Chau said he would wait in the National Assembly for what he fully expected would

be a verdict of guilty, "and jail, if not execution."

In interviews, the round-faced, 45-year-old politician repeated and elaborated on assertions made previously from hiding that Americans from the Central Intelligence Agency had known about and encouraged his meetings with his brother, Tran Ngoc Hien.

Yet, he said, now that he was in trouble "Ambassador Bunker has forbidden them to have anything to do with me."

The United States Embassy has declined all comment on the affair.

Mr. Chau named the Americans who knew of his meetings with his brother as John Paul Vann, now in charge of pacification in the Mekong Delta, and two men he identified as C.I.A. agents: Stuart Methuen and Thomas Donohue. He said Mr. Methuen was now the No. 2 C.I.A. man in Indonesia and that Mr. Donohue worked for the C.I.A. in Washington.

The deputy said that other American agents knew of his activities but since they were still in South Vietnam, he would not disclose their names.

He said that since President Thieu brought charges against him last fall — after Mr. Chau had accused a presidential aide of buying votes in the Lower House — the Americans had abandoned him.

STATINTL

TORONTO, ONT.  
GLOBE & MAIL

M - 271,144

FEB 24 1970

## Phoenix not sinister operation that critics portray, officials say

Special to The Globe and Mail

SAIGON — As the controversial operation known as Phoenix moves into its third year and to centre stage at Senate Foreign Relations Committee hearings in Washington, U.S. officials privately continue to call it one of the most important and least successful programs in South Vietnam.

Designed by the Central Intelligence Agency to weed out 75,000 Viet Cong political leaders and agents from the civilian population, the program is not the sinister, cloak-and-dagger, terror operation that some critics, including the Viet Cong, have portrayed it to be, these officials insist.

According to official views, Phoenix works this way: When officials feel they have enough evidence against a person suspected of being con-

nected with the Viet Cong, they arrest him. If he is not released quickly—suspects often vanish out the back doors of police station within two hours of arrest—he is taken to an interrogation centre.

A dossier on the suspect is then given to the Provincial Security Council, whose powers are those of a ruling body, not a judicial one. The council may free the suspect or order him jailed for as long as two years without trial.

Once the suspect has served in jail, he is considered to have been rehabilitated.

Some officials concede that abuses have occurred under Phoenix and that the program has potential for serious harm if it were used, for example, to harass legitimate political opposition. Yet in the over-all portrait of Phoenix painted by

its supporters, the program appears more notorious for inefficiency, corruption and bungling than for terror.

Critics of Phoenix have charged it with torture, murder and intimidation of political opponents of President Nguyen Van Thieu and Vice-President Nguyen Cao Ky.

While U.S. and South Vietnamese officials in Saigon believe the program is vital, some officials in Washington are less than enthusiastic. Saigon officials contend that unless the Viet Cong's highly skilled political apparatus is destroyed, the Communist movement will continue to prosper regardless of how many guerrillas are killed.

The Phoenix program was established by the CIA in late 1967. It was officially sanctioned by Gen. Thieu on July 1, 1968.

Administrative committees and intelligence-gathering centres were set up in the 44 provincial capitals and most of Vietnam's 242 districts.

About 450 Americans were sprinkled among these groups to serve as advisers and paymasters. A large number were CIA agents or military intelligence officers borrowed by the agency.

Gradually, the CIA's role was taken over by U.S. military men.

Last year, according to official figures, 19,534 Viet Cong were "neutralized." That number included 8,515 reportedly captured, 6,187 killed and 4,832 who defected.

Once a suspect is captured, he automatically is counted as a "neutralized" Viet Cong.

This is true though many suspects are released an hour or two later through the back doors of police stations. Starting this year, officials say, suspects will have to be sentenced before they will be counted as "neutralized."

Having to arrest or capture the same suspect two or three times is frustrating, according to some advisers in the program, and may have some effect on the statistics.

Probably the most controversial arm of the Phoenix program in each province is a group called the provincial reconnaissance unit. It consists of a dozen or more South Vietnamese mercenaries, originally recruited and paid handsomely by the CIA to serve under the province chief as the major "action arm" of the program.

Members of these units, usually an assortment of local hoodlums, soldiers of fortune and draft-dodgers, receive 15,000 piasters a month. Ordinary soldiers get 4,000 piasters.

Some Saigon officials concede that these units have been employed in extortion and terror but the officials insist that the units' foul reputations have been exaggerated.

## Saigon's Chau Will Boycott Trial Unless High Court Rules It Legal

By Robert G. Kaiser  
Washington Post Foreign Service

SAIGON, Feb. 23 (Monday)

—Tran Ngoc Chau, one of two South Vietnamese legislators scheduled to go on trial this week for helping the Communists, came into the open today and said he would not appear at his trial.

Chau gave a press conference on the steps of the lower house of the National Assembly to declare he would boycott the trial unless the Supreme Court ruled first that it was legal.

Chau contends he was stripped of his parliamentary immunity by an illegal maneuver—a petition circulated among his colleagues.

He noted that many prominent Vietnamese had criticized the petition. He also charged

that many signatures on it were bought by government officials, or were the result of pressure from the government.

Many politicians and Vietnamese observers believe the charges are true, at least to some extent. The Supreme court is now considering the constitutionality of the petition.

Chau predicted he would receive a harsh sentence from the military court scheduled to begin his trial Wednesday. It may be postponed. He is charged with having contacts with traitors. The charge stems from his secret meetings with his brother, a confessed North Vietnamese spy.

Chau boasted at the press conference that he had managed to evade government agents for several weeks. In

fact, however, he has been followed by the police. This correspondent saw numerous plainclothesmen around his "hideout" last week.

Several newspapers and many citizens have criticized Chau recently for his connections with the CIA. He has claimed many contacts with the agency, but denies being an agent.

[In military action Sunday, U.S. troops fanned out around Tamky on the northern coast seeking enemy units that inflicted heavy casualties on American forces recently. At least 23 Communists were slain by troops of the American Division's 196th Brigade in clashes about 40 miles southeast of Danang. The brigade lost two dead and 11 wounded.]



# Phoenix: To Get Their Man Dead or Alive

The Senate Foreign Relations Committee may have been confused by last week's testimony on Operation Phoenix. The committee had a report from the American military command in Saigon that seemed to give Phoenix the credit for hunting down and killing 6,187 Vietcong political cadres last year. Then it heard William E. Colby, the pacification chief in Vietnam, emphatically deny that Phoenix was an "assassination" program.

The problem is one of definition, according to knowledgeable sources. Phoenix, which operates at the district and province level, gathers, evaluates and disseminates intelligence on the identity and movements of members of the Vietcong infrastructure. These are the nonmilitary figures who govern the parts of Vietnam still controlled by their movement and who slip in and out of Government-controlled and contested areas.

## Shadowy Organizations

The information that may lead to the "neutralization" of these men — the official figures state that in addition to those killed, 8,505 were captured and 4,382 persuaded to defect in 1969 — is then passed on to Vietnamese officials who can call any one of several shadowy specialist organizations for action.

These include Provincial Reconnaissance Units, Armed Propaganda Teams, Kit Carson Scouts and Seal commando teams. Operating in small units, generally of six to 12 men, they quietly penetrate into contested or Vietcong-controlled territory to carry out their missions. And despite whatever denials that are being made now in Washington and Saigon, their mission is to get their man, dead or alive.

In such operations, a prisoner, who can sometimes be made to yield information under torture, is more valuable than a corpse; but there are occasions that I heard about during my time in Vietnam —

bush of a Vietcong district headquarters staff as it is moving from one hamlet to another — when the execution team must hit and run.

## Dirty Job

It is a dirty and dangerous occupation. Squads that do their work conscientiously take many casualties. Entire units have been wiped out in counter-ambushes, carefully prepared with false information. The men who volunteer for such assignments often have unsavory pasts. The lure is usually money. The pay scale for Provincial Reconnaissance Units is four times as high as that of the Vietnamese military. Bonuses are given for spectacular successes. P.R.U. men tend to have more gold teeth than the average Vietnamese, bigger motorbikes and sharper clothes. The Kit Carson Scouts and the Armed Propaganda Teams are composed of Vietcong defectors and captives, and there are many of these in the Seal teams, which are run by the United States Navy. For them, poor performance can mean a return to harsh confinement. Any hint of treachery can bring summary execution.

The apparent disquiet with which various Senators have viewed Phoenix operations — there is apparently a suspicion that they have been occasionally directed against anyone who opposes the Government of President Nguyen Van Thieu — has led the Pentagon and the Saigon command to do something unusual. Correspondents have been told that the program hasn't been working well and that its tally sheet for 1969 is probably grossly inflated. Moreover, American participation — intelligence officers are assigned as advisers and paymasters in each district and province headquarters — is being gradually reduced with the objective of eventual Vietnamization.

Operation Phoenix was established in July, 1967, by Robert Komer, Mr. Colby's predecessor as pacification chief, and, like him, a senior official of the Central Intelligence Agency before taking that post. It was Mr. Komer's view that a military victory, which was still an objective in those days, would be meaningless, even if attainable, unless the Vietcong's political structure could be destroyed. Mr. Komer also hoped to hit back at the Vietcong assassination squads which for years had been carrying out the judgments in absentia of revolutionary courts against

Its very existence was classified as "secret" and Phoenix was staffed by tough close-mouthed C.I.A. operators who worked behind unmarked doors in provincial and district headquarters, raced about the countryside in Scout station-wagons and, inconspicuously, carried attaché cases. I saw one of the cases opened once; it contained a stubby Beretta submachine gun and packs and packs of Vietnamese 500-piaster notes.

By late 1967 it wasn't hard to find knowledgeable sources who would admit that Phoenix wasn't accounting for many Vietcong leaders and that the P.R.U.'s, who were also recruited by the C.I.A. were quicker to take their money, get drunk and go off on their own extortion and robbery operations than they were to sweep out into the dangerous boondocks. Besides, many Vietnamese province and district officials were unwilling, as they still seem to be, to upset live-and-let-live arrangements with the Vietcong that might put their own lives in jeopardy.

## Tet Setback

The Tet offensive of 1968 set back Phoenix operations for many months. Later, a Washington decision to reduce the C.I.A.'s operational role in Vietnam led to the replacement of agency men by young military intelligence officers, often straight out of school. Last July the military command took nominal charge of the program, although the planning is still done by the Office of the Special Assistant to Ambassador Ellsworth Bunker, the somewhat motheaten cover for C.I.A. headquarters in Saigon.

That Operation Phoenix has not been able to eliminate the Vietcong political structure can hardly be regarded as surprising. After 30 years of covert operations against Japanese, Chinese, French, American and South Vietnamese security forces, Vietcong officials have become masters of survival, never sleeping more than one night in the same place, masking their identity behind dozens of aliases, seldom letting their guard down. More important, after all this time, they can still find Vietnamese who will shelter rather than betray them.

—TOM BUCKLEY

STATINTL

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STAR

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S - 362,408  
FEB 22 1970

# Weiss Turns to an Indictment of Vietnamese

By DAY THORPE

Book Critic of The Star

DISCOURSE ON THE PROGRESS OF THE PROLONGED WAR OF LIBERATION IN VIETNAM AND THE EVENTS LEADING UP TO IT AS ILLUSTRATION OF THE NECESSITY FOR ARMED RESISTANCE AGAINST OPPRESSION AND ON THE ATTEMPTS OF THE UNITED STATES OF AMERICA TO DESTROY THE FOUNDATIONS OF REVOLUTION. A play by Peter Weiss. Translated from the German by Geoffrey Skelton. Also a short play, "SONG OF THE LUSITANIAN BOGEY," translated from the German by Lee Baxandall. Atheneum Press, 249 pages. \$6.95.

There are in addition slide projections and commentary through a loudspeaker.



PETER WEISS

The very long title fixes in the mind that this play is by the author of the 1965 success, also with a very long title, familiarly known as "Marat/Sade." Weiss' drama, a pageant covering the period from legendary times through 1964, tells the heartbreaking story of a land which for more than 2,000 years has been crushed between the upper and nether grindstones of exploiter and invader. The play, which had its world premiere in Frankfurt am Main in March, 1968, should arouse great interest in the country, and keep alight the already kindled fires of controversy—if it is produced by a brilliantly imaginative director.

The proviso is of the utmost importance, for "Discourse on Vietnam" (or possibly "Vietnam/U.S.A.") is a play that in the theater will either be a monotonous polemic or an almost intolerable provocative indictment. Unusual in form, it demands unusual treatment.

The 15 actors who play the great number of parts throughout the ages represented in the play are distinguished by the color of their dress. Those in black are the natives of the country; those in white the aggressors and "their Vietnam vassals."

On the page the work has difficulties which should not be evident in a successful production. The characters, both those unnamed representing a historical process, and those representing identifiable persons, Anthony Eden and John Kennedy, for example, are first introduced in a stage direction or over the loudspeaker, and then become anonymous behind the label of a number, 1 through 15. The dialogue is not in verse but a kind of rhythmic prose devoid of any punctuation whatever, even question marks. This lack makes for very slow reading. I suppose it is the hope of Mr. Weiss that it will force the actor, in memorizing his role, to himself decide upon a strong and appropriate inflection. Proud makes use of a similar device. His characters usually, perhaps always, use "said," never "replied," "wondered," "asked" or "demanded," even in conjunction with a question. Thus the writer is able to remain neutral, not adding his weight to significance which should be inherent in the words.

The play is divided into two parts. The first deals with the early history of oppression in Vietnam through the Chinese, Japanese and French invaders up to 1950 when the United States formally promised its support of France in the war in Indochina. The second concerns the American prosecution of the war after the fall of Dien Bien Phu and the Geneva treaty of 1954. The play ends with the assent of Congress in 1964 to give full power to President Johnson "to act in the way he considers urgent and necessary for the defense of freedom."

Every justification for American intervention, some now almost forgotten, is revived, identified with the person who popularized it, although I believe not in his own words. John Foster Dulles explains the domino theory: "If Vietnam falls, Laos and Cambodia will also collapse. We should lose Thailand, Burma, and Formosa, and be forced back on Hawaii . . ." Roger Kyes, deputy secretary of defense and one-time vice president of General Motors, observes: "If we can no longer control the prices of raw material our customary profit margins will be untenable." This has not much ring of truth; in any event, what we have heard since the days of the Krupps, that big business is the instigator of war, is frequently not reflected in Wall Street, where peace often seems to be bullish.

Senator John F. Kennedy is one of a number of Americans in the play who argue that the war is necessary, not because the northern regime is intrinsically evil but on the contrary because, since the north, in winning the support and freedom of the people, other "Communist" nations will be encouraged: "Only our complete personal commitment can overcome an enemy who is everywhere and at the same

time nowhere, an enemy who has the sympathies of the people and is supported by the people. Now is the time for thought and reappraisal. On our decision depends the peace of the world. To Mike Mansfield's question: "What in the opinion of the honorable junior senator of Massachusetts would be the consequence of congressional consent?" Kennedy replies: "The consequence would be war." (I doubt that Senator Mansfield ever spoke of the senator "of" Massachusetts. Other infelicities of translation are the identification of Nelson Rockefeller as the "co-owner of Standard Oil-New Jersey" and "owner of Chase Manhattan Bank"; also in the Diem episode the Secret Service should certainly have been the CIA.

Having decided that taking up hostilities from the tired hands of the defeated French, the United States, in its proper role, brings Prime Minister Ngo Dinh Diem to Michigan to train him in the techniques of subversion. Arthur Brandstatter, head of the school of police administration and public safety, Michigan State University, tells the story "To prepare him for his future political responsibilities Diem was called in the year fifty-two to the political research department of our university. Together with experienced members of the Secret Service and experts in guerrilla warfare we drew up a detailed plan for the administration of South Vietnam. . . . The first task in Saigon is to set up a state police department with the following institutions—interrogation rooms, internment camps, laboratories. The card index containing details of over 600,000 criminal and subversive elements will be adapted from

# War

By MARY McGRORY

## Blotting Out History

The Nixon administration continues to show a special gift for bringing the discussion of those old and inflamed issues—war and race—right back to ground zero.

It is a technique of blotting out history and restating bloodstained problems in sanitized and unassailable terms that mean nothing.

Before the Senate Foreign Relations Committee the other day, a suave, imperturbable ex-CIA official, whose title is deputy to COMUSMACV for CORDS, was skillfully covering familiar territory as if it had just been discovered.

As Ambassador W. E. Colby explained it, everything is at last going well because of our "new approach."

Chairman J. W. Fulbright stared at him in weary disbelief. The ambassador said it was because "we have involved the people of South Vietnam" in the struggle.

One's mind slid back to the "Hearts and Minds" program of the Diem regime. One remembered the buoyant departure in 1967 of Robert Komer, another former CIA official, for the Revolutionary Development program, which took over from the Pacification program, which is now known as the Civil Operations and Rural Development Support program.

Fulbright growled that what was "different" about this war was that we were fighting against the guerrillas instead of with them.

The ambassador said we had decentralized the government, as if it had been a tremendous feat, when, in fact, Vietnamese had for centuries

governed themselves at the village level. He spoke of the miraculous new rice we had introduced, although before we got to saving them, the Vietnamese exported rice in large quantities.

The ambassador admitted delicately that the methods of routing out the Viet Cong, while admirable on paper and immaculately couched in Western judicial terms, had resulted in "procedures that have not been totally satisfactory." One thought back to the picture of the Saigon police chief shooting an enemy in the head in the street, and more recently to My Lai.

Phoenix, an operation that might not bear too much looking into, is a new method of destroying the Viet Cong infrastructure. The ambassador thought it might have a few administrative flaws.

At about the same time, the President was issuing a long solemn paper on the state of the world. In it, he announced flatly: "This administration is carrying out a concerted and coordinated plan for peace in Vietnam."

Also on the same day, handsome Robert H. Finch, the secretary of Health, Education and Welfare, went before the House Rules Committee. The subject was school integration and, listening to the exchanges, one would have thought that the Supreme Court decision on desegregation had been handed down the day before and no one had the slightest idea of what would happen.

Rep. William M. Colmer, the Mississippi chairman of the Rules Committee, looked the secretary straight in the eye

and said in a voice throbbing with grievance:

"You know, Mr. Secretary, the great importance of this troublesome question to our people."

The secretary nodded sympathetically and for the next half hour demonstrated that the administration has no philosophy on the most agonized social question of the century.

It is, of course, for the observance of law and order, which means obeying the Supreme Court, whose rulings, Colmer said feelingly, could lead to the destruction of the public school system and particularly the neighborhood school so dear to Richard Nixon's heart.

But it is, on the other hand, opposed to busing, the most direct way of correcting racial imbalance. Finch pleasantly ricocheted from one pillar of the argument to the other, never making it clear what he meant.

Rep. John B. Anderson, R-Ill., wondered aloud why, after all these years, "there is all this furor about busing."

It is, of course, because the Nixon administration, George Wallace ever in mind, encouraged the resistant South to believe that all was not lost. By asking for delay in Mississippi integration before the Supreme Court, it brought the controversy to where it was 16 years ago.

Ambassador Colby cautiously said, under questioning from Sen. Stuart Symington, D-Mo., that the war in Vietnam might be over in 10 years. The prospect for peace between the races at home seems more remote than ever.

ST. JOHN, N.B.  
TELEGRAPH-JOURNAL

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FEB 20 1970

## Pacification program is in doubt in Vietnam

© New York Times Service

WASHINGTON -- The long-term success of the pacification program may be in doubt, the latest reports from South Vietnam indicate, because of an inability to destroy the underground Viet Cong shadow government and of a resurgence of terrorism against village officials.

On the other hand, the program, designed to restore the Saigon Government's presence in areas cleared of Communist military forces, is making marked progress in some of its aspects.

The data on persistent obstacles to the program were contained in reports from the field. These and the advances are described in a secret memorandum prepared recently for the National Security Council under the title "Conditions in the Countryside," as well as in the Saigon Government's latest reports on pacification.

On the positive side of the pacification program, which, with the so-called Vietnamization program, is the basis of the Nixon Administration's policy in Vietnam, the memorandum said tens of thousands of refugees were returning to their villages and most roads were open and safe.

The memorandum, drafted by officials of the Departments of Defense and State, the Central Intelligence Agency, the Administration for International Development and the U.S. Information Agency, is said to affirm that the least progress toward the pacification program's goals has been made in the area of the attempt to destroy the Viet Cong shadow government.

The magnitude of the problem was indicated by reports that special joint South Vietnamese-U.S. teams engaged in what is known as Operation Phoenix captured 20,000 people suspected of being Viet Cong operatives during 1969. The operation is part of the pacification program that is directed by the U.S. military.

The 1969 "quota" for the eradication of Viet Cong cadres in rural areas held by U.S. and South Vietnamese troops had been set at 33,000, according to the secret reports, but it was scaled down late in the year to 21,000. No quota has been set for 1970 and U.S. officials concede that the number of Viet Cong operatives at large is beyond estimating.

The officials also recognize that if 20,000 people suspected of Viet Cong activities were

captured, that does not necessarily mean that all of them are communist agents. That, the officials added, is why trial procedures have been established and many of those detained have been released.

Charges that Operation Phoenix squads, usually led

by U.S. intelligence officers, engaged in murders or executions were rejected by the officials, although it was acknowledged that there may have been deaths in the process of ferreting out suspects.

The findings on the shadow government, according to U.S. officials familiar with the program, are highly disturbing because they carry the implication that when most of the American combat troops are withdrawn, the Viet Cong may be able to restore their hold over rural areas and undermine the pacification effort.

1 9 FEB 1970

# Thieu threatens dissenters

## Campaign against three deputies carries overtones of a purge

Daniel Southerland  
Special correspondent of  
The Christian Science Monitor

Saigon

President Thieu's campaign against three National Assembly deputies accused of "helping the Communists" appears to have the broader aim of discouraging all those who seek compromise with the Viet Cong.

Mr. Thieu's concern that individual peacemakers might be going too far was revealed by the unprecedented pressure he brought to bear on the National Assembly in the case of the three deputies and by the harshness of the language he used to attack them.

President Thieu declared at one point last December that unless the Assembly took action against the three, the "people and the army" would have to "beat these dogs to death." Later a crowd of demonstrators who were at least encouraged, if not sponsored, by the government invaded the lower house of the Assembly demanding the ouster of the three.

### Action approved

Nguyen Cao Thang, a multimillionaire and special assistant to the President, was enlisted by Mr. Thieu to lobby vigorously in the Assembly against the three. Some deputies claimed they were being threatened, and others charged that the government was paying bribes to get support in the Assembly.

Now Mr. Thieu's campaign has at last borne fruit. Through a petition signed by three fourths of its members, the Assembly agreed that legal action could be taken against two of the deputies for engaging in "pro-Communist activities."

The two, Tran Ngoc Chau and Hoang Ho, are in hiding, and have refused to answer a summons to appear before a military court. A petition against the third accused deputy failed to gain enough signatures to permit prosecution.

Those in the Assembly who have studied the dossiers submitted by Mr. Thieu concerning the three men say there appears to be convincing evidence that Hoang Ho was in contact with the Viet Cong and helped Viet Cong agents get jobs in the government.

### 'Credentials' cited

There is apparently no evidence in the dossiers or from other sources, however, to indicate that Mr. Chau did anything to "help" the Communists.

As a former Army colonel, province chief, and organizer of pacification programs, Mr. Chau earned an impressive reputation for action against the Viet Cong. Americans who have known him over the years consider his anti-Communist credentials "impeccable."

His crime, it appears, was to have met secretly on several occasions with his elder brother, a Viet Cong intelligence agent, between 1965 and last year, when his brother was captured.

Since joining the National Assembly, Mr. Chau has become a strong and articulate critic of President Thieu's way of running the government. It is because of these criticisms and Mr. Chau's previous prominence that his case has become the point of greatest interest in President Thieu's campaign.

### CIA link invoked

Mr. Chau recently injected new interest in his case by declaring in interviews that he had reported his meeting with his brother to the U.S. Central Intelligence Agency and that the CIA encouraged the contacts. Now the CIA and the United States have let him down by allowing Mr. Thieu to move against him, Mr. Chau contends.

The United States Embassy here remains officially tight-lipped about Mr. Chau's allegations and refuses any official comment. American sources will only indicate that Mr. Chau's contacts with his brother

were not encouraged "at the policy level" of the American mission.

Individual Americans who have worked closely with Mr. Chau still express admiration for him as an intelligent and honorable man.

Last year, after his brother was arrested, Mr. Chau admitted to having held meetings with his brother, through which he said he tried to bring about peace talks between the Saigon government and the Communist side.

### Persuasion recalled

The National Assembly deputy said his brother attempted unsuccessfully to convert him to the Communist cause and that he tried with an equal lack of success to bring his brother over to the anti-Communist side.

Mr. Chau said he thought his brother was playing a worthwhile role as a mediator, and that he could not bring himself to denounce a member of his own family to the South Vietnamese police.

He said it might have been different had his brother been engaged in "slaying" or terrorist activities but that his brother was only "an observer" sent south by Hanoi.

Some sources feel that President Thieu might not have moved as strongly as he did against Mr. Chau had it not been for the influence of his special assistant, the wealthy Nguyen Cao Thang.

### Accusations swapped

Last October, Mr. Chau and Mr. Thang got into a violent name-calling contest which made the front pages of the Vietnamese press.

Mr. Chau accused Mr. Thang of "buying votes" in an election for National Assembly officers. And he charged that Mr. Thang, owner of a large pharmaceutical firm, was a "war profiteer." Mr. Thang accused Mr. Chau of being a "Communist agent."

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 ADVERTISER  
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M - 61,769  
 S - 80,831

## The Perils Of Pacification

PRESIDENT NIXON has said the Vietnamization of the war is on schedule, including the "most encouraging" non-military aspects. Defense Secretary Laird, recently returned from Vietnam, added that the work being done in the pacification program is "remarkable."

Foremost in the pacification effort is Operation Phoenix, a three-year-old program designed by the Central Intelligence Agency to weed out and neutralize or rehabilitate Viet Cong cadres in every hamlet. While Nixon and Laird were making their claims, the Senate Foreign Relations Committee was conducting hearings on Operation Phoenix. Some of the testimony indicates that, at best, pacification is a harsh business and, at worst, a sordid failure.

The chief witness was William Colby, who purportedly left the CIA in 1968 to join the pacification program under the State Department. Colby said that during 1969 a total of 19,534 suspected Viet Cong political cadres had been "neutralized." He explained that neutralized meant being arrested and dealt with. Of those neutralized, 8,515 were captured and imprisoned, almost 5,000 decided to join the Saigon side and 6,187 were killed. He added:

"I won't say that some were not actually executed, but the policy is to assure that they be captured and held."

According to Colby, Vietnamese law allows political suspects to be held for two years without charge or trial. Under

Operation Phoenix, a two-year incarceration constitutes rehabilitation.

Some officials in the field concede that many abuses have occurred and that Phoenix has potential for serious harm, especially if it is used to suppress legitimate opposition to the Saigon regime. There is no hard evidence that it is being used for that purpose, however. Much of the picture emerging is that Phoenix, like so many CIA ventures, is notoriously inefficient and bungling.

The idea is sound; Phoenix looks good on paper. But observers in Saigon contend that its reputation is built more on secrecy than action. One wag said that, if a movie about Phoenix were made, the lead would go to Gomer Pyle rather than John Wayne.

Pacification is vital to the U.S. effort to bring the war at least to a stalemate so that it can be turned over to the South Vietnamese. Unless the Viet Cong's political apparatus is destroyed, many observers believe that the communist movement will continue to prosper regardless of how many guerrillas and North Vietnamese soldiers are killed.

In most contested areas, villagers are reluctant to upset any accommodations with the Viet Cong for the sake of survival. Yet, local officials are capable of carrying out pacification where the people are convinced the Saigon government is winning.

The pacification program is too delicate to be trusted to the hands of the CIA, which has repeatedly proved that delicacy is not its long suit.

# On the War: Hopefulness And Caution

Special to The New York Times

WASHINGTON, Feb. 18—Intensive studies conducted recently by the Administration in South Vietnam and private reports from the area have led President Nixon to see "tangible progress" in the "Vietnamization" of the war and success "to date" in the pacification of the Vietnam countryside.

These are the principal—if still tentative—conclusions offered by President Nixon in that part of his foreign policy review devoted to Vietnam. This section is the longest in his report.

Although the tone of Mr. Nixon's evaluation was cautiously encouraging, he warned that in the past United States claims of progress in Vietnam "have often proved too optimistic."

He stressed, therefore, that "however careful our planning, and however hopeful we are for the progress of these plans, we are conscious of two basic facts."

"We cannot try to fool the enemy, who knows what is actually happening," Mr. Nixon said, "nor must we fool ourselves. The American people must have the full truth. We cannot afford a loss of confidence in our judgment and in our leadership."

## Caution Is Reiterated

Administration officials privately went even further than the President in expressing caution. They suggested that the facts on which the present estimates were based must be continuously rechecked.

Mr. Nixon explained that his desire to be fully informed on "the factual situation in Vietnam" had led to the establishment of a Vietnam special studies group under the chairmanship of Henry A. Kissinger, special assistant to the President for national security affairs; Elliot L. Richardson, Under Secretary of State; David Packard, Deputy Secretary of Defense; Richard Helms, Director of Central Intelligence, and Gen. Earl G. Wheeler, chairman of the Joint Chiefs of Staff.

He said this group and other agencies had been instructed to present "the fullest possible presentation of the facts, whatever their policy implications might be."

While the most recent study in Vietnam was carried out last week by Secretary of Defense Melvin R. Laird and General Wheeler, officials said that a survey of pacification in the countryside, reporting relative success, was made recently by 12 teams, headed by Col. Alexander Halg, of the National Security Council staff.

The teams suddenly changed itineraries, appearing unannounced at various provincial and district centers, to make their survey more effective.

In his report, Mr. Nixon said that "the key to peace lies in Hanoi—in its decision to end the bloodshed and to negotiate in the true sense of the word." This was a reference to peace talks in Paris.

He argued that "Vietnamization"—the gradual transfer of combat responsibilities from United States to South Vietnamese forces, which has brought the decision to reduce the number of American troops in South Vietnam by 115,500 by April 15—"is not a substitute for negotiations, but a spur to negotiations."

"In strengthening the capability of the Government and people of South Vietnam to defend themselves, we provide Hanoi with an authentic incentive to negotiate seriously now," Mr. Nixon said.

Mr. Nixon said that any "compromise settlement" in Vietnam should also insure the continued neutrality of Laos.

This was his only reference to Laos, where a new Hanoi-backed offensive this month has brought massive United States air support for the neutralist regime.

But Mr. Nixon appeared to be indicating that negotiations on the Vietnam war must include a reaffirmation of the Geneva accords of 1954, providing for the departure of all foreign troops.



# U. S. VIET AIDS EXPLAIN WAR ON TERRORISTS

## Envoy Defends Use of Operation Phoenix

BY RUSSELL FREEBURG  
(Chicago Tribune Press Service)

Washington, Feb. 17—American pacification officials in Viet Nam today defended Operation Phoenix, the allied anti-terrorist program in South Viet Nam, in testimony before the Senate foreign relations committee.

Sen. J. William Fulbright (D., Ark.), chairman of the committee, has characterized Operation Phoenix as a system of assassination.

William E. Colby, deputy ambassador in Viet Nam in charge of the American part of pacification operations, told the committee, however, that Phoenix is a counter-move against communist terrorism.

### 1,200 Assassinated by Reds

Last year more than 6,000 persons were killed, 1,200 were assassinated, and 15,000 wounded by Red terrorists, Colby said. Among the dead in Colby's figures were about 90 village chiefs and officials, 240 hamlet chiefs and officials, 229 refugees, and 4,350 South Vietnamese civilians.

Colby and Fulbright tangled briefly over the word "Hessians," which Fulbright used to describe mercenary soldiers generally not from a country directly involved in a conflict. When Fulbright asked Colby if Viet Nam is the first time "we have used Hessians in a war," Colby replied that he would not call American troops Hessians.

"Of course not. They're a conscripted army and that's as far as you can get from hired volunteers," answered Fulbright. "But I believe we have some of what are called allies there."

Started in Mid-1968

Colby testified that the Phoenix program was started in mid-1968 to bring together

police, the military, and other South Vietnamese government organizations to contribute knowledge and act against "a secret communist network trying to impose its authority thru terrorism and threat."

The United States provides advisory assistance and support to this internal security program, the ambassador and other American officials told the committee.

Colby gave a generally optimistic picture of the pacification program. He said the South Vietnamese are "very close" to the point where they could handle the Viet Cong if the regular North Vietnamese troops were withdrawn.

### Explains Phoenix Range

In explaining Operation Phoenix, Colby said the operations might consist of two policemen walking down the street to arrest an individual revealed as a member of the communist apparatus or they might involve a three-battalion attack on a jungle hideout.

Colby told the committee that as a result of a new approach to village problems in South Viet Nam taken thru the pacification program, 95 per cent of 2,151 villages and 94 per cent of 10,522 hamlets now have elected local governments.

## Another Decade Or More In Vietnam?

William E. Colby, United States director of pacification in Vietnam, has shot the Administration's announced program of Vietnamization and withdrawal full of holes. Mr. Colby, deputy to Gen. Creighton Abrams, reluctantly told the Senate Foreign Relations Committee the U.S. probably would have to remain in Vietnam another five years and might get out within 10 years "if nothing else arose in that period."

The Administration has refused to disclose its timetable for bringing American soldiers home; whatever it is, Secretary of Defense Laird, who has just returned from a visit to Saigon, says it is on schedule. There is an impression in Washington that President Nixon plans to pull out most combat troops within 18 months; some say the remaining support and logistic forces, except for about 50,000 men, will be withdrawn in the succeeding 18 months.

But what Mr. Colby said comports more with what President Thieu of South Vietnam appears to think than with impressions circulating in Washington. Two months ago the chief of the South Vietnamese Joint General Staff said he based his planning on the continued presence of 250,000 American troops in his country for several years. Thieu and Vice President Ky talk in terms of American withdrawal over a long period.

All of which tends to underscore what Mr. Colby, a veteran Central Intelligence Agency operative in Vietnam, told the committee. Replying to a question by Senator Symington of Missouri, Mr. Colby said he thought the South Vietnamese would be close to being able to handle the Viet Cong by themselves "if the North Vietnamese were removed from the picture," which is rather fatuous. The North Vietnamese are not going to give the Americans

an easy out if they can help it, and they surely have as much right to move into the southern portion of their own country as the Americans, have to send armed men from the other side of the world.

We do not know what Mr. Colby had in mind when he spoke of something else arising, but the whole tenor of his testimony was to suggest the Administration has no thought of a negotiated peace but is relying solely on the will-of-the-wisp of Vietnamization and the hope that nothing else will arise. Since it takes two to make a war, the Viet Cong and the North Vietnamese will have a deal to say about that.

Mr. Symington got no reply when he asked the crucial question on Vietnamization. He wanted to know how an effort that failed when 800,000 young Americans were stationed in the Far East could succeed without them. Mr. Colby said he would write a memo on that. It will take some doing. There has never been any indication that South Vietnam can or will fight alone. If Washington's policy is to follow the lines that seem to have been suggested by Mr. Colby, the Saigon regime will continue to be shored up by a quarter of a million or more Americans for another decade or so, a prospect which we find completely unacceptable.

Since the Administration will not divulge its timetable, the American people do not know whether one exists or what its objective may be. Presumably the 1970 and 1972 elections figure in the picture. The American people have been persuaded to accept the idea of withdrawal, and if the policy is carried rapidly to a conclusion, well and good. But what is one to think when a leading official in the field says in effect that prompt withdrawal is a fiction?

# Anti-VC Terror Dropped, Panel Told

By Laurence Stern  
Washington Post Staff Writer

The chief of the U.S. "pacification" effort in South Vietnam testified yesterday that political assassination and counter-terrorism have been dropped from the controversial Phoenix program to root out the Vietcong.

W. E. Colby, third-ranking American civilian in Vietnam, acknowledged to the Senate Foreign Relations Committee, however, that "aberrations do occur" in the program, though they are infrequent.

The committee, with Chairman J. W. Fulbright presiding, opened a four-day inquiry into non-military programs in Vietnam with the rambling, four-hour interrogation of Colby.

Asked by Sen. Fulbright whether anyone had ever been executed under the Phoenix program, Colby replied with hesitance and care:

"There has been no one legally executed. They have been detained . . . I would not want to say that no one was ever actually executed. You have not had convictions of members of the enemy apparatus in which executions followed."

Fulbright's query was prompted by news reports suggesting that the Phoenix program sanctions murder of South Vietnamese civilians who are suspected of being agents of the Vietcong.

Colby, in a carefully qualified series of responses to Fulbright and others on the Senate panel, indicated that such practices do not now occur under the Phoenix program.

"Do you swear by every thing holy that this is not a counter-terror operation?" Sen. Clifford P. Case (R-N.J.) asked Colby.

"I have already taken an oath," Colby responded. "There was a counter-terror program, but it has been discarded as a concept." He said that the U.S.-supported provincial reconnaissance units once

engaged in "counter-terror" activities but "now operate under the same kinds of rules that are normal for police services."

Last year, the Phoenix program had a quota for "neutralization" of 1,800 Vietcong a month, Colby testified. By the end of 1969, he said, 8,515 Vietcong were captured, 4,832 voluntarily switched allegiance to the Saigon government and 6,187 were killed. Many of those killed were identified as Vietcong by papers found on their person after their death in local shoot-outs, Colby told the committee.

Sen. Stuart Symington (D-Mo.) pressed Colby for an estimate on how long it would be before all U.S. forces could be withdrawn from Vietnam.

"Can we get out in five years?" Symington asked.

"It depends on how things develop in five years," Colby responded.

"Ten years?" Symington persisted.

"Yes," Colby answered, "unless a new situation arose in the Far East."

"When I was in the executive department," said the Missouri Senator, "they said we'd have our troops out of Germany in 18 months and they've been there for a quarter of a century . . . We've been in Korea for 20 years."

Sen. Gale McGee (D-Wyo.), a consistent supporter of administration policies in Vietnam, was the only senatorial questioner who spoke in sympathy with the existing programs in Vietnam. "I'm one of those," he said, "who applaud people like you who sit patiently through all our bombast."

Before moving into his present position as chief of Civil Operations and Rural Development Support (CORDS) in November, 1968, Colby served as chief of the Far East Division Agency for more than five years. Prior to that he was CIA representative to the Ambassador in Vietnam.

Colby told the committee that his present assignment "came up in a discussion between Mr. Helms (CIA Director Richard M. Helms) and President Johnson early in 1968."

Colby told the committee that during 1969 the population of refugee camps in South Vietnam had dropped from 600,000 to 150,000. He said most of these refugees had gone home to their villages. Inferentially this would mean that many areas previously exposed to the cross-fire of the opposing sides are now, in the terminology of U.S. officials, "secure."

Colby said in his prepared statement that the South Vietnamese government has made substantial headway during 1969 toward restoring security to many areas of the country.

"Except in one or two areas," he said, "the large enemy battalions, regiments and divisions are in the border sanctuaries. The roads are open to many markets and, from the air, tin roofs, sparkle throughout the countryside where families are once again tilling their long abandoned farms."

He added, however, that "the future will include some dark days and even some local disasters . . . I am neither optimistic nor pessimistic about the future of this program and of Vietnam, nor do I offer any pat solutions to difficult situations."

The hearings resume today.

STATINTL

# Accused Saigon Deputy Blames U.S.

By Robert G. Kaiser  
Washington Post Foreign Service

SAIGON, Feb. 17—Tran Ngoc Chau, the outspoken House deputy, today blamed American pressure for President Thieu's decision to prosecute him for "activities helpful to the Communists."

Chau claimed the United States feared that Thieu would use him to initiate direct talks with the Communists and bypass the Americans. Now, he charged, Thieu is prosecuting him in order to impress the Americans that this was never Thieu's intention.

Chau has long been a favorite of U.S. officials in Vietnam, and has many American friends. In an interview in his Saigon "hide-out" today, however, Chau spoke bitterly of the U.S. government, which he said was trying to "clean their hands" of him.

Chau, whose American



TRAN NGOC CHAU  
... suspects U.S. policy

friends have been unable to protect him from the wrath of Thieu, said that he has "lost all faith" in U.S. policy. He warned other Vietnamese who have cooperated with the Americans to prepare for betrayal like the one he claims to have suffered.

The Chau case is the main attraction in Saigon's center ring these days. It combines—in one unruly package—three of the issues that concern this capital most: the American role in Vietnam, Thieu's feuds with his opponents and the status of Vietnamese democracy. This case may have important and lasting implications for the last two issues.

And the Chau case is resplendent with the little touches of Vietnam that boggle the Western mind. For example, the political gossips have been saying that Chau is sleeping in a different house every night, stealthily dodging Thieu's police. In fact, as this reporter discovered when he visited Chau this morning, he is living quite openly in a house that is elaborately staked out by some quite unsubtle plainclothesmen.

Very briefly, this is the story of Tran Ngoc Chau:

Now 46, he fought for the Vietminh until 1949, when he left the revolutionary movement to join the forces of the Emperor Bao Dai. He became an officer, rose quickly through the ranks and was soon immersed in a distinguished career.

He went to Infantry school at Ft. Benning, Ga., in 1955-56, where he learned English, and also American ways. Thereafter Chau seemed always to get along well with Americans in Vietnam. His success as chief of Kienhoa Province in the early 1960s brought him to the attention of high American officials, who saw to it that he was promoted to important administrative jobs.

In 1967 he ran for the National Assembly from Kienhoa, and won an impressive victory. He was elected an officer of the House of Representatives, and began to establish a name for himself.

### Meets With Brother

From 1965 onward, Chau was also leading a secret life—a life he shared only with a few Americans. In 1965 his brother and former Vietminh comrade, Tran Ngoc Hien, came secretly to Chau and announced he was a high-ranking North Vietnamese agent.

From then until early 1969, Chau and Hien met quite regularly. According to the testimony of both, each tried to convert the other. At the same time, they discussed possible approaches to a settlement of the war. According to Chau, he was trying to arrange talks among the warring Vietnamese factions, excluding the Americans, that might lead to a political settlement. He admits he pursued

this idea without informing the Vietnamese government. Hien was arrested last April. He confessed his intelligence activities in the South, and gave a detailed account of his talks with Chau. (The Washington Post published excerpts from Hien's confession on Jan. 5.)

Chau, meanwhile, began to speak critically of the Thieu government's policies. He called publicly for direct negotiations with the Vietcong before Thieu had accepted that idea. He also proposed a form of coalition government that would have given the Communists a share of power in the provinces and the National Assembly, but not in the executive branch.

Last July, Thieu told a group of legislators that Chau had had illegal contacts with the enemy. That began a complicated series of events—dominated by an emotional anti-Chau campaign conducted by Thieu himself—that has now ended with Chau formally accused of "activities helpful to the Communists."

He was protected by the Vietnamese equivalent of congressional immunity, but the government overcame this obstacle by promoting a petition in the House to withdraw the immunity in this case. The petition was allegedly signed by 102 members—exactly the three-fourths required by law—and a trial is expected soon.

### Calls Charges Ridiculous

Today the accused man contended that the charges against him were ridiculous. Chau admitted that he talked to his brother, showed him some courtesies and failed to betray him to the government. But he denied giving him any significant help, and insisted that his contacts with Hien were intended only to try to convert his brother, and to bring an end to the war.

Chau admits that he did not inform any Vietnamese officials that he was talking secretly with his brother, a Communist spy. He defended this today on the ground that when his talks with Hien began, the South Vietnamese government was chaotic, run by generals whose "war sentiment was very strong."

times, Chau said, he thought he had the right to conduct independent talks as a member of the National Assembly.

But, he added, he did think he should tell some Americans about his brother. Chau gave these details of his dealings with U.S. officials:

"Among those I informed after this first contact with Hien [in late 1965] were John Vann [an adviser in Vietnam since the early 1960s, now in charge of pacification in the Mekong Delta], Stuart Methven [described by Chau as a CIA employe], Thomas Donohue [another CIA man, Chau said], and . . . the CIA station chief at the time."

### U.S. Officials Informed

According to all the rules of diplomatic or military practice, contacts of this sort would have to be reported by such men to higher authority. If men as prominent as John Vann and a CIA station chief were involved, it seems certain all top U.S. officials in Vietnam must have been informed. Chau said as much in today's interview:

"Methven and Donohue told me they would inform the appropriate Vietnamese officials; Vann went to see the U.S. ambassador—I don't know which, [Eugene] Locke or [Henry Cabot] Lodge—and the ambassador said it was okay for me to continue my contacts" with Hien. Locke was then deputy U.S. ambassador.

Chau said two U.S. officials—Col. Mike Dunn, now a White House military aide who worked for Lodge, and a Mr. Adam, described by Chau as a CIA man—came to see him to find out what he was hearing from his brother.

During mid-1967, Chau related, his conversations with Hien and other factors persuaded him that the Vietcong would try to create uprisings in populated areas. In August 1967, he said, he gave a three-hour briefing on his theory to Ambassadors Ellsworth Bunker and Locke and several military officials, including Lt. Gen. Frederick Weyand.

Five months later the Vietcong launched a major offensive.

STATINTL

# Accused Viet Assemblyman Denies Ties to Reds or CIA

STATINTL

SAIGON (UPI)—Tran Ngoc Chau, a South Vietnamese National Assemblyman awaiting trial on charges of being pro-Communist, has portrayed himself as a dedicated nationalist interested only in the future of his country.

In an interview yesterday, Chau said he was not a Communist, had no Communist leanings nor was he a U.S. Central Intelligence agent.

He said he simply wanted "peace, freedom and the just cause of South Vietnam."

(Sen. J. William Fulbright, D-Ark., chairman of the Senate Foreign Relations Committee, has described Chau as having "daily contact" with the CIA. Fulbright has raised Chau's case as part of the committee's hearings of Vietnam politics.)

(Fulbright says Chau was deserted by the U.S. government after he opposed President Nguyen Van Thieu.)

## 102 Sign Petition

Chau, 46, is scheduled to be tried before a military court next month on charges of conducting pro-Communist activi-



TRAN NGOC CHAU

ties. President Thieu ordered the trial after 102 of 135 of Chau's fellow deputies signed a petition calling for a trial to clear or convict him.

Another deputy, Hoang Ho, is scheduled to be tried with Chau. A third deputy, Pham The Truc, accused of activities harmful to the Republic of Vietnam, has

been in self-exile in France since last spring.

Speaking at the home at a friend where he said he has been writing a book about his case, Chau, former mayor Nang and a province chief, said he felt he would receive "at least a life sentence, if not death" at the trial "because of the concerted action of President Thieu, the CIA and U.S. Ambassador (Ellsworth) Bunker."

## "Deceived by Bunker"

He added that Thieu, a former ally, "and many anti-Communist personalities in South Vietnam are being deceived by Ambassador Bunker into a most dark scheme whereby the new American Vietnam policy can be realized."

That policy, in Chau's view, is to establish and consolidate a government representing a minority in South Vietnam.

The endurance and strength of that government must be dependent on armed forces and the cadre trained at the Revolutionary Development Training Center at Vung Tau which was established and financed by the CIA, he said.

(An earlier report by the Chicago Daily News Service said that after first adopting a "hands off" attitude toward the case, Bunker reportedly asked Thieu to soften his campaign against Chau because it was hurting the South Vietnamese president's political image in the United States.)

# EX-volunteer raps center,

# AID

To the Daily Egyptian:

I would like to identify myself as one who is against SIU's Center for Vietnamese Studies and give my reason. My opposition is based on the source of funding.

A.I.D., known also as AID, or the Agency for International Development is the United States foreign assistance program. This organization for assisting developing countries probably conjures up images of humanitarian work...the people of the U.S.A. helping the poor people of other nations. But, even so, the program has not been popular here. A Newsweek poll late in 1969 showed that most middle class Americans desired to have foreign aid expenditures reduced. But the AID budget has not been cut. Our government continues to operate foreign assistance programs. And AID is also funding for one million dollars the SIU Center for Vietnamese Studies.

I wonder what lies at the root of the American peoples' dissatisfaction with our foreign aid program? Perhaps the start was a little book in the 1950's entitled, "The Ugly American." And perhaps the continued accounts of wasted money, corruption, incompetent technicians and the failure of AID to accomplish two things: 1) To raise the standard of living of people in developing nations, and 2) To effectively gain political (anticommunist) friendships for the United States. Our foreign aid program has failed to meet those two objectives. Perhaps Americans are right to desire the reduction of such a wasteful and nonprofitable program. We aren't getting anything for our money.

It is interesting to look beyond this to the kind of monstrous bureaucracy that really is AID. The Agency for International Development is a part of the Department of State. This is the place where U.S. policy is formulated. It follows that AID is primarily a political tool for the implementation of U.S. policy. Incidentally, the military is likewise a tool for the implementation of U.S. policy. The political objectives of AID and the military are the same. Thus, if you find it difficult to stomach U.S. military action in Viet Nam, you would probably get ill from what AID is doing there...if you knew what was really going on. (AID in Viet Nam was supposed to "win hearts and minds" of the Vietnamese population. This program, aptly named WHAM, was the well-known pacification attempt. It isn't working because you can't buy friendship except the friendship of corrupt people. Yet, the give-away is the main device of AID programs everywhere.)

Does it surprise you that AID is indeed a cover for the CIA? I personally saw rosters printed by AID which listed CIA personnel as AID employees!

You'll probably ask where I get my information. It comes from personal experience. For two years I served as a volunteer in a Southeastern Asian country which had the highest

per capita (recipient population) U.S. foreign aid budget in the world. I saw what AID is like. Unfortunately, it has not changed much since the time "The Ugly American" was written. In 1968 AID spent 58 million dollars in Laos. Very little of it has reached and helped the Lao people. In addition, American AID has not been effective in winning political friendships among the Lao people—the country today is more than three-quarters controlled by the communists.

The above information might be enough to make quite a few folks want to throw out AID entirely. Maybe that should be done. The more pertinent question, however, is the relevance of AID to the University's Center for Vietnamese Studies. AID financing always has strings attached. This is true whether the recipient is a foreign country or a university like SIU. The center's spokesman asserts like a broken record that "the center is academic and objective!" Anybody with any horsesense knows that whoever supplies the money, pulls the strings and the puppet dances. The center is such a thing dangling on the strings of AID; it is impossible to be otherwise.

Finally, we can examine the center's record for objectivity. Of all the personnel they've hired, of all the speakers whom they've brought on campus there has been only one individual who represents antiwar interests. This was Dr. Joseph Elder, a Quaker and a sociologist. And why is it that a man like Elder has not been appointed with Dr. Hoa and the hawkish Dr. Fishel? Is this "academic objectivity?"

In last Tuesday's Daily Egyptian, the headline read, "Protest threatens academic freedom, claims MacVicar." And do you deny, Chancellor, that funding by AID does not threaten academic freedom?

Mark Borden  
Graduate student  
returned volunteer.

STATINTL

# Concession on NLF bares rift in Saigon

Daily World Foreign Department

Saigon Information Minister Ngo Khac Tinh said his regime would give "one or two ministries" in the Saigon government to the National Liberation Front but would not agree to a top-to-bottom coalition.

Tinh's speech Sunday at Bac Lieu, a Mekong Delta village 120 miles southwest of Saigon, was reported in all Sunday's Vietnamese newspapers, and gave the impression that internal splits in the Saigon regime were coming out in the open.

President Nguyen Van Thieu in the recent past has stated that those who advocate coalition or even neutralism in South Vietnam ought to be executed as "traitors."

U.S. B-52 bombers ranged over the A Shau Valley on Monday, dropping more than 180 tons of bombs on what the U.S. command says is a build-up area for a possible Tet offensive. The A Shau Valley, 275 miles north of Saigon near the Laos border, was the site of last year's "Hamburger Hill" battle.

The U.S. jet bombers in seven waves also raided the Cambodian border area just northwest of Saigon, where fierce fighting is reported raging between NLF units and U.S. Special Forces, Saigon puppet "rangers," a Saigon armored cavalry regiment, and CIA-financed mercenaries. The U.S.-Saigon attacks "failed to dislodge" the NLF, according to

reports from Saigon.

Tinh said in his speech: "If the National Liberation Front demands one or two ministries in the government, we will be ready to give, but if they demand that there be a coalition from the basic organizations of villages and hamlets up to higher rankings such as the cabinet, then it's impossible." This is one of the few times that a Saigon official of top-rank has referred to the NLF ("Mat Tran Giai Phong") rather than "the Viet Cong" or simply "the Communists."

The new Provisional Revolutionary Government of South Vietnam, formed last year and recognized by 29 governments, has demanded that Thieu and his cabinet be replaced with an interim coalition government pending nation-wide free elections.

The Democratic Republic of Vietnam, in a radio commentary on President Nixon's "State of the Union" message, said Nixon "boasted that the U.S. had made progress and that the prospects for peace are far greater today than they were a year ago.

"As a matter of fact, the war in Vietnam is still raging and due to the stubborn stand and warlike policy of the U.S., no prospects for an end to the war are in sight yet," the DRV commentary stated.

The U.S. military command in Saigon meanwhile reported that — officially — the U.S. troop strength in South Vietnam rose by 4,700 men last week.



STATINTL

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# U.S. Doubt About Thieu Charged in Red Case

## Accused Deputy Says Americans Thought Saigon Leader Was Dealing With Hanoi

BY ARTHUR J. DOMMEN

Times Staff Writer

SAIGON — The American Embassy deliberately exposed a contact with a high-level North Vietnamese liaison officer in South Vietnam last year because it suspected President Nguyen Van Thieu of trying to work out a private peace settlement with the Communists National Assembly Dep. Tran Ngoc Chau charged Monday.

The liaison officer, Tran Ngoc Hien, Chau's elder brother, was arrested April 6, 1969, and is serving a life sentence in a South Vietnamese prison.

Chau, who has been accused by Thieu of pro-Communist activities and fears arrest himself, said in an interview from his hiding place that he had kept members of the U.S. mission in Vietnam fully informed of his meetings with Hien dating back to November, 1965.

Chau and another deputy were stripped of their legislative immunity by a lower house resolution for alleged Communist contacts and failed to answer summonses to appear in military court. Some sources said Monday they probably would be tried in absentia.

Chau, an expert on territorial security, was province chief of Kien Hoa province in the Mekong Delta at the time. In the interview, he said he informed the U.S. mission through John Paul Vann, a former adviser to the South Vietnamese 70th Division whose territory covers Kien Hoa province.

Henry Cabot Lodge, then American ambassador in Saigon, gave Chau approval to continue his secret meetings with Hien, the

### U.S. Requests Denied

Chau said he refused repeated American requests to arrange a direct meeting of Hien and representatives of the Central Intelligence Agency.

A series of seven other meetings followed the first one in 1965. At the last one, in late February, 1969, Chau asked his brother to obtain Hanoi's support for a peace initiative. This was to consist of a visit by a delegation of leading South Vietnamese figures to Paris to meet the peace-talk delegates of North Vietnam and the South Vietnamese National Liberation Front.

### Suspicious Aroused

"When they learned that I had proposed direct contacts between the Republic of Vietnam and North Vietnam and the National Liberation Front with a view to ending the war, and that I demanded the United States withdraw from the Paris talks to clear the way for the Republic of Vietnam, American officials began to have suspicions and be concerned about a possible private accommodation between President Thieu and the Communist side," Chau said in the interview.

Neither the U.S. mission nor representatives of the Central Intelligence Agency in Saigon would comment directly on the charges and questions raised by Chau.

As to Chau's possible contacts with the embassy and the CIA, officials of the mission point out that as chief of Kien Hoa province, Chau had CIA representatives working as his advisers and he doubtless still knows ma-

ny CIA men in Saigon.

The mission officially denies that any of these contacts was improper. Knowledgeable sources point out, however, that Chau may well have believed he was acting as some kind of intermediary.

If this was the case, these sources say, Chau was very "naive" to feel that he could get by with bypassing his own government and later expecting the United States to come to his rescue if he got in trouble.

Chau had written an article in January, 1969, asserting that it was the presence of the United States at the conference table in Paris that enabled the two Communist delegations to steadfastly refuse to negotiate with the Saigon government and insist on negotiating with the United States.

Chau said he had come to feel by that time that the only way peace could be restored in South Vietnam was through an all-Vietnamese peace settlement without foreign interference.

"When Hien was arrested," Chau said in the interview, "Mr. Vann interceded with (then Dep. Prime Minister) Tran Thiem Khiem with a view to absolving me from misunderstanding about my relations with Hien."

Chau said that after Vann's meeting with Khiem, who is now prime minister, Ambassador Ellsworth Bunker placed a ban on any further contacts between Vann or other American officials and Chau.

Chau admitted in the interview that he had not notified the Vietnamese government of his secret meetings with Hien.

It is for this omission that Chau is now under threat of judicial prosecution.

Chau said in the interview:

"In my private meetings with President Thieu both before and after his election I realized that he placed all his faith in the American policy and Ambassador Bunker, especially when it came to the problem of ending the war and restoring peace."

Chau said that the Americans, who alone knew Hien's whereabouts, saw to it that Hien was arrested when they began to suspect Thieu was playing a double game with them and the Communists.

Then, after Hien's arrest and the disclosure of his eight meetings with Chau at his trial before a military court in July, 1969, Chau said, President Thieu "had to take drastic action against me to prove to the American Embassy that he had not been involved in attempting to reach a private settlement with the Communists."

# U.S. Aides in Vietnam Scorn Phoenix Project

By Robert G. Kaiser Jr.  
Washington Post Foreign Service

SAIGON, Feb. 16—The program to neutralize the Vietcong infrastructure in South Vietnam is called Phoenix, and it is a bird of several feathers.

Some war critics in the United States have attacked Phoenix as an instrument of mass political murder. Such sinister descriptions are not heard in Vietnam, where Phoenix has the reputation of a poorly plotted farce, sometimes with tragic overtones.

The contradiction between Phoenix's lurid reputation as a sort of Vietnamese Murder, Inc., and the scorn with which it is widely regarded here typifies one of the most popular grievances of American officials in Vietnam: "They don't understand at home what's going on out here."

The gulf between home-front and battlefield is likely to appear Tuesday in the Senate Foreign Relations Committee hearing room, when American pacification officials are expected to be questioned closely about the Phoenix program.

Because Phoenix is an offspring of the CIA and because its operations have always been obscured by the cloak of official secrecy, the Foreign Relations Committee may discuss the program in a closed session. But Phoenix's secrets are not well kept in Vietnam.

The South Vietnamese-run program does involve killing. American statistics on Phoenix results (which are radically more conservative than the Vietnamese figures) show 19,534 members of the so-called Vietcong infrastructure (VCI) "neutralized" during 1969—8,187 of them killed.

The rest were captured (8,515) or rallied to the government cause (4,832).

But several officials involved in the program, including some who are sharply critical of Phoenix, note a fact that is not tabulated in official statistics:

small fraction, probably one tenth to one fifth, of the VCI neutralized are captured or killed on purpose. The overwhelming majority are rounded up in military operations, killed in battles, ambushes or other military action, and described afterward as infrastructure. Only a handful are targeted, diligently pursued and captured or killed.

## Phoenix Not Working

"The most important point about Phoenix," said one official who had access to all the program's statistics and records, "is that it isn't working."

That view is repeated by official and confidential U.S. establishments here, and it has been the conclusion of official and confidential studies, including recent reports by the CIA and the deputy under secretary of the Army, James V. Siena. Phoenix has failed to neutralize a significant number of important Vietcong officials.

"We are not bothering them now, that's for damn sure," one of the senior Americans in Vietnam said not long ago.

A common description of Phoenix one hears from officials in Vietnam is of a program without substance. A share of the killing and capturing that goes on in the war is attributed statistically to Phoenix, but—many officials say—most of Phoenix's share could easily be attributed to something or somebody else.

Phoenix's unsavory reputation apparently stems from its clandestine nature, its connections with some deliberate assassinations, and accusations made by several public figures and army veterans about its activities.

## An Idea of the CIA

Phoenix was the idea of the CIA, and until last July it was run by the agency.

Phoenix operations conducted by Provincial Reconnaissance Units have involved assassinations. These

troops and U.S. advisers, were organized primarily as a counter-terror group to operate behind enemy lines. Assassination of Vietcong officials was one of their assignments.

But the units are now under local Vietnamese control, and have lost much of their ferocious reputation. "They've lost 50 per cent of their effectiveness," according to one U.S. official.

"There's some killing, but this is a war. There are no organized bump-off squads," one official with no brief for Phoenix insisted recently. Efforts to find contrary evidence were unsuccessful. Many of the accusations against Phoenix cannot be verified here. Some seem to be based on misunderstandings of Phoenix terminology and statistics.

Officials in Vietnam are critical of Phoenix on many other counts. In recent interviews with several officials involved in the program, a reporter heard these points:

- Phoenix is potentially dangerous, for it could be used against political opponents of the regime, whether they were Vietcong or not. However, there is no evidence that this has happened yet.

- Phoenix contributes substantially to corruption. Some local officials demand payoffs with threats of arrests under the Phoenix program, or release genuine Vietcong for cash.

- Phoenix is helping the Vietcong more than hurting it. By throwing people in prison who are often only low-level operatives—sometimes people forced to cooperate with the Vietcong when they lived in VC territory—the government is alienating a large slice of the population. "We should not jail people," said Ho Ngoc Nhuan, chairman of the rural development committee of the Vietnamese House. "That makes them enemies of the government."

## A Campaign is Necessary

All the officials interviewed here

a concerted campaign against the Vietcong organization is necessary if South Vietnam is to have any chance of independent survival in the long run, but all also agreed that the Phoenix program had failed to hurt the VC organization so far.

Phoenix was adopted by the Vietnamese government, at American urging (or perhaps insistence), in December 1967. It is supposed to unify the fragmented intelligence agencies in Vietnam, and share the best information among all operating units. Provincial security committees, part of the Phoenix structure, also have the power to try and sentence suspects to prison for up to two years.

There are 441 Americans attached to Phoenix, all as advisers. Americans play no direct role in Phoenix operations.

Phoenix offices in the 44 provinces and most of the 242 districts of South Vietnam (all with U.S. advisers) are supposed to maintain dossiers on Vietcong officials in their area and a "blacklist" of wanted men and women.

Ideally, Special Branch Police (an intelligence unit of the National Police, advised and financed by the CIA), local troops and Provincial Reconnaissance Units are supposed to conduct operations to arrest these wanted persons. Arrested individuals are interrogated. When there is some evidence of a Vietcong connection, they are brought to trial before the provincial security team. High-level suspects are supposed to be bound over to a military field court.

## Reality Differs From Model

As so often in Vietnam, reality bears small resemblance to this ideal model. Interviews with officials and observations in the countryside reveal deviations from the ideal.

The main problem is that Vietnamese don't seem interested in really prosecuting the program.

"They just aren't interested," said one official. "They don't want to be caught trying to get the VCI if they think maybe next year the VCI will be in control."

Some local officials have made private accommodations with the Vietcong, U.S. and Vietnamese officials.

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INTELLIGENCE CENTER

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## Red Contact's Exposure Seen As Deliberate

Wash. Post-L.A. Times

SAIGON — The American embassy deliberately exposed a contact with a high-level North Vietnamese liaison officer in South Vietnam in the spring of 1969 because it suspected President Nguyen Van Thieu of trying to work out a private peace settlement with the Communists, national assembly deputy Tran Ngoc Chau has charged.

The liaison officer, Tran Ngoc Hien, Chau's elder brother, was arrested April 6, 1969, and is serving a life sentence in a South Vietnamese prison.

Chau, who has been accused by Thieu of pro-Communist activities and fears arrest himself, told the Los Angeles Times in an exclusive interview from his hiding place that he had kept members of the U.S. mission in Vietnam fully informed of his meetings with Hien dating back to November, 1965.

Chau, an expert on territorial security, was province chief of Kien Hoa province in the Mekong Delta at the time. In the interview, he said he informed the U.S. mission through John Paul Vann, a former adviser to the South Vietnamese 7th Division who is now the chief American official in the pacification program in the Mekong Delta.

Then American Ambassador in Saigon Henry Cabot Lodge gave Chau approval to continue his secret meetings with Hien, Chau said in the interview.

Seven meetings followed, at the last of which, in late February, 1969, Chau asked his brother to obtain Hanoi's support for a visit by leading South Vietnamese figures to meet the North Vietnamese and National Liberation Front delegations to the Paris peace talks.

"When they learned that I had proposed direct contacts between the Republic of Vietnam and North Vietnam and the National Liberation Front with a view to ending the war, and that I demanded that the United States withdraw from the Paris talks to clear the way for the Republic of Vietnam, American officials began to have suspicions and be concerned about a possible private accommodation between President Thieu and the Communist side," Chau said in the interview.

"When Hien was arrested," Chau said in the interview. "Mr. Vann interceded with a view to absolving me from misunderstanding about my relations with Hien."

"I have never asked the American embassy to intercede with the Vietnamese government on my behalf," Chau said. "It has been those Americans who understand the case who have voluntarily taken steps for the sake of justice."

Neither the United States mission nor representatives of the Central Intelligence Agency in Saigon would comment directly on the charges and questions raised by Chau.

Privately, some ranking embassy officials feel that President Thieu is overreacting to the Chau case. These officials feel it would be far better to ignore Chau than to bring charges against him.

As to Chau's possible contacts with the embassy and the CIA, officials of the mission point out that as chief of Kien Hoa province Chau had CIA representatives working as his advisers and he doubtless still knows many CIA men in Saigon.

The mission officially denies that any of these contacts were improper. Knowledgeable sources point out, however, that Chau may well have believed he was acting as some kind of intermediary. If this was the case, these sources say, Chau was very "naive" to feel that he could get by with bypassing his own government and later expecting the U.S. to come to his rescue if he got in trouble.

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EXAMINER'S CHRONICLE

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# HERB CAEN



## Beyond Charisma

CONGRESSMAN JOHN V. TUNNEY is an impressive young man—long, lean tousled of hair and immaculate of tooth. In fact, he may have the most beautiful teeth (all real) in politics. They make him look incisive.

He also looks like Somebody. When he walked into Trader Vic's for lunch the other noon, the slight hush that always greets a celebrity fell over the crowded room. Those who didn't recognize him whispered, "Who's that?" Little bubbles of conversation sprang up in his wake. "Tunney?" "You mean the fighter's son?" "Running for Senator, y'know. Against what's his name—uh—Murphy."

He settled into a banquet flanked by two attractive young ladies on his staff who gazed up at him adoringly. His incredible teeth gleaming in the half darkness, he ordered a sherry in a vaguely Kennedyish accent (he went to school in the East with Teddy, an association that may even prove to be a handicap in this strange year).

\* \* \*

"WE HAD a campaign meeting in Hollywood with some of the big studio people," he grinned, "and they had my brother, Jay, in a corner, talking to him very earnestly. Then Jay came over to me and said 'They want you to have your teeth filed—they think they're too long for television!' I refused. My orthodontist would never forgive me." On the TV screen those teeth come across like ice floes, lacking only Eliza crossing them, pursued by bloodhounds.

"My father lost his upper teeth," he went on. "Jack Dempsey hit him so hard and so often in the cheeks that the roots died. Dad still has the six-ounce gloves he used in that last fight and there's a great gash across the right one, where he caught it on one of Dempsey's teeth."

\* \* \*

(AS HE SPOKE, it crossed my mind that Jack Dempsey had come to San Francisco a few years ago to make a radio commercial for a brand of canned tuna fish. It was a short job but it took

Dempsey the better part of a day. Every time he'd come to the line, "You just can't beat this tuna," his subconscious would click into action and out would come "Tunney.")

\* \* \*

JOHN TUNNEY is a liberal and a dove on Vietnam. Now. "I'll admit it," he said. "After my first trip to Vietnam I came back a hawk. I won't say I was brain-washed, as Romney put it. He would never have said that. I mean, a candidate for the Presidency can't afford to use a term like that—he should have said straight out that he was lied to.

"On my first trip I fell in-love with the Vietnamese people. The women are beautiful and gentle, the men are handsome. The thought came to me, then, that if we could save these marvelous people from Communism, somehow it was worth it. It didn't dawn on me until my second trip to Vietnam that we weren't saving them from anything—we were destroying them, trying to 'win their minds and hearts' by killing them.

"On my second trip I told the Embassy to leave me alone. I went out by myself and talked to the people and to the newsmen who've been there so long—men I consider the real experts. It took a man like Bernard Fall to open my eyes to the outright lies we were being fed. It's embarrassing to look back and realize how we were taken in, conducted through 'staged' scenes of pacification and sent home like children."

\* \* \*

THE DAZZLING teeth no longer gleamed in his troubled face. "The lies, the lies," he said. "I have absolutely incontrovertible proof that when Johnson was running for the Presidency—Johnson the dove against Goldwater the hawk—he had already made plans to escalate the war. 'Ah don't want American boys dyin' on Asian soil'—my God! Lyndon Johnson lied to the American public!"

\* \* \*

HE SHOOK his head. "When I make speeches now," he went on, "I find this great apathy about Vietnam. The people seem to think it's over, or at least ending. Well, it isn't. Mr. Nixon's so-called 'Vietnamization' program has to be exposed for what it is—a farce, a fraud. Mark my words, Vietnam will be the No. 1 issue again inside of six months, when the public finally awakens to the fact that we're not pulling out at all.

continued

# Saigon's Brand of Democracy Is Questioned in West

By HENRY S. BRADSHER

Asia Correspondent of The Star

"The spirit of oriental democracy is not the same as that of occidental democracy." Nguyen Van Thieu, Jan. 26, 1970.

SAIGON — Democracy, as defined by Western textbooks in terms of representative institutions giving the people control over a fairly honest administration, does not have much history in this part of the world.

An effort to fit the Western definition to South Vietnam was made when the nation's constitution was written in 1967 after years of authoritative military rule.

The effort was encouraged by the United States, which lent its constitution as a model. Washington was more concerned with giving South Vietnam an appeal to democratic opinion abroad, as an alternative to Communist designs; here, than with fitting democracy to the realities of Vietnam.

Now, after more than two years, there are growing questions of how well the effort is working.

The questions have been focused by Sen. J. William Fulbright's Senate Foreign Relations Committee.

## Hearings Reopen Tuesday

His committee resumes hearings in Washington on Tuesday. Deputy Ambassador William Colby, director of the Civil Operations and Revolutionary Development Support (CORDS) programs, will be the leadoff witness.

Two points Fulbright has centered on are the case of Tran Ngoc Chau and the workings of the Phoenix program, part of the allied pacification effort which Colby oversees.

Behind these lie more basic uncertainties of whether the essential elements for democratic government have yet developed here—or been allowed to operate.

Vietnam has never had a Western system of political parties. Political activity has, instead, been the maneuvering of Chinese-style secret sects, religious factions and regional groupings.

Some of these elements have sought to emerge into the constitutional arena as political parties. But, aside from religious, regional and tribal

traditions have oriented them toward scheming for power rather than appealing publicly for support.

Some other political parties have developed around individuals with limited followings. The proliferation of them caused one Vietnamese politician—himself the leader of a new party—to comment scornfully that those in elected politics have no parties, and those in parties lack effective office.

## 62 Political Parties

The picture is one of a highly fragmented political system, "crumbly" according to one diplomat. An attempt by President Nguyen Van Thieu to rationalize this chaos down to a workable number of parties that could stand for something started off with the finding that there are 62 parties.

Most of them have "no real strength and support," Thieu contended contemptuously in a speech Jan. 26.

The strength and support of Thieu, an army general elected president with 37 percent of the vote, is the army.

Probably fewer than half the National Assembly members elected in 1967 have proven to be working representatives of their constituents who seriously study legislation. One estimate is only 40 percent. The rest include rural types out of their depth.

But the working members have questioned legislation proposed from Thieu's Independence Palace and have complained about attempts to rule by decree. Some have sought a voice in the government for non-Communist elements.

Some have openly advocated a less hawkish, uncompromising attitude toward the Communists than Thieu voices. They want to look for an honorable political solution to the war, while he seems to see only a military solution.

It is generally assumed in Saigon, by Vietnamese and by independent foreign observers, that the palace has overcome National Assembly assertiveness by use of "the black bag" — piastre payments to buy the votes of difficult deputies.

This is only a small part of an assumed prevailing corruption. Their new for this country nor-

unusual for this part of the world. But it might be getting worse. And it has offended some serious working members of the assembly.

One of those, who also was one seeking an honorable compromise of the war, was Tran Ngoc Chau.

## Chau Importance Discounted

There is a tendency among some American officials in Saigon now to dismiss Chau as a "Communist" who never was as important as Sen. Fulbright's attention seems to have made him.

Chau and two other deputies, Huynh Van Tu and Pham The Truc, were accused by Thieu last year of having had illegal "relations with the Communists."

Thieu conducted a violent verbal attack against them and even — so the assembly later charged — set a mob upon the assembly to intimidate it into removing their parliamentary immunity.

To many people's surprise, including the U.S. Embassy's, Thieu finally got the immunity of Chau and Tu lifted 11 days ago. This stirred new charges of buying or threatening deputies and raised still-unsolved legal questions over just how vulnerable the deputies are to prosecution.

## Old Friend of Thieu

Chau is an old personal friend of Thieu's. He had such an outstanding record as the anti-Communist head of a province and mayor that the U.S. Central Intelligence Agency sponsored Chau as head of a CIA-backed program to train local officials.

When he was elected to the National Assembly and became an opposition bloc leader, Chau was regarded by many U.S. officials as a future prime minister.

Chau's elder brother is a North Vietnamese intelligence agent. Such family divisions are not uncommon in Vietnam. In 1965 the brother contacted Chau.

Chau mentioned it to the CIA, according to sources here that insist he was not acting on CIA instructions to maintain contact with the North. Chau did not tell his own government.

Last year the brother was arrested and interrogated. Later Thieu began to move against Chau and, on similar grounds, the other two deputies.

The legal right of the president to take this action is questioned by few, even though the court questions remain complex. But the political wisdom of it escapes many observers.

Some Vietnamese politicians attribute it primarily to Chau's attacks on a close personal adviser of Thieu, Nguyen Cao Thang, a wealthy Saigon pharmacist. Chau called him the "bag man" handling presidential bribes. Thang has now used his influence for revenge, some say.

But there are two other possible explanations for the prosecution.

One is intolerance by Thieu of any suggestions that an end to the war might be negotiated in a way that could bring Communists into the cabinet. By making an example of Chau, who has advocated a cease-fire and negotiations with the Viet Cong, any tendency by Vietnamese politicians to think that way might be checked.

The other possibility is that Thieu feared Chau was still working for the CIA, still the fair-haired boy of the Americans, and represented a willingness by some U.S. officials to let the Communists into the Saigon government as the price of peace.

## Warning for Washington?

What better way, then, to make sure Washington got the word that Thieu would stand fast than to knock off its man? That might have been Thieu's thinking, in line with his recent public and semiprivate utterance against U.S. troop withdrawals and other signs of independent toughness.

Another aspect of this tough line, it has been suggested in Washington, might be the Phoenix program.

It was initiated by the CIA in 1967 to coordinate intelligence on Viet Cong agents and to eliminate them. Basic responsibility now belongs to the Vietnamese national police, who are advised by 441

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## Fulbright Story No Aid, Saigon Legislator Says

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SAIGON (UPI)—South Vietnamese National Assemblyman Tran Ngoc Chau says Sen. J. William Fulbright, D-Ark., did him no good by saying the deputy was an agent for the U.S. Central Intelligence Agency.

"It was very harmful to my nationalist reputation," Chau said in a letter to Fulbright. "A CIA agent has been considered in Vietnam as the most detested enemy, much more than a Communist or any type of criminal."

Fulbright said in Washington last week that President Nguyen Van Thieu's government was persecuting Chau because it wants to hold a court trial to determine if the legislator and a fellow deputy, Hoang Ho, have ties with the Communists.

### Assembly Condemns 3

The trial, expected to be held next month, is an outgrowth of a National Assembly action in December to condemn Chau, Ho and Deputy Pham The Truc, now in self-exile in France, for being "tools of communism."

(Fulbright, in telling Chau's story, described the Vietnamese as having "daily contact" with CIA officers, but did not characterize Chau as a CIA agent, an aide to Fulbright said yesterday.

Committee, headed by Fulbright, will resume its Vietnam hearings Tuesday, centering on the allied pacification program in South Vietnam. The committee quite possibly will again touch on Chau's case at that time.)

### Circulated by Friends

The letter was circulated to Saigon news media by Chau's friends. He has been out of the city for weeks.

"It is true," Chau wrote Fulbright, "that I had cooperated with the CIA for many years in developing foundations of present pacification and revolutionary development in my capacity as province chief (mayor of Da Nang) and director of cadres.

"But I have never been a CIA agent," Chau said.

He told Fulbright that if he didn't believe him, he should ask Ambassador Ellsworth C. Bunker. The U.S. Embassy has refused comment on the case, but unofficial sources have confirmed Chau's position.

Chau said previously that the CIA knew about and encouraged his meetings with his brother, Tran Ngoc Hien, 48, a confessed spy for Hanoi, and sought his aid in recruiting Hien as a double agent. Chau said he refused to be a go-between.

### *The Case Of Mr. Chau*

United States officials in Saigon stand charged with a piece of dirty business in the case of Tran Ngoc Chau, a well-known soldier and politician and a former associate of President Thieu. Apparently the Americans used Mr. Chau as an intelligence source and then shucked him when Thieu began to consider him dangerous to the Saigon regime.

Mr. Chau had long and close associations with officials of the United States embassy and the Central Intelligence Agency. He was elected to parliament in 1967 and became leader of an opposition bloc. He has a brother, Tran Ngo Hien, a leading Viet Cong agent with whom he had a number of meetings between 1965 and 1969. The meetings were known to, and indeed seem to have been encouraged by, the CIA. The brother was arrested as a Communist spy last April and has been imprisoned.

Nothing happened to Mr. Chau until last November, when he called for a cease-fire and direct negotiations between the regime and its opponents, and also became critical of a deputy named Nguyen Cao Thang, said to be a stooge for President Thieu. Thieu prevailed on the assembly to strip Mr. Chau and a colleague of their parliamentary immunity, forcing both into hiding. Mr. Chau says Thang obtained the needed votes by bribing individual deputies.

When Mr. Chau was driven out, did U.S. officials step forward to explain their acquiescence in his meetings with his Communist brother? They did not. It is said that Washington instructed the Saigon embassy to intervene, but all that happened was that Ambassador Bunker called on his friend Thieu. So Thieu was in effect abetted in his effort to destroy anyone who talks of a negotiated peace.

Since it is impossible for the presently-constituted Thieu government to negotiate a peace, and increasingly unlikely that it will permit change, all this fortifies the impression that the Administration intends to keep Thieu in power indefinitely by force of American arms—which means no settlement.



# 13 Marines Killed in Vietnam

## Ambush

SAIGON, Feb. 12 (AP)—Enemy troops ambushed a U.S. Marine patrol in the Queson Valley south of Danang Thursday in the second sizable attack in the northern provinces in two days. Relatively heavy American casualties were reported in both battles.

Marine spokesmen at Danang said the 45-man patrol was attacked from camouflaged positions about two miles east of Landing Zone Ross, a battalion headquarters and fire base 26 miles south of Danang.

Thirteen Marines were killed and twelve wounded. Most of the casualties apparently were inflicted in the first volley of fire, before the Marines called in artillery and air support.

Army and Marine reinforcements moved in to relieve the patrol, and the enemy withdrew after about 3½ hours, field reports said. Six enemy dead were reported by troops at the scene.

On Wednesday, a North Vietnamese demolition team attacked a 101st Airborne Division fire base 38 miles north of Danang, killing eight Americans and wounding 12, the U.S. Command said. A dozen enemy soldiers were reported killed in that action.

[Communist gunners fired three rockets into Hue Thursday night in the first shelling of the former South Vietnamese imperial capital since Sept. 14, military spokesmen said.

[UPI reported the spokesmen said the 122-mm. rockets killed two civilians and wounded four others and damaged several homes. The attack occurred at about 8 p.m. It was the first shelling of a major city since Dec. 17 when a rocket hit Saigon.]

Four American and four South Vietnamese soldiers were killed, and 39 allied troops injured in two helicopter crashes in the Central

Highlands, the U.S. Command said.

American spokesmen said B-52s dropped up to 900 tons of bombs on five enemy positions, including one in the Seven Mountains region of Chaudoc Province southwest of Saigon, where large North Vietnamese forces are holed up in caves.

Allied communiques listed

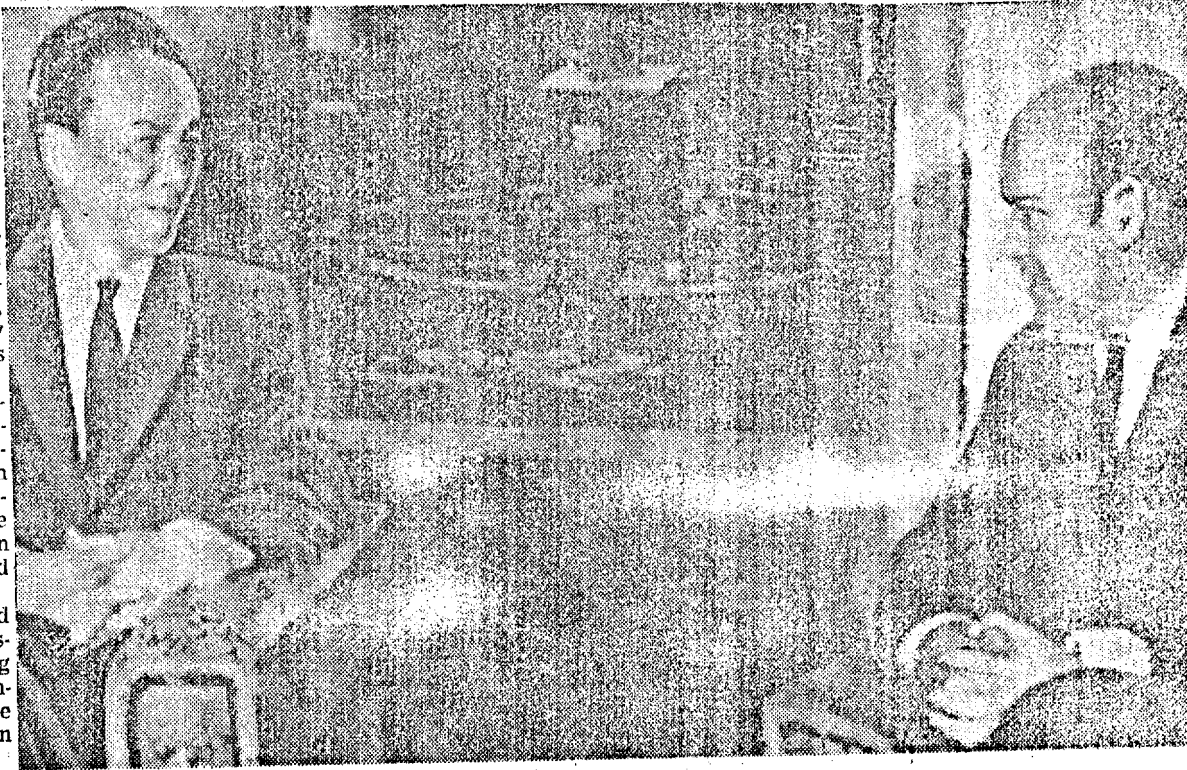
112 enemy killed in scattered clashes.

In Saigon Secretary of Defense Melvin R. Laird and Gen. Earle G. Wheeler, chairman of the U.S. Joint Chiefs of Staff, met for more than three hours with President Thieu and Vice President Ky.

Laird and Wheeler are in Vietnam to assess President

Nixon's Vietnamization program of turning over the combat role to South Vietnamese forces.

Meanwhile, the Vietcong radio said revolutionary committees operating in remote Anxuyen Province tried a number of "CIA and government agents and spies" and sentenced six to death on Jan. 26 and 28.



President Thieu of South Vietnam confers with Defense Secretary Laird at the presidential palace in Saigon. Associate

11 FEB 1970

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## Saigon Court Bids Two Deputies Appear

SAIGON, South Vietnam, Feb. 10 (Reuters)—A military court has ordered two members of the lower house to face questioning on alleged pro-Communist activities.

The wives of the two legislators, Tran Ngac Chau and Hoang Ho, said summonses were delivered to their homes yesterday by military policemen.

The two women said neither of their husbands had been at home for some time and their whereabouts were not known.

Mrs. Chua told reporters that her husband, a 46-year-old member who represents Kienhoa Province in the Mekong Delta, was "now staying in a quiet place writing his memoirs."

A petition signed by 102 members of the House of Representatives was sent to President Nguyen Van Thieu last week asking the Government to take action against the two men under the country's anti-Communist laws.

Under the Constitution 102 votes—a three-quarters majority—are required to strip deputies of legislative immunity.

Mr. Chau has admitted that he met eight times with his brother, Tran Ngoc Hien, a North Vietnamese intelligence agent, before the latter's arrest. Mr. Hien was sentenced last July to 20 years at hard labor for spying.

In an interview with report-

ers last week, Mr. Chau said he had kept the United States Embassy and the Central Intelligence Agency informed of his meetings with his brother. He accused the Americans of letting him down in not backing him against President Thieu's accusations.

Senator J.W. Fulbright, chairman of the Foreign Relations Committee, has accused President Thieu of persecuting Mr. Chau because the deputy had criticized Nguyen Cao Thang, a Saigon pharmacist who is a member of the President's inner circle, and because of Mr. Chau's growing power as an opposition leader.

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FEB 11 1970

# 'Neutralizing' Of VC Faces Senate Probe

By MILES RENSON

Journal National News  
Service

WASHINGTON — The Phoenix program, a Central Intelligence Agency-Pentagon operation against Viet Cong civilians that supporters say has "neutralized" 30,000 by capture or death, faces a searching investigation that is expected to raise disturbing questions of national policy.

An integral but little known part of the "pacification" effort, the Phoenix project is assailed by critics as "counter-terrorism," a "mass assassination program" and a "murder mill."

It seeks to eliminate the Viet Cong "shadow government" — the civilians who rule South Vietnamese communities under enemy control and compete with the Saigon government for authority and taxes.

PHOENIX units are described as using secretly prepared blacklists and operating under pressure to meet quotas of captive or dead civilians. Critics contend this sets up an obvious potential for disposing of troublesome non-Communist political competition to the regime of President Nguyen Van Thieu.

All this promises to provoke a searching inquiry into the basis of U.S. policy in dealing with war zone civilians when Sen. J. William Fulbright and the Foreign Relations Committee open hearings Feb. 16.

The Phoenix project, one of the dark CIA operations of the Vietnam war, had been unknown publicly until occasional news accounts mentioned it briefly last spring and fall. Its workings were classified top-secret until Thieu referred to it in public in October.

ITS SUPPORTERS contend it has "neutralized" by murder or capture some 30,000 alleged members of the Viet Cong "infrastructure," as the shadow government is called.

But investigators for the Fulbright committee declared Phoenix has not been successful in carrying out that objective. The investigators charge that the "infrastructure," numbering 80,000, is "still intact."

Although Viet Cong officials are sought by Phoenix for the Saigon government on a "dead or alive" basis, a Pentagon fact sheet on the operation says that the techniques of neutralization are, "in order of priority, defection, capture and exploitation, and discreditization or compromise."

"It must be recognized," the Pentagon comments ironically, "that some VC are killed unavoidably during the normal course of combat reaction operations. However, the overall percentage is low.

IN 1968, THE Pentagon reports, 15 per cent of the 15,000 "neutralized" Viet Cong — or about 2,250 — were killed.

In 1969, the kill rate doubled to about 5,000, the Foreign Relations committee investigators reported after a recent visit to Vietnam — a figure omitted in the Pentagon fact sheet.

The Defense Department says 450 persons are involved in the Phoenix operation, with 262 at the operational level.

Operations are carried out by Provincial Reconnaissance Units (PRU's). A typical PRU is composed of 18 men, usually members of South Vietnamese minority groups, Cambodians or Chinese, recruited and financed by the CIA.

They are accompanied in the field by U.S. advisers. Their quarry is identified by

informers, with the information supposedly filtered and cross-checked by American and Vietnamese intelligence agencies.

SPECIFICALLY excluded from Phoenix "wanted lists," the Pentagon says, are Vietnamese who simply pay taxes to the Viet Cong, or perform miscellaneous tasks for the enemy (often under threat). Also excluded are Viet Cong guerrillas and regular military units — both groups that are the targets of the regular military forces.

But one investigator for the Senate committee, remarking on the undiminished and unapacified vigor of Viet Cong, said "a lot of rice carriers and taxpayers" were being swept up by the PRU teams.

In their report to the Fulbright committee the investigators said some Americans and South Vietnamese were seriously concerned over the built-in potential for abuse in the program.

They cited "the pressure to meet Phoenix quotas, the difficulty of accurately identifying Viet Cong cadres, the potential for misuse by local officials against their enemies, the legal aspects of handling detainees, and the propriety of the extensive U.S. involvement."

SEN. Charles E. Goodell, R-N.Y., called for an investigation of the program last December, charging it was "comparable" to the systematic murders by the Viet Cong of village chiefs and officials loyal to Saigon that were rampant in the early years of the war.

"Mass assassination was the technique of the Communists, and now we have adopted the same technique," Goodell declared.

One of those trained for Phoenix work was Lt. Francis T. Reitemeyer, 24, of

Clark, N.J. He was discharged from the Army on conscientious objector grounds after undergoing a course at the Army Intelligence School at Fort Holabird, Md.

In seeking his discharge, Reitemeyer said he was told he might be required, as a Phoenix operative, to maintain a "kill quota of 50 bodies a month."

The Army discharged him but produced an earlier signed affidavit in which Reitemeyer stated he was not being trained in political assassination. The Army said it sought the affidavit after learning that Reitemeyer had told a girl friend he was being trained in assassination.

ST. LOUIS, MO.  
POST-DISPATCH

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FEB 11 1970

## Thieu Acts To Crush Opposition

By RICHARD DUDMAN  
Chief Washington Correspondent  
of the Post-Dispatch

WASHINGTON, Feb. 11—With the indirect help of United States officials, President Nguyen Van Thieu took a big step last week toward crushing effective opposition to his regime in the South Vietnamese Parliament.

Thieu succeeded in obtaining signatures of the necessary three-fourths majority on a petition to strip two opposition deputies of their parliamentary immunity.

Both now are in hiding in Saigon, and a third deputy whom Thieu has attacked has left the country in voluntary exile.

Ambassador Ellsworth Bunker is reported to have told dinner guests in Saigon that he knew that one of the two deputies, Tran Ngoc Chau, was a Communist, although his subordinates who are familiar with the case know of nothing to substantiate that charge.

### Feels Betrayed

In an interview with Terence Smith of the New York Times, Chau said he felt he had been betrayed by the American mission in Saigon despite a long and close working relationship with officials of the U.S. Embassy and agents of the Central Intelligence Agency.

The other deputy who has lost his immunity, Huong Ho, is a former member of the Viet Minh, the pre-1954 Communist-led anti-French underground, who chose to live in the South after Vietnam was partitioned. He incurred Thieu's enmity by defending a group of school teachers in his province who had been arrested as Viet Cong agents.

Chau is a well-known figure, a soldier and politician who has

known Thieu since their days at military school in Dalat. Chau once rescued Thieu's wife from a fire. He was province chief in Kien Hoa in the Mekong Delta from 1960 to 1963, a difficult post in Viet Cong territory.

### Ties To CIA

Informed sources here confirm details given this week by Joseph Kraft, the newspaper columnist, about Chau's close relationship with the CIA.

In Kien Hoa, Kraft has reported, Chau initiated some pioneer population control techniques with financial support from the CIA.

After a term as mayor of Da Nang, when a Buddhist uprising made that a trouble spot, Chau returned to Kien Hoa as province chief and began a pilot program to train revolutionary development cadres for administering villages and hamlets.

In 1966, the Saigon government accepted a CIA recommendation and named Chau head of the entire cadre training program at Vung Tau.

Chau campaigned for deputy from Kien Hoa in the 1967 parliamentary elections — elections that were hailed by the United States as an achievement in democratic government — and won with one of the highest pluralities in the country.

### Leader of Opposition

He became head of an opposition bloc and was elected secretary-general of the lower house. Some American officials began to think of him as a possibility for prime minister or president and he was considered a key figure in any eventual political settlement of the war through negotiations among political factions in South Vietnam.

All this while, it was well known that Chau's brother, Tran Ngo Hien, was a high-level Viet Cong agent who had stayed north with the Communists when the country was divided.

To the CIA, at least, it was well known that Hien had slipped into Saigon in 1965 and that the two brothers saw each other eight times before Hien was arrested last April. Chau says that he told two CIA agents that his brother had

come south from Hanoi and was gathering political intelligence for North Vietnam.

### Refused Request

In the interview, he said that the agents later asked if he would bring his brother to meet them.

"But I refused, because I didn't want to be the man to lead my own brother into a trap," he said. "I always hoped to bring Hien over to our side. I've always believed that he was Communist more by necessity than out of conviction."

Even after Hien's arrest, there was no move by the Saigon government to attack Chau. Most U. S. officials considered Chau part of a loyal opposition.

His troubles began last November when he started to advocate political compromise, calling for a total cease-fire and direct negotiations between the Communists and the Saigon regime.

More particularly, his troubles began when he attacked Nguyen Cao Thang, a rich Saigon pharmacist, whom Kraft said was widely believed to be Thieu's bag man in the National Assembly.

Chau told the interviewer that

Thang had bribed members of the lower house to obtain the necessary 102 signatures to the petition that stripped the two deputies of their immunity. Chau said that Thang paid bribes as high as 400,000 piasters (about \$3400) for some of the signatures.

The same charge was made here Thursday by Senator J. William Fulbright (Dem.), Arkansas, chairman of the Senate Foreign Relations Committee. Fulbright said he had "very persuasive evidence" that Thieu had used bribery and threats to obtain the signatures.

Describing the affair as "an ominous development," Fulbright issued a three-page statement that said, "Perhaps the story of Tran Ngoc Chau will prove to be the last chapter in the history of representative government in Vietnam."

Thieu's specific charges against Chau are that he failed to report his contacts with his brother, the North Vietnamese agent.

### Fulbright Report

Fulbright said: "I know for a fact, from private sources, that he did report his contacts with his brother to a number of United States officials in Vietnam, including CIA officers with whom he had daily contact."

The petition is expected to be forwarded to President Thieu's office immediately after the Tet holidays, which last through this weekend. Chau and Ho presumably will be brought to trial shortly thereafter.

In an earlier phase of the U.S. Vietnam involvement, Homer Bigart of the New York Times summed up U.S. policy by coin-ing the slogan, "Sink or swim with Ngo Dinh Diem."

Kraft observed this week that the American mission in Saigon was following its own line of "See it through with Nguyen Van Thieu."

11 FEB 1970

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## FULBRIGHT PROBE

## Viet Spy Hunt Under Fire

By DONALD KIRK  
Star Staff Writer

SAIGON — Whatever it does, "Phoenix" stands accused.

Phoenix — the allied program for wiping out the Viet Cong "infrastructure" — provides an easy pretext for terrorism and murder, according to critics in the United States. The Vietnamese government, they say, can harass or eliminate opponents on the flimsy pretext that they have resisted Phoenix efforts at gathering intelligence information.

Critics in Vietnam, in contrast, claim the program, named for the mythological bird that rises from its own ashes, is simply not effective.

## Apathy Noted

These critics, notably American advisers, say the Vietnamese government, if anything, is not sufficiently interested in Phoenix to give it the support it needs as a coordinated effort at finding and arresting Communist agents in all locales, on all levels of society.

"The Vietnamese just don't care about the program," one American official said. "They don't think it will really work and they don't want to do much more than please us by appearing to cooperate."

One reason for the apathetic attitude of some of the Vietnamese, the official said, was the fear among some of them, particularly those on middle levels of provincial and local governments, that eventually the Viet Cong might gain some measure of power in a coalition or Communist-dominated government.

"Why should they want to scarf up enemy agents who might be their boss some day?" the official asked. "If there really is some sort of 'accommodation' with the enemy around here, then the hunt for the Viet Cong 'infrastructure' is over."

## Hearing Witnesses

American advisers expressed this kind of criticism as a team of senior civilian officials left here today to appear at hearings on Vietnam conducted by Sen. J. William Fulbright, chairman of the Senate Foreign Relations Committee.

Leading the American civilian team is William Colby, deputy ambassador in charge of CORDS, civil operations for revolutionary development support, which runs the entire U.S. pacification advisory effort in Vietnam. Colby will testify Monday before the Fulbright committee on all aspects of pacification, including the Phoenix program.

The best known member of Colby's team is John Vann, in charge of pacification in the Mekong Delta. A West Point graduate, Vann retired from the army as a lieutenant colonel several years ago after criticizing the optimistic estimates officials were then giving of the chances of allied "victory" in the war.

Vann soon joined the civilian advisory program in Vietnam but remained a sharp critic until after the Tet 1968 offensive. He is convinced now, however, that American and South Vietnamese forces are defeating the Viet Cong and eventually will force them to abandon their efforts.

## "Nothing to Hide"

"We look upon the Senate hearings as a good opportunity to tell what's happening here," said one CORDS official, reflecting the views of Colby, Vann and other senior U.S. advisers. "We plan to tell the committee the truth in open hearings and let them and the public decide. We have nothing to hide."

Officials qualified this remark, however, by noting that the hearings on the Phoenix program would be conducted in secret. The reason is the sensitive role of Phoenix as an intelligence-gathering organization.

Despite their stated disappointment in the Vietnamese outlook toward Phoenix, officials defend the program on the grounds it has provided a convenient method for gathering intelligence information, supplied by different sources. An intelligence coordinating center commanded by Vietnamese and advised by Americans functions in every province and district in the country.

Officials claim the Phoenix program resulted in the "elimination" of 8,515 Viet Cong

members of the Viet Cong infrastructure. They say 8,515 of these were captured, 4,832 "rallied" to the government side on their own accord and the remainder — 6,187 — were killed while resisting arrest.

## Estimate of Agents

Critics here do not quibble with these statistics, inaccurate though they may be, but charge that virtually none of those "eliminated" were important agents. One effect of Phoenix, in fact, has been to drive high-ranking cadre "further underground" while lowly tax collectors, recruiters, propagandists and the like are captured or killed.

An irony, however, is that officials admit the Viet Cong still manage some 75,000 agents, not including soldiers and armed guerrillas, as opposed to 80,000 at the beginning of 1969.

"We don't know the regenerative capability of these people so it's hard to tell how badly we're hurting them," said one official. "It could be the over-all quality of their cadres is declining even though they're able to keep up in numbers."

Advisers in some cases suspect that Vietnamese officials are deliberately reaching an "accommodation" with Viet Cong cadres. This kind of arrangement, typical in the history of the war, provides that neither side harass the other for the sake of their mutual survival.

Americans emphasize, however that "accommodation" exists only on isolated local levels. They do not suspect the central government, opposed to suggestions for conciliation with the enemy, of condoning "accommodation" on the part of cabinet ministers and other senior officials.

STATINTL

# 'Terminated' Agent May

By Murrey Marder

Washington Post Staff Writer

"WE WERE JUST sitting, talking ... The next thing I knew, the car swerved, the windshield was shattered, glass fell out; Jimmy was leaning forward, he had blood coming out of his nose and mouth, and he looked like he was dead."

Inchin Hia Lam, whose code name was "Jimmy," was indeed killed, a fact that effectively terminated his service as interpreter for a secret operation of the U.S. Special Forces (Green Berets). An official "termination" order had been issued shortly before his death, but the intended method of separation was dismissal, not execution.

Sitting beside Lam when he died on the front seat of an automobile traveling along a South Vietnamese highway was Green Beret Capt. John J. McCarthy Jr., who had been assigned to carry out the dismissal. His pistol, a snub-nosed .38-caliber Smith and Wesson, discharged at about the time that "a projectile entered the back of the head of the victim just within the hairline ... and exited from between his lips ..."

Capt. McCarthy said his firing was accidental and only coincidental with Lam's death. An Army medical examiner testified at McCarthy's court-martial that the projectile which killed the victim was a .22-caliber bullet, not a .38. McCarthy nevertheless was convicted of premeditated murder.

The incident could have come from the imagination of a Graham Greene or a John Le Carre. But it really took place—on Nov. 24, 1967—and it could produce international travail for the U.S. government if McCarthy's defense attorneys succeed in convincing the Army's Court of Military Review that their client should have had an open trial before a civilian court.

Capt. McCarthy, 27 and the father of three, is free pending appeal from what originally was a life sentence at hard labor but since has been reduced to 20 years.

While comparatively obscure, the McCarthy case carries a larger potential for international complications than the celebrated Green Beret case last year, in which Special Forces Col. Robert B. Rheault and seven co-defendants were accused of murdering a South Vietnamese who was a suspected double agent.

To avoid exposure of Central Intelligence Agency operations, for reasons

of national security, the Nixon administration dropped prosecution of Rheault and his subordinates. McCarthy's attorneys have proposed the same remedy as an alternative to the public retrial they seek.

But the Rheault case never reached court, and the McCarthy case already has. Despite censorship of the record, it provides a rare public glimpse of clandestine U.S. operations in Southeast Asia.

What makes the McCarthy case more prickly from an intelligence-diplomatic standpoint for the United States is the fact that Lam was a Cambodian, not a South Vietnamese. Lam also was a member of the Khmer Serai (Free Cambodia), a small, now-disorganized secret society that aspired to overthrow the Cambodian government of Prince Norodom Sihanouk.

Lam had worked for the Green Berets from about 1965. When he was slain, he was working for a clandestine mission code-named "Project Cherry," headed by Capt. McCarthy. The captain's public assignment was Detachment B-57, Fifth Special Forces Group. (The same detachment was involved in the Rheault case.)

Whether Lam was hired just because he was a Cambodian or whether the fact that he was a Khmer Serai had a bearing is not ascertainable from the heavily censored version of the trial record which, after considerable prodding, the press can inspect.

Exactly what mission Project Cherry performed also is blanked out on that record, with empty pages marked "secret" or "confidential," and elliptical references to such cloak-and-dagger accoutrements as "safe houses"—secret quarters maintained by intelligence agencies as presumably free from surveillance.

It is common knowledge in South Vietnam, however, that members of the Cambodian minority (estimated at three-quarters of a million to a million people) are employed by the Americans and the South Vietnamese for open and secret work in the war.

The work includes obtaining information about Vietcong and North Vietnamese forces who operate from a "sanctuary" across the border in Cambodia.

The Khmer Serai has long experience in penetrating that border. This secret organization has disintegrated considerably in the last two years, especially since some of its forces openly swung over to support Prince Sihanouk's government. But according to

Sihanouk's former Khmer Serai leader Son Ngoc Thanh, is still believed to be hiding in South Vietnam.

# Haunt U.S.

STATINTL

The Khmer Serai is characterized as usually having operated from an opportunistic position to the right of Sihanouk, although its leader is said to have cooperated with the Communist-led Vietminh before 1954, when Cambodia was still part of French Indochina. The more important opposition to Prince Sihanouk in Cambodia is the Khmer Rouge (Cambodian Reds), who cooperate with Communist Vietnamese forces.

## Sihanouk's Charges

BEFORE THE Khmer Serai fragmented, Prince Sihanouk repeatedly charged that the American CIA was colluding with the Khmer Serai, Thailand, South Vietnam and other "enemies" of his regime.

A typical Sihanouk charge came in 1967, the year of Lam's "termination": "The Khmer Serai, Americans, Vietnamese, Thai and South Koreans have joined forces in attacking us ... " Another: "The Central Intelligence Agency has been able to bribe ... two high-ranking officers of the Khmer (Cambodian) Armed Forces who have considerable deposits in a Swiss bank" for "starting a coup d'etat against Sihanouk ... "

A State Department spokesman issued a denial last month that was prefaced by the I-am-told formulation often employed in refuting allegations concerning CIA activities: "I'm informed that the U.S. Government has never assisted or cooperated with the Khmer Serai movement."

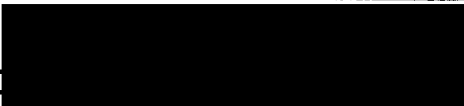
In the early 1960s, Prince Sihanouk's relations with the United States were strained to near-breaking point over his allegations against the CIA. He invoked those charges as justification for rejecting U.S. aid. Then, in 1965, Cambodia broke diplomatic relations, primarily on grounds that U.S. forces were violating the Cambodian-South Vietnamese border.

In that period, Sihanouk, who balances precariously between East and West to preserve his neutral nation, expected the Vietnamese Communists to win the war in South Vietnam — which they were doing. When the tide of war shifted, so did Sihanouk, openly declaring he was "caught between the hammer and the anvil." Last summer, the United States succeeded in re-establishing diplomatic relations with Cambodia.

Sihanouk continues to negotiate cordial terms with both North Vietnam and the Vietcong. But he now concedes

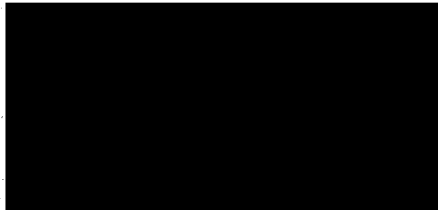
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# Sen. Fulbright brands

STATINTL



# CIA VIET OPERATION 'MURDER PROGRAM'

## U.S. murder policy in Vietnam assailed

Daily World Foreign Department

Senator J. William Fulbright (D-Ark) on Thursday called the U.S.-Saigon "Operation Phoenix" program "a program of assassination," as his Senate Foreign Relations Committee's three days of Vietnam hearings closed their first phase.

Fulbright said that the second phase of hearings will begin on Feb. 16, when U.S. officials will be called upon to give testimony about "Operation Phoenix" and related programs.

Fulbright said the "Operation Phoenix" program "comes down to a program of assassination of leaders" and is symptomatic of the war's brutalizing effects. A Fulbright committee staff study described the program as a "coordinated intelligence and operational effort designed to rout out Viet Cong by killing them, capturing them or converting them to the (Saigon) government side." The study revealed that 450 U.S. advisers were involved in the program. Although the U.S. news media is now trying to create the impression that "Operation Phoenix" is a Saigon government program, in which the U.S. is only "involved," in reality the entire murder program was initiated, planned and is now being run by the U.S. Central Intelligence Agency. "Phoenix" was put into effect in July, 1968, after the massive

defeat of U.S.-Saigon forces in the Tet offensive.

To identify and isolate NLF suspects prior to murdering them, the CIA uses South Vietnamese agents, often directed by the U.S. "advisors" who are in theory members of U.S. Special Forces, or "Green Berets."

Fulbright also revealed Thursday that Saigon National Assembly deputy Tran Ngoc Chau, now in hiding, was being persecuted by Saigon President Nguyen Van Thieu even though Chau worked closely with the CIA.

Chau, together with Saigon Sen. Tran Van Don, is a leader of the "Opposition" in the Saigon parliament which clashed last December with Thieu. Thieu, on Dec. 10, had threatened to cut off Chau's head if the Assembly did not expel him.

Fulbright said Chau had been in "daily contact" with the CIA in relation to the case of his brother, an NLF officer captured by Saigon and sentenced to 20 years at hard labor. He also re-



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# Thieu Opponent in Saigon Feels Betrayed by U.S.

By **TERRENCE SMITH**

Special to The New York Times

SAIGON, South Vietnam, Feb. 6—Tran Ngoc Chau, an Opposition deputy accused by President Nguyen Van Thieu of Communist affiliations, says he feels he has been betrayed by the America mission here despite a long and close working relationship.

Mr. Chau, whose situation was described in Washington yesterday by Senator J. W. Fulbright, said in an interview that he had repeatedly advised the United States Embassy and the Central Intelligence Agency of several meetings he had had between 1965 and 1969 with his older brother, Tran Ngoc Hien. The brother was convicted last July as a Communist spy and sentenced to life in prison. Mr. Chau is now being accused of pro-Communist activities because of those meetings.

### Says U. S. Knew About It

"The Americans knew about it all along," Mr. Chau said. "They even wanted me to put them in touch with my brother, so they could find out what the Communists were doing. As far as I was concerned, their knowledge and encouragement of the meetings was tantamount to their approval.

"Now they refuse to admit this," he said. "This raises an important question: Is this the way the Americans treat their friends, people who have worked with them in the past? If so, it's a sad fact."

Mr. Chau is a 45-year-old political maverick who is one of three Lower House representatives that President Thieu has accused of serving as "tools of the Communists." Mr. Thieu has demanded that the House strip the three of their parliamentary immunity from prosecution so they may be tried by a military court.

### Bribes Are Charged

During the course of a two-hour interview, Mr. Chau charged that an aide of the President had bribed a majority of his Lower House colleagues to get them to sign a petition lifting his immunity.

He said the aide, Nguyen Cao Thang, had paid bribes of as much as 400,000 piasters (about \$3,400) for some of the signatures on the petition.

In Washington yesterday, Senator Fulbright made a similar charge. The chairman of the Senate Foreign Relations Committee said he had "very strong reasons to believe that Mr. Chau had used bribery and

threats to obtain the signatures of the three-quarters majority of the House members required to lift the deputies' immunity.

The South Vietnamese papers reported yesterday that the necessary 102 signatures had been obtained and that the petition would be forwarded to the President's office immediately after the Tet holidays, which last through this weekend. Mr. Chau presumably will be brought to trial shortly thereafter.

### 'Shrugged His Shoulders'

In his remarks in Washington, Senator Fulbright also said that the United States Embassy had "shrugged its shoulders" over the Chau incident despite instructions from Washington to intervene on the deputy's behalf.

A spokesman for the embassy declined to comment on this charge today. But a high-level American source confirmed that the embassy had had communication from Washington on the Chau case and said that Ambassador Ellsworth Bunker had recently discussed the matter with President Thieu.

Concerning Mr. Chau's charges, the source insisted that senior officials at the embassy had neither initiated nor encouraged the deputy's contacts with his brother. He conceded, however, that it was possible that Mr. Chau had acted with the knowledge and approval of lower level officials working for the C.I.A. or other agencies.

### Close Relations Conceded

No one in the mission disputes the fact that Mr. Chau maintained close working relations with officials in the C.I.A., and embassy during his years as a province chief in the Mekong Delta, and as mayor of Danang. In 1966, he was a key official in the revolutionary development program, which was devised and operated by the C.I.A. As one of the administrators of the program, he worked on a day-to-day basis with C.I.A. agents.

Mr. Chau is currently hiding. Because he is afraid that the Government will arrest him at any time; he has slept each night for the last several weeks in a different house. He has remained in touch with his friends, however, and has seen

Mr. Chau acknowledges that he saw his brother, who is 48, eight times between 1965 and Mr. Hien's arrest last April.

Shortly after the first meeting, Mr. Chau said, he told two American C.I.A. agents that his brother had come south from Hanoi and was gathering political intelligence for North Vietnam.

"Later the agents asked me if I would bring my brother to meet them," he said, "but I refused because I didn't want to be the man to lead my own brother into a trap." A second request was also turned down.

"I always hoped to bring Hien over to our side, Mr. Chau said. "I've always believed that he was communist more by necessity than out of conviction."

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STATINTL

## Fulbright Accuses Thieu of Persecuting a Deputy

By JOHN W. FINNEY  
Special to The New York Times

WASHINGTON, Feb. 5—Senator J. W. Fulbright, chairman of the Senate Foreign Relations Committee, said today that President Nguyen Van Thieu of South Vietnam was persecuting an Opposition leader for exposing the President's "political bag man" with the National Assembly.

Senator Fulbright also said that the United States mission in Saigon had "shrugged its shoulders" over the case, despite instructions from Washington to intervene on behalf of Tran Ngoc Chau, the Opposition leader who has been threatened with death by President Thieu.

The affair was described by the Senator as an "ominous development."

"Perhaps the story of Tran Ngoc Chau will prove to be the last chapter in the history of representative government in Vietnam," the Senator said in a three-page statement.

Senator Fulbright raised the issue as the committee concluded the opening round of hearings on various resolutions supporting and criticizing United States policy in Vietnam. The Vietnamization program was criticized in the hearings as supporting a corrupt regime in Saigon, and Senator Fulbright was evidently attempting to document this point with introduction of the Chau case.

"Perhaps the story of Tran Ngoc Chau will prove to be the last chapter in the history of representative government in Vietnam," the Senator said in a three-page statement, which he issued after having summarized the contents at today's committee session.

The committee concluded the opening round of its hearings on Vietnam in which the Nixon Administration's program of Vietnamization had been criticized as constituting support for a corrupt regime in Saigon. Mr. Fulbright was evidently at-

tempting to document this by introducing the Chau case.

Mr. Chau has been accused by President Thieu of having Communist connections. Senator Fulbright suggested that the real reason for President Thieu's attack was Mr. Chau's growing power as an opposition leader and as a critic of what Senator Fulbright said was President Thieu's attempt to corrupt the National Assembly.

President Thieu accused Mr. Chau of failing to report that, starting in 1965, he was in contact with his brother, Tran Ngoc Hien, a North Vietnamese intelligence agent.

Senator Fulbright said, "I know for a fact, from private sources, that he did report his contacts with his brother to a number of United States officials in Vietnam, including C.I.A. officers with whom he had daily contact."

Mr. Chau was designated by the Central Intelligence Agency in 1966 to be head of the training program at the Vaungtau pacification center. According to Congressional sources, the C.I.A. at one point sought to have Mr. Chau enlist his brother as an agent.

**Thieu's Aide a Target**

After his election to the National Assembly in 1967, Mr. Chau became head of the Opposition bloc. Starting last year, he began to advocate a cease-fire and direct negotiations with the Vietcong.

According to Mr. Fulbright's account, Mr. Chau also began to attack Nguyen Cao Thang, a Saigon pharmacist and a member of President Thieu's inner circle. Mr. Thang was described today by Joseph Kraft, syndicated columnist, as President Thieu's "political bag man," a description used approvingly by Senator Fulbright.

Mr. Chau's brother was arrested in April and interrogated in July. It was not until November, however, that President Thieu began to attack Mr. Chau, a personal friend with whom he had once shared

quarters when they were both junior army officers.

"It appears," Senator Fulbright said, "that Thieu's open attacks on Chau began only after Chau had denounced the pharmacist Thang."

President Thieu succeeded yesterday in obtaining the 102 signatures needed on a petition lifting Mr. Chau's parliamentary immunity, thus exposing him to prosecution.

In his column today, Mr. Kraft said Ambassador Ellsworth Bunker had been directed to intervene with President Thieu on Mr. Chau's behalf but "the embassy has not bestirred itself."

PHILADELPHIA, PA.  
BULLETIN

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S - 697,004

FEB 6 1978

## U. S. Deserted CIA Contact In Vietnam, Fulbright Says

Washington — (UPI) — Sen. J. William Fulbright (D-Ark.) said yesterday the Senate will begin an investigation of the political aspects of the Vietnam war, including the case of a former Vietnamese CIA contact.

Fulbright said the CIA contact, Tran Ngoc Chau, was deserted by the U. S. Government after he became an opponent to South Vietnamese president Nguyen Van Thieu and had to go into hiding to escape being jailed.

Chau headed the opposition bloc in the South Vietnamese National Assembly and was elected its secretary-general. Fulbright, chairman of the Senate Foreign Relations Committee, said Chau had "daily contact" with the CIA and, at one point even headed a CIA-operated training center for development of a revolutionary cadre.

### Charged by Thieu

Chau has been charged by President Thieu with failing to tell Saigon officials about his contacts with an enemy agent. Fulbright said Chau reported his activities fully to U. S. officials, including the CIA, and the real reason Thieu wants him in jail is to remove a powerful opponent.

The chairman disclosed the unreported details of Chau's case as he announced yesterday a new set of hearings on Vietnam beginning Feb. 16 which will concentrate on U. S. involvement in political programs in South Vietnam.

Fulbright said he particularly wanted details on a South Vietnamese program, called Phoenix, involving an estimated 450 American advisers. The program is designed to eliminate the Viet Cong and its sympathizers by killing them, capturing them or converting them to the government side. Fulbright said it amounted to a "program of assassination of leaders."

### Advocated Cease-Fire

He said Chau began to emerge as an opponent of Thieu last year, advocating a cease-fire and direct negotiations with the Viet Cong. He also made speeches attacking a rich Saigon pharmacist, Nguyen Cao Thang, who has been associated

with Thieu, Fulbright said.

Thieu fought back by charging that Chau in 1965, secretly had contact with a North Vietnamese agent, his brother Tran Ngoc Hien, and failed to tell the government about it. But Chau, as a deputy in the Assembly, was immune from prosecution, unless three-fourths of the assembly revoked the immunity. Fulbright said Chau told the CIA about the secret contact.

Fulbright said Thieu circulated a petition in the Assembly calling for the lifting of Chau's legislative immunity and the required 102 members have now signed it, being persuaded through "threats and bribery."

At one point, Fulbright said, Thieu had warned that the army "will cut off the heads" of Chau and two other deputies unless the Assembly acted.

Fulbright said Chau was now "in hiding," embittered and disenchanted with U. S. officials, because they have not come to his aid.

STATINTL

Fulbright investigating

# CIA case in Viet probe

WASHINGTON, Feb. 6 — Sen. J. William Fulbright, D-Ark., says the Senate will turn its investigation to the political aspects of the Vietnam war, including the case of a former Vietnamese CIA contact.

Fulbright said the CIA contact, Tran Ngoc Chau, was deserted by the U. S. government after he became an opponent to South Vietnamese President Nguyen Van Thieu and had to go into hiding to escape being jailed.

Chau headed the opposition bloc in the South Vietnamese national assembly and was elected its secretary-general. Fulbright, chairman of the Senate Foreign Relations Committee, said Chau had "daily contact" with the CIA and, at one point, even headed a CIA-operated training center for development of a revolutionary cadre.

Chau is now on the lam, charged by President Thieu with failing to tell Saigon officials about his contacts with an enemy agent. Fulbright said Chau, all the time, was reporting his activities fully to U. S. officials, including the CIA, and the real reason Thieu wants him in jail is to remove a powerful opponent.

The chairman disclosed hitherto unreported details of Chau's case as he announced a new set of hearings on Vietnam beginning Feb. 16. These, he said, will concentrate on U. S. involvement in political programs in South Vietnam—an activity that occupies thousands of U. S. civilian and military advisers.

## Secret Paris talks denied

In Paris, Hanoi had all but ruled out secret peace talks with the United States so long as Ambassador Philip C. Habib heads Washington's delegation to the deadlocked peace talks.

A north Vietnamese spokesman dismissed as "entirely without foundation" reports in two Paris newspapers that Habib already was meeting privately with Le Duc Tho, Hanoi's top diplomat at the peace talks. (UPI)

## Truce violations hit 95

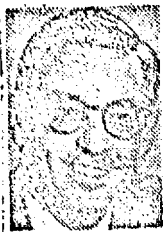
Military spokesmen in Saigon reported today at least 95 Communist-initiated incidents in the first half of the allies' 24-hour Tet truce.

The U. S. Command reported 63 incidents, 43 of which caused casualties. The clashes killed two Americans and wounded 18 others. Spokesmen said the guerrillas lost 66 killed and five captured.

South Vietnamese spokesmen reported 27 Communist-initiated incidents involving government troops. The incidents were said to have killed four South Vietnamese and wounded 45 others.

The standdown marking the Tet lunar new year meant no relief for U. S. Air Force pilots. American military sources said B52s normally assigned to raids over South Vietnam were diverted to pound targets in neighboring Laos. (UPI)

Approved For Release 2001/03/04 : CIA-RDP80-01601R000900050001-0

**Joseph Kraft**

## Thieu Line Blocks Speedy War Exit

YOU DON'T NEED a program, much less the elaborate reports on infiltration and pacification now being collected by the White House, to find out what's happening in Vietnam.

It is enough to follow the adventures of Tran Ngoc Chau, a South Vietnamese deputy who has been the subject of savage persecution by the Saigon government, and of confused intrigue involving, among many others, the White House, the Central Intelligence Agency, and the American embassy.

Chau is a 46-year-old soldier and politico with great energy, acute intelligence and the kind of past that can only be accumulated in Vietnam. He was born in Hue, followed his older brother into the ranks of the Communist Vietminh in their fight against the French, and then, in 1950, went over to the nationalist side.

Under the regime of President Ngo Dinh Diem, Chau rose rapidly as a sturdy anti-Communist, adept at the techniques of political action. At the military school in Dalat he became friendly with the commandant, General Nguyen Van Thieu, whose wife he once rescued in a fire. From 1960 to 1963, he served as province chief in Kienhoa, a Communist stronghold in the Mekong Delta where he initiated with the financial support from the Central Intelligence Agency some of the pioneer population control techniques. When the Buddhists began their anti-Diem campaign in the spring of 1964, Chau was sent to restore order as Mayor of Danang, the main trouble spot.

Because of his identification with the old regime, Chau was in trouble immediately after the coup that toppled Diem. He returned to Kienhoa as province chief, and with CIA help again, he began the pilot program that resulted in the training of revolutionary development cadres for administering villages and hamlets.

In 1966 the Saigon government accepted a CIA recommendation and made Chau head of the whole cadre program. In the elections of 1967, Chau was chosen deputy from Kienhoa with something like 45 per cent of the vote—the second-highest plurality in the country. Once in the Assembly, he became head of an opposition bloc and was elected secretary general of the lower house. Not a few American officials began to think of him as a prospective prime minister or president.

THEY HELD this view though they knew Chau had been contacted back in 1965 by a top Vietcong agent—his brother Tran Ngoc Hien who had stayed with the Communists. Indeed, some American officials regarded the contact as an asset and arranged for Chau to report to them regularly. The CIA knew of the contact. But Chau refused to serve as an agent and resisted overtures to have his brother defect. And whether he reported his contacts to the agency is in dispute.

When the Paris negotiations stalled last year, Chau emerged as a prominent advocate of compromise. He called for "a total ceasefire" and "direct negotiations" between the Communists and the Saigon regime. He began going after the power base of his old buddy, President Thieu. He attacked Nguyen Cao Thang, a rich Saigon pharmacist widely believed to serve Thieu as a political bag man. And he stressed the role of the political parties and religious sects as against the army.

Three months later, Chau's Communist brother was arrested, and President Thieu had the weapon he needed. The President used the story of the contacts to set in motion a furious campaign against Chau. He personally denounced Chau as a Communist and traitor. His men applied threats and cajolery to lift Chau's parliamentary immunity. Screaming rioters demand

were organized to march on the parliament building.

IN PHYSICAL danger from his own people, Chau turned to the Americans. At one point he hid out with a helicopter and auto loaned by an American official. At another he vainly sought asylum in this country. At still another, the White House directed the State Department to ask Ambassador Ellsworth Bunker to intervene with President Thieu on Chau's behalf. But the embassy has not bestirred itself. And it is touch and go as to whether Chau will survive the terror campaign.

And what does it all mean? Well, President Thieu is plainly seizing the moment to establish dictatorial authority by squashing all opposition. In the process General Thieu cuts down the truest patriots—the men who can best serve Vietnamese independence in the long run. While these actions run counter to Washington's express policy, Washington's views are discounted by American officials in Saigon who operate on the premise of see it through with Nguyen Van Thieu. And their indiscriminate support of the Thieu regime closes off the one quick exit from Vietnam—the exit that lies through a negotiated settlement with the other side.

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CHICAGO, ILL.  
NEWS

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FEB 2 1970

**Thieu foe's story****CIA accused  
of bid to finance  
new Viet party**

By Keyes Beech

Daily News Foreign Service

SAIGON—A South Vietnamese legislator accused of pro-Communist sympathies said Monday the U.S. Central Intelligence Agency offered him money to finance a political party, but the deal fell through because the CIA wanted him to support President Nguyen Van Thieu.

Tran Ngoc Chau, 46-year-old national assemblyman, said two CIA men approached him more than a year ago and told him they would supply the funds if he would start his own party.

Chau, who formerly had close ties with the CIA, said he considered the proposal, but failed to reach agreement because of his stand that the Saigon government should open negotiations with the National Liberation Front, political arm of the Viet Cong.

Officially at least, Thieu is bitterly opposed to negotiations with the NLF. He has accused Chau of being a "tool of communism" because Chau did not denounce his brother, a convicted Communist spy. Chau and Thieu were once close friends and as newly-married young officers shared a house.

CHAU DECLINED to name the two CIA men who came to see him "because they were my friends and I don't want to hurt anybody."

But Chau is disenchanted with the Americans, especially those who have refused to intervene in



Beech

**Says Viet  
legislator  
fed up  
with Yanks**

his behalf to clear him of Thieu's charges that he is a Communist. Chau swears he told CIA friends about his meetings with his brother in the mid-1960s. U.S. intelligence source denied this.

"If this is a sample of the way the Americans treat their Vietnamese friends," Chau said, "I wonder about the future of thousands of other Vietnamese who have cooperated with the Americans."

CHAU, WHO has been on the run for several weeks out of fear of arrest or assassination, was interviewed in a secret hideout outside Saigon.

No formal charges have been brought against Chau. However, he has been under heavy pressure since Thieu's forces unsuccessfully sought a three-fourths vote in the Assembly to strip him and two other legislators of their parliamentary immunity so they can be tried for alleged Communist leanings.

Chau is a former province chief and once was in charge of all revolutionary development cadre in South Vietnam. The revolutionary development program was backed by the CIA.

2 FEB 1970

STATINTL

# Saigon Fugitive Raps CIA

By KEYES BEECH

Chicago Daily News Service

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nounce his brother, a convicted Communist spy. Chau and Thieu were once close friends and as newly married young officers shared a house.

Chau declined to name the two CIA men who came to see him "because they were my friends and I don't want to hurt anybody."

But Chau is disenchanted with the Americans, especially the CIA, because, he says, they have refused to intervene in his behalf to clear him of Thieu's charges that he is a Communist. Chau swears he told CIA friends about his meetings with his brother in the mid-1960s. U.S. intelligence sources denied this.

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chief and once was in charge of all revolutionary development cadres in South Vietnam. The revolutionary development program was backed by CIA.

After first adopting a "hands off" attitude, Ambassador Ellsworth C. Bunker reportedly asked Thieu to soften his campaign against Chau because it was hurting the president's political image in the United States.



STATINTL

# the mysterious Project Phoenix

by ERWIN KNOLL

A DOCUMENT filed with the U.S. District Court in Baltimore in behalf of a young Army lieutenant seeking release from the service as a conscientious objector. . . .

An unusual press conference conducted by the commandant of the Army's intelligence school. . . .

A startling speech delivered by a self-styled "country lawyer" who visited Vietnam last summer. . . .

These are among the fragments that are suddenly drawing attention to Project Phoenix, a mysterious "advisory program" jointly operated by the U.S. Army and the Central Intelligence Agency to help the Saigon government attack the Vietcong "infrastructure" in South Vietnam.

Established in 1967, Project Phoenix has been officially described—on those rare occasions when it has been officially described at all—as a scientific, computerized, intelligence operation designed to identify, isolate, capture, or convert important Vietcong agents. In one of the few public accounts of Phoenix issued by the American mission in Saigon, it was claimed a year ago that 8,600 blacklisted suspects had been "captured, killed, or welcomed as defectors" in a nine-month period. More recently the Pentagon has claimed a total "bag" of 30,000 Vietcong suspects.

Among the strong supporters of Project Phoenix in the Nixon Administration is Henry A. Kissinger, the President's special assistant for national security affairs, who is known to believe the program can play a crucial role in destroying the Vietcong opposition during the period of American military withdrawals from South Viet-

nam. Emissaries from Kissinger's White House office have carried encouraging reports on Phoenix to Capitol Hill.

Despite the pervasiveness of the Phoenix operation—American "Phoenix advisers" are assigned to the forty-four provinces, most of the 242 districts, and all the major cities of South Vietnam—American news dispatches have made only scant mention of the program. Two articles in *The Wall Street Journal*—in September, 1968, and March, 1969—indicated that Phoenix teams occasionally step outside the bounds of due process and conventional warfare to achieve their results. Reporting from Saigon last summer on the "semipolice state" maintained by President Nguyen Van Thieu, Richard Dudman wrote in the *St. Louis Post-Dispatch*:

"Critics say the Phoenix system often is abused. Huong Ho, a member of the National Assembly from Kien Phong Province, says police often pick up someone on the street, order him to denounce a wealthy citizen as a Vietcong agent, arrest the rich man, and then release him on payment of 25,000 or 50,000 piastres in ransom.

"Ngo Cong Duc, a deputy from Vinh Binh Province in the Mckong Delta, says that malicious informants and sometimes actual Vietcong agents supply names to the Phoenix blacklist, getting around the Phoenix system of cross-checks by reporting a person through several different agencies.

"U.S. officials contend that necessary flexibility makes some abuses inevita-

ERWIN KNOLL is the Washington editor of *The Progressive*.

ble. The mission's report says that a person arrested is taken before a military field court 'if the evidence and the testimony add up to a legal case.' But it notes that 'such legally admissible evidence may be impossible to obtain if most of the witnesses and the evidence are beyond the court's reach in enemy territory.'

"If the case against the suspect is nevertheless conclusive, he is detained,' says the report. 'Under Vietnamese law, such a man may be detained without judicial charge up to two years, and that detention period may be extended if the detainee's freedom would constitute a threat to the security of the nation.'

When Dudman filed his report last July, he wrote that the Phoenix blacklist of Vietcong suspects had been refined "to eliminate mere rank-and-file and leave only the Vietcong leaders—members of the newly elected village and hamlet 'liberation committees' and such officials as political, finance and security chiefs in the shadow government." The new, refined list totaled 70,000 names.

That American military advisers are lending their good offices to a system susceptible to such abuses as blackmail, false arrest, and detention without trial can hardly be expected to arouse massive indignation at this stage of the sordid Vietnam adventure. But the most recent allegations about Project Phoenix raise a much larger question—particularly in view of the disclosures about the massacre of Vietnamese civilians at Songmy. American officials, from President Nixon down, have described Songmy as a "deplorable but isolated incident." How isolated and to what extent deplored? Project Phoenix, it has been charged, is a concerted, deliberate program of torture and assassination.

Francis T. Reitemeyer, twenty-four years old, of Clark, New Jersey, had a degree in classical languages and philosophy from Seton Hall University and was studying for the priesthood at Immaculate Conception Seminary when he enlisted in the Army in 1967. He was commissioned a second lieu-

Gregory, George  
Dudman

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TRUE

February 1970

# the CIA's hired killers

BY GEORGIE ANNE GEYER

As the war becomes more political and less military, targets shift from the enemy's army to its civilian leadership: To get the job done, the U.S. has trained an elite corps of assassins to eliminate the Viet Cong's "shadow government"

■ It was 3 o'clock one hot, dark Sunday morning in a small delta town near the Vietnamese-Cambodian border. The tough, powerfully-built American we'll call "Bill"—a paramilitary or guerrilla fighter for the Central Intelligence Agency who had spent precious little of his career worrying about the "moral implications" of his work—paced back and forth in the dingy front room of his house. His job, like that of many Americans in South Viet Nam, was terror. And for the first time in his life, this mission was bothering him. If he hadn't had eight or 10 or maybe 15 drinks, perhaps he wouldn't have talked to me about it. But he had, and he did. "I've been doing this for 22 years all over the world," Bill said, sitting down and hunching over his beer. He was very intense as he reeled off the places: Egypt when Nasser was coming to power, the Congo when we were trying to get rid of Tshombe—Bill's life story was a history of just about every place the United States had intervened or tried covertly to intervene in the past two decades. "I did it believing in it," he went on. Then he shook his head in perplexity. "But for the first time, I feel I really don't understand a situation," he said. "When people ask me, all I can say is...I don't know...I don't know....' Hah!" He pointed at me. "If you write a story and say you don't know and. . . ." His voice trailed off. There remained only the sinister silence of the tiny delta town. "The dedication of these people is fantastic," he spoke up again. "The dedication and the motivation. I wish I could understand it. You capture them and put a pistol to their heads, and they say, 'Kill me.' They're so little.

"Bill had shoulders like a foot-

ball player—it was easy to picture the absurdity, even the vulgarity, of his enormity next to the tiny-boned, miniature, frail Vietnamese.

"You take their necks in your hands . . . you can destroy them so easily. But you can't just keep killing them. You can't ever kill them all. . . ."

Today a lot of Americans like Bill are beginning to have misgiving, as the Viet Cong hangs doggedly on, about the increasing ruthlessness and cold-bloodedness in this already most sanguinary of wars. Many are also beginning to wonder whether such methods really "work"—or whether we don't destroy more than we build in the process.

STATINTL

# Saigon regime in disarray as

STATINTL

By Wilfred Burchett  
Guardian staff correspondent  
(First in a series)

Paris

As a new decade starts, it is an appropriate moment for evaluating the situation in Vietnam—both in the North and the areas of the South controlled respectively by the Saigon administration and the Provisional Revolutionary Government.

During the past five years, the people of the Democratic Republic of Vietnam have experienced an ordeal with few parallels in human history. Every major town and city, except Hanoi and parts of Haiphong and Nam Dinh, and every village along the main communication routes were completely devastated. Every school and hospital building made of stone or brick, apart from some in Hanoi and Haiphong, had been reduced to rubble. Heavy and light industrial plants alike all lay in ruins. Bridges, roads, railways, dams and irrigation systems, river transport and fishing fleets were hit by an unprecedented tonnage of bombs and naval artillery shells. Then on Sept. 3, 1969, the Vietnamese lost the leader and inspiration of their independence struggle for half a century—hastened to his death by the ferocity of the American assault.

The North Vietnamese have emerged from these severe trials unbowed. In five visits during the bombings, I witnessed the fact that industry and transport functioned, education and scientific research continued, and people worked and lived in a spirit of calm confidence, even during the peak of U.S. attacks.

Why could the might of the U.S. not cripple the relatively feeble economy of a small developing country? The answer reveals the impotence of air power against a people determined to maintain their independence. "The bombs are terrible," a Red river delta peasant told me, "but nothing compared to the French occupation. We are still masters here despite the bombs."

While U.S. planes from carriers cruising about 15 miles off the coast were bombing Haiphong's big cement plant, for instance, dozens of other small cement-producing units were coming into operation in hillside dug-outs all over the country. President Johnson boasted that 57% of North Vietnam's oil reserves had been knocked out during a single raid against the Hanoi-Haiphong fuel depots on June 29, 1966, but long before the attack the depots had been emptied and the contents stored in hundreds of thousands of underground cisterns distributed along the main highways. Although the large, centralized industrial plants were bombed to bits, hundreds of small units in caves or tunnels took over production.

Bombs are no substitute for occupation, and it is fairly certain that the Pentagon generals, searching for an alibi for defeat, will seize on this and say: "If our hands had not been tied . . . If we had only been allowed to occupy the North . . ." But if Gen. Westmoreland and Gen. Abrams, who had nearly 1,500,000 troops at their disposal, including over 600,000 U.S. and allied troops with more fire-power than any armed force in history, could never establish a stable battle-line in the South, how could they have seriously contemplated occupying the North?

Yet there can be little doubt that when the build up of U.S. Marines began at Danang in February 1965, the original intention was to invade the North and occupy

# end comes in sight

the "panhandle" through which all North-South communications were funneled. But the Marines soon found themselves bogged down trying to defend their beachheads.

On Nov. 2, 1969, AP reported an assessment by U.S. "intelligence analysts" of the situation in the DRV one year after the bombing halt. In some respects it does not differ too much from my own observations made during a visit to the North a few weeks earlier. "Hanoi has rebuilt the nation's road, rail and water transportation system—but key sections of its industry still lie in rubble . . . According to U.S. estimates," wrote AP, "American bombers destroyed 35,000 structures and reduced industry to the primitive level of 1954, the year North Vietnam became independent. But despite half a million tons of U.S. bombs and rockets, dumped on roads, railroads, bridges, canals and streams, the North Vietnamese managed to maintain the flow of troops and supplies to the South . . ."

"At the height of the bombing campaign, U.S. planes destroyed cement and fertilizer plants and reduced output of those two important commodities to nothing . . ." This latter claim illustrates the U.S. intelligence services' capacity for self-deception. In reality, when the bombings ended, there was almost no district in the North that did not have cement and fertilizer plants in operation. During the years of the bombings, fertilizer production actually increased, accounting for a substantial augmentation of rice production.

The reference to 35,000 structures destroyed contrasts with the figures used in the book, "To Move a Nation," written by Roger Hilsman, former Under Secretary of State for Far Eastern Affairs. He wrote: "Bombing of North Vietnam . . . raised thorny problems. North Vietnam had only 35 or so industrial plants and power installations which they had acquired through much sacrifice . . . Once these factories and power plants were destroyed, they would have nothing else to lose . . ." Yet the U.S. Air Force found one thousand times as many targets, according to the official analysis quoted by AP. This awesome U.S. exercise in destruction was an impressive demonstration that the most ruthless use of air power could not break the will of a people united in defense of their homeland.

## The death of Ho

The death of Ho Chi Minh was a source of unimaginable grief, which has been transformed into a heightened determination to struggle until the whole country is independent and unified. The fact that those in the top leadership of the party and government were trained by Ho Chi Minh and worked with him for 30 to 40 years, is

# U.S. renews bombing of North Vietnamese

Daily World Foreign Department

Waves of U.S. bombers attacked the Democratic Republic of Vietnam on Wednesday, the DRV charged, and three U.S. planes were shot down over Ha Tinh and Quang Binh provinces.

Colonel Ha Van Lau, deputy DRV negotiator, just before entering Thursday's session of the Paris peace talks, said he would deliver a stiff protest to the U.S. side "against this very serious act of war."

In a Thursday broadcast, the DRV's Radio Hanoi said: "The Americans blatantly sent numerous aircraft to violate the air space of the DRV, dropping bombs and machine-gunning populated areas west of Ha Tinh and Quang Binh provinces."

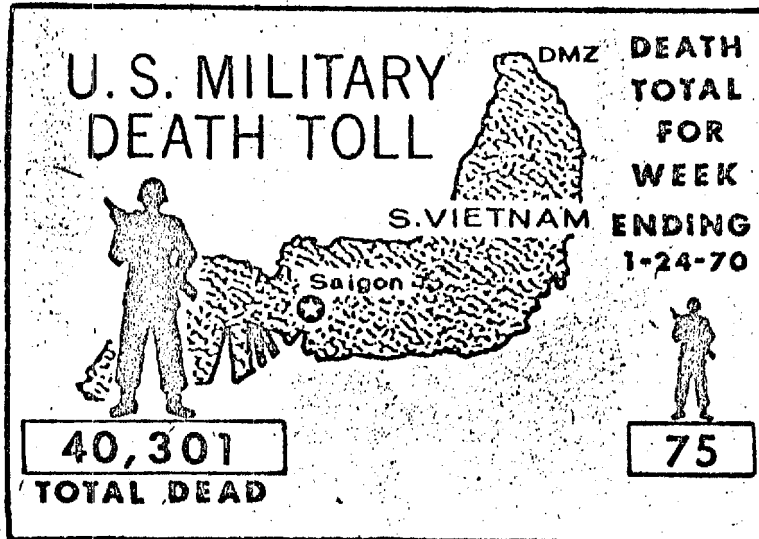
DRV anti-aircraft fire knocked down three planes and damaged others, Radio Hanoi reported.

U.S. sources in the Saigon military command reported that on Wednesday, MIG jet fighters shot down a U.S. rescue helicopter which was trying to pick up two American pilots "near the Laos-North Vietnamese border." The U.S. airmen's plane, an F-105 Thunderchief based in Thailand, earlier had been shot down by what the U.S. command called "Communist gunfire."

In Saigon, meanwhile, the U.S. Embassy and the Saigon government disclaimed any involvement in the U.S. military command's attempt to infiltrate the Saigon press corps with military intelligence agents.

The two agents, Howard Hethcox and William T. Tucker, posed as newsmen and were issued press cards by the U.S. command. The agents were identified by the Defense Department as members of the army's Criminal Investigation Division (CID).

The CID generally handles actual criminal cases (theft, murder, etc.) involving army personnel. But the two agents' mission was to uncover American newsmen's sources of information in South Vietnam. This would appear to place the mission within the province of the army Counter-Intelligence Division (CID).



the Central Intelligence Agency (CIA).

"This is an amazing thing for me to learn about," a Saigon regime spokesman insisted, adding he knew nothing about any such case. "We have mutual understanding and cooperation with the U.S. Command," he said.

Later, the U.S. command in Saigon announced it had revoked the press credentials of two Saigon government agents who similarly had tried to infiltrate the corps of U.S. and foreign newsmen, on the same mission as their U.S. counterparts. These events follow on the heels of sweeping repression unleashed by the Thieu-Ky clique against Saigon opposition forces.

CIA front in Cambodia

This week, motions filed by defense lawyers before the Military Court of Review in Washington revealed that the CIA and U.S. "Special Forces" used the so-called "Free Cambodia" (Khmer Serei) movement for secret operations in Cambodia, Laos and South Vietnam. The sworn testimony was given at the 1968 trial of Green Beret Captain John S.

McCarthy, Jr.

McCarthy was convicted at the 1968 court-martial of killing a Cambodian agent who was a member of the "Khmer Serei", and also a member of Detachment B-57, Fifth Special Forces Group, based in Nhatrang, South Vietnam.

The McCarthy case recalled the arrest last year of eight "Green Beret" officers, including the commander of the Fifth Special Forces Group, on charges of having murdered one of their South Vietnamese agents.

Trial records disclose that when Capt. McCarthy was asked what the "Khmer Serei" was, he replied that it "is an organization which plans the political overthrow of the Cambodian government." McCarthy said that a U.S. government intelligence agency, whose name he did not reveal, was engaged in the same type of operations in Cambodia as the Special Forces.

So far as is known, the Daily World was the first U.S. newspaper to charge, nearly a year ago, that the "Khmer Serei" was a front for the CIA.

## Tonkin Bay: Was There a Conspiracy?

Truth Is the First Casualty: The Gulf of Tonkin Affair—Illusion and Reality by Joseph C. Goulden.

A James B. Adler Inc. Book, published in association with Rand McNally, 283 pp., \$6.95

Peter Dale Scott

Seaman Patrick N. Park, on the night of August 4, 1964, was directing the gun-control radar of the *USS Maddox*. For three hours he had heard torpedo reports from the ship's sonarman, and he had seen, two or three times, the flash of guns from a nearby destroyer, the *Turner Joy*, in the rainy darkness. But his radar could find no targets, "only the occasional roll of a wave as it breaks into a whitecap." At last, just before midnight, a target: "a damned big one, right on us... about 1,500 yards off the side, a nice fat blip." He was ordered to open fire; luckily, however, not all seamen blindly follow orders.

Just before I pushed the trigger I suddenly realized, That's the *Turner Joy*.... There was a lot of yelling of "Goddamn" back and forth, with the bridge telling me to "fire before we lose contact," and me yelling right back at them.... I finally told them, "I'm not opening fire until I know where the *Turner Joy* is." The bridge got on the phone and said, "Turn on your lights, *Turner Joy*." Sure enough, there she was, right in the cross hairs... 1,500 yards away. If I had fired, it would have blown it clean out of the water. In fact, I could have been shot for not squeezing the trigger. Then people started asking, "What are we shooting at...?" We all began calming down. The whole thing seemed to end then.

Goulden's fascinating book, which has gathered much new information about the Tonkin Gulf incidents, sees the experience of Patrick Park as, with one exception, a microcosm of the entire Tonkin affair—

illustrating the confusion between illusion and reality and the inclination of man to act upon facts as he anticipates they *should be*, rather than what rational examination shows them *to be*. The exception is that Park refused to squeeze the firing key, while Washington acted on the basis of assumption, not fact—hastily, precipitously, perhaps even unneces-

sarily—firing at an unseen enemy lurking behind the blackness of misinformation.

Not all will accept the analogy between Washington and a confused young seaman, but this hardly lessens the importance of Goulden's patient researches. The author of a book on AT&T and a former reporter for the *Philadelphia Inquirer*, Goulden has made good use of his years of experience in Washington. He has not really written a "thesis" book; his method is to stick closely to official documents (above all the neglected Fulbright Committee Hearing of 1968)<sup>1</sup> and first-hand interviews with witnesses the Committee failed to call, including Seaman Park. At times he can be faulted for believing so much what was told him in the Pentagon. Even so, the

result is devastating. It is now even more clear that the Tonkin Gulf Resolution (in his words) "contains the fatal taint of deception." The Administration had withheld much vital information in formulating the simple story of "unprovoked attack" by which that resolution was pushed through Congress.

The *Maddox*, according to McNamara in 1964, was on a "routine patrol in international waters." In fact it was on an electronics intelligence (ELINT) or spy mission for the National Security Agency and CIA. One of its many intelligence requirements orders was "to stimulate Chicom-North Vietnamese electronic reaction," i.e., to provoke the North Vietnamese into turning on their defensive radars so that the frequencies could be measured. To this end, between August 1 and 4, the *Maddox* repeatedly simulated attacks by moving toward the shore with its gun control radar mechanism turned on, as if it were preparing to shoot at targets. In so doing, it violated the twelve-mile limit which Pentagon officials thought North Vietnam claimed for her territorial waters.<sup>2</sup> Far from being "routine," this was only the third such patrol in the Tonkin Gulf in thirty-two months; and the North Vietnamese had to assess it in the context of a recent US build-up and South Vietnamese threats to carry the war north. On July 31, just before the patrol, the South Vietnamese had for the first

heard North Vietnamese orders to position a defensive ring of PT boats around Hon Me after the first South Vietnamese attack on the North Vietnamese islands, as well as speculations about the possible link between the *Maddox* and the raids.

Near Hon Me on the morning of August 2 the NSA technicians intercepted orders for PT boats to attack the *Maddox*. Captain Herrick aboard the *Maddox* cabled to his superiors in Honolulu that "continuance of patrol presents an unacceptable risk," but was ordered to resume his itinerary. The *Maddox* returned to a point eleven miles from Hon Me island, and then heard a North Vietnamese order for its attack. This was the prelude for the first incident of August 2—it is clear both that a North Vietnamese attack was ordered and

According to *The New York Times* (Aug. 11, 1964, p. 15) the *Ticonderoga's* Task Force Commander Rear Admiral Robert B. Moore "indicated that the destroyer might have been two or three miles inside the 12-mile limit set by Hanoi for international waters."

McNamara told the Committee that the *Maddox* could simulate an attack on the coast by turning on special transmitters, but the Pentagon later said the ship carried passive equipment and could only listen.

Continued

# Intelligence gathering only

## CIA curbs its Viet

## arms-and-aid role

By Daniel Southerland  
Special correspondent of  
The Christian Science Monitor

Saigon

The United States Central Intelligence Agency (CIA) has been gradually cutting back its involvement in a number of paramilitary and pacification operations in Vietnam. The agency is concentrating more and more of its efforts here on its traditional role of intelligence gathering.

The U.S. Embassy, the U.S. military command, and the agency itself appear to agree that the shift is in the right direction and will permit the CIA to do a more effective job in the intelligence field.

In the early stages of U.S. involvement in Vietnam, the CIA was used to carry out a number of tasks which required great flexibility and a capacity for swift funding and action which neither the State Department nor the Defense Department appeared to possess.

It is no secret that the CIA controlled the operations of U.S. Special Forces troops working with montagnards watching the infiltration routes in the central highlands of South Vietnam in the early 1960's, funded and helped train the Vietnamese Special Forces in their early years, and later did the same for the black-pajama-clad Vietnamese Rural Development (RD) cadre, who now are more than 40,000 strong in the countryside.

### Phaseout gradual

Several years ago, the agency started giving up whatever control it had over the Special Forces. Last year, it got out of the training program for RD cadre at Vung Tau and stopped being their paymaster in the provinces.

More recently, the CIA has started cutting back its involvement in other programs which it helped develop in Vietnam.

Among them is the Phoenix program, a two-year-old, nationwide effort which pools information from half a dozen U.S. and South Vietnamese intelligence agencies with the object of identifying and capturing Viet Cong political agents.

According to American advisers, the program is not doing so well as it should be for a variety of reasons, including a lack of leadership and interest on the part of the Vietnamese.

Phoenix operations, which range from a single policeman going after a single agent to hundreds of troops surrounding whole villages, are aimed at destroying the Viet Cong infrastructure, or "phantom government."

The chief American adviser in the program remains a CIA man, but the CIA has in most places withdrawn its men from the role of coordinators on the U.S. side of the effort in the 44 provinces. It has turned over the financing of Phoenix operations to the U.S. Army.

The CIA has also been yielding its control over the provincial reconnaissance units (PRUs), one of the main arms of the Phoenix program. The PRUs specialize in night raids into enemy territory aimed at capturing Viet Cong agents. Under the CIA, they have been paid better than most regular troops.

### Demands exceeded capacity

The CIA still advises agencies involved in the Phoenix program, but its involvement has noticeably diminished and is more indirect.

Informed sources say the CIA will also give up control over its "census grievance" network in the villages and hamlets, which provides a flow of information to the province level that circumvents the Vietnamese chain of command.

"When we came into Vietnam in a big way, there were a number of revolutionary concepts involved in fighting this kind of war which our conventional government and army machinery were unable to handle," said a well-informed source.

"When the PRUs were set up for instance, there was a need for mobile reconnaissance units not subject to all the pressures of the Vietnamese apparatus," he said. "The U.S. Army was not in a position to issue them weapons. The agency was more flexible.

"But the larger these programs became, the more they came under people's control, and the more the Vietnamese became capable of running them," the source said.

"As these programs became less novel and more routine, the CIA became less suitable to run them."

### 'Bad experience' charged

After the CIA had gotten such programs moving, the U.S. mission and the U.S. military command wanted more control over them, the source said. It appears the CIA was more than happy to relinquish command.

"This has been a bad experience for them," the source said. "In some cases, their reputation has suffered. The CIA likes being independent, but here they've been involved in funding, supporting, and run-

STATINTL

ning programs whose policies they couldn't completely control.

"With programs reaching into each province, they were forced to recruit people from outside the agency to do some of the jobs for them, and this diluted the professionalism of their own people. Many of the outsiders were a lot less dedicated to their jobs than the professional CIA men. And a lot of the professional people resented being taken away from their traditional intelligence-gathering role to do other jobs.

"The agency has gone through a large personnel and budget cutback," he said. "It would prefer to preserve most of its resources for its classical intelligence role."

**Data reputation solid**

Despite its dispersal of talent and resources, the CIA has enjoyed the reputation here of frequently providing Washington with more-realistic reports on political, military, and economic developments than do the political section of the U.S. embassy, the U.S. military command, and the U.S. aid mission. In some cases where other agencies appeared to have been unduly optimistic, CIA analysts came up with cautious and pessimistic assessment which later proved more accurate.

There were times several years ago when the CIA appeared on some levels to be working at cross purposes with the U.S. ambassador and the U.S. military command. Today, however, these relationships appear for the most part to work rather smoothly.

Although there seems to be general agreement on the wisdom of the shift in CIA activities, not everyone is happy with the cutback.

A U.S. Army officer complained to a reporter that it was going to be harder to get good and fast material support in the Phoenix program now that the Army is in charge of the logistical side of Phoenix operations.

**Flexibility praised**

And a civilian pacification official—he is not a CIA man—said:

"It is unfortunate that the CIA is the only organization in Vietnam with the flexibility and imagination needed to sustain special operations where we have had to bring a lot of people in quickly. The only reason they got involved was that they were the only ones with the flexibility to respond."

The CIA does continue to offer advice to the Vietnamese police, and the police agencies are the backbone of the Phoenix program.

Although Saigon government officials have denied it, there is good reason to believe the CIA last year helped the police uncover an espionage ring that reached all the way into the Presidential Palace. The subsequent trial in November resulted in the conviction of 41 persons, including a former special assistant to President Thieu.



CHICAGO, ILL.  
TRIBUNE

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S - JAN 21 1970

## CALLEY CASE DEFENSE HITS NIXON, BRASS

### Charges Word Passed Down to Prosecute

BY WILLIAM CURRIE

(Chicago Tribune Press Service)

Fort Benning, Ga., Jan. 20—Defense lawyers for Lt. William Calley Jr. charged in a pre-trial hearing here that the military chain of command, beginning with President Nixon, influenced army officers here who brought charges of mass murder against Calley.

George Latimer, civilian counsel for Calley, asked the military judge to order subpoenas for Melvin Laird, secretary of defense, Stanley Resor, secretary of the army, and Gen. William Westmoreland, army chief of staff.

Calley is charged with killing Vietnamese civilians in the hamlet of My Lai, Viet Nam, on March 16, 1968.

#### "Down the Line"

Latimer told Lt. Col. Reid W. Kennedy, the judge, the Pentagon officials have made statements which "have influenced everyone down the line," including the commanding general here, Maj. Gen. Orwin Talbott, who ordered the trial.

Latimer paraphrased an article in a national magazine which said Secretary Laird "went to the President of the United States and said, 'We must charge Lt. Calley with murder.'"

"The President replied in substance," Latimer said. "That's fine with me."

"When you say that, you believe a man is guilty or else you wouldn't charge a man with murder."

#### Accuracy Not Factor

Latimer said it didn't matter whether the reports in the magazine were accurate because "the impact on the public is the same." That impact went down the chain of command to Fort Benning, Latimer said.

He also paraphrased the words of an army officer in the chain of command here who, as he put it, said, "I can do what the President wants and be a hero, or I cannot do it and be an ass."

Latimer charged that the information from the Pentagon officials suggested to the President that Calley be charged was "hearsay."

Col. Kennedy said it would be up to the army prosecutors, thru the testimony of Fort Benning officers, to determine if they were influenced by the statements before he would order Laird, Resor, and Westmoreland subpoenaed.

#### Motion Is Continued

Kennedy later continued a motion concerning command influence until Feb. 9, ordering the government lawyers to produce witnesses then.

Latimer asked for the subpoenas in supporting arguments for his motion that charges be dismissed on the ground that command influence made it impossible for Calley to be tried by an impartial jury.

In earlier proceedings today, the judge approved a motion offered by Capt. Aubrey Daniel III to consolidate specifications against Calley which reduce the minimum number of persons he is charged with killing from 109 to 102. The prosecutor said that the seven charges dropped were redundant.

In other developments, defense lawyers asked Kennedy to order that records of several army commands, a state department official, and the central intelligence agency be made available to the defense.

Maj. Kenneth A. Raby, recently returned from a tour of the My Lai hamlet in Viet Nam, said he was thwarted

several times in his attempts to get documents that might be related to the My Lai incident.

#### Charges Army Evasive

He charged that the United States army Viet Nam command headquarters was "evasive" about possible memoranda and documents relating the operation and subsequent investigation.

He also named the military assistance command's Viet Nam headquarters, saying he believed that Col. Dalton O. Carpenter, a contact officer for the army investigating committee, had memoranda and documents concerning My Lai.

Raby also referred to a state department official, Robert Burke of New York, who he said was privy to documents concerning the My Lai operation and resulting investigations. He also made a veiled reference to a purported conversation and possible documents resulting from a conversation "which Capt. X" and a "Hawaiian civilian CIA agent [central intelligence agency] had in the My Lai area before March 16, 1968. He said the documents concerned a "black list."

HARTFORD, CONN.  
COURANT

JAN 21 1970

M - 152,528  
S - 199,160

### In Calley Case

# Charges Laid to Nixon, Aides

By DAVE OFFER  
Staff Reporter

FT. BENNING, Ga. — Lawyers for Lt. William Calley Jr. charged Tuesday that President Nixon and his top military advisers pressured officials here to charge the lieutenant with mass murder in the alleged My Lai massacre.

The pressure and public statements by the President and his military hierarchy will make it impossible for Calley to get a fair trial, the lawyers said. George W. Latimer, Calley's civilian lawyer quoted an unnamed Ft. Benning officer who allegedly helped draft the murder charges as commenting: "I can do what the President of the United States wants me to and be a hero or I can not do it and be an ass."

Latimer also cited press coverage of statements made by Secretary of Defense Melvin Laird and Secretary of the Army Stanley Resor and asked a military court to subpoena them and Army Chief of Staff Gen. William Westmoreland to testify at a pre-trial hearing here.

The alleged pressure was the key element in a four-hour hearing Tuesday before Army Judge Lt. Col. Reid W. Kennedy, the

man who will preside at Calley's court martial, if it is held.

Other issues at the hearing included a comment by Latimer indicating the defense may claim the alleged massacre was on orders of the Central Intelligence Agency (CIA).

Latimer, and Maj. Kenneth Raby, Calley's Army lawyer, asked that they be allowed to see all documents on the incident collected by the government. One source of documents desired by the defense is the CIA.

Raby said he wants a particular CIA memo dealing with the My Lai mission and what it was to have accomplished politically. Raby suggested the CIA may have been involved in the mission went on at My Lai before Lt.

platoon was dispatched to the area. He said the memo was from "a Hawaiian civilian" attached to the headquarters of the Army unit of which Calley's platoon was one part.

The defense also seeks memoranda from the U.S. embassy in Saigon and from two major army command headquarters in Vietnam. Raby said neither the embassy nor the CIA have responded to letters he wrote asking for access to documents and charged that some military headquarters have not shown to him all material they have on the case and to which he is entitled as Calley's lawyer.

According to Capt. Aubrey Daniels III, the prosecutor, the defense will be allowed access to all files of an Army committee headed by Lt. Gen. William Peers. The committee went to Vietnam and gathered data on the alleged massacre. Judge Kennedy said he would not order the CIA, the embassy or the military commands to produce documents until the defense has reviewed the Peers' committee files and determined if it needs still further information.

In other action Tuesday:

—The government reduced the number of murders charged against Calley from 109 to 102 because the earlier figure included seven dead added twice;

—The court suspended the press credentials of one newspaper for printing the testimony of a probable witness in the case;

—The judge ordered the prosecution to tell the defense more about the alleged murders, including when, where and how they happened;

—And another civilian lawyer, Richard B. Kay of Cleveland, Ohio, was added to Calley's defense team.

**'Command Influence'**

The key issue, however, was the question of "command influence" on the case.

Latimer said press accounts have given him "sufficient backing" to believe that if Laird, Resor, and Westmoreland were

subpoenaed they would admit that the prosecution of Calley was started because of a conversation between Laird and Nixon. The President gave the go ahead Latimer said. Then Laird told Resor who contacted Westmoreland, passed the order on to Maj. Gen. Orwin Talbot, commander of Ft. Benning.

The lawyer said officials at Ft. Benning would never have brought charges without his pressure. He said publicity of the belief in Calley's guilt by top officials including the President has "had a impact on everybody down the chain of command."

"Command influence" is prohibited under military law. Court martial charges can be made only after independent and uninfluenced investigation by an impartial officer who looks at evidence and decides if there is enough material to merit a trial. That investigation, called an "Article 32 hearing" under Article 32 of the Uniform Code of Military Justice, is a military equivalent of a civilian grand jury.

In the Calley case, Latimer charged, "there was nothing but hearsay" at the Article 32 hearing and there would have been no charges without pressure from top brass. "Nobody at Ft. Benning knew anything about My Lai until they were ordered to have Lt. Calley charged," Latimer said. He said documents, opinions and influence have "come down from on high."

Judge Kennedy ruled that the prosecution must now prove that there was no influence on commanders here which brought about the charges. The judge said this will mean calling Gen. Talbot and other post officials to testify. After hearing them, he may grant Latimer's request to subpoena Laird, Resor and Westmoreland, Kennedy said.

**Military Trial**

Latimer said the publicity given two statements by the President and other top officials calling for Calley's trial and conviction must make a military trial unfair because a military jury

would be influenced by known wishes of top authorities.

A request by the defense for money to hire a private detective or for the use of an official Army investigator was turned down by the judge because Raby and Latimer refused to say exactly what they think an investigator could uncover. The judge said he would reconsider his decision if the defense lawyers come to him privately and tell him what they seek. There was some indication the defense was not anxious to have the prosecution or the press learn what hidden information it thinks might be found.

That the issue of pre-trial publicity will be a major one in the case was made clear at the opening of the hearing when Judge Kennedy went through the press credentials of Charles Black, associate editor of the Columbus, Ga. Enquirer—the local newspaper here. Black wrote a story for Monday's newspaper which said an Army warrant officer is prepared to testify that he was at My Lai as a helicopter pilot and saw Calley shoot civilians.

**Public Comments**

The story by Black did not quote the officer but cited "reliable sources" as saying the officer would testify as an eyewitness to the alleged massacre and implicate Calley.

All witnesses have been ordered not to discuss their testimony publicly. The story obviously upset the judge, who waved the newspaper in the air and banished Black from the courtroom.

After removing Black's credentials, Kennedy asked Latimer if he would object to ordering all newsmen out of the court during the hearing. "It is obvious the pre-trial publicity will increase" if the hearings are open to the press, Kennedy said. "I think the general public should be excluded from the courtroom." He said he would not order the press removed without approval of Calley's lawyers because "Lt. Calley is entitled to a public trial."

After a fifteen minute recess, Latimer said he would not waive Calley's rights to a public trial.

In another legal issue, Latimer argued over the way the "specifications"

continued

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CHICAGO, ILL.  
NEWS

E - 461,357

JAN 20 1970

## Calley hearing CIA-My Lai link hinted

By William McGaffin  
Of Our Washington Bureau

FORT BENNING, Ga. — The military defense attorney of Lt. William L. Calley Jr. said Tuesday that the U.S. Central Intelligence Agency may have had a connection with the alleged massacre of Vietnamese civilians at My Lai.

The attorney, Maj. Kenneth A. Raby, said he had been denied access to CIA documents pertaining to the case that he believes exist. One of these, Raby said, describes a conversation between a civilian CIA agent and a "Capt. X" who participated in the My Lai action on March 16, 1968.

Raby said the supposed document refers to a "CIA blacklist," presumably containing names of Communists or pro-Communists in the My Lai area.

RABY MADE the statements at a pretrial hearing for Calley, who is charged with murdering Vietnamese civilians at My Lai. By agreement with the prosecuting attorneys, the charges against Calley were amended Monday to reduce the number of specific counts from 109 to 102 murders.

Earlier Tuesday the trial judge, Lt. Col. Reid W. Kennedy, reprimanded Raby for referring to "a classified matter" at a hearing on Jan. 2. Kennedy said a newsman was present at the hearing and told Raby to be more careful in the future.

Raby said he would like to see the case go to a civilian court. "I don't want to go to jail,"

ALSO TUESDAY, Raby and Calley's civilian lawyer, George Latimer, declined Kennedy's offer to bar the press and the public from the pretrial hearing.

The judge made the offer after expelling a Georgia reporter for writing stories that the judge considered prejudicial to Calley. The stories, which appeared Monday and Tuesday in the Columbus (Ga.) Enquirer, quoted Chief Warrant Officer Hugh Thompson, a helicopter pilot who says he witnessed some of the ground action at My Lai.

The reporter, Charles Black, turned in his press badge and left the hearing.

Kennedy said he would consider readmitting the Enquirer if it promised to use restraint in reporting statements that could prejudice the case against Calley.

THE JUDGE recessed the hearing to allow the defense to decide whether it would like the hearings closed. "I think the news media should be excluded from the courtroom," Kennedy said.

But after the recess, Latimer told the court: "I am not going to waive any constitutional rights. Under the Sixth Amendment, this man is entitled to a public trial."

The purpose of the pretrial hearing is to consider a number of defense motions, including one to dismiss the charges. If that motion is denied, the defense will attempt to have the case transferred to a civilian court. The legal battle over pretrial motions is expected to last several weeks.

THE DEFENSE said Tuesday it is likely to call several top Defense Department officials as witnesses in the case, including Defense Sec. Melvin Laird, Army Sec. Stanley Resor and Army Chief of Staff Gen. William Westmoreland.

Kennedy noted that appearances of such witnesses would "generate even more publicity" when he offered to bar the press and public if the defense desired.

The prosecutor in the case is Capt. Aubrey Daniel III.

A preliminary hearing was held Monday on a charge that Calley killed a Vietnamese civilian about six weeks before the My Lai action. Army authorities have not decided whether he will be court-martialed on this charge.

The general assumption is that Calley will be required to stand trial. But his lawyers are expected to appeal an unfavorable decision to higher courts.

A PREVIEW of the defense argument Tuesday was provided by conversations Latimer had with reporters on the eve of the hearing.

"The defendant's rights in this case have been impaired and cannot be restored," Latimer said.



# ...Thailand serves U.S. imperialism

By Wilfred Burchett  
*Guardian staff correspondent*

Paris

When the U.S. Senate adopted a resolution Dec. 15 which appeared to end further American intervention in Laos and Thailand, there was a public sigh of relief.

The resolution was the result of a Senate inquiry, stimulated by public and Congressional alarm over U.S. activities in Laos and the disclosure of a secret agreement to move into Thailand whenever the Pentagon thought necessary. But when the text was published, it became clear the measure would permit the Nixon administration to continue and perhaps to intensify those acts of intervention the Senate was supposedly concerned with stopping.

Thus it was not surprising President Nixon could tell the Senate the resolution was "definitely in line with administration policy" or that White House press secretary Ron Ziegler could say it represented an "endorsement" rather than a "curbing" of that policy. The actual wording had been adopted at a secret Senate session after reporters had been cleared from the press gallery. The phrase responsible for the initial "misunderstanding" was in a rider to the defense appropriations bill stating "none of the funds appropriated by this act shall be used to finance the introduction of American ground troops into Laos or Thailand. . . ."

Everything that had provoked the indignant outbursts that led to Senate hearings and the resolution would go on as usual. Thailand would continue to be used as a base for aggression against her neighbors. American B-52s would continue to use the giant air bases at Utapao and Khon Kaen for their murderous raids against the villages of South Vietnam. U.S. "Green Berets" would continue to run Headquarters 333 at Udorn and use it as a base for the American-officered Vang Pao mercenaries in their attacks against Laotian patriots. American fighter-bombers would continue to use the bases at Takhli, Korat, Udorn and Ubon for their attacks against South Vietnamese and Laotian peasants. Thailand would continue to commit acts of war, at the Pentagon's bidding, against the peoples of South Vietnam, Laos and Cambodia, just as it previously had permitted Thai bases to be used for the U.S. bombing of North Vietnam.

## Not colonized

Until recent years the Thais were proud to claim that their country had never been colonized. In the days of the old rivalries of British and French imperialism in Southeast Asia, both striving for the richer prize of South China, there was a tacit agreement. Thailand would not be colonized, but would be a sphere of British influence. Now the Thais realize they have been colonized by the U.S. through the "back door" with an officially-admitted 48,000 U.S. troops on their soil, U.S. "advisors" running the armed forces, U.S. helicopter pilots shooting down liberation fighters in the Northern and Northeastern regions of the country and Thai mercenary troops fighting in South Vietnam and Laos.

How did this happen? The official U.S. reply is, as with Laos, that it was all because of North Vietnamese "aggression" against Laos and South Vietnam. The actual reason is Washington's determination to establish hegemony over Southeast Asia, control

the rich natural resources of the area and transform states bordering China into military bases for the "roll-back" policy initiated in the early 1950s.

American military intervention started in the second half of 1950 (economic penetration began much earlier), long before the Geneva Agreements had divided Vietnam into a "North" and "South" or the existence of "Ho Chi Minh trails" and other such post-datum pretexts for intervention. In August 1950, an American military mission headed by Gen. Graves B. Erskine arrived in Thailand to inspect airfield and port facilities, road and rail communications and make an appraisal of Thailand's military potential. The outcome was a treaty of "economic and technical cooperation" signed on Sept. 19, 1950, followed by a "Mutual Defense" treaty signed on Oct. 17, 1950 between Washington and the Thai military dictator, Marshal Pibul Songgram. (The latter had overthrown a liberal constitutional government in a military coup three years earlier and he headed the first of a series of military dictatorships which have continued in one form or another until the present day.)

When SEATO was established under U.S. pressure in September 1954 to offset the Geneva Agreements and rob the Vietnamese of the legitimate fruits of their victory, Songgram, the recipient of lavish U.S. "aid," was one of the most enthusiastic participants. Bangkok became the SEATO headquarters, Thailand the site of annual SEATO military maneuvers. When the U.S. started pressuring Cambodia to abandon its neutrality and join SEATO and Prince Sihanouk refused, Thailand provoked frontier clashes—coordinated with those on Cambodia's Eastern border staged by the Diem dictatorship in Saigon—and sent planes deep into Cambodian territory.

Later a CIA-subsidized organization, the so-called "Khmer Serei" (Free Khmer), chased from its bases in South Vietnam by the NLF was transferred to Thailand, from where bands of armed raiders were sent across the border to try and overthrow the neutral regime of Prince Sihanouk.

Gradually Thailand was pushed into more and more open war-like activities against its neighbors. When the right-wing Laotian dictator, Gen. Phoumi Nosavan was overthrown in August 1960 and replaced by the neutralist Prince Souvanna Phouma in Laos, Thailand immediately clamped down a blockade on all supplies to Vientiane, the Laotian capital, but permitted U.S.-airlifted supplies to pour into Nosavan's base in Southern Laos. When Nosavan was ready, his troops were transported through Thai territory to attack Vientiane from the Thailand side of the Mekong river, which forms the Thai-Laotian border at that point.

Nosavan's troops captured Vientiane at the end of 1960 but the neutralist and Pathet Lao troops took "in exchange" the strategic Plain of Jars. The American response to this was to dispatch so-called "white star" teams of U.S. military "advisors" to stiffen Nosavan's forces—one team to each battalion. When this did not work and Nosavan suffered repeated defeats in his attempts to retake the Plain of Jars, the U.S. rushed the 7th Fleet to the Gulf of Thailand and the first 500 Marines with helicopter units to Northeast Thailand—the first step in the serious implantation of U.S. military forces there. This was in April 1961, over eight months before similar helicopter units were sent to South Vietnam.

In May 1962, after another catastrophic defeat of the Nosavan forces at the battle of Nam Tha, the 7th Fleet brought a few thousand more Marines into Thailand.

By that time more base facilities were "needed" in Thailand to support the U.S. effort in South Vietnam. Later, with the start of the bombings in North Vietnam and the commitment of U.S. combat troops in the South, there was still further expansion of

P-Burchett, Wilfred

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## The 'new optimists'

They're being called the "new optimists" in Vietnam now. Many Americans in the Army and the Embassy, all properly wary of past history and predictions, are nevertheless openly encouraged by the present prospects.

Mainly this is because most of the tangible measures of the war are more promising now than at any time in the last eight years. The number of hamlets classified as "secure" or "relatively secure" is about 90 percent of the total today compared to less than 60 percent two years ago.

The rates of weapons turnover and Viet Cong defections and enemy casualties and village elections are all up. The ratio of enemy-initiated incidents to allied ones is way down.

Some of these statistics could be read as a sign of the enemy side wisely laying low to hasten the U.S. withdrawal. But this interpretation is not common among the American forces. There is instead a growing sense of success, and a feeling that the real threat remaining is not from the VC, but from North Vietnamese elements in the South.

With all this, some Americans seem tempted by a knife-in-the-back kind of attitude, feeling that the war has turned but that the American public hasn't turned with it.

★

The 1968 Tet Offensive by the Viet Cong is a big thing in all current calculations.

Many South Vietnamese soldiers and statesmen and even students talk of Tet as a major enemy defeat. The VC couldn't produce the victory long promised, and they lost thousands of fighters in discovering this. No popular uprising occurred in the South, and some units of the shaky South Vietnamese Army even found an unknown reservoir of strength.

Finally, in Hue where mass graves are still being uncovered, the enemy revealed a calculating brutality that seems to have genuinely horrified many South Vietnamese.

But if, on the scene, Tet is widely viewed as a disaster for the enemy, it is seen quite differently from afar. It was this action that jarred U.S. public opinion into a sense of hopelessness about the war and provided the initial impetus for the kind of withdrawal that is underway now.

From Tet then comes an insight into the peculiarities of the war, where psychology is all important, and where a major battlefield defeat for the enemy can, because of domestic public opinion on the other side of the Pacific, spell a major strategic victory.

★

Like Tet, many other military developments depend simply on the point of view.

The Mekong Delta, the rice bowl of Southeast Asia, is an important test ground for the success of Vietnamization because all major U.S. ground combat units have been withdrawn.

In the last six months, two North Vietnamese regiments have infiltrated there from Cambodia for the first time in the war. Headquarters says that this is promising—a sign that popular support for the VC is drying up in an area that spawned sufficient surplus in the past to allow the export of guerrillas to other parts of the country.

But can't this be seen otherwise, as a sign of the enemy's resolve to hit hard where the South Vietnamese is largely on its own, and of their ease of mobility to mount such a threat?

★

The new optimists appear unexpectedly. A senior CIA cynic, three years in the Vietnam morass, is one such.

"After my first month here, I decided that if I was Vietnamese, I would be VC. And what I watched us do for the next 33 months only strengthened this attitude. But somehow, sometime in the last few months I've decided to 'defect' back; I

think that what we're starting to do now is right and can succeed. I'm embarrassed that this has been said so often before, but I can only say what I think."

★

Much of the new optimism stems from a new approach to political development. There is now a renaissance emphasis on what might be called rice shoot politics.

The idea is to give new power to the village chief in order to break the debilitating, law-unto-itself kind of military control that has prevailed in the countryside in recent years.

Ambassador Ellsworth Bunker says this is an attempt to renew the old Asian tradition of "The Emperor's writ stopping at the village gate."

One group of civilians, young American political scientists and Embassy men, is particularly identified with this campaign. These men have much in common. A kind of Ivy League coterie (many studied at Harvard, Yale or Princeton), they often match wits at a slightly Strangelovian board game they've invented called "Vietnam" which includes sapper units and ambushes and weapons caches and other key ingredients of the war.

More important, the young Ivies seem to share the same view of encouraging decentralized government to help overcome the friction between the nation's urban elites and its rural population. In this they get some high marks.

"These guys don't know how to shoot a gun or fly a chopper or how much papalm it takes to destroy a village," says one aged and very non-Ivy U.S. official. "But if someone listens to them, they may just know something about how to win a revolution."

★

One of the intellectual forces behind the present Saigon government, Col Nguyen Be, runs a school for Revolutionary Development cadres and for Village Chiefs. He blames the U.S. for much of the problem of decentralization in the first place.

"Foreigners here naturally seek to find their own image in the Vietnamese they deal with because it's easier that way," explains Be. "Therefore it's the old mandarin and technician class who can be found in the Saigon bars that you deal with, while neglecting what is to you the strange and foreign rural class."

Col Be's school is pushing the spirited local autonomy for village chiefs. One U.S. adviser likens it to "floating down the Mississippi telling the Negro he has a vote."

The change could be a fundamental one, just as one high level American visitor described it in a recent letter to presidential assistant Henry Kissinger: "For almost 20 years, we have been looking for some magical leader in Saigon who could energize and quicken the mass in the countryside. It seems to me we have been looking the wrong way. The political life which is beginning to burgeon in the countryside will eventually quicken and energize Saigon."

★

President Nguyen Van Thieu, though no magical leader, can take some of the credit for this new trend.

His frequent field trips to villages and hamlets have shown some skeptics that, as a former village chief himself, he can empathize with the problems of the villager. Those who have seen Thieu in this context are convinced he is making some effort to break the rigid rule of the 13-man military directorate that is commonly said to run the country.

Many Americans from Ambassador Bunker down thus resent the U.S. liberal's hostility toward Thieu, and, even more, the arrogance of demands for a totally open and libertarian government in a nation engaged in a life and death struggle.

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JAN 15 1970

**U. S. Poor Leaders**

To the Editor of The Courier:

Reports of the My Lai massacre in Vietnam appear to have shocked the world. Four Presidents, Congress, the Pentagon, the CIA, the Green Berets and "The Silent Majority" are jointly responsible for the tragedies of this undeclared war. Surely, we who continue supporting it by silence or otherwise have the blood of every casualty on our hands. If this is the best brand of leadership a Christian nation can give to a troubled world, may God have mercy on our souls.

The recent lop-sided vote in Congress endorsing "Nixon's war" is a parallel of the Tonkin Gulf resolution and another example of an elected body evading its responsibility. This is the same war that dethroned Lyndon Johnson.

The one bright spot on the American scene is the faith and courage of "The Audible Minority." It is mindful of that portion of the Scripture which says, "those who live by the sword, shall die by the sword" and it sees a parallel between the Vietnam fiasco and the invasions of Ethiopia and Belgium by Italy and Germany. This minority remembers the fate of the Nuremberg defendants, the self-destruction of Adolph Hitler and pictures of the bullet-pierced body of Mussolini hanging upside down in the public square. Such memories are grim reminders that raping small nations is a dangerous pastime.

W. FORREST SMITH  
 Shelbyville, Ky.



**THE WAR IN VIETNAM**



Vietnamese deputies: Raucous resistance to pressures from Thieu

**Battle of Wills**

In an attempt to crush the will of his parliamentary opposition, South Vietnam's President Nguyen Van Thieu has sought to expel from his country's National Assembly three deputies accused of pro-Communist activities. Three weeks ago, the Assembly refused to bow to threats from a Thieu-inspired Catholic mob, and last week the lawmakers continued to resist the President's pressures—though a bit less steadfastly than at first. After two days of raucous debate, a narrow majority found the absent trio guilty as charged, but refused to provide Thieu with the extra votes necessary for impeachment or for lifting his victims' parliamentary immunity from prosecution. And after the vote, the Assembly remained uncontrollable as one female member of the opposition went after a pro-Thieu deputy with a pistol and then a stiletto heel. President Thieu, undaunted, announced through a spokesman that he would try again for a clear victory next week.

**The Rise of Phoenix**

Even at the height of the U.S. military buildup, the villages of South Vietnam swarmed with Viet Cong political agents. Operating under the over-all control of National Liberation Front headquarters somewhere in the jungles near the Cambodian border, the Viet Cong terrorized their opponents and set up a shadow government that collected taxes, established schools and effectively ruled vast areas of the countryside. Last week, however, in an interview published by the West German weekly *Der Spiegel*, South Vietnamese President Nguyen Van Thieu asserted that his government had made great strides in pushing the Com-

munists out of their rural strongholds. And while Thieu's boast may have come as a surprise to some Americans, independent observers in Saigon concurred that the Viet Cong "infrastructure" had indeed been seriously weakened.

This dramatic reversal is attributable in part to the military losses the Viet Cong and their North Vietnamese allies have suffered during the past two years. But it is also due to the effectiveness of the latest U.S.-South Vietnamese attempt to "pacify" the countryside: Operation Phoenix. Initiated by the Central Intelligence Agency in 1967 and now administered by the U.S. military command in Saigon, Phoenix is a highly secret—and unconventional—operation. Its chief purpose has been to coordinate and analyze intelligence data gathered by South Vietnamese and U.S. forces. But Phoenix also has another, more disturbing, function—countering the terror of the Viet Cong with an anti-VC terror of its own.

An insight into what that entails was provided just a few weeks ago when the case of Francis T. Reitemeyer and Michael J. Cohn, two former Army lieutenants assigned to the Phoenix program, was brought to public attention by their attorney. The two officers had extracted honorable discharges from the Army by convincing a Federal judge that they were legitimate conscientious objectors, even though they had spent more than a year in the service. Their antiwar feelings, they said, had been "crystallized" by their Phoenix training at Fort Holabird, Md., where they had allegedly been informed by their instructors that they might be required to maintain a "kill quota" of 50 Viet Cong a month.

The Army, in its unsuccessful attempt to refuse the two officers a discharge, denied that Phoenix was engaged in any such notorious activities. But in South Vi-

etnam, veteran observers of the war decided this official contention. In recent years, they maintained, the Phoenix program has far surpassed the Viet Cong at their own game, "neutralizing" perhaps more than 20,000 Communist agents through intimidation, torture and outright murder.

**Mercenaries:** Not that U.S. troops have done the dirty work themselves. That has been carried out mainly by the South Vietnamese or by bands of Chinese and tribal mercenaries operating under U.S. command or tutelage. Known by the innocent-sounding name of Provincial Reconnaissance Units, the U.S.-led groups have ranged stealthily through enemy-held territory in teams of twenty, raiding hamlets, torturing suspects to gain information and taking prisoners. At one time, the swift decapitation of identified VC leaders was a common practice. "Those were the ears-and-head days," says one former U.S. adviser to the PRU's. "The PRU's were paid so much for the ear of a VC cadre and so much for the head of a VC leader."

So successful were the PRU's at their assigned tasks that they became the chief enforcement arm of the Phoenix program. When the assembled intelligence data showed that a particular farmer was a Viet Cong agent, it was the PRU's who were sent to bring him in. And once the suspect was back in camp, interrogation was not always conducted with due regard for the legal niceties.

**Spotty:** This ruthless system, it appears, has achieved much of what it was designed to achieve. But it remains to be seen whether Phoenix will continue to operate as effectively under the current program to Vietnamize the war. Command of the PRU's has already been handed over to the Vietnamese, and the American advisers that remain are not supposed to go out on patrol (though a few still do). As a result, there have been reports that the quality of the PRU's has become spotty. Perhaps even more serious, U.S. Army officers attached to Phoenix have begun to notice something that never happened in the past—a tendency for the Viet Cong to get wind of PRU operations before they are launched.

Indeed, in recent months the Communists have made a concerted effort to reverse the progress scored by the Phoenix program. Currently, the Viet Cong launch a weekly average of about 200 attacks directly against the pacification program. Last week, the Viet Cong's counter-pacification drive resulted in the death of 86 Vietnamese civilians and the kidnapping of 44 more. And the evidence is mounting that the Viet Cong intend to punish those who cast their lot with the government by cooperating with Phoenix. "The Communists have decided to react to the government's return to the countryside," one expert commented last week. "And whether they are successful in rolling back Operation Phoenix may very well prove to be one of the most crucial questions in this long and terrible war."

DESPITE CRITICS

# Defoliation Continues in Vietnam

BY ROBERT KAYLOR

UPI Staff Writer

NEAR THE CAMBODIAN BORDER, Vietnam—Air Force Maj. Dick Thorndike hunches down in his armor-plated seat, slams his unwieldy C-123 transport plane into a steep dive and aims it toward the jungle below.

With the wind screaming through the open window beside him, Thorndike bottoms out of the dive 100 feet off the ground and stabs at a switch with his thumb.

"Spray on," he says tensely as gray clouds swirl out of nozzles under the plane's wings and body into the jungle.

Thorndike, 38, of Portland, Ore., is known as a "ranchhand" in the jargon of the Vietnam war. His daily job is defoliation of Communist base areas, against risks of anti-aircraft fire and flying his clumsy aircraft at dangerously low levels.

It is one of the war's oldest programs and perhaps its most controversial one.

Thorndike's eyes strain ahead as the top of a hill rushes toward the cockpit windows. He lifts one wing a few feet to clear a lone tree sticking up higher than the others, brings the nose up to clear the hilltop, then immediately sticks it down again to skim down the other side.

After roughly five minutes, Thorndike has sprayed 1,000 gallons of concentrated liquid herbicide into an area 100 feet wide and 14 mile long.

He puts the plane into a sharp right turn and hauls the nose up, fighting for altitude. "100% power," he tells his copilot. "Let's get out of here."

## Destroy Containers

The resulting crop damage is one reason why the defoliation program has become such a hot issue over the years both in and out of Vietnam. U.S. officials now try to make sure all containers are destroyed so that the unremovable residue cannot be turned loose in populated areas.

On a typical day when Thorndike is skimming the treetops along the border and a Vietnamese motorcyclist may be piloting his own defoliation mission along a highway despite all attempts to stop him, U.S. Ambassador Ellsworth Bunker sits at his desk in Saigon.

Because of the controversy surrounding defoliation, all projects involving Communist crops and all missions that will use the C123 transports with their mass delivery capability must be approved by Bunker and the U.S. supreme military commander, Gen. Creighton W. Abrams.

Smaller projects, including helicopters, truck sprays and even a GI with a hand sprayer knocking down weeds outside a defense perimeter, must go to corps level—the next stop below Bunker and Abrams in the chain of command—for approval.

Officials in the program say that most of the damage claims and incidents arise from the smaller projects, which are more likely to involve civilian population. But it is the air missions which get most of the attention because of their size.

In any given month, two to three requests for C-123 missions will cross Bunker's desk. It has taken them from two to six months to get there through a chain of civilian and military steps since the original requests were made by either Vietnamese or U.S. field commanders.

The requests can be killed at any point in the upward journey. Officials say that for this reason it is rare for Bunker to disapprove a mission before he sends it on to Abrams for final approval.

"Civilian officials generally oppose defoliation philosophically," said one military official in the program. "But they will usually agree if they have no programs of their own going on in the area involved."

Defoliation in Vietnam began in secrecy in 1961 when the total U.S. manpower commitment to the way was fewer than 4,000 men. The first U.S. aircraft shot down in Vietnam was a defoliation C-123 which went down just a few miles outside Saigon in January, 1962.

Since that time the C-123s have shifted their operations into the deep jungle areas, mostly along the borders. Defoliation was at its peak in 1968 and early 1969, official sources say, with the twin-engine transport planes spraying at a rate of about 1.7 million acres a year.

Since then the total has dropped because of Pentagon budget cuts, the sources say. The planes now cover a yearly rate of about 1.2 million acres, most of it in areas that have been defoliated in previous years. In addition to the present military program, the Central Intelligence Agency is believed to have sponsored defoliation projects of its own.

Adverse criticism came with the first disclosure of the program and has been a factor ever since. Perhaps as a result, defoliation is billed as a "Vietnamese" program with the herbicide going into government control from the time it is unloaded from ships until it reaches the ranchhand loading ramps at Bien Hoa and Da Nang air bases.

At one point the C-123s wore Vietnamese markings on their sides but now have the familiar American star again. Vietnamese pilots were tried for a period, but were not qualified for the tricky flying required.

## 'Drift' Prevention

Restrictions are the name of the game in defoliation. One reason for the low altitude the C-123s fly is to

prevent "drift" of the herbicide across the countryside. There are air temperatures and wind restrictions on missions as well as a buffer zone along borders to guard against drift incidents.

Restrictions have gotten tighter with an investigation in the United States into one of the commercially available herbicides used by the ranchhands. Following a report for the National Cancer Institute that large oral doses produced a higher offspring deformity rate in mice and rats, the herbicide was banned for use in populated areas in the United States.

In Vietnam, the herbicide, known as 245T, is now used only in isolated jungle areas. Research in the United States is continuing with no evidence found so far of human side effects of herbicide use.

A consideration in any military operation is whether the advantages offset the disadvantages.

## Increased Visibility

The military says the advantages are worth it. Visibility in defoliated jungle areas is increased as much as 70% to 80% in the air and 50% to 60% on the ground. There are scores of testimonials from field commanders who credit the program with saving lives.

Military officials say that much of the criticism is unwarranted. They say large-scale defoliation is limited to areas far from civilian population and that the only crops touched are known Communist military crops.

Aside from accidental defoliation incidents, there are other arguments against the program. One is that when an area is defoliated more than twice, a certain percentage of the plants will die in each succeeding crop, a phenomenon known as "dieback."

Another is that the Viet Cong have mounted a rumor campaign of deformed children and women laying eggs, chicken-style, in defoliation areas.

None of the rumors has taken hold easily and are

STATINTL

continued

# 'Pacification' is exercise in brutality

By Richard E. Ward  
Second of two articles

Paris

The true nature of pacification in Vietnam is often misunderstood because official propaganda has gone to great lengths to portray it as a sort of foreign aid, the building of roads, schools, wells and the like to immunize the populace from the "Vietcong" virus. Reflecting this mystification, columnist Marquis Childs characterized pacification as "a costly venture in idealism" in the March 28 Washington Post.

Another Post writer, Robert G. Kaiser, presented a truer picture April 3 in a report on pacification activities of the U.S. 9th Infantry Division in the Mekong Delta province of Kienhoa.

A Saigon official in the area told Kaiser that "there is sometimes a problem... with the Americans finding an empty house, deciding it must be a Vietcong house and burning it down. That is just what the Vietcong tell people Americans will do."

Burning down houses, of course, is only a small part of the picture. It was the capital of Kienhoa province, Bentre, about which a U.S. officer said during the 1968 Tet offensive: "We had to destroy the city to save it."

Punitive raids by air and artillery are an unacknowledged but major part of U.S. pacification. In an AP dispatch last June, Peter Arnett told the story of Bokinh, a hamlet south of Saigon in the Plain of Reeds that had been recently destroyed. According to Arnett, about "200 North Vietnamese troops" entered Bokinh and parts of two adjoining hamlets without the Saigon units in the hamlets having fired a single shot. Nor was there one inhabitant of the hamlets, in an area considered highly "pacified," who would sound an alarm. The populace actually helped ferry the troops across a wide canal to their villages.

## Hamlets methodically destroyed

Later when U.S. troops tried to enter the hamlets, they were turned back by heavy fire. Approved For Release 2001/03/04 : CIA-RDP80-01601R000900050001-0  
The present U.S. director of pacification, Col. Asa T. Gray, had been counseling restraint. "Then a sniper killed the

colonel. The bombs arrived soon after. Parts of Bokinh and the hamlets of Anhoa and Vamthu were methodically destroyed by bombing and artillery fire," wrote Arnett.

In all 380 homes were destroyed and 69 civilians were reported killed or wounded, a figure possibly bearing little relation to the true casualty figures like the original U.S. communiques on Songmy. The North Vietnamese unit slipped out in the darkness.

Following the U.S. attack, "tears sprang to the eyes" of one American who had worked in the area, but the U.S. refugee advisor of the province insisted that "we have discerned no anti-Americanism" because of the incident.

The destruction of Bokinh and its neighbors illustrates what has happened to thousands of other hamlets which have been bombed, rebuilt and bombed time and again.

In the northern province of Quangnam, South Vietnam, for example, there are at least 180,000 refugees out of a population of 600,000. U.S. air and artillery attacks have forced the abandonment of 30% of the province's hamlets.

What happens when an area is deemed safe enough for pacification by ground forces is revealed in some excerpts from an article by Terence Smith in the Sept. 24 N.Y. Times:

"Seven hundred [U.S. and Saigon] soldiers quietly encircled the village [of Phuhoaduong] in a few hours on the night of Sept. 15. The surprise was apparently complete. As far as is known, no Vietcong slipped through the net, though several tried to shoot their way out. Twenty-two were killed, 17 have been taken prisoner and 13 surrendered and 23 suspects were arrested. In addition 11 draft-dodgers have been picked up."

Writing from Phuhoaduong on the operation's eighth day, Smith noted that "all commerce... has come to a standstill and only military traffic is on the streets. The food of many villagers is running out.

"Each day all men and women aged 18 to 45 have been herded into the compound that surrounds the village school. There they have been detained and repeatedly interrogated on the whereabouts and identification of guerrillas.

"Each evening the villagers have been sent home with the warning not to venture beyond their houses after 7 p.m. . . and anything that has moved after nightfall has been shot, or at least shot at."

## "Pacified" four times

Smith wrote that the military men in charge of the cordon operation, Phuhoaduong's fourth in 15 months, were pleased by it. The U.S. commander, Col. Ronald Ochis, stated that "the local

Vietcong network has been 'knocked for a loop.' He added: 'It will be months before they recover from this one.'"

An unnamed junior officer was of a different opinion: "They say this village is 80% VC supporters," he remarked. "By the time we finish this it will be 95%."

The fact that Phuhoaduong has been "pacified" four times illustrates some major weaknesses of the pacification program. Pacification aims to force the population to acquiesce to rule by the U.S. and Saigon. At the present advanced stage of the revolutionary struggle, complete domination and pacification is impossible. Even a moderate degree of pacification on a temporary basis would require the continuous presence of a large military force like that guarding the main cities and U.S. bases. The combined U.S. and Saigon forces at their peak strength were insufficient to occupy more than a fraction of South Vietnam's 12,700 hamlets. And no conceivable enlargement of Saigon's forces could ever carry out the task.

Trying to evade this fact, the U.S. has resorted to particularly brutal, Nazi-like methods since 1968 in the accelerated pacification program and its associated "Operation Phoenix," which try to "separate" the people from the revolutionary cadres.

In a report prepared during the first half of 1968, two pacification officials, John P. Vann and Robert V. Craig, wrote that "the people in [the] hamlets cannot commit themselves to the government until and unless they are effectively separated from Vietcong military and infrastructure.

"This means that military forces must be specifically committed to separating the people in the pacified hamlets from the VC—using ambushes, killer patrols and intensified targeting on the infrastructure living in the hamlets."

This report was endorsed by Robert Komer, then the CIA's pacification chief in Saigon and it apparently was the genesis of "Operation Phoenix," the plan for killing revolutionary cadres and NLF officials.

The CIA now has its own killer patrols of Vietnamese mercenaries and known officially as Provincial Reconnaissance Units. In a rare press reference to them, George W. Ashworth wrote in the Aug. 12, 1969, Christian Science Monitor that these units "are paid by the American Central Intelligence Agency for some of the nastier jobs of the war. They are mean fighters with, it is said, no great regard for human life. In general, they are kept away from polite society."

## CIA man heads pacification

The present U.S. director of pacification, Col. Asa T. Gray, had been counseling restraint. "Then a sniper killed the

He serves directly under the U.S. military continued

**STABS IN THE BACK**

A fine looking, clean cut young American, an officer in the United States Army, awaits court martial at Ft. Benning, Ga., already convicted in the news media of the massacre of 527 civilians, the populace of Mylai, Vietnam. The news media did not research this story—they *bought* it.

They bought it from Seymour Hersch, who was enabled to go around from editor to editor (instead of working for a living) by a grant from the Stern Family Fund.

This fund, so interested in patriotically publicizing the alleged sins of our military, was founded by Edith Rosenwald Stern and her late husband Edgar Stern—the brother of Alfred Stern, who, with his wife, Martha Dodd Stern, fled behind the Iron Curtain some years ago to escape prosecution as Soviet espionage agents!

The Stern Family Fund is administered by its Executive Director, James Boyd, who just happens to be the man who photocopied some 4,000 documents from the files of his former employer, Senator Thomas Dodd, and sold them to the late smear-monger Drew Pearson.

The "free press" must have felt cheated when it couldn't convict the Green Berets of murder, for killing the enemy on the battlefield, because the sacrosanct Leftist CIA intelligence-activist network was involved.

The charges against our military men would seem to prove one thing—that *after a couple of years of Eugene McCarthyism and George McGovernism, instead of being stabbed in the back on the streets of America by Vietniks, our soldiers can now be tried for murder on the battlefield—for killing the enemy!*

Never before have such shameful activities been carried on in the name of the American people. Since more than 40,000 American lives have been thrown into the Vietnam meatgrinder, spectacular

trade concessions in the material of war have been granted to the communist enemy. Brainwashed and enemy-oriented college students and assorted other misfits parade in the streets under the flag of the enemy. Forces from within but hostile to America are allowed to set up coffee-house subversion centers near military bases—while the Commandant of the Marine Corps further breaks down resistance to the enemy by authorizing the use by Blacks of the communist clenched fist salute on American military installations!

No wonder the Army is breaking down!  
For,

**SUBVERSION IS TOTAL,**

both from the Establishment and other hostile forces within our own Nation!

The lesson of history is clear. Forces from within conquered the Russian army during World War I. Agitators within the ranks destroyed its loyalty, discipline broke down, mutinies erupted. Finally, the demoralized military could not suppress revolution at home or rebellion in the field. The Russians lost their Nation—and were compelled to withdraw from the field of battle.

**WE'RE PAYING**

a terrible price. Desertions and AWOL rates are skyrocketing—and costing taxpayers billions. Disturbing reports are coming from Vietnam of Red Berets, Black deserters to the Vietcong, fighting for the other side, and of militant organized Blacks taking over the brig at Camp Pendleton.

The price of the tolerance of treason is national destruction.