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Several recent public discussions on Vietnam have taken exception to President Nixon's prediction that a "bloodbath" of Communist reprisals, similar to the one that occurred in North Vietnam after the 1954 cease-fire, will take place in South Vietnam if U.S. troops are withdrawn precipitately. Referring to ICC (International Control Commission) reports after the Geneva Agreement of 1954, the discussants have drawn inferences therefrom to support their denial that widespread reprisals occurred in North Vietnam after the withdrawal of the French.

I. REPRISALS

Statements:

In his article in the May 22 issue of Life magazine, "Set a date in Vietnam. Stick to it. Get out," Clark Clifford stated that "The President bases his claim of 'bloodbath' on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed and the best estimate are [sic] that

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10,000 to 15,000 may have died."

Tom Wicker made a more forceful rebuttal in his column in the New York Times of May 12, 1970, in which he called the President's prediction of a bloodbath a "historical hobgoblin," denied that there had been wholesale reprisals in North Vietnam after 1954, and accused the President of using an "emotional argument" that "seems to stem from something stronger than evidence. It is as though he wills it to be true, even though it isn't...." In support of his own view of history, Wicker referred to several earlier articles by other writers. The first of these, "Vietnam: The Bloodbath Argument," appeared in The Christian Century of November 5, 1969. According to the authors, D. Gareth Porter and Len E. Ackland, "when proponents of the bloodbath argument mention massacres in the North, they are referring not to political reprisals against former enemies of the Vietminh, but to the harshly implemented land reform program of 1955-56." Citing figures attributed to the historian Joseph Buttinger, Porter and Ackland estimated that 10,000 to 15,000 persons may have died in North Vietnam during the land reform program. But the comment that Buttinger's "sympathies lay with Diem" seems to indicate that the writers doubt the validity of so high an estimate.

A second authority cited by Wicker is Professor George McT. Kahin. In a column in the New York Times of December 6, 1969, entitled, "Topics: History and the Bloodbath Theory in Vietnam," Kahin charged that the President's account of massacres in North Vietnam was "contrary to the historical record," and criticized the President for what he termed an "appalling misunderstanding of what actually happened after the 1954 Geneva armistice." In Kahin's words, "It was in the fall of 1956, more than two years after the Geneva Armistice, that violence occurred on a significant scale in the North. This was unconnected with the anti-French struggle and was not in reprisal against Vietnamese who had supported the French against the Vietminh."

Response:

The regime in North Vietnam did indeed harshly repress a peasant revolt in a series of incidents that took place in Quynh Luu district, Nghe An province, in November 1956. The repression was not in reprisal for the victims' activities during the hostilities, but in response to mass peasant protests against the detention of relatives and confiscation of property allegedly in connection with the land reform program, the denial of the right to move South during the regroupment period, and the severe punishment inflicted on those who had tried to move. North Vietnamese troops arrested and deported thousands of the protestors, and later fired indiscriminately on men, women, and children after villagers had given a sack of petitions to an ICC team visiting the area. According to Bernard Fall's report in The Two Vietnams, this Communist operation resulted in the execution or deportation (mostly the latter) of an estimated 6,000 peasants.*

The GVN (Government of South Vietnam) protested vigorously to the ICC charging North Vietnam with violating Article 15d (injury to life and property of civilians) and 14d (denial of freedom of movement).** The ICC team in Nghe An province received 1684 petitions from local residents. But since the ICC had earlier ruled that 15(d) was inoperative after the 300-day regroupment period, it ignored the large number of complaints under this heading. The 985 remaining petitions charging a denial of freedom of movement were referred to the Communist government in North Vietnam for comment.

About four years later, the ICC reported that the DRV's (Democratic Republic of North Vietnam) comments were "still under consideration," and in its eleventh and final interim Report, submitted in the fall of 1961, the commission noted that it had not "been in a position to consider 985 petitions received from Quynh Luu District."***

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*Bernard Fall, The Two Vietnams, Frederick A. Praeger, New York, 1963, p. 157.

**Unpublished letter from the Republic of Vietnam to the ICC, dated November 29, 1956.

***See the ICC Tenth Interim Report, Command Paper 1040 (HMSO, June 1960), para. 26; and Eleventh Interim Report, Command Paper 1551 (HMSO, November 1961), para. 30.

Communist massacres, however, had been going on for several years in North Vietnam prior to this particular peasant revolt. During the hostilities, the Vietminh had initiated an agrarian reform in areas they controlled. It began in 1953 with issuance of a Population Classification Decree that divided the rural population into categories, to separate "our friends from our enemies."* This decree clearly indicated that all "wicked landowners" who had to be eliminated were also "traitors," i.e., French collaborators. The training course for cadres, given in connection with the land reform program, stressed that "feudalism" (landownership) and "imperialism" (colonialism) were inseparable and had to be jointly overthrown.**

The wave of terror that ensued took care of both land reform and political opponents. After the cease-fire, it continued briefly in areas recently taken over by the Vietminh, but quickly subsided because the Communist regime wanted to stem the flow of peasant refugees to the South, and avoid charges of reprisals against those who had favored the other side during the hostilities. To accomplish the latter, the Ho Chi Minh government merely revised some of its land reform regulations, and reclassified the population in such a way as to provide a cover for reprisals while seeming to respect the prohibitions in the Geneva Agreement. The government decree established four categories of landowners: democratic people and patriotic scholars; landowners who participated in the resistance; ordinary landowners; and powerful, dishonest and wicked landowners, for whom special treatment was reserved.***

The wave of terror then resumed with added virulence in May 1955, after all French forces had left North Vietnam. The fourth category of landowners became the catch-all for those who had been associated with the French or the National Government during the hostilities.

*Fall, p. 155.

**Hoang Van Chi, From Colonialism to Communism, Frederick A. Praeger, New York, 1964, pp. 151ff.

***DRV Government Decree No. 473TTG, March 1, 1955.

Among the victims were many village and district chiefs, minor civil servants, and former employees of the French. Many owned no land at all.

Regarding the number of victims during the program of land reform-cum-reprisals, the specialist on Vietnam, Bernard Fall, whose sympathies most definitely did not lie with Diem, said that "the best educated guesses on the subject are that probably close to 50,000 North Vietnamese were executed in connection with the land reform and that at least twice as many were arrested and sent to forced labor camps."*

Hoang Van Chi, for years an active Vietminh, wrote that "following an order from the Communist Central Committee in 1955, the minimum number to receive the death sentence was raised from one to five per village." Referring to "the staggering size of the death roll," Chi noted that the figure of 100,000 dead did not seem to be an exaggeration, "since, apart from the number of people who were sentenced to death by the Special People's Tribunal and publicly shot, there still were people who died in jails and in concentration camps, and those who committed suicide." In addition, "a far greater number of landlords' families -- the majority of these being small children -- died from starvation owing to the isolation policy.**

An even more authoritative report on the period following the 1954 cease-fire comes from French Professor Gérard Tongas, initially an enthusiastic apologist for the Vietminh, who remained in Hanoi after the Communist takeover, resolved "to collaborate loyally" with the Ho Chi Minh government -- which he thought would be Socialist rather than Communist. Although Tongas gradually became disenchanted with the regime, he stayed in North Vietnam until 1959. By his own account, he was the only foreigner to hold a police permit that allowed him to travel when and where he wanted. Enjoying wide contacts of many years' standing, he took extensive notes on what he saw and heard.

With respect to the land reform program, Tongas writes that it

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*Fall, op. cit., p. 156.

**Chi, p. 166.

was "the pretext for an indescribable slaughter that produced...one hundred thousand dead!" The victims died as a result of executions, imprisonment, or what was known as dau-to, a form of community ostracism that so completely isolated the families and friends of those condemned in public trials that they died of starvation. "In each village, the authorities -- by means of intermediaries -- designated arbitrarily those presumed guilty. Their number was set in advance: one per 500 inhabitants had to be found, which meant easily an average of five or ten per village."*

These comments indicate the scope of the terror, but Tongas also reveals the nature: "most frequently...the choice fell preferably on those who had held a job, no matter how modest, under the French." Although the wealthier landowners, who were unpopular with the villagers, and those who had failed to help the Vietminh were undoubtedly among the victims, Tongas points out that one did not have to be a landowner to be dragged before the People's Courts because, "contrary to the famous law that theoretically regulated the Reform, it was not the rich who were struck down but the subordinates; in flagrant violation of the Geneva Agreements, the Reform was a pretext for reprisals against those who had worked for the French."**

The summer of 1956 -- the period of the Communist "Rectification of Errors" -- saw a lull in the campaign of terror, and after the autumn revolt in Nghe An there were fewer and less indiscriminate convictions. Nevertheless, reprisals for activities during the hostilities continued. As late as 1959 the Government of South Vietnam complained to the ICC that the authorities in the North were still perpetrating

*Gérard Tongas, J'ai vécu dans l'enfer communiste au Nord Viet-Nam, Nouvelles Editions Debresse, Paris, 1960, p. 222. Tongas attended some of the trials.

**Ibid. Immediately after the French withdrew from North Vietnam, the DRV conducted a detailed census that required all inhabitants in areas previously under control of the French forces and the National Government to report the positions they had held during the hostilities, and to state whether they had been associated with foreigners, specifically French or American personnel.

"inhuman reprisals against the former employees of the National Government." It expressed regret that the ICC had as yet taken no positive action "concerning the innumerable complaints handed in by the Vietnamese Mission [to the ICC] as well as by the victims themselves or their families residing in the South."*

II. ICC REPORTS

Statements:

In discussing the incidence of reprisals in Vietnam during the first two years after the 1954 armistice, Messrs. Clifford, Wicker, Kahin, Portland, and Ackland used the ICC reports as their principal source of information. Noting that these reports listed many Communist complaints of reprisals in South Vietnam but very few French charges of reprisals in North Vietnam, they deduced therefrom that there had been no Communist bloodbath in the North in retaliation for cooperation with the French or the National Government during the hostilities.

Several of the writers observed that the ICC reports had revealed no Communist efforts to hamper ICC investigations in the North, but had complained of obstructions in the South and of the Diem government's decision to bar investigations of Communist charges of reprisals after 1956. They concluded from these facts, and from the statistics cited in the ICC reports, that if a bloodbath of reprisals had taken place in Vietnam after the 1954 cease-fire, it had occurred "in the South, not in the North."

The willingness of these writers to accept the public reports of the ICC as the historical record is evident in their arguments. The Christian Century article specifically claims that "the International Control Commission reports, while not definitive, give us a

*"Violations of the Geneva Agreement by the Vietminh Communists," Government of the Republic of Vietnam, Saigon, July 1959. Appendix No. 11, p. 157. The writer received copies of the many complaints that the GVN sent to the French Liaison Mission to the ICC between 1954 and 1956. These were forwarded at the time, to the Department of State, by the U.S. Embassy in Saigon.

reasonable account of the situation in North Vietnam after the 1954 Accords."

Response:

The above statements and conclusions give rise to several important questions:

Question: Why did the ICC reports list so few complaints of reprisals in North Vietnam if many did, in fact, occur?

Answer: The Government of South Vietnam actually filed a great many charges, but because it took the position that it was not legally bound by the Geneva Agreement that it had not signed, in 1954 it sent its complaints to the French Liaison Mission to the ICC without referring to the Geneva Agreement per se, and without specifically asking for an ICC investigation. The charges were simply forwarded to the French Mission with the expectation that it would seek ICC action. It rarely did in 1954 for several reasons:

- The ICC refused to consider charges that failed to cite the Geneva Agreement -- sole basis for the ICC's authority to investigate -- and the French were unwilling to revise the GVN complaints and assume sole responsibility for them.
- The GVN charges often lacked the type of substantiating evidence required by the ICC; for example, the ICC usually insisted on first-party complaints.
- The French were convinced that the type of evidence required by the ICC could not be obtained under the conditions existing in North Vietnam, and that it would therefore be wiser to concentrate on evacuating from the North as many potential victims of Communist reprisals as possible.*

For these reasons, the ICC report for 1954 listed no specific complaints of political reprisals in North Vietnam. It is noteworthy, however, that the report did state that the ICC had received 17,397 petitions during the four-month period covered, and that 11,035 of these dealt with "freedom of movement, democratic freedoms, etc...."**

*Based on comments made to the writer, in 1954, by the Chief of the French Liaison Mission to the ICC.

**See the First Interim Report of the International Commission for Supervision and Control in Vietnam, Command Paper 9461 (London: HMSO, May 1955), para. 80.

Although the report failed to state how many of the petitions were from each side, probably the GVN's numerous complaints about reprisals in the North were included, since reprisals and denial of "democratic liberties" were synonymous, both relating to wartime opponents, and both being covered by Article 14(c) of the Geneva Agreement. Also, Canadian and Indian members of the ICC privately acknowledged, at the time, that many petitions were hand-delivered to the ICC headquarters at Hanoi, often at night, while others were surreptitiously given to Canadian and Indian members of ICC teams in the North to prevent the Polish members from alerting the North Vietnamese authorities.

Question: If many -- or any -- of those executed or imprisoned in North Vietnam in connection with the land reform program were, in fact, victims of Communist reprisals for their activities during the hostilities, why did the ICC reports fail to mention this fact?

Answer: By the time the South agreed, early in 1955, to cite the Geneva Agreement in its charges against North Vietnam, and to request ICC investigations, Hanoi had already cleverly revised its legislation to provide the legal camouflage needed to undertake reprisals under the guise of "land reform." The Australian Communist correspondent, Wilfred Burchett, noted that revisions of North Vietnam's Population Decree

> ...were partly made necessary by the "no reprisals" clause in the Geneva Agreements, partly based on the experience of the previous twelve months. Past collaboration with the enemy was no longer an offense...accusation meetings were abolished and replaced by the People's Tribunals with judgments pronounced by the properly constituted provincial courts.*

But for those determined to investigate charges of political reprisals, the legal camouflage might not have been foolproof, for a "differentiation of treatment was made in the case of patriotic landlords, ordinary landlords, criminals, and despots."**

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*Wilfred Burchett, North of the 17th Parallel, published by the author, Hanoi, September 1955, p. 169.

*Ibid.

Because, however, there were no subsequent ICC citations against the DRV for either reprisals or denial of democratic freedoms during the land reform program, the DRV legislation apparently met the ICC's criteria, and the trials by People's Tribunals were accepted as a part of the civil administration with which the ICC could not interfere. If so, it may well be because the Hanoi regime was familiar with the viewpoint of certain key members of the all-important Indian delegation to the ICC, and drafted its legislation accordingly. This viewpoint is clearly exemplified in the writings of Dr. B.S.N. Murti, the ICC Public Relations Officer and Deputy Secretary General who was stationed in Hanoi, from 1954 to 1957, and was responsible for maintaining liaison between the ICC and the two signatories of the Geneva Agreement.

Pointing out that there was a "wide divergency in the theoretical concepts of freedom between the two parties," and that the member countries of the ICC, representing different types of democratic organizations, "could not have given a common definition of democratic liberties," Dr. Murti notes in his book, Vietnam Divided, that since democratic freedoms are not absolute but relative, they "had to be evolved from the current laws, regulations, and practices." Elaborating on this theme, he goes on to say:

> Even though there was an implication in Article 14 that there must be a regime of democratic liberties for the whole population in the two zones, it presumed some standard and that standard was related to the laws, regulations, and practices prevailing in the area... there was no implication in the Agreement that the same standard should be maintained both in the North and in the South. Once the standard was established according to current laws and regulations, that standard should be applicable to all persons and there should be no discrimination against the previous resistance workers and they should not be deprived of what rights were available to others. Such a standard of democratic liberties in Vietnam should be examined according to the standard prevailing at a given time in the area concerned. But any legislation which was directly in violation of some provisions of the Geneva Agreement could not be accepted as the prevailing standard [emphasis added].*

*Dr. B.S.N. Murti, Vietnam Divided, published by the Asia Publishing House, New York, 1964, pp. 61-62.

The DRV made certain that its legislation was not in violation of the Geneva Agreement. Professor Tongas is brutally frank in his appraisal of the results. After citing the protection presumably afforded by Article 14(c), he asks, "What did we see in the DRV?" and then provides the answer:

> The most bloody, the most vile reprisals were undertaken, especially against Vietnamese who had worked for the French. These, carried out in a more or less camouflaged manner on numerous occasions, were undertaken in a spectacular manner during the monstrous Agrarian Reform.
>
> Faced with these terrifying violations of the Geneva Agreement, what was the attitude of the ICC? It saw nothing, knew nothing, denounced nothing. Why? Because it was not officially informed with substantiating proof....Who then, under such a regime of terror would dare to brave the official wrath? Determined men ready for any sacrifices, death volunteers -- in other words, informants left behind, or sent by the other party, who would be able to submit to the ICC in South Vietnam well substantiated complaints, thanks to their valuable information. But there are no such informants in the North, whereas they are legion in the South, which explains why it would appear from a reading of ICC reports that the authorities in South Vietnam are responsible for infinitely more violations of the Geneva Agreement than are those in the North. The truth is thus grossly falsified to the advantage of Communism.... [Emphasis added]*

The frustrated Canadian delegation to the ICC was well aware of what was going on. One of its members who was in Hanoi during this period later wrote:

> The International Commission, beginning in 1955, was kept informed of these developments by the South Vietnamese authorities through an increasing number of complaints submitted to it [of Communist subversion directed from Hanoi]. However, it took years before the Commission took any action. In the meantime, however, it diligently dealt with complaints from the Hanoi authorities that the South Vietnamese government was violating the rights guaranteed by Article 14(c) of the Cease-Fire Agreement to what Hanoi and the Commission called "former resistance members".... It also seems evident that North Vietnam

*Tongas, op. cit., p. 448.

> was using the International Commission and complaints concerning Article 14(c) [prohibition against reprisals] to impose restraints on the limited efforts of Saigon to counter the terrorist activities of Hanoi's agents.*

Question: Why did the government of South Vietnam, in 1956, bar further investigations of alleged reprisals in the South?

Answer: Succinctly stated, the GVN felt that it was being discriminated against by the ICC. But the reasons for its action are best given in its own words. In November 1956, the Government told the ICC:

> Since July 1954, the Vietminh "People's Courts" have condemned to death, or sent to concentration camps for forced labor, thousands and thousands of persons, former civil servants, community leaders, former military personnel, property owners, etc., with the population not daring to raise its voice to denounce so many crimes committed in the name of justice.**

Yet, despite Hanoi's admission of guilt during the "Rectification of Errors," the GVN noted that the ICC had stated that it was not competent to investigate the South's charges of reprisals unless there was proof that victims had been punished because of their former ties with the GVN, proof that was "practically impossible to obtain under a regime of oppression." The GVN complained that, as a result, Article 14(c) had been "practically inoperable" in North Vietnam, and therefore seemed to apply only to the South, whereas the alleged victims of reprisals in the South were "Vietminh cadres left behind after the 300-day period, or new agents sent to South Vietnam for the express purpose of subversion."

The GVN expressed regret that the ICC had not seen fit to consider Vietminh subversion in the South as a violation of Article 15d (which provided for noninterference in local government) on the grounds that

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*William E. Bauer, "The Conflict in the Far East," in The Communist States and the West (Adam Bromke and Philip E. Uren, eds.), Frederick A. Praeger, New York, 1967, p. 161.

**Unpublished letter from the Republic of Vietnam to the Secretary General of the International Control Commission, Hanoi, November 17, 1956.

this Article was no longer operative after the 300-day period.

For these reasons, the GVN stated that "it could no longer lend itself to the Vietminh propaganda game by continuing to follow up complaints that have no other purpose than to cover subversive activities and to discredit the National Government by slanderous charges of reprisals against former members of the resistance." Consequently, "the Government of the Republic of Vietnam, as of this date will no longer take action on complaints based on Article 14(c)." The letter was signed by Colonel Hoang Thuy Nam, Chief of South Vietnam's Liaison Mission to the ICC.

Colonel Nam, who for seven years signed his government's complaints to the ICC charging Hanoi with directing subversion in the South, became a victim of Communist reprisal himself. In September 1961, when the ICC finally decided that it could legally consider the GVN charges of Communist subversion in the South directed from Hanoi, it did so by a majority vote of the Indian and Canadian Delegates -- the Polish Delegate contending, as he had for seven years, that subversive activities were "beyond the scope of the Geneva Agreement and consequently beyond the scope of the competence of the Commission."*

The ICC's vote was followed by swift Communist reprisal against Colonel Nam who had worked so diligently to obtain the vote. Two weeks later, he was kidnapped, brutally tortured, and murdered by Communist agents.

The GVN filed vigorous complaints with the ICC and provided evidence that the operation against Colonel Nam had been conducted by members of the "Front for the Liberation of the South" led by a Vietminh cadre who had gone North after the 1954 cease-fire, subsequently returned South with the rank of company commander, and had acted under orders from the Communist Provincial Committee at Bien Hoa.**

The ICC, however, did not charge the DRV with responsibility for

*See the ICC's Tenth Interim Report, op. cit., para. 24, and the Polish dissent in Appendix "A", p. 26; and the Eleventh Interim Report, op. cit., para. 32.

**Unpublished letter from the Government of the Republic of Vietnam to the ICC, October 24, 1961.

Colonel Nam's murder -- and consequently did not cite it for violating the Geneva Agreement -- because the Commission contended that it had no proof that the DRV had ordered the assassination. If ordered by the "Front," there could be no question of a violation of the Geneva Agreement, for the Communist organization in South Vietnam (which became the National Liberation Front) was not a party to the Agreement!

During the years that Colonel Nam served as Chief of the GVN Liaison Mission to the ICC, his opposite number was Colonel Ha Van Lau, Chief of the DRV Liaison Mission to the ICC. If Nam had not been murdered by the Communists, he would now be Lau's opposite number at the Paris Peace Talks.

Question: Do the ICC reports really give us, as the Christian Century article contends, "a reasonable account" of the situation that existed in North Vietnam -- or in South Vietnam -- after the 1954 cease-fire?

Answer: ICC reports during the two years after the cease-fire reveal:

- o No violations by the DRV of Article 14(c), despite the bloody land reform with its reprisals and denial of minimum democratic freedoms.
- o No violations by the DRV of Article 15(d), despite injury to life and property of civilians in the North during both the land reform and the exodus of refugees, and despite interference in civil administration in the South engineered by Vietminh cadres.
- o No violations by the DRV of Article 17 prohibiting the introduction of additional military equipment, despite the fact that the Communists equipped 13 new divisions between 1954 and 1956,* and publicly exhibited, in Hanoi military parades, equipment of a type not present in Vietnam prior to the cease-fire.
- o No violations by the DRV of Article 19, despite widespread evidence that Hanoi was directing Communist subversive activities in South Vietnam.

In view of the above omissions, one can scarcely maintain that ICC reports give us a "reasonable account" of the situation in Vietnam after the 1954 cease-fire. The account is not even a reasonable facsimile, as a number of the Indian and Canadian members of the ICC have

*Documents Relating to the British Involvement in the Indochina Conflict, 1945-1965, Command Paper 2834 (HMSO, December 1965), No. 67, p. 124.

privately conceded.

In 1962, when a Member of the British House of Commons used complaints recorded in ICC reports to support his charge that the South Vietnamese and U.S. Governments were responsible for the deteriorating situation in Vietnam, a representative of the British Government -- Co-Chairman of the 1954 Geneva Conference on Indochina -- responded:

> The rebellion in South Vietnam is by no means just a spontaneous, popular uprising against an unpopular Government, as the hon. Gentleman and others of his hon. Friends have tried to suggest. It is, in fact, a carefully engineered Communist take-over bid. Over a long period, there has been a steady infiltration of trained military and political organizers from North Viet-Nam into the South....There is abundant evidence that the rebellion has been fomented, organized, in part supplied and wholly directed from the North. The principal weapons of this movement are terror and intimidation....
>
> The hon. Gentleman also mentioned the number of complaints against the South Viet-Namese contained in the reports of the Commission. We should not be mislead into drawing wrong conclusions because of the number of these complaints from the North against the South. It was only in July, 1961, that the Commission decided that it was competent to deal with complaints about North Viet-Namese subversion. This is the nub of the problem.*

Perhaps if we look behind the ICC reports -- the result of compromises by the Indian, Canadian, and Polish members to present a united front -- we may conclude that a belief in the Communist reprisals that took place in North Vietnam after the 1954 cease-fire is a necessary first step in the prevention of similar Communist reprisals after the next cease-fire.

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*"Extract from the Proceedings of the House of Commons, 19 February, 1962," in Documents, ibid., Document No. 109.