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Vietnam: How Government Became Wolves

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government “shall all become wolves.” Successive administrations did “become wolves,” international predators, architects of one of the most horrendous catastrophes of modern history.

What is worse, perhaps, very little has changed. Even many opponents of the war pretend to themselves that others are to blame for the catastrophe of Vietnam. In a strong editorial statement against the war, the *New York Times* editors wrote:

This is not to say that Americans, including the political and military commands and the G.I.’s themselves, did not originally conceive their role quite honestly as that of liberators and allies in the cause of freedom; but such idealistic motives had little chance to prevail against local leaders skilled in the art of manipulating their foreign protectors.
[May 7, 1972]

Once again we have the image of the American political leadership, noble and virtuous, bewildered and victimized, but not responsible, never responsible for what it has done. The corruption of the intellect and the moral cowardice revealed by such statements defy comment.

Whether the US will withdraw from Vietnam short of true genocide and perhaps even the serious threat of international war is, I am afraid, still an open question. There is, unfortunately, sufficient reason to suppose that the same grim story will be re-enacted elsewhere.

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At one crucial point in the planning to escalate the war in 1964, William Bundy raised the question whether it would be possible to carry out the preferred escalatory option “under the klieg lights of a democracy” (III, p. 648). I think he was quite right to raise this question, though not exactly for the reasons he gave. Secrecy and deceit are essential components of aggression. The visibility of the American war of annihilation in South Vietnam was undoubtedly a factor in turning much of the population to protest and resistance, much to the credit of American society. The social costs of empire alone, in a healthy democracy, would impede imperial planners. But a system of centralized power, insulated from public scrutiny and operating in secret, possessing vast means of destruction and hampered by few constraints, will naturally tend to commit aggression and atrocities.

That is the primary lesson of the Pentagon history, though we hardly need this valuable and illuminating record to establish the danger of a situation foreseen by Thomas Jefferson when the nation was founded. There has, in the past generation, been a peculiar inattention to foreign policy on the part of the public. Government secrecy has been a contributing factor, far outweighed, in my opinion, by the intense indoctrination of the postwar period that has rendered the public inert until quite recently. It comes as no surprise, under these circumstances, that Jefferson’s prediction was fulfilled. If citizens “become inattentive to the public affairs,” he wrote, then the

argued—quite correctly, I believe—that the oil discoveries in the region gave an added reason, at some point which cannot be specified with precision, to maintain control of coastal regions of Indochina, and that hopes for oil investment play a part in plans for “economic Vietnamization.” There is, in fact, an interesting literary genre devoted to the refutation of nonexistent arguments attributed to “radicals”: e.g., the “Marxist argument” that capitalist societies need war to survive, or the “revisionist argument” that the United States is solely responsible for all postwar international tensions, etc.

its profits revert to a few within. In this respect, the empire serves as a device for internal consolidation of power and privilege, and it is quite irrelevant to observe that its social costs are often very great or that, as costs rise, differences may arise among those who are in positions of power and influence.

It should also be noted that planners cannot unerringly calculate costs in advance. They cannot begin all over again if plans go awry. Though the planners of the past twenty-five years might not have undertaken the effort to dominate Indochina had they known the consequences, they did not have the luxury of advance knowledge. On the assumptions of the domino theory, in its more realistic versions, the original calculation was not an unreasonable one, whatever one may think of its moral basis or its status in law. As I have indicated, I personally think it was deplorable on such grounds, but that is a different matter entirely. Furthermore, it is my impression that by the early 1960s other and more irrational factors had come to predominate, a matter which is of some interest in itself, but which I will not explore here.¹²

¹² Hannah Arendt has discussed a variety of irrational factors, as revealed by the Pentagon Papers, in her essay "Lying in Politics: Reflections on the Pentagon Papers," *New York Review*, November 18, 1971, and now included in her recent book *Crisis of the Republic* (Harcourt Brace Jovanovich, 1972). A case can be made for her view that these were significant factors, but primarily in the 1960s. In the earlier period, the documentary record, particularly as presented in books 8 and 10 of the government edition of the Pentagon Papers, gives a rather different picture. For a more detailed discussion of this matter, see my article on the Pentagon Papers in the *Partisan Review* (Summer, 1972).

By 1965, questions of long-term motive became somewhat beside the point. We were there. Period. John McNaughton stated in early 1966 that "*The present US objective in Vietnam is to avoid humiliation. The reasons why we went into Vietnam to the present depth...are now largely academic.*" (IV, p. 47).

A word might be added about the claim, now frequently expressed, that "radicals" (unspecified) argue that the US fought in Vietnam to secure offshore oil. Though I know of no one who has proposed this, it has been

I

Reviewing the record of American intervention in Indochina in the Pentagon Papers, one cannot fail to be struck by the continuity of basic assumptions from one administration to the next. Never has there been the slightest deviation from the principle that a noncommunist regime must be imposed and defended, regardless of popular sentiment. The scope of the principle was narrowed when it was conceded, by about 1960, that North Vietnam was irretrievably "lost." Otherwise, the principle has been maintained without equivocation. Given this principle, as well as the strength of the Vietnamese resistance, the military power available to the United States, and the lack of effective constraints, one can deduce with precision the strategy of annihilation that was gradually undertaken.

On May 10, 1949, Dean Acheson cabled US officials in Saigon and Paris that "no effort [should] be spared" to assure the success of the Bao Dai government, since there appeared to be "no other alternative to estab [lishment] Commie pattern Vietnam." He further urged that this government should be "truly representative even to extent including outstanding non-Commie leaders now supporting Ho."

A State Department policy statement of the preceding September had noted that the Communists under Ho Chi Minh had "captur[ed] control of the nationalist movement," thus impeding the "long-term objective" of the United States: "to eliminate so far as possible Communist influence in Indochina." We are unable to suggest any practicable solution to the French, the report continued, "as we are all too well aware of the unpleasant fact that Communist Ho Chi Minh is the strongest and perhaps the ablest figure in Indochina and that any suggested solution which excludes him is an expedient of uncertain outcome." But to Acheson, Ho's popularity and ability were of no greater moment than his nationalist creden-

tials: "Question whether Ho as much nationalist as Commie is irrelevant" (May 20, 1949).

In May, 1967, Assistant Secretary of Defense John McNaughton presented a memorandum which the Pentagon historian takes to imply a significant modification of policy toward a more limited and conciliatory position. The Saigon government, McNaughton urged, should be moved "to reach an accommodation with the non-Communist South Vietnamese who are under the VC banner; to accept them as members of an opposition political party, and, if necessary, to accept their individual participation in the national government..." (Gravel Edition, *Pentagon Papers*, vol. IV, p. 489).¹ Exactly Acheson's proposal of eighteen years earlier, restricted now to South Vietnam.

In a summary of the situation after the Têt offensive of 1968, Leslie Gelb, director of the Pentagon study, asked whether the US can "overcome the apparent fact that the Viet Cong have 'captured' the Vietnamese nationalist movement while the GVN has become the refuge of Vietnamese who were allied with the French in the battle against the independence of their nation" (II, p. 414). His question expressed the dilemma of the State Department twenty years before, and properly so. The biographies of Thieu, Ky, and Khiem indicate the continuity of policy; all served with the French forces, as did most of the top ARVN officers. "Studies of peasant attitudes conducted in recent years," the Pentagon historian informs us, "have demonstrated that for many, the struggle which began in 1945 against colonialism continued uninterrupted

¹ Except where otherwise indicated, I will give references throughout to this edition, published by Beacon Press. References to the government offset edition, entitled *United States-Vietnam Relations: 1945-67*, 12 volumes, Government Printing Office, 1971, will be given as *DOD*, with volume and page.

Forces and the CIA. They would have observed that since 1948 the US has been deeply involved in Thai affairs, supporting a corrupt and at times savage military dictatorship, at first under a Japanese collaborator.

They would have determined, in short, that the US has not been a confused victim of events but an active agent, pursuing policies that were consistent with a coherent global strategy: to carve out and stabilize a system of "open societies," societies in which, in particular, US capital can operate more or less freely. Though this is far from the sole operative factor in US policy, still it is surely the beginning of wisdom to recognize its crucial role.

It is often argued that the costs of such intervention demonstrate that there can be no underlying imperial drive. This reasoning is fallacious, however. In the first place, the "costs" are in large measure profits for selected segments of American society. It is senseless to describe government expenditures for jet planes or cluster bombs or computers for the automated air war simply as "costs of intervention." There are, to be sure, costs of empire that benefit virtually no one: 50,000 American corpses or the deterioration in the strength of the US economy in relation to its industrial rivals. But these general costs of empire can be said to be social costs, while, say, the profits from overseas investment guaranteed by military success are again highly concentrated in certain parts of society.

Senator Church noted in recent congressional hearings that the US has spent over \$2 billion in aid to Brazil since 1964 to create a "favorable investment climate" to protect a total investment of only about \$1.7 billion. This should come as no surprise to any student of modern history. In many respects, the same was true of the British empire, after the original rape of India. The costs of empire are distributed over the society as a whole;

sian or Chinese agents. Nor did it repeatedly escalate this war because it found that the NLF was a puppet of the North (or of China or of Moscow). Quite the opposite was true. First came the US intervention, for entirely different reasons, and then the effort to show the dependence and control that was required for propaganda purposes, and also, no doubt, for the self-image of the policy-makers. It is, after all, psychologically much easier to destroy agents of Chinese aggression than people who had “captured the nationalist movement” of Vietnam. One form of anti-communism motivated US intervention: opposition to indigenous communist-led movements, under the assumptions of the domino theory. A second form of anti-communism was invoked to justify the intervention, publicly and internally: fear of a Kremlin-directed conspiracy or Chinese aggression—so far as we know, a figment of imagination.

Much the same has been true elsewhere: e.g., in Greece during the 1940s and in the Caribbean repeatedly. A serious defect of the Pentagon study, inherent in Secretary McNamara’s guidelines, is its failure to relate US policy in Vietnam to developments elsewhere, even in Southeast Asia. Had the historians cast a somewhat wider net, they would have discovered, as Joyce and Gabriel Kolko point out, that the domino theory was expressed by Secretary of State Marshall in 1947 with regard to Greece—in this case, the Middle Eastern countries, not Japan and Indonesia, were the “farther dominoes” that concerned him.¹¹

They would also have discovered intriguing similarities between US intervention in Indochina and in Korea from 1945 to 1950. They might have noted that the US escalation of clandestine activities in Vietnam and Laos in late 1963 and 1964 apparently coincided with a similar escalation of attacks on Cambodia by the Khmer Serei, trained and equipped by the US Special

¹¹ *The Limits of Power* (Harper & Row, 1972), p. 340.

throughout Diem’s regime: in 1954, the foes of nationalists were transformed from France and Bao Dai, to Diem and the US...but the issues at stake never changed” (I, p. 295).

Correspondingly, the Pentagon considered its problem to be to “deter the Viet Cong (formerly called Viet Minh)”—May, 1959. The Thieu regime today has a power base remarkably like Diem’s,² and substantial segments of the urban intelligentsia—“the people who count,” as Ambassador Lodge once put it (II, p. 738)—now speak out against US intervention.

A National Intelligence Estimate of June, 1953, discussed the gloomy prospects for the “Vietnamese government” given “the failure of Vietnamese to rally to [it],” the fact that the population assists the Viet Minh more than the French, the inability of “the Vietnam leadership” to mobilize popular energy and resources, and so on (I, p. 391f.). With hardly more than a change of names, this analysis might be interchanged with the despairing report from US pacification advisers (MACCORDS) on December 31, 1967, deploring the corruption and growing weakness of the GVN, the “ever widening gap of distrust, distaste and disillusionment between the people and the GVN.” With these words, the record of US-GVN relations in the Pentagon Papers ends (II, pp. 406–7).

One may, perhaps, argue that the mood of the South Vietnamese counts for less in the war than it did in earlier years, now that the US has succeeded, partially at least, in “grinding the enemy down by sheer weight and mass” (Robert Komer, II, p. 575), and now that North Vietnamese forces have increasingly been drawn into the war, as a direct and always anticipated consequence of American escalation.

In November, 1964, Ambassador Maxwell Taylor argued that even if we could establish an effective regime in Saigon, to at-

² On this matter, see Peter King, “The Political Balance in Saigon,” *Pacific Affairs* (Fall, 1971).

tain US objectives it would not suffice to “drive the DRV out of its reinforcing role.” Rather, we will not succeed unless we also “obtain its cooperation in bringing an end to the Viet Cong insurgency.” We must “persuade or force the DRV to stop its aid to the Viet Cong and to use its directive powers to make the Viet Cong desist from their efforts to overthrow the government of South Vietnam” (III, pp. 668–9).

Replace “DRV” by “USSR” and we have, in essence, the Nixon-Kissinger policy today. In 1964–1965, the indigenous NLF forces had essentially won the war in South Vietnam. Therefore the United States shifted to a larger war, attacking North Vietnam directly. In this larger war, it subjected South Vietnam to intense bombardment and send an occupying army there to destroy the NLF forces. The US government hoped to force the DRV to “make the Viet Cong desist.” Instead, it drew the DRV into the war directly, as, in fact, had been anticipated during the planning (cf. William Bundy, November, 1964, III, p. 616).

In 1972, the “enemy”—the DRV/PRG—is apparently on the verge of winning the war. Once again, the Administration is shifting to a still broader, global confrontation in which it hopes to prevail. The President warns the USSR to stop supporting the DRV/PRG and to cooperate so as to enable him to achieve his objective of a noncommunist South Vietnam, oriented toward the West. As his predecessor did in 1964, he rejects the concept of an accommodation among contending Vietnamese—for obvious reasons—and insists upon a cease-fire which will leave the military and police power of the Saigon regime in place. He seems willing to risk nuclear war to achieve this goal. Whether the USSR and China will cooperate, or whether they will respond as the DRV did in 1965, one cannot predict.

nese or Russian aggression. As George Carver of the CIA once put it, our objective is: “Demonstrating the sterile futility of the militant and aggressive expansionist policy advocated by the present rulers of Communist China” (IV, p. 82). One searches the record in vain for evidence of this policy. The Pentagon historian observes that Chinese Communist activity in Southeast Asia appeared “ominous” to Washington in late 1964 (III, p. 267), but he cites as the factual basis only “Sukarno’s abrupt withdrawal of Indonesia’s participation in the UN,” which led to various speculations. In earlier years, there were determined efforts, always unavailing, to establish a direct link showing control of the Viet Minh by Moscow or Peking, though failure to do so in no way shook the belief, virtually a dogma, that the Vietnamese revolutionaries must be Chinese or Russian agents.

The remarkable intellectual failures of the “intelligence community” are revealed by the fact that the Pentagon historians were able to discover only one staff paper, in a record of more than two decades, “which treats communist reactions primarily in terms of the separate national interests of Hanoi, Moscow, and Peiping, rather than primarily in terms of an overall communist strategy for which Hanoi is acting as an agent” (II, p. 107; a Special National Intelligence Estimate of November, 1961). Even in the “intelligence community,” where the task is to get the facts straight—and not to proclaim that France is defending the territorial integrity of Vietnam from the Viet Minh and the “Commie-dominated bloc of slave states” (Acheson, October, 1950; I, p. 70)—it was apparently next to impossible to perceive, or at least to express, the simple truth that North Vietnam, like the Soviet Union, China, the US, and the NLF, has its own interests, which are often decisive ones.

The record makes clear that the US did not enter the Indochina war because it had discovered the Viet Minh to be Rus-

We know from other sources that the US put pressure on Japan to put a stop to its “accommodation” with China, and that the US offered access to Southeast Asia as an explicit inducement to the Japanese.¹⁰ Vietnam was regarded as “the Keystone to the arch, the finger in the dike” (John F. Kennedy, 1956—the terminology is characteristic of the period).

It is often argued that US intervention was motivated by “blind anti-communism” and other errors. It is necessary, however, to distinguish between two kinds of “anti-communism.” Opposition to indigenous movements in Asia that might be drawn to the Chinese model of development is not “blind anti-communism.” Rather, it is rational imperialism, which seeks to prevent any nibbling away at areas that provide the Western industrial powers and Japan with relatively free access to markets, raw materials, a cheap labor force, the possibility for export of pollution, and opportunities for investment.

On the other hand, to refer to a “coordinated offensive directed by the Kremlin” against Southeast Asia, with the Viet Minh as its agent, is indeed “blind anti-communism,” that is, pure ideology, quite beyond the reach of evidence, but extremely useful as a propaganda device to rally domestic support for military intervention against indigenous communist-led movements. The Russians behaved no differently when they invaded Czechoslovakia. They stated, and perhaps even believed, that they were doing so to protect the Czech people from the machinations of Wall Street, the CIA, and the West German aggressors. In fact, they were seeking to preserve the Russian empire from erosion from within, much as the US is doing in Vietnam.

Administration spokesmen have held to the view that by destroying Vietnam we are somehow standing firm against Chi-

¹⁰ For discussion and references, see my *At War With Asia*, pp. 33–36.

It is likely, however, that once again an American administration will intensify its attack on the people of Indochina. The recent bombing of urban centers in North Vietnam appears to go well beyond the extensive attack on the civilian society during the Johnson air war, which official lies then described as the bombing of military targets, such as the hospital in the center of Thanh Hoa city or the market place of Phu Ly, to mention two of the piles of rubble that I visited two years ago. There are further possibilities. Much more extensive bombing of the irrigation system will probably be considered, as in January, 1966, when John McNaughton remarked that the destruction of locks and dams, by shallow-flooding the rice, might lead to “widespread starvation (more than a million?) unless food is provided—which we could offer to do ‘at the conference table.’” (The idea thus “offer[s] promise” and “should be studied”; IV, p. 43.)

Shortly before the B-52 bombing of Haiphong, Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff, in testimony before the House Armed Services Committee, suggested amphibious assaults behind North Vietnamese lines as an option.³ If the American position collapses in the South, a marine landing, perhaps at heavily bombed Vinh or Thanh Hoa, might conceivably be attempted, perhaps recalling moments of past glory at Inchon to military leaders intent on fighting the last war. One can easily imagine that a disastrous failure would lead to the use of nuclear weapons to “save American troops” or in “preventive reaction” against “Chinese aggression.” Remote possibilities, perhaps, though at the same session Admiral Moorer also proposed the bombing of Haiphong harbor as a second option. He also identified the “domestic restraints” that stand in the way of the exercise of

³ Commenting on Moorer’s testimony, Massachusetts Congressman Michael Harrington called for his resignation. Thomas Oliphant, *Boston Globe*, April 15, 1972.

these options: the activities of the peace movement and of the press. Those who are concerned to save Indochina from further destruction will listen carefully to the Chairman of the JCS when he speaks of the “domestic restraints” that so distress him.

Nixon and Kissinger may or may not be able to achieve their ends in Indochina, but there is no doubt that they are capable of exacting a horrendous price for the injury to their pride and the threat to their power. They can murder and destroy without fear of reprisal. They have immense resources of terror at their command. Under the circumstances, limited and malicious men, trapped in the wreckage of their schemes, may be driven to unimaginable extremes of violence.

The threat of nuclear war, raised once again by the latest American steps to expand the scope of the conflict, has always been inherent in the logic of the American position in Indochina. Because of the political weakness of the US-imposed regimes, successive administrations were compelled to widen and intensify the conflict. The risks were always appreciated. In November, 1964, a National Security Council (NSC) working group argued that the commitment to maintain a noncommunist South Vietnam “would involve high risks of a major conflict in Asia,” leading almost inevitably to “a Korean-scale ground action and possibly even the use of nuclear weapons at some point” (III, p. 217).

In December, 1965, the “intelligence community” estimated an almost 50–50 probability that significant escalation of the war would bring in Chinese forces. With the exception of State’s Bureau of Intelligence and Research (INR), intelligence appeared to favor escalating the bombing, including attacks on petroleum facilities and other targets in the Hanoi-Haiphong area (IV, pp. 64–5). Chinese intervention was always understood to be the trigger for nuclear “retaliation” (for example, II, p. 322).

will mount because of proximity, the indigenous Japanese Communist movement which might be able to exploit cultural factors and economic hardship, and “the potential of Communist China as a source of raw materials vital to Japan and a market for its goods.”

Japan, the document continues, requires Asian food, raw materials, and markets; the US should encourage “a considerable increase in Southern Asiatic food and raw material exports” to avoid “preponderant dependence on Chinese sources” by Japan. Analogous considerations hold in regard to India. Furthermore, these markets and sources of raw materials should be developed for US purposes. “Some kind of regional association...among the non-Communist countries of Asia might become an important means of developing a favorable atmosphere for such trade among ourselves and with other parts of the world.”

The general lines of this analysis persist throughout the Truman and Eisenhower administrations (cf. NSC 64, NSC 48/5, NSC 124/2, etc.). To cite one case, an NSC staff study of February, 1952, warned:

The fall of Southeast Asia would underline the apparent economic advantages to Japan of association with the communist-dominated Asian sphere. Exclusion of Japan from trade with Southeast Asia would seriously affect the Japanese economy, and increase Japan’s dependence on United States aid. In the long run the loss of Southeast Asia, especially Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan’s eventual accommodation to the Soviet Bloc. [I, p. 375]

model instead of relying on the industrial powers and adapting their pattern of development to the needs and interests of these powers.

This might very well have led to Japanese moves to accommodate in some fashion to the “closed societies” of East Asia, to a possible effect on India, ultimately even on the Middle East, as the domino theory postulated: not by invasion, which was most unlikely, but by “ideological expansion,” which was not so improbable. In the Kennedy period, Vietnam was elevated to the status of a “test case,” and, I think it is fair to say, a degree of hysteria was introduced into planning. Nevertheless the rational core of policy-making remained. Developing nations must be taught a lesson: they must observe the rules and not undertake “national liberation” on the “do-it-yourself” Chinese model, with mass mobilization of the population and an emphasis on internal needs and resources.

Possibly the threat has now diminished, with the vast destruction in South Vietnam and elsewhere, and the hatreds, internal conflicts, demoralization, and social disruption caused by the American intervention. It may be, then, that Vietnam can be lost to the Vietnamese without the dire consequences of social and economic progress of a sort that might mean a good deal to the Asian poor.

The documentation for the pre-Kennedy period gives substantial support to this interpretation of US motives. For example, NSC 48/1 (December, 1949) warned that Southeast Asia “is the target of a coordinated offensive directed by the Kremlin” (this is “now clear”). The industrial plant of Japan and such strategic materials as Indonesian oil must be denied to the “Stalinist bloc,” which might otherwise attain global dominance; they must be kept in the Western orbit. Japan is the crucial prize in East Asia. Communist pressure on Japan

Even if the present situation stabilizes, we will be driven to the same confrontation again and again, if we stay in Vietnam. Acheson pointed out in 1950 that French success “depends, in the end, on overcoming opposition of indigenous population” (*DOD*, book 8, p. 301). Little has changed since then, apart from the scale of the destruction in Indochina and the dangers of great power conflict. The dilemma noted almost twenty-five years ago, in 1948, drives us inexorably toward higher levels of destruction and ever-mounting risks. The “Soviet ability to exercise restraint” may not be very great, Henry Kissinger admitted in his press conference of May 9, 1972, but the Russians must nevertheless accept their responsibilities and do what they can to help Nixon and Kissinger achieve their aims in Indochina. Further confrontations are inherent in the attempt to impose a regime of collaborators upon a country in which the resistance has not been destroyed and has the backing of powerful allies that have not been neutralized or terrorized by nuclear brinkmanship.

The President stated that “the Communists have failed in their efforts to win over the people of South Vietnam politically” (April 26, 1972). That is quite true. He did not add, however, that these efforts were blocked by American force. Because the Communists appeared capable of gaining a political victory, the Diem regime could not tolerate democratic structures in 1954 (as Joseph Buttinger, for one, has pointed out in *Vietnam: A Dragon Embattled*, Praeger, 1967, vol. 2, p. 856). It was forced to resort to violence and repression. For the same reason, US troops were introduced in support of combat operations in the early 1960s; further escalation was planned in 1964; the US sought to avoid “premature negotiations” until the enemy had been destroyed by force; all of Vietnam was subjected to intensive bombardment, and the South to a direct American invasion, in early 1965.

Programs for deliberately creating refugees (as advocated explicitly by Robert Komer, IV, p. 441), the destruction of the rural society, the Phoenix program of assassination and terror—all these were undertaken to overcome the “clear and growing lack of legitimacy of the GVN,” a constant refrain in the documentary record, and to prevent a Communist political victory. The refusal to accept a political accommodation in the South today derives from the same consideration. It must be emphasized that this is the central issue standing in the way of a negotiated settlement, as it has been throughout the war.

This crucial point was clarified by Henry Kissinger in his comments to the press on the President’s May 8 address announcing the first steps in the blockade of North Vietnam. According to the President, the “North Vietnamese” (now the sole enemy under the conventions of government propaganda to which the mass media generally conform) had presented him with an “ultimatum,” namely, “that the United States impose a Communist regime on 17 million people in South Vietnam who do not want a Communist government.” Since the DRV/PRG position is as much a matter of record as the history of American concern for the wishes of the people of South Vietnam, the President’s listeners could evaluate for themselves the accuracy of his statement, which was worthy of a man who can announce that “the United States has exercised a degree of restraint unprecedented in the annals of war.”

Kissinger explained what the President meant by his claim that the “ultimatum” required him to “join with our enemy to install a Communist regime in South Vietnam.” Aside from Kissinger’s embellishments and speculation, the “ultimatum” amounts to the following plan: Thieu resigns and his “machinery of oppression” is “disbanded”; American military and economic aid ceases; political prisoners are set free; a government

specifically, “the possibility that the Chinese Communists can prove to Asians by progress in China that Communist methods are better and faster than democratic methods” (*An American Policy in Asia*, MIT, p. 7). Similar fears were expressed by the State Department and the Joint Chiefs in 1959 (*DOD*, book X, pp. 1198, 1213, 1226). The State Department therefore urged that the US do what it could to retard the economic progress of the Communist Asian states (*ibid.*, p. 1208), a decision that is remarkable in its cruelty.

A similar concern for Chinese “ideological expansion” was expressed in the planning for escalation in the fall of 1964 (III, pp. 218, 592). Fear was expressed that “the rot would spread” over mainland Southeast Asia, and that Thailand (always “the second line of defense” and, as of mid-1954, “the focal point of US covert and psychological operations in Southeast Asia,” in the wording of NSC 5429/2—see above) would accommodate to Communist China “even without any marked military move by Communist China” (III, p. 661). The “rot,” in these cases, is surely the “ideological threat.” Recall that in this period there was much talk of competition between the Chinese and the Indian models of development. In this setting, fear of Chinese “ideological expansion” gave substance to the domino theory, quite apart from any speculation about Chinese aggression or Kremlin-directed conspiracies implemented by the Viet Minh.

It is interesting that the domino theory was never seriously challenged in the available record, though its more fantastic formulations were discounted. Rather, there was debate about timing and probability. Stripped of fantasies, the theory was not implausible. Successful social and economic development in a unified Vietnam led by Communists along the lines of the Chinese model might well have posed a “threat” to other developing countries, in that peasant-based revolutionary movements within them might have been tempted to follow a similar

throughout Indochina; to introduce US forces in combat support and direct aggression from 1961 on; to carry out a full-scale invasion of South Vietnam in 1965, demolishing much of the peasant society; or later, under Nixon, to wipe out the Plain of Jars in Laos and much of rural Cambodia; to bomb Haiphong; or to carry out any of the other actions that have led to mass revulsion in this country and throughout much of the world. Had the US executive been strictly bound by its legal obligations, which in my opinion do express reasonable principles of international behavior, we would never have found ourselves in the Indochina war.

III

Why, then, did the US become so deeply engaged in this war? In the early period, the documentary record now available presents a fairly explicit account of rational, if cynical, pursuit of perceived self-interest. The US has strategic and economic interests in Southeast Asia that must be secured. Holding Indochina is essential to securing these interests. Therefore we must hold Indochina. A critical consideration is Japan, which will eventually accommodate to the “Soviet Bloc” if Southeast Asia is lost. In effect, then, the US would have lost the Pacific phase of World War II, which was fought, in part, to prevent Japan from constructing a closed “co-prosperity sphere” in Asia from which the US would be excluded. The theory behind these considerations was the domino theory, which was formulated clearly before the Korean war, as was the decision to support French colonialism.

It is fashionable today to deride the domino theory, but in fact it contains an important kernel of plausibility, perhaps of truth. National independence and revolutionary social change, if successful, may very well be contagious. The danger is what Walt Rostow, writing in 1955, called the “ideological threat,”

is then formed excluding Thieu; a cease-fire follows; and finally, negotiations take place between this government and the PRG.

“That is what we have rejected,” Kissinger explains: “That is what we call the imposition, under the thinnest veneer, of a Communist government.” Moreover, “That is the only issue on which negotiations have broken down.” Elaborating further, Kissinger explains that under the terms of the “ultimatum,” “the Communists would be the only organized force, since all the organized non-Communist forces would have been disbanded by definition.” Since the “ultimatum,” as he presents it, speaks only of disbanding Thieu’s “machinery of oppression,” Kissinger is apparently conceding that, in his view, the only organized force opposing the Communists is the military-police apparatus established in the South by the United States.

Thus Kissinger reiterates, perhaps unknowingly, the long-held position of the United States. “It is obvious that [the Vietnamese generals] are all we have got,” Ambassador Lodge stated in January, 1964 (II, p. 304), confirming the Pentagon historians’ analysis that toward the end of the Diem regime, the Army was “the only real alternative source of political power” to the NLF (II, pp. 204–5). As already noted, little has changed. Given the political weakness of the regimes imposed and backed by the United States, and the relative strength of their domestic rivals, the US was compelled to adopt the “semi-genocidal counterinsurgent strategy” that is responsible for such “successes” as it has achieved in its war in South Vietnam, as Peter King points out (see footnote 2).

Kissinger’s alternative to the Communist “ultimatum” is a cease-fire in advance of any political accommodation. Under the terms of a cease-fire, as Kissinger of course understands, the military and police forces of the Saigon regime continue to function in the areas held by the GVN, maintaining law and

order by the Phoenix program and other devices for “neutralizing” the political opposition. Any resistance to their reign of terror and oppression is designated as “criminal” or as “a violation of the cease-fire,” which permits a resumption of US military action in “retaliation.”

In short, this plan offers to the resistance forces the opportunity to surrender to the US-imposed regime, in the areas it will regard as under its control. This is what Kissinger calls “leav[ing] the determination of the political future to the Vietnamese.” Perhaps, like their predecessors, Administration officials will announce their willingness to accept a Communist victory in elections, so long as these elections take place within the constitutional framework of the GVN—which outlaws communism—and under laws that provide heavy penalties for activities that the regime designates as pro-communist in intent.

When Kissinger speaks of “the constant delusion that there is just one formula that has somehow eluded us” (press conference, May 9), he is, perhaps, being somewhat disingenuous. Averell Harriman is surely correct in stating, “While negotiations have been going on, this Administration has never accepted the concept of a neutral non-aligned south nor has it given up its futile attempt to maintain a pro-American government in Saigon.”⁴

The PRG position, reiterated in Paris after the President’s May 8 address, is that the PRG should be one element in a tripartite coalition, excluding Thieu, which would be neither socialist nor collaborationist, but neutralist. Mme. Binh stated that the PRG demand “is only that we should be represented in this government if it is to be completely legitimate.” She added, quite accurately so far as is known, that “this is the very

⁴ Averell Harriman, “Missed Opportunities: How We Got Where We Are,” *Washington Post*, May 9, 1972.

million contested and VC population of December 1968.” As always the pessimists differ from the optimists in their estimate of how long it will take to beat the Vietnamese resistance into submission—nothing more.

There is a third position which, unfortunately, is barely represented in policy-making, at least according to the available documentary record: namely, that the US executive should abide by the supreme law of the land and refrain from forceful intervention in the internal affairs of other nations. It appears that successive administrations believed that Vietnam was the victim of a Kremlin-directed conspiracy in 1950, that there was “aggression from the North” a decade later, and so on. They had the legal authority to express these beliefs and to appeal to the Security Council of the UN to determine the existence of a threat to peace. That they did not do so is self-explanatory.

It is occasionally argued that appeal to the UN Security Council, as required by law, would have been futile because of the Russian veto power. The argument is clearly irrelevant. The law states clearly that “the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression” and shall determine what measures shall be taken. Parties to a dispute “shall, first of all, seek a solution by negotiation” and other pacific means of the sort that the US has always explicitly sought to avoid, in the knowledge that “premature negotiations” or any other peaceful settlement would lead to a collapse of the American position. The legal obligations of the US executive were avoided not out of concern for a possible Russian veto, but because there was no credible case to present.

The US executive had no authority to back French colonialism; to impose a terroristic regime (or even a benevolent democracy) on South Vietnam; to engage in clandestine war

The general attitude of the government toward American democracy was revealed in a striking way during the deliberations of 1964. Plans for the February, 1965, escalation were undertaken with an awareness of the necessity of waiting until the President had congressional approval and a popular mandate. The planning through 1964 places “D-Day” shortly after the elections. After the Tonkin Gulf incident and the President’s “smashing victory at the polls,” his “feasible options increased,” the Pentagon historian relates: “President Johnson was now armed with both a popular mandate and broad Congressional authorization” and could therefore proceed (III, p. 4f.). During the September deliberations, “unity of domestic American opinion” was regarded as a precondition to escalation, but “during the November debates, this is no longer an important factor.” In the interim, the President had been elected “with an overwhelming mandate” (III, pp. 113–6).

It is remarkable that nowhere does anyone take note of the fact that congressional support was obtained in a rather dubious fashion, and that the popular mandate was *not* to escalate. The obvious conclusion to draw from this history is that peace-minded people should have voted for Senator Goldwater, so that the “popular mandate” would have been less overwhelming, since evidently it was only its scale and not its character that mattered. The whole affair reveals clearly the totalitarian instincts of the planners.

To a large extent, the debate over the war counterposes the “optimists,” who believe that with persistence we can win, to the “pessimists,” who argue that the US cannot, at reasonable cost, guarantee the rule of the regime of its choice in South Vietnam. The same two positions appear in the first of the secret “Kissinger papers,” released in part in the *Washington Post*, April 25, 1972. The analysis of the pessimists implies “pacification success in 13.4 years,” while the interpretation of the optimists “implies that it will take 8.3 years to pacify the 4.15

point Nixon opposes.”⁵ This is, in fact, the fundamental issue on which negotiations have broken down, as is apparent even from Kissinger’s presentation.

There is evidence that ten years ago, when the NLF program proposed the neutralization of South Vietnam, Laos, and Cambodia, the NLF saw the 1962 Laos settlement as a model for South Vietnam.⁶ In essence, the PRG program today is the same. Stripped of exaggeration and distortion of what appears in the public record, the “ultimatum” that Kissinger rejects—coupled with the principle that the DRV forces drawn into the war by American aggression return to the North as they apparently largely did shortly after the negotiations began in November, 1968⁷—would truly leave the determination of the political future of South Vietnam to the South Vietnamese and the future of Vietnam to the Vietnamese. But this formula continues to “somehow elude” Henry Kissinger, because of the unresolved dilemma of 1948. An accommodation based on existing political forces, whether in South Vietnam or throughout Vietnam, is inconsistent with the long-term US objective of maintaining a pro-Western regime in South Vietnam. Therefore the people of Indochina must continue to massacre one another under a hail of American bombs.

⁵ Seymour Hersh, “Vietcong Delegate Turns Down President’s Peace Proposal,” *New York Times*, May 11, 1972.

⁶ J. L. S. Girling, review of Georges Chaffard, *Les deux guerres du Vietnam*, 1969, where the matter is discussed, *Pacific Affairs* (Spring, 1972), p. 143.

⁷ Harriman, in the article cited (see footnote 4), states that at that time North Vietnam withdrew 90 percent of its troops from the northern two provinces, half of them over 200 miles into North Vietnam. “The United States was then in a favorable bargaining position since it had over half a million men in South Vietnam,” not to speak of more than 50,000 Korean mercenaries. For references from the press at the time, see my *At War With Asia* (Pantheon, 1970), p. 43f.

On January 6, 1965, William Bundy wrote that “the situation in Vietnam is now likely to come apart more rapidly than we had anticipated in November...the most likely form of coming apart would be a government of key groups starting to negotiate covertly with the Liberation front or Hanoi,” soon asking “that we get out” (III, p. 685). The preceding August, Ambassador Taylor had explained Communist strategy: “To seek a political settlement favorable to the Communists,” passing through neutralism to “the technique of a coalition government” (III, p. 531). The intelligence services concurred, estimating that “it was the Communist intention to seek victory through a ‘neutralist coalition’ rather than by force of arms” (analyst, III, p. 207). The President, in March, 1964, had warned Ambassador Lodge to “knock...down the idea of neutralization wherever it rears its ugly head” (III, p. 511). Neutralism, as Ambassador Taylor noted, “appeared to mean throwing the internal political situation open and thus inviting Communist participation” (III, p. 675), for obvious reasons an intolerable prospect.

The dilemma of 1948 was never resolved. The political weakness of the US-imposed regimes—quisling regimes, in effect—forced the US to take over the war and ultimately to devastate the rural society. On occasion it was even difficult to obtain formal GVN authorization for US escalation. At one crucial moment, the new program of escalation of February, 1965, was received “with enthusiasm” by Ambassador Taylor, who then “explained the difficulties he faced in obtaining authentic GVN concurrence ‘in the condition of virtual non-government’ which existed in Saigon at that moment” (III, p. 323).

The problem was always understood by experts on the scene. John Paul Vann, USOM Field Operations Coordinator, circulated a report in 1965 based on the premise that a social revolution was in process in South Vietnam “primarily identified

trary, as noted above, such actions are criminal. Furthermore, the executive branch of the government has no legal authority, under a reasonable interpretation of the First Amendment, to harass, indict, or prosecute those who expose its record of deceit, for example, by making public the Pentagon Papers history.

The government argues that First Amendment rights are outweighed by the need to prosecute those who transmit classified information and documents. Whatever one thinks about the “balancing doctrine,” it clearly applies only when the government represents some legitimate public interest. It would in my opinion be farcical to argue that the government interest in protecting itself from the exposure of its misdeeds outweighs First Amendment rights. In this case, the public interest surely lies squarely in the strict and literal interpretation of the First Amendment, which offers the citizen some protection against the state (recall the historical context of the Bill of Rights), for it at least makes it possible for the citizen to discover what the state has done or plans to do, so that he can attempt to prevent such acts, if he so chooses.

Concerning the government claim that release of the Pentagon Papers violates the Espionage Act, which makes it a crime to transmit documents “relating to the national defense,” it may be recalled that Congress has passed no law prohibiting the transmission of documents relating to a history of deception and aggression. There is no plausible theory under which the record of the Pentagon Papers can be interpreted as relating to the national defense. On the contrary, this is a record of the use of force in international affairs in a manner entirely inconsistent with the purposes of the United Nations, and thus, strictly speaking, in violation of the supreme law of the land.

the time of the US escalation that an armed attack had taken place. The record makes it absolutely clear that this was not the case. Hence the justification fails under any possible assumption with regard to unknown facts.

Suppose, for example, that after invading Czechoslovakia the Russians had discovered that, unknown to them, some armed attack had taken place against Czechoslovakia, say, by West German forces. They could not have argued that this “discovery” justified their armed intervention on the grounds of Article 51. It is therefore clear that Rusk’s testimony consisted of either false statements or fraudulent representations. It might be noted that “false, fictitious, or fraudulent statements or representations” by government officials are a crime, punishable by heavy fine or imprisonment (cf. Scott, *The War Conspiracy*, Introduction).

The contempt for the public is of the same order. For example, on February 26, 1966, the President stated: “We do not have on my desk at the moment any unfilled requests from General Westmoreland” (*New York Times* Edition, *Pentagon Papers*, p. 467). In fact, there was at this time a request to double the troop commitment, and the President had on his desk a memorandum from the Secretary of Defense stating that with the deployments recommended (400,000 by the end of 1966 and perhaps more than 600,000 the following year), US killed-in-action could be expected to reach 1,000 per month (IV, pp. 309, 623–4). The Administration view was accurately expressed by William Bundy when he stated that if policies are to be modified, then “a conditioning of the US public” is necessary. (He added that where this cannot be done with sufficient rapidity, the executive may find itself trapped by its earlier misrepresentations—IV, p. 611.)

It goes without saying that government officials have no legal authority to misrepresent matters to the public; on the con-

with the National Liberation Front” and that “a popular political base for the Government of South Vietnam does not now exist.” The US must therefore take over, he concluded. In the early 1960s Bernard Fall raised the question:

Why is it that we must use top-notch elite forces, the cream of the crop of American, British, French, or Australian commando and special warfare schools; armed with the very best that advanced technology can provide; to defeat Viet-Minh, Algerians, or Malay “CT’s” [Chinese terrorists], almost none of whom can lay claim to similar expert training and only in the rarest of cases to equality in fire power?

He then supplied the correct and obvious answer:

The answer is very simple: It takes all the technical proficiency our system can provide to make up for the woeful lack of popular support and political savvy of most of the regimes that the West has thus far sought to prop up. The Americans who are now fighting in South Vietnam have come to appreciate this fact out of first-hand experience. [*Street Without Joy*, Stackpole, 1964, p. 373]

A decade later, the same analysis holds. There is every reason to suppose that it will continue to apply in the future, and not only in Southeast Asia.

II

The major premise of the American intervention has always been that we must “build a nation” in the South to counter the

Communist Vietnamese, who seemed to be alone in their ability to mobilize the population. The enemy has found “a dangerously clever strategy for licking the United States,” the director of Systems Analysis warned. “Unless we recognize and counter it now, that strategy may become all too popular in the future” (IV, p. 466). The strategy was to wage a war of national liberation based on the aspirations of the Vietnamese peasants for independence and social justice.

The outside power was never able to compete. The US could maim and kill, drive peasants from their homes, destroy the countryside and organized social life, but not “build a nation” in the approved image. We had taken on a society that was simply not fit for domination. Therefore, it had to be destroyed. This, as the realistic experts now soberly explain, was worse than a crime, it was a blunder.

American ambassadors proposed that the US should exert influence on the GVN to adopt a program “to give the new government an idealistic appeal or philosophy which will compete with that declared by the VC” (Bunker, August, 1967, II, p. 403), or to “saturate the minds of the people with some socially conscious and attractive ideology, which is susceptible of being carried out” (Lodge, mid-1964, II, p. 530). Somehow, these concepts never succeeded in overcoming the “idealistic appeal” of the NLF in rural Vietnam.

Failing to saturate the minds of the people with a sufficiently “attractive ideology,” the Administration turned to the easier task of saturating the country with troops and bombs and defoliants. A State Department paper observed that “saturation bombing by artillery and airstrikes...is an accepted tactic, and there is probably no province where this tactic has not been widely employed” (end of 1966, IV, p. 398). The only objection raised was that it might be more profitable to place greater emphasis on winning support for the Saigon regime. That US force should be devoted to winning support for its own creation, the Saigon regime, apparently seemed no more strange to the au-

expressed his concern that there might be regular PAVN forces in or near the II Corps area of South Vietnam, planned US deployments were 85,000 troops (III, p. 473). In mid-July, when the JCS reported one PAVN regiment in the South, the President approved the request that the US troop level be raised to 175,000 in 1965, with another 100,000 recommended for 1966, and an estimated US killed-in-action of 500 per month (III, pp. 396, 416; IV, pp. 297, 299). Recall that the US troop level had reached 23,000 by the end of 1964 (II, p. 160) and that US forces had been directly engaged in combat operations for three years, at that point.

Conceivably, one might argue that Secretary Rusk’s testimony of January and February, 1966, that a North Vietnamese division was, by January, 1965, in South Vietnam is not, strictly, inconsistent with the record presented in the Pentagon Papers and elsewhere regarding the information available to the Administration through the summer of 1965. One might speculate that information obtained after this period, but before Rusk’s testimony, revealed that the PAVN 325th Division had in fact infiltrated into South Vietnam, as a division, by January, 1965, that is, prior to the US escalation of the war in February.

There are two difficulties in this defense, the only possible one. In the first place, there is no evidence in the Pentagon Papers or in any other source that the speculation is correct. Second and more important, even if it were correct it would be irrelevant. Rusk’s testimony was an effort to justify the US escalation in February as collective self-defense against armed attack, as permitted under Article 51 of the Charter. Aside from a variety of other objections (e.g., Article 51 refers to armed attack against a member of the United Nations; the 17th parallel is not a territorial boundary under the Geneva Agreements, etc.), the justification would have force only if it had been known at

appears in an “ominous” CIA-DIA memorandum of April 21, 1965, which “reflected the acceptance into the enemy order of battle of *one regiment* of the 325th PAVN [People’s Army of (North) Vietnam] Division said to be located in Kontum province” (III, p. 438, emphasis added). Chester Cooper, who was responsible for preparing the material on infiltration, writes that by the end of April “it was believed” that one *battalion* of regular PAVN troops was in South Vietnam at this time (*The Lost Crusade*, Dodd, Mead, 1970, pp. 276–7).⁹

Evidently the reports on which this “belief” was based, as well as later reports, were not wholly persuasive. On July 2, in a memorandum to General Goodpaster, John McNaughton states: “I am quite concerned about the increasing *probability* that there are regular PAVN forces either in the II Corps area or in Laos directly across the border from II Corps” (IV, pp. 291, 277, emphasis added). On July 14, the Joint Chiefs included only one regiment of the 325th PAVN Division in their estimate of 48,500 “Viet Cong organized combat units” (IV, p. 295), and a Special National Intelligence Estimate of July 23 predicted that if the US increased its strength in South Vietnam to 175,000 by November 1, then, in order to offset this increase, the Communists would probably introduce a PAVN force totaling 20,000 to 30,000 men by the end of 1965 (III, p. 484f.).

For comparison, note that on April 21, 1965, Secretary McNamara reported that 33,500 US troops were in South Vietnam in addition to 2,000 Koreans who had been dispatched on January 8, 1965 (III, pp. 706, 139). He further reported the unanimous recommendation of the Honolulu Meeting of the preceding day—the day before the “ominous” CIA-DIA report—that US forces be raised to 82,000 supplemented with 7,250 Korean and Australian troops. On July 1, the day before McNaughton

⁹ See Theodore Draper, *Abuse of Power* (Viking, 1967), an important early study which demonstrated clearly that access to classified information was not needed to refute the propaganda and outright fabrications of government spokesmen.

thor of this statement than that the US should be conducting saturation bombing of all provinces in South Vietnam.

The main force of the American war has been directed against the population of South Vietnam since the early 1960s, with a vast increase in 1965 when a virtual occupying army was deployed and the “basic strategy of punitive bombing” was initiated in the South (Westmoreland, March, 1965, III, p. 464). It is revealing to investigate the decision to undertake the massive air attack on South Vietnam. “*It takes time to make hard decisions*,” McNaughton wrote. “It took us almost a year to take the decision to bomb North Vietnam” (IV, p. 48). This decision is studied in painstaking detail.

Little is said, however, about the decision to bomb South Vietnam at more than triple the intensity of the bombing in North Vietnam by 1966. This was the fundamental policy decision of early 1965. As Bernard Fall pointed out not long afterward, “What changed the character of the Vietnam war was *not* the decision to bomb North Vietnam; *not* the decision to use American ground troops in South Vietnam; but the decision to wage unlimited aerial warfare inside the country at the price of literally pounding the place to bits.” But of this decision we learn very little in the Pentagon history, and only a few scattered remarks mention the effects of the bombing.

The contrast between the attention given to the bombing of the North and the far more destructive bombing in South Vietnam is still more remarkable in the light of the fact that South Vietnam, from early 1965, was subjected not only to unprecedented aerial attack but also to artillery bombardment which may well have been even more destructive. In January, 1966, Secretary McNamara introduced into congressional testimony parts of a “Motivation and Morale study,” still otherwise secret, which indicated that artillery bombardment may be even more

effective than air attack in causing villagers “to move where they will be safe from such attacks,” “regardless of their attitude to the GVN” (Senate Armed Services and Appropriations Committee Hearings, January, 1966).

The study was optimistic, concluding that such methods would help to dry up the popular sea in which the guerrillas swim. In later years, Westmoreland and others were to point to the “fact that the enemy has...been denied recruits” from populated areas in the South, citing this as the cause of infiltration by regular North Vietnamese units, which was first confirmed as taking place in late April, 1965.

The reason why the bombing of the North was given such meticulous attention while the far greater attack on the South was undertaken as a matter of course seems clear enough. The bombing of North Vietnam was highly visible, very costly to the US, and extremely dangerous, posing a steady and perceived threat of general war. By contrast, the far more savage attack on the South was merely destroying the rural society, and therefore—so the documentary record indicates—did not merit the attention of the planners in Washington.

The moral character of planning is strikingly revealed by this contrast, particularly on the rare occasions when some qualms about the bombing are expressed. When B-52 bombing began in mid-1965, William Bundy noted only one problem: “We look silly and arouse criticism if these [B-52 raids] do not show significant results” (IV, p. 612). It appears to be no problem at all that if the B-52 raids do show significant results we may turn out to be mass murderers. In the nature of the case, there can be partial information at best about the targets of these weapons of mass terror and destruction.

Within a few months, B-52 raids were reported by Bernard Fall and others in the populous Mekong Delta, with devastating effects on the civilian society, a pattern repeated elsewhere in South Vietnam and, recently, in the North as well. There is, to my knowledge, no record of any hesitation about the use of

The Pentagon Papers provide evidence of a criminal conspiracy of long duration to engage the United States in aggressive war. One may debate the sufficiency of the evidence, but hardly its existence. It is natural, if somewhat ironic, that the Justice Department, instead of investigating the possible criminal conspiracy exposed by the Pentagon Papers, has chosen instead to investigate and prosecute those who revealed these acts to the public. Senator Fulbright has stated, in a different but related connection: “I and some of my colleagues have almost been reduced to the situation where it makes no difference what is put into law, the administration will not abide by it.” He has also expressed his hope that some day “this country will return to its senses and we will then have an opportunity to resurrect the basic principles of law on which this country was founded” (*Congressional Record*, October 4, 1971). I should only like to add that thousands of draft resisters and deserters and others have reluctantly undertaken civil disobedience on the basis of concerns that are, in my opinion, similar. Having called off the game of obedience to law, the Administration has forfeited its authority to enforce the rules.

The Administration’s attitude toward Congress and the public is of a piece with its concern for legal obligations. The unending record of deceit illustrates much contempt for Congress and the public, in my opinion. For example, Secretary Rusk, testifying before the Senate Foreign Relations Committee on January 28, 1966, stated that by January, 1965, the 325th Division of the North Vietnamese Army had been moved to South Vietnam, an act that constituted “aggression by means of an armed attack” and entitled the US to respond under Article 51 of the UN Charter. He repeated this assertion in testimony on February 18, 1966.

On this crucial matter the Pentagon Papers tell a different story. The first reference to regular North Vietnamese units ap-

in effect conceded that the intervention was illegitimate by insisting upon its authority to intervene in the case of local subversion and aggression without armed attack, that is, “internal aggression.”

The Joint Chiefs of Staff, in February, 1955, foresaw:

...three basic forms in which aggression in South-east Asia can occur: a) Overt armed attack from outside of the area. b) Overt armed attack from within the area of each of the sovereign states. c) Aggression other than armed, i.e., political warfare, or subversion. [*DOD*, book X, p. 885]

Overt armed attack from within a sovereign state is Ambassador Stevenson’s concept of “internal aggression.” In defining “political warfare” as a form of aggression, the Joint Chiefs reveal that they comprehend with precision and insight the fundamental position of the US political leadership.

Many other examples can be given, from the Pentagon history, to illustrate the same concept of “internal aggression.” Indigenous forces are carrying out “internal aggression” against regimes chosen to rule by foreign force, and protected from their own populations by this foreign force (allegedly acting in “collective self-defense” against the “aggression”). Ultimately, external force is drawn into the conflict to support the indigenous rebellion, and we hear cries from Washington about the perfidy of the North Vietnamese aggressors and their allies. To cite only the most obvious case, consider the talk of “North Vietnamese aggression” today, aggression that is taking place in areas that were invaded and occupied by American armed forces seven years earlier, and devastated in American military operations. I need not spell out the facts, which have been described in ample detail elsewhere.

any military tactic except on grounds of the potential cost to the decision-makers and the interests they represent.

Concern for law is also absent. The UN Charter, which, according to the Constitution, became the supreme law of the land when ratified by the Senate, clearly prohibits the threat or use of force in international affairs, except in the case of collective self-defense against armed attack or under Security Council authorization. The record shows plainly that American use of force against the population of South Vietnam always *preceded* any exercise of force attributable to the DRV and was always vastly greater in scale. I put aside the question whether the DRV was entitled to come to the aid of the Southern NLF after the dismantling of the Geneva Accords by the US and the regime it instituted in the South, and after the widespread use of terror by this regime, terror which far exceeded the subsequent counterviolence of the indigenous resistance.

US administrations never regarded themselves as bound by the law. To cite one illustration, immediately after the Geneva Agreements, the National Security Council adopted NSC 5429/2 (August 20, 1954), which recommended covert operations and other pressures and preparation for direct use of US military force in the event of “local Communist subversion or rebellion *not constituting armed attack*” (my emphasis), with use of US military force “against the external source of such subversion or rebellion (including Communist China if determined to be the source).” The use of force in the absence of armed attack, as recommended in this very important document, is in clear and explicit violation of law.

Further recommendations were: to “conduct covert operations on a large and effective scale” throughout Indochina, in particular, to “exploit available means to make more difficult the control by the Viet Minh of North Vietnam,” to defeat Communist subversion and influence, to maintain noncommunist

governments elsewhere in Indochina, and “to prevent a Communist victory through all-Vietnam elections.” These proposals not only express an open contempt for solemn treaty obligations (the UN Charter in particular), but also indicate a clear intention to subvert the Geneva Accords. I might add that the contents of this National Security Council document are not presented accurately in the Pentagon history (cf. I, pp. 204, 216); and the crucial events of the next six years are, in my opinion, presented quite inadequately, in fact, seriously misrepresented, a matter discussed in some detail in my essay in *Critical Essays on the Pentagon Papers* (Chomsky and Zinn, eds., Beacon, 1972).

In a parody of the law, planners repeatedly insisted that “after, *but only after*, we have established a clear pattern of pressure” could peaceful means be considered (William Bundy, August 11, 1964, III, p. 526). The Pentagon historian notes that President Johnson’s peace “initiative” of April 7, 1965, “was in accord with the ‘pressures policy’ rationale that had been worked out in November, 1964, which held that US readiness to negotiate was not to be surfaced until after a series of air strikes had been carried out against important targets in North Vietnam” (III, p. 356). “Significantly,” the historian adds, the peace initiative was preceded by intensive bombing. Repeatedly in subsequent years, apparent opportunities for negotiations were undercut by sudden escalation of bombing (IV, pp. 135, 205).

The Pentagon historian regards this as “inadvertent” or an “unfortunate coincidence.” It is possible, however, that each incident is an example of the “pressures policy,” the general policy of application of force prior to efforts toward peaceful settlement of disputes, in explicit contradiction of the law. (Cf. UN Charter, Articles 2, 33, 39. See also Peter Dale Scott, *The War Conspiracy*, Bobbs-Merrill, 1972, chapter 4.)

The “pressures policy” was inevitable, given the US commitment to a “noncommunist regime” and the realization that a settlement based on indigenous political forces would probably not achieve this objective. The political weakness of the US-imposed regimes led to the strategy of annihilation, out of “military necessity”; it also led to reliance on force in advance of and in place of the peaceful means prescribed by law.

The essence of the US government position is revealed by public statements explaining the concept of “aggression.” Consider, for example, the fairly typical remarks of Adlai Stevenson before the UN Security Council, May 21, 1964 (III, pp. 715–6). He observed that “the point is the same in Vietnam today as it was in Greece in 1947.” In both cases the US was, he said, defending a free people from “internal aggression.” What is “internal aggression”? It is “aggression” by a mass-based indigenous movement against a government protected by foreign power, where the “internal aggression” has the kind of outside support that few wars of liberation have lacked (the American Revolution, to cite one case).

In the case of Greece, as of Vietnam, the Administration insisted that the “internal aggressors” were merely agents of a global conspiracy directed by Moscow or “Peiping,” in both cases in defiance of available evidence;⁸ though, even if it were true, US intervention would not have been permissible without Security Council authorization. As I have noted, the US

⁸ For discussion of the facts about Greece, and their relevant historical background, see Gabriel Kolko, *The Politics of War* (Random House, 1968); Joyce and Gabriel Kolko, *The Limits of Power* (Harper & Row, 1972). For some parallels between Greece and Vietnam, see Todd Gitlin, “Counterinsurgency: Myth and Reality in Greece,” in David Horowitz, ed., *Containment and Revolution* (Blond, 1967); and L. S. Stavrianos, “Greece’s Other History,” *New York Review of Books*, June 17, 1971. See also Richard Barnett, *Intervention and Revolution* (World, 1968).