Workers also enjoyed other types of benefits. The children of civil servants, for example, were treated in specially reserved sections of the hospitals. Some 8,000 workers and office employees were enrolled in special secondary-level night and correspondence courses. At Hon Gay, a coal mining area about 60 miles north of Hanoi, there were 40 community dining houses which fed 10,000 miners and office workers. There were also children's nurseries, canteens and rest houses for the parents of workers and employees.

Women and Youth

Women took an active role in public life. They made up to 10 to 25 percent of the membership of People's Councils, People's Courts and administrative committees, as well as 11 percent of the National Assembly. Women were also a vital source of manpower, performing the major portion of agricultural work and forming an important component of the industrial labor force (see ch. 13, Labor Force). Like the Republic of Vietnam, the Democratic Republic of Vietnam had a marriage and family law which made the position of women more secure.

The Vietnam Women's Union has been instrumental in helping to spread propaganda and the influence of the Workers' Party of Vietnam (Dang Lao Dong Viet Nam)—the Communist party of Vietnam, usually called Lao Dong Party—and in enforcing the new family life. Membership figures have not been made available, but the organization's 15th anniversary celebration, which took place in Hanoi in October 1961, brought a turnout of 1,200 members. In the same month some 2,000 members staged a protest demonstration against the visit of Gen. Maxwell Taylor to South Vietnam (see ch. 12, Public Information and Propaganda).

The main youth organizations in existence in the early 1960's were the Vietnam Youth Federation, the Vietnam Labor Youth Union and the Vietnam Students' Federation. No membership figures or details on their activities were available, but they appeared to have been used as propaganda channels and to encourage labor productivity and interest in education among youth.

In towns and cities, model nurseries, kindergartens and babysitter groups have multiplied. Day nurseries for the children of government workers have been established in important urban centers. Thousands of persons have taken classes in child-rearing in which the substance of the instruction followed principles outlined by the Lao Dong Party. Assistance to workers with large numbers of children is provided through subsidies; stipends are given for each child under 16 years of age, beginning with the third.
Montagnards

Because of their importance to the government, North Vietnam has devoted a significant portion of its welfare effort to the montagnards. It has tried to earn the loyalty of the people in the autonomous zones by giving them representation in the National Assembly, by studying and developing their languages and by extending health and education facilities among them.

Social Problems

Another aspect of the regime’s welfare effort is its program to build a new morality and eliminate sources of social and cultural disorganization. Drives against gambling and illegal distilling of rice wine have been conducted through the press and radio. Young persons who spent time in cafes rather than working were rebuked, as were adults who carried out their duties perfunctorily or indulged in waste and greediness.
CHAPTER 18
ATTITUDES AND REACTIONS OF THE PEOPLE

The struggle for independence in Vietnam united many different political groups and elements of the population in a common cause and reinforced the older sense of national unity based on ethnic, linguistic and historical ties. Since independence from French rule was achieved, official effort has been directed, both in the South and the North, toward further strengthening of nationalist sentiment among the people. In the South, the Government has attempted with fair success to strengthen pride in Vietnamese culture and past achievements. In the North, the Government endeavors to conceal from the people the extent of its dependence on external aid and to present its achievements as the result solely of Vietnamese ingenuity and effort in the application of Marxist doctrine; its propaganda has a strong nationalistic flavor. In both South and North, however, and especially in the rural areas where the great bulk of the population lives, national patriotism is still likely to be subordinated to family and village loyalties.

PATRIOTISM AND PARTITION

Although patriotic sentiment is strong enough among Vietnamese to lead to a general dissatisfaction with the existing partition of the country, this feeling, as of mid-1962, was not strong enough to create a spontaneous popular demand for reunification. In the countryside of the South, there was the ever-present threat to life and property from Viet Cong activities. In the North, the great mass of the people were preoccupied with the problem of obtaining daily necessities. For most people these immediate troubles made ideological considerations a secondary concern.

Among intellectuals, in the South, no group openly favored immediate reunification. Refugees from the North, many of whom were intellectuals, had in many cases left members of their family behind in the North and were, moreover, nostalgic for the region of their origin; but very few, if any, would wish reunification under a Communist regime. In the North, the Party faithful naturally followed the official line. The small number of intellectuals who did not support the government were also likely to favor reunification in the hope that it might result in a modification of the regime.

Since the main problem facing the Government of South Viet­nam, in mid-1962 was to counter the attempt by the North to take
over the country through guerrilla and subversive activities, it was politically unfeasible for the Government to encourage hopes of immediate reunification. Furthermore, at least while American economic aid continued on the same scale, the South had no urgent economic stringencies which might have reinforced patriotic sentiment in favor of reunification.

In the North, Government propagandists were attempting to strengthen sentiment in favor of reunification. They could appeal not only to patriotism but to economic interest as well, since unification with the agricultural South, a region of surplus food production, could virtually solve the food problems of the North. Since the Communists wanted immediate reunification they were able to appeal to the desire of Vietnamese in both North and South to be one people.

NATIONAL SYMBOLS

The authorities in both the North and the South are exerting themselves to instill a sense of nationhood in their citizens. Although conservative elements of the population have found it difficult to keep pace with the rapid developments of recent years, national symbols are gaining in effectiveness and people are increasingly moved by them. The flag of the Republic of Vietnam is a solid yellow rectangle with three horizontal red stripes across the center—the yellow being the symbolic color of the former imperial dynasty, and the red stripes representing the union of the country's traditional regions (ky): North Vietnam, Central and South Vietnam. The national coat of arms is a triangular shield with bamboo reeds, representing resiliency and strength, in the background. The word VIET-NAM is inscribed on a banner which is superimposed on the reeds; at one end it encircles a writing brush, symbol of the scholar, and at the other end, a sword, symbol of the soldier. A dragon-signifying the mythical national origin—was replaced by this design shortly after the founding of the Republic in 1955.

The music of South Vietnam's national anthem, composed as a college song by a student in Hanoi in 1943, gained wide popularity throughout Vietnam after World War II. It was officially adopted by the State of Vietnam in 1949 and continues to be the official anthem of the Republic. The text of the anthem contains historical references, but its burden and its title, "Appeal to Youth" (Tieng Goi Thanh Niem), emphasizes the future—a significant departure from the traditional Vietnamese preoccupation with the past.

Vietnamese holidays in the South are also a means of conveying a sense of national unity in symbolic form. The founding of the Republic in 1955 and the promulgation of the Constitution a
year later are celebrated on October 26. The Vietnamese are reminded of their cultural heritage on the most important traditional holiday, the Tet, or lunar new year. This occasion, partly religious in character, brings all business to a complete standstill for three or four days. Traditional usages are observed, obeisance is made to the ancestors, debts are paid and a fresh start is made for the new year. Another important holiday commemorates the Trung sisters, the Joans of Arc of Vietnamese history, whom women’s movements in the South have taken as their symbol. National commemorative days, though not celebrated as holidays, honor Marshal Tran Hung Dao, who defeated the armies of Kublai Khan in the thirteenth century, and King Le Loi who drove out the Chinese after their second occupation in the fifteenth century (see ch. 2, Historical Setting). The birthdays of Buddha and Christ are officially recognized as religious holidays. Commemorative celebrations of Confucius’ birthdays have recently been established by the government.

In North Vietnam, national symbols indicate a more complete break with the past. The flag of the Democratic Republic of Vietnam, a solid red rectangle with a large, five-pointed gold star in the center, is akin to the red, five-star flag of Communist China. The coat of arms is a circular shield with a five-pointed gold star near the top and a gold cogwheel at the base. The regime has created a new flag for the National Front for the Liberation of South Vietnam, which it has established in Viet Cong-controlled areas south of the 17th parallel. The lower half of the rectangular flag is the azure of the Hoa Hao and Cao Dai standards, and the red upper half and the central gold star are the color and emblem of the Communist North. The national anthem is “Forward Soldiers” (Tien Quan Cu).

Fewer holidays are observed in the North than in the South. New Year’s Day, January 1, is an official holiday but not the traditional Tet, the observance of which is frowned upon as unenlightened. As in other Communist countries, May 1 is an important holiday, second only to September 2, the anniversary of the founding of the Democratic Republic of Vietnam in 1945. The anniversaries of heroes of Vietnamese history are not marked with holidays as in the South, but these men and their achievements are invoked in articles and speeches on patriotic themes.

ATTITUDES TOWARD GOVERNMENT

Republic of Vietnam

The vast majority of the people have little notion and less experience of representative government and democratic processes. An educated, Western-influenced urban minority, intellectually
familiar with constitutional concepts and influenced by democ-
ocratic ideals, is eager for a larger voice in national affairs and
impatient with government restrictions and controls. The national
leaders have publicly stated that promulgation of the Constitution
and creation of the National Assembly cannot alone bring about
a strong and democratic political order, and they see time and
a measure of security as essentials for the realization of the
Constitutional promises.

When Ngo Dinh Diem took over the reins of government as
Premier of the State of Vietnam in 1954, he gained stature and
prestige among the educated elite for his resolute opposition to
French control and influence. The referendum in 1955 gave him
a mandate to establish the Republic, and, as President, he con-
solidated his position by defeating and disarming the organized
gangs and religious sects which had risen to power in large parts
of the countryside and in Saigon itself. To attain stability of gov-
ernment in the face of the divisive forces bitterly opposing him
required a firm control over executive agencies and a strong
concentration of authority within a circle of trusted associates,
even at the risk of arousing criticism from urban intelligentsia
and drawing hostile propaganda from Communists and other
radical sources. Tensions increased after 1958 with the mounting
challenge to the Republic created by Viet Cong guerrilla warfare
and subversion.

To the majority of Vietnamese in the villages, President Ngo
represents the remote authority of a central government with
which they are only indirectly concerned and know mainly through
the provincial administration. For many, the most concrete ex-
perience of the action of the state is with its taxing power and
security measures, often applied in peremptory fashion by military
officers. Such irritants and sources of resentment make for vul-
nerability to propaganda attacks on the government and its
leaders.

Education, health and social welfare programs have yet to reach
into many areas. Although numerous peasants have benefited
from land reform measures, the reforms have been slow in ma-
terializing. Furthermore, some farmers who are now paying
for their land under the reform, recall the immediate postwar
period when absentee-owned land was available for the taking
and tend to listen to Communist promises of free land. Others,
vaguely aware of the aid being given the government by the
United States but not conscious of having been helped by it, are
apt to be receptive to the Communist charge that Americans, with
the connivance of Saigon, are simply replacing the French as
masters of the country. Probably most who cooperate with the
Communists, however, do so out of fear of Viet Cong terror, although the Viet Cong also uses propaganda persuasion and enjoys the advantage of a membership which is itself largely peasant. It seems clear that the villager wants peace and security above all else and that, confronted with the competing armed authority of the government and of the Viet Cong, he will accept what he must and respond only slowly and cautiously to efforts to win his loyalty (see ch. 21, Public Order and Safety).

Democratic Republic of Vietnam

The Communists came to power in a war against the French which, in the minds of the non-Communist bulk of the population, was a struggle for national liberation from foreign domination. By identifying themselves with that objective, the Communists were able to use for their own purposes resentments and aspirations capable of moving and uniting Vietnamese in every walk of life. For the illiterate peasant, these sentiments might be hardly more than a distaste for the foreign presence and submerged anger at poverty, unrewarding labor, taxes, compulsory service in the army and on public works, and the action of arbitrary government which he associated with foreign rule. For the educated urban minority, nationalist feeling was given focus by Western-derived concepts of the rights of peoples and nations and theories about the political order, which ranged from democratic liberalism to Marxist socialism. The vast majority, however, was caught up in the determination to free the country from France.

In the course of the contest, which ended in victory at Dien Bien Phu and the partitioning of the country at the conference table in Geneva, the Viet Minh leaders were able to impose their Communist program behind a facade of nationalist ideals. The crisis of war had overshadowed any reservations those who remained in the North entertained about the character of the Viet Minh leadership. With the consolidation of Communist power, the option of protest or opposition ceased to exist.

Eight years of Communist censorship, repression and propaganda saturation in North Vietnam make it impossible to estimate the popular political feeling and outlook in the area. Since the populations of both North and South are the same culture, many generalizations about the basic attitudes of villager and townsman would apply to both. The central administrations in both areas confront a peasantry whose subsistence standard of living, family and village loyalties, traditional beliefs and suspicion of external authority make them resistant to efforts to mold them to the purposes of a state committed to changing the old order. Simi-
larly, members of the urban intelligentsia in the North and South alike have derived from the French intellectual tradition in which they were trained a skepticism and a body of political ideals which make all but those wholly committed politically restive under demands from any governmental authority for obedience and political conformity.

The development of industry in the North under the French and subsequently under the Communists has given that area an industrial work force which is only beginning to appear in the South. The contrast is an important one, for this group in the modern economic sector inevitably generates attitudes and expectations peculiar to itself, but information about the views of the northern industrial worker behind the screen of Communist propaganda is lacking.

It is probable that the people in the North, cut off from other sources of information, largely accept the regime's version of events in South Vietnam and the outside world. The central theme is of an imperialist United States, with a South Vietnamese puppet regime, bent upon imposing a new colonialism upon the country. Calculated to exploit the nationalist feeling with which the war against the French was fought, it is no doubt widely effective. It seems less likely that the people as readily respond to the effort to portray China—whose power has for centuries threatened the country and whose emigrants have been an unpopular minority—as a reliable friend. The relative emphasis given in recent years to the primacy of the Soviet Union among Communist countries suggests not only reservations pertaining to North Vietnam's relations with Communist China but recognition of a danger that the people, long accustomed to think of China as a threat, might conclude that the regime had made itself subservient to it.

If, as seems likely, the regime has been successful in forming the popular understanding of most external questions, it is apparent that it has had more difficulty in respect to some domestic matters in which the people have direct knowledge and a personal stake. The uprising at Quynh Luu in 1956—which troops put down with much bloodshed—was the reaction of villagers to the near collapse of the rural economy following the Indochina War and the ruthless application of a doctrinaire land-reform program. The uprising evidently had a sobering effect on the authorities, who admitted to errors and partially retreated from their more radical measures in the countryside. About this time, the short-lived relaxation of the official attitude toward public criticism, which corresponded to an equally brief interim in China, brought a spate of written and spoken condemnation of police
state measures from urban intellectual circles (see ch. 23, Subversive Potentialities).

In both town and country, the chief sources of dissatisfaction with the regime relate to the economic hardships it imposes, to its determination to change or destroy certain deeply rooted values and long-established institutions, and to its insistence on not merely passive acceptance but enthusiastic approval of its demands. Dissatisfactions under these pressures certainly exist, but they appear to do so within a general acceptance of the political order and a popular attachment to Ho Chi Minh, "Uncle Ho," as the architect and defender of national independence.

NORTHERNER AND SOUTHERNER

The Southerner tends to distrust the Northerner, crediting him with being more energetic than himself and also as being prepared to take every possible advantage in any transaction. People in the South may joke about their northern neighbors—often with a touch of envy—but they also are somewhat intimidated by them. There was a certain amount of apprehension in the South at the influx of the hundreds of thousands of northern refugees after the Indochina War. A sizable number of Northerners with administrative skills or professional experience sorely needed by the Saigon government were given positions in the South Vietnamese civil service. Many in the South therefore came to feel that the refugees benefited from government policies at the expense of Southerners through political favoritism. Some non-Catholic Vietnamese also felt that, as a largely Catholic group, the refugees were given preferential treatment.

THE MONTAGNARDS

Most of the montagnards, who make up the largest indigenous minority, have little sense of identification with either North or South Vietnam or with their distant ethnic relatives in Cambodia, Laos, Thailand, Burma and China. They are, moreover, divided among themselves into many linguistically and culturally distinct communities; and the allegiance of the montagnard typically does not go beyond his home village or local tribal group. Approaching the Vietnamese essentially as an outsider, he is apt to feel little sense of commitment to one side or another in their conflicts, and he participates, if at all, largely on the basis of personal interest. It is too early to tell what adjustments will be made by the estimated 100,000 who have moved into South Vietnamese lowlands to escape the Viet Cong or to find medical or economic benefits. Information about the montagnards in the autonomous zones of the North is also scanty.
ATTITUDES TOWARD OTHER PEOPLE

France is no longer the object of the nationalist indignation that it once was, and even the bitterness engendered during the Indochina War seems to have largely subsided. The Vietnamese continue to blame France for the colonial regime and the manner in which it was administered, but educated persons generally, and in the North, Ho Chi Minh himself, express admiration for French culture.

The French in South Vietnam have been forced to relinquish their holdings in rice land, but they still control most of the rubber plantations. Relations between the Vietnamese and the French community of about 10,000 appear to be good.

The Chinese

The Vietnamese attitude toward the Chinese minority is ambivalent, containing elements of both admiration and dislike. The Chinese are admired for their heritage of traditional culture, which has strongly influenced Vietnam, and for their commercial acumen. They are resented for the same reasons. Chinese resistance to assimilation offends nationalist feeling, and a great many Vietnamese have had the experience of dealing with the Chinese moneylender, rice buyer or merchant on the latter's own terms. The rise of an aggressive Communist regime in China also gives special urgency in the South—and perhaps only to a lesser degree in the North—to the question of the loyalty of the Chinese community.

Other Asian Peoples

The defeat of Russia by Japan in 1905 won Vietnamese admiration as an Asian victory over a Western power. Japan's industrial achievements also excited the imagination of Vietnamese nationalists, many of whom found refuge in Japan before World War II. Japan's actions in the final months of World War II, when it took over the administration of the country from the French, exacerbated Vietnamese feelings, and the conduct of Japanese troops roused anger. In the South the attitude toward Japan has become more friendly, particularly since the settlement of World War II reparations with the Republic of Vietnam and the opening of markets in Japan for Vietnamese products.

Laos and Cambodia are looked down upon by many Vietnamese as troublesome countries whose people are indolent and lacking in enterprise and culture. Thailand is more respected, but the popular Vietnamese stereotype of its people is perhaps not much more favorable.
The small number of Indians and Pakistanis in Vietnam are unpopular, as most are unassimilated foreign moneylenders and small shopkeepers. The government of South Vietnam has never been happy with India's vocal neutralism and its recognition of the regime in the North.

**Americans**

The attitude of many Vietnamese toward the United States has been colored by the outlook of the French in Vietnam in the period preceding and following independence. French administrators and businessmen resented the American position on colonialism and, still more, United States support for Ngo Dinh Diem in his drive to independence from France. In educated Vietnamese circles, there has also been some transfer of French feelings of cultural superiority over the United States.

Communist propaganda relentlessly attacks United States assistance to South Vietnam as "foreign intervention" motivated by "imperialist ambitions," and those Vietnamese in the South who are dissatisfied with the conduct of the government tend, to one degree or another, to be susceptible to these charges. Among Vietnamese officials, themselves, irritation with the United States rising out of disagreement with American advice has not been absent. Trust in the United States and friendliness toward Americans seems to be growing, however, as Vietnamese grasp the value of American aid and the nature of the Communist threat. It appears also that the conduct of American military and civilian advisers is contributing to good relations and that the favorable impression is being conveyed into the villages.
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SECTION II. POLITICAL BACKGROUND

CHAPTER 19

CONSTITUTION AND GOVERNMENT

The partition of Vietnam at the Geneva Conference in 1954 was conceived as a temporary expedient pending national reunification through general elections to be held 2 years later. The General Agreements providing for partition of the country were signed by eight of the nine powers represented at the Conference, including France, Great Britain, the Soviet Union and Communist China. The final declaration of the Conference, which was not signed by any of the participants, provided for the general elections which were to reunify the country. The State of Vietnam, which signed none of the Agreements, objected both to the partitioning of the country and to holding elections in which more than half of the population would go to the polls subject to Communist coercion. After partition the Republic of Vietnam, formed in 1955 in the South, confronted the Communist Democratic Republic of Vietnam in the North, and the Demarcation Line became both a political boundary and an explosive political issue (see ch. 22, Foreign Policies).

The Constitution of the Republic of Vietnam, written in 1956, has the clear imprint of American influence and, to a lesser extent, French precedent. It creates a strong presidential system while proclaiming the principle of separation of powers between the presidency and the legislative branch. The President, however, is explicitly "vested with the leadership of the Nation," and the authority of President Ngo Dinh Diem extends into every branch of the government.

In the North the Communist leaders have constructed a Constitution modeled on that of the People's Republic of China. Promulgated in 1960 to supersede an earlier document of 1946, it endows the office of President, occupied by Ho Chi Minh, with extraordinary powers, and it prescribes an apparatus of government designed to function under the supervision of the ruling Lao Dong Party. The preamble, which gives specific acknowledgment to the "clearsighted leadership of the Vietnam Lao Dong Party," also contains a bitter attack on the French and American "imperialists."

Before the arrival of the French, the Vietnamese political system was based on traditional principles of government embodied in Confucian concepts introduced from China. These held government to be a natural institution, the purpose of which was to
maintain harmony in a hierarchical social order, also conceived as natural. The ruler, as emperor, presided over an elaborate bureaucracy of scholar-officials recruited through a series of examinations on their knowledge of the Confucian classics.

Highly centralized and authoritarian, the political system combined executive, legislative and judicial authority in the persons of its ranking officials, and it provided no formal limitation on the emperor’s power. When the French took control of Indochina, they retained much of the structure of the Confucian apparatus, superimposing upon it and its mandarins their own colonial administrators.

During the colonial period a small but significant number of Vietnamese received a French education and were exposed to Western concepts of constitutional, representative government. Frustrated in their desire for the application of these principles under the colonial dispensation in Indochina, the members of this small educated elite became the vanguard of revolt against French rule, forming the active membership of a developing nationalist movement. If, however, the Western-educated elite gave form and currency to the ideas which were to harden into an organized opposition to the colonial regime, it was the Vietnamese peasantry that supplied the manpower which ultimately overthrew it.

The long struggle against the French had elements of social revolution, and after World War II these were bent by the Communists to ends which went far beyond the national independence the Vietnamese so ardently wanted. In the South the goal of independence was achieved by a leadership which, while employing Western material means and political forms, sought to preserve the continuity of Vietnamese traditional values.

The weight of governmental authority is heavy in both the South and North. Politically, however, the regard of South Vietnam’s leaders for authority is Confucian in its emphasis on personal loyalty and individual obligation in the service of family and nation. It stands in complete contrast to the Communist totalitarianism of the North which remains impersonal, notwithstanding its use of the personal symbol of “Uncle” Ho.

**HISTORICAL DEVELOPMENT**

Before the imposition of French control in the latter half of the nineteenth century, Vietnam was a unified state under a hereditary emperor. While periodic attempts were made to strengthen the central authority in the imperial capital at Hue, the distances and poor communications between the capital and other sections of the country made for a high degree of local autonomy. Mandarins assigned to administrative regions and the numerous provinces
frequently governed rather than administered. In 1887 France created the Indochinese Federation, embracing Cambodia and the three Vietnamese areas of Tonkin, Annam and Cochinchina; Laos was not annexed until 1893. Cochinchina, the southernmost sector, became a French colony governed directly by the French. Annam in central Vietnam and Tonkin in the North were designated protectorates of France rather than colonies. The French officials (résidents) exercised a high degree of supervision and control over the mandarin bureaucracy of Tonkin and the imperial government of Annam.

The French colonial administration remained relatively intact until near the end of World War II. In March, 1945, with Japanese support, Emperor Bao Dai proclaimed Vietnam's independence and established a national government with Tran Trong Kim as Prime Minister. After the defeat of Japan, however, the well-organized, Communist-led Vietnam Independence League (Viet Nam Doc Lap Dong Minh Hoi), called the Viet Minh, under Ho Chi Minh assumed effective control in the North and in parts of the central and southern portions of the country. In August 1945 Bao Dai abdicated in favor of the Viet Minh, and a new Democratic Republic of Vietnam was proclaimed by Ho Chi Minh on September 2, 1945. The declaration was carefully phrased to imply that the regime had American and Allied support. No mention was made of the Soviet Union, but many references were made to the spirit of 1776, to the French revolution and to the United Nations Declaration of San Francisco.

In early 1946 Ho Chi Minh's government held general elections to select a National Assembly. The Assembly, which consisted of representatives of many political factions from northern, central and southern Vietnam, officially convened in March 1946. It elected a government under the presidency of Ho Chi Minh and also a Select Committee which was charged with drafting a constitution.

When the Assembly reconvened in October 1946 to receive the draft constitution, only 291 of its original 444 delegates were present. Of these, only 37 were members of parties or groups which opposed the new government, all other opposition members having been purged. The purges continued while the Assembly was in session, and when the Constitution was finally adopted on November 8, 1946, only 2 opposition members were left. In an atmosphere of suspicion and coercion, the first Constitution of the Democratic Republic of Vietnam was adopted by a vote of 240 to 2.

France now collided with the new regime and a month later, with British assistance, reasserted its control over Cochinchina. Viet Minh forces led the fight to force the French out. In 1949, after 3 years of unsuccessful fighting, the French agreed to limited independence for Vietnam and established the State of Vietnam
within the framework of the French Union. Bao Dai was named Chief of State. His French-supported government, however, was in control only where French Union Forces were present. From 1949 to 1954 these areas of control were limited mostly to the few larger cities and towns.

Although the French Union Forces occupied Hanoi during this period, and Ho Chi Minh’s government was forced to retreat to jungle headquarters further north, the Viet Minh gained increasing support in the villages and rural areas, especially those removed from the main arteries of traffic. It controlled large areas of the Mekong Delta in the South, 60 percent or more of the rural countryside outside of Hanoi in the North, most of the Central Highlands and scattered areas of the Central Lowlands. Its civil and military powers were in the hands of hard-core members of the Lao Dong Party.

With the end of hostilities in 1954 and partition of the country, the victorious Ho Chi Minh regime reestablished itself in Hanoi. In accordance with the Geneva Agreements which ended hostilities, Viet Minh troops which had been operating in the South were pulled back to areas north of the 17th parallel. But, in numerous villages throughout the Mekong Delta and the Central Highlands where French Union troops had never been able to establish effective control, Lao Dong cadres remained.

South of the 17th parallel Bao Dai, as Chief of State of the State of Vietnam, formed a new government with Ngo Dinh Diem as Premier. The new government was confronted with the problem of bringing order to a country near social and economic collapse. Loyalties were confused and the future uncertain. Even in parts of Saigon the authority of the government was not recognized. In a series of adroit political moves Premier Ngo gradually extended the authority of the central government and, with material and technical assistance from the United States, took steps to improve the efficiency and reliability of the Army.

Relations between Chief of State and Premier rapidly deteriorated, and in 1955 Ngo Dinh Diem called a popular referendum to decide whether Bao Dai should continue as Chief of State or the country should become a republic under his own leadership as President. Winning 98 percent of the votes, Ngo Dinh Diem, on October 26, 1955, proclaimed the area south of the 17th parallel to be the Republic of Vietnam and became its first president (see ch. 2, Historical Setting).

**REPUBLIC OF VIETNAM**

One of President Ngo’s first official acts was to call for the election of a National Constituent Assembly. The Assembly, whose
123 members were elected in March 1956, appointed a 15-man committee to draft the Constitution. By the first of July a draft had been prepared. President Ngo recommended certain changes, most of which were accepted by the Assembly, and on October 26, 1956, the first anniversary of the proclamation of the Republic, the Constitution was promulgated.

The Constitution

The first two articles of the Constitution assert that the Republic of Vietnam is an independent and territorially united Republic with sovereignty residing in the people. The central theme of the document is strong executive leadership and, though the Constitution provides for separation of executive and legislative powers on American lines, the relative strength of the two branches is markedly different. Article 3, which states the principle of separation of powers, also stipulates that "the activities of the executive and legislative agencies must be brought into harmony." A separate paragraph of the same article inserted at President Ngo's insistence, states that "the President is vested with leadership of the nation." According to President Ngo "A strong and efficient executive organization capable of rapidly solving the complex and urgent problems is a guarantee of the democratic regime."

Civil Rights and Duties

The second chapter of the Constitution, Articles 9 through 29, enumerates a long list of civil rights, privileges and duties. Among the guaranties are those providing for: equality before the law, regardless of sex, religion or social position; freedom of speech, assembly and association; protection from illegal arrest or detention; and certain procedural rights for the accused. The right to elect government officials and to hold public office is also specified. The list of rights does not include a habeas corpus provision.

Economic guarantees include the following rights: to own property; to bargain collectively; to establish economic associations; and to form free trade unions. The right (also defined as a duty) to work is also guaranteed. A welfare provision commits the state to render assistance to the unemployed; the aged, the sick and to the victims of natural disasters and other misfortunes.

The Constitution guarantees the freedom of science and art. The family is recognized as the foundation of society and the state is charged with responsibility for encouraging family cohesion. Provision is also made for basic educational opportunities. All citizens are expected to defend and support the Constitution.

The constitutional guarantees of civil rights are qualified by a provision under which laws restricting the liberties and rights of citizens may be enacted when such action is deemed necessary for
the maintenance of public security or the welfare of the community. In the face of continuous threats to the security of the state —first from the armed politico-religious sects and subsequently from the Viet Cong—the government has ruled with a strong hand and has not hesitated to employ extraordinary police powers against any opposition thought to be actually or potentially subversive (see ch. 23, Subversive Potentialities).

Amendment Process

The Constitution specifically precludes amendments to Articles 1 through 4 which declare Vietnam to be an independent, unified and indivisible Republic and establish popular sovereignty and the separate executive, legislative and judicial branches of government responsible for the defense of freedom and democracy in the Republic. Amendments to all other articles may be initiated either by the President or by two-thirds of the membership of the National Assembly; they are subject to ratification by three-fourths of the Assembly members meeting in special session for the purpose.

Structure of the Central Government

The Executive Branch

The President is Chief of State and head of the executive branch of the government. He is the Supreme Commander of the Armed Forces, has power to appoint and dismiss military and civil servants, confers all decorations and has the right to pardon, mitigate, commute or cancel penalties. He is vested with broad emergency powers which permit him to make laws by decree between sessions of the National Assembly; such laws become permanent if not rejected at the following session of the Assembly.

The President may proclaim a state of emergency in any given area or areas and temporarily suspend the laws in such places. Further, in the case of war, internal disturbances, or financial or economic crisis, the National Assembly may delegate extraordinary powers to the President for a specified time and within specific limits. In November 1961, for example, a bill passed by the National Assembly granted the President authority for 2 years to promulgate laws relating to the extraordinary security budget. In the event of conflict between the executive and legislature, the President may, “with the consent of the Assembly, organize a referendum,” the results of which must be respected by both.

The President and Vice President are elected on the same ticket by universal and direct suffrage by secret ballot for a term of 5 years. Reelection for two consecutive terms is permitted. Only native-born citizens at least 40 years of age are eligible for these offices. A native-born Vietnamese who has at some time relin-
quished his citizenship must have regained it before the date of the promulgation of the Constitution in order to qualify as a candidate for the office of President. He must also have had residence on the national territory, with or without interruption, for a period of at least 15 years. In the presidential election of 1961 these provisions had the effect of excluding expatriate Vietnamese residing in France from running.

If for any reason the office of the President becomes vacant, the Vice President is to act as President for the remainder of the term. If both the President and the Vice President are unable to exercise the duties of their offices, the President of the National Assembly is to exercise the functions of the President temporarily, and new elections for President and Vice President must be held within a period of 2 months after the two offices have become vacant. In the event of war or internal disturbance, the terms of office of all elected officials—including the office of President and Vice President—are automatically extended. At the time of the 1961 presidential elections, many observers felt that the state of internal security in South Vietnam warranted a postponement of the presidential election (see ch. 20, Political Dynamics). The Constitution, however, omits any mention of responsibility for the declaration of a state of emergency sufficiently serious to justify the automatic extension of the terms of office of elected officials.

The President may attend sessions of the Assembly and speak before it whenever he desires. He is required to present an annual message on the state of the nation at the second regular session of the National Assembly in October. The Secretaries and Undersecretaries of State (who are appointed by the President to head the several executive departments and are responsible solely to him) are authorized to confer with officers of the Assembly in order to explain new legislation.

The President determines national policy and assumes full responsibility for heading the national administration (see fig. 8). All civil servants are appointed and may be dismissed by him, and he has the power to create or abolish executive departments by decree.

The executive office of the President, known as the Presidency, is under the direction of the Secretary of State at the Presidency who supervises and coordinates the special agencies attached to the Presidency. In 1962 there were nine such agencies: the Permanent Secretariat General for National Defense; the Inspectorate General of Administration and Financial Affairs; the Directorate General of Planning; the Directorate General of Budget and Foreign Aid; the Directorate General of Civil Service; the Special Commissariat for Mutual Aid and Reconstruction of Flooded
Figure 8. The Executive Branch of the Government of the Republic of Vietnam, 1962.
Areas; the Office of Atomic Energy; the National Institute of Administration; and the Directorate General of Social Action.

For special purposes a number of Interdepartmental Committees have been formed. In 1962 there were ten of these: the Supreme Council on Money and Credits; the Committee on Overseas Studies; the Committee for Foreign Aid; the Committee for Food and Agriculture; the Committee for Agrarian Reform; the Committee for Education, Science and Culture; the Committee for Statistics; the Committee for Geodesy and Geophysics; the Commission for Rural Life Study; and the Committee for Strategic Hamlets. The Committees are formed from members of the departments concerned. For example, the Committee for Strategic Hamlets, when created in 1962, was chaired by the Secretary of State at the Presidency and included representatives of the Departments of National Defense, the Interior, Civic Action, Rural Affairs and National Economy.

In 1961, in a move to improve the efficiency of government operations, a number of specialized agencies then attached to the Presidency were transferred to appropriate executive departments. A Department of Rural Affairs was created to handle the functions formerly under the Department of Agriculture and other offices concerned with land development and agrarian reform. A new Department of Civic Action was also created to include the Directorate General of Information and the Special Commissariat for Civic Action both formerly part of the Presidency. The Central Inspectorate, the Self-Defense Corps and the Directorate General of the Civil Guard were transferred to the Department of Defense (see ch. 21, Public Order and Safety).

By 1962 there were 12 departments: Civic Action, Labor, National Education, Public Health, Justice, National Defense, Interior, Foreign Affairs, Public Works and Communications, Rural Affairs, Finance and National Economy. To facilitate functional cooperation between departments, new coordinating secretary positions had been created in 1961. A Coordinating Secretary for Economic Affairs was responsible for the Departments of National Economy, Finance, Rural Affairs and Public Works and Communications; a Coordinating Secretary for National Security dealt with the Departments of National Defense and the Interior; and a Coordinating Secretary for Social Affairs was responsible for the Departments of Civic Action, National Education, Public Health and Labor. There were no Coordinating Secretaries for the Departments of Justice and Foreign Affairs.

The heads of the departments, known as the Secretaries of State, were responsible directly to the President. The Cabinet Council consisted of the Secretaries of State for the departments,
the Coordinating Secretaries and the Secretary of State at the Presidency.

The Legislative Branch

Legislative power is exercised by a unicameral National Assembly whose members are elected by universal and direct suffrage according to procedures fixed by electoral law. The size of the Assembly is also determined by law. In 1962 there were 123 single member constituencies. Unification of Vietnam would increase the number to over 250 by the inclusion of deputies from the North. The term of office for deputies is 3 years; reelection is permitted. Unless a term has less than 6 months to run, vacancies are to be filled by special byelections. As in the case of the President, the terms of office of members of the National Assembly may be extended in the event of war or internal disturbance. If, however, a state of emergency exists in only certain constituencies, the President may extend the term of office of deputies representing districts where internal disturbances are prevalent, while elections to the National Assembly may be held in those areas not declared to be in a state of emergency. It is stipulated that partial or general elections must be held within 6 months after the end of the special circumstances creating the emergency, a provision applicable to both presidential and legislative elections.

"The mandate of a deputy is incompatible with any other remunerative public function." However, deputies may serve on special missions lasting not more than a year, but while discharging such duties, they do not have the right to debate or vote. Except when taken in the act of committing an offense, no deputy may be arrested or detained when the Assembly is in session. Deputies enjoy immunity from arrest for expressions of opinion or for votes cast in the Assembly. The immunity of deputies is not applicable in cases of high treason or "injury to the security of the state."

The National Assembly meets twice a year for a maximum of 3 months in each session. It may be convened in special session by the President or convene itself upon the request of a majority of its members. The agenda for a special session is fixed by the President if the session is convened at his behest. Otherwise, the agenda is determined by the administrative organ of the Assembly. All meetings of the Assembly are public unless a closed session is requested by the President or by a majority of the Assembly. Verbatim reports of all public sessions are printed in the journal of the National Assembly. The Assembly determines its own rules of procedure and internal organization.

One of the regulations decided upon at the first session of the National Assembly in 1956 concerned the creation of a bloc voting
procedure to simulate a two-party system. There are two blocs, a majority and a minority, and deputies are free to join either bloc or remain independent. Each bloc has its leaders and assigns members to various committees of the Assembly. Deputies who join neither bloc are not entitled to representation on these committees. A bloc caucus may bind its members to vote for or against any measure or motion.

The Assembly is administered by an elected Bureau of the Assembly which consists of nine members headed by a president of the body. The work of preparing and recommending legislation is done by 12 standing committees which are created as deemed necessary. Committees are headed by chairmen who serve for 2 years, except for the chairman of the Committee on Internal Regulations and the Committee on Budget and Accounting who serve for 3 years. Each committee is composed of 7 to 11 members, including the chairman. Members of committees are appointed by the majority and minority bloc leaders of the Assembly with the approval of the entire body.

The National Assembly votes the laws and ratifies international treaties and conventions. Bills may be introduced by any deputy or by the President of the Republic and passed by a simple majority vote. The President must either promulgate the law within 30 days of its passage or return it to the Assembly for modification or reconsideration in whole or in part. A vetoed bill may become law if again passed by a three-fourths vote of the Assembly. If a bill approved by the Assembly and forwarded to the President is neither approved nor returned to the Assembly for reconsideration within the period specified for promulgation, it automatically becomes law. The Assembly is empowered to consider and pass on budgets, but may not initiate expenditures unless corresponding new receipts are proposed.

The Assembly's broad legislative powers theoretically limit the authority of the chief executive; actually control of the government remains firmly in the hands of the President. The Assembly does, however, provide a forum for discussion of government programs. Since 1956 Assembly members have gained experience and knowledge of administrative procedures and of the government in general. With further experience in democratic procedures and a diminution of the Communist threat to the existence of the state, it may be expected that the Assembly will play a more decisive role in formulating national policy.

The Judiciary

The Vietnamese are not inclined to excessive litigation. They tend to settle disputes out of court wherever possible, and by Western standards the number of courts required to administer
justice is small. There is no separate judicial branch, the court system being under the supervision of the Department of Justice. Although Article 4 of the Constitution states that "the Judiciary shall have a status which guarantees its independent character," judges do not have security of tenure or guaranteed salaries, and judicial organization is defined, not by the fundamental law, but by statute.

Before 1954 a dual court system prevailed, and French citizens were subject to French law. With the transfer of full judicial powers to the State of Vietnam, the Vietnamese courts acquired jurisdiction over all cases involving any person residing on Vietnamese territory. Vietnamese is the official language of the courts, although French continues to be used as the second language of legal discourse.

Derived from the French system, the Vietnamese court system has courts of the Peace, Courts of the Peace with Extended Jurisdiction, Courts of the First Instance and appeals courts, including a Supreme Court of Appeals. There are also a number of special courts.

The lowest courts in the judicial hierarchy are the ordinary Courts of the Peace which usually consist of a single magistrate assisted by a court clerk. They try minor civil cases and petty criminal offenses. The Courts of the Peace with Extended Jurisdiction, of which there are 24 in South Vietnam distributed throughout the provinces, appear to exercise judicial control over the Courts of the Peace within a specific territory. Presided over by a single magistrate, these courts have jurisdiction over civil and commercial cases and over all but the most serious felonies.

There are six Courts of First Instance. Each consists of a presiding judge, an examining magistrate and at least three assistant judges. They have unlimited criminal, civil and commercial jurisdiction.

Appeals from the Courts of the Peace are made to the Courts of the First Instance. Appeals from cases tried originally by Courts of the Peace with Extended Jurisdiction or Courts of First Instance are heard by the Courts of Appeal, of which there are two, one in Saigon and one in Hue. Appeals in civil cases are considered by a panel of three judges; those in criminal cases by three judges and two citizens acting as assessors. The Courts of Appeal exercise judicial control over the lower courts in their territories.

The highest court of Vietnam is the Supreme Court of Appeals which was created in 1954 and given the power to review all final decisions in civil, commercial and criminal cases and also the decisions of military courts. The Supreme Court of Appeals does not deliver judgment on particular cases, nor does it constitute a third resort at law; rather it is intended to insure that laws have been
correctly applied in cases under appeal. If in its opinion the law has been violated, the Supreme Court of Appeals may reverse the decision of the lower judges and transfer the case to another court at the same level. Only in cases where a lower court fails to concur with the highest court's opinion does the latter render a final decision.

Special courts include labor courts, agrarian reform courts and juvenile courts. By the end of 1961 labor courts had been established in eight cities; these have separate jurisdiction over labor disputes in public or private enterprise in their respective areas. In places where there is no labor court, a Court of First Instance or Court of the Peace with Extended Jurisdiction may render judgment in labor disputes. Workers involved in disputes are entitled to counsel without fee. Agrarian reform courts were created in 1957 to judge disputes arising from the Government's Agrarian Reform Policy, and by 1961, 4 were in operation (see ch. 25, Agricultural Potentials). They function, in effect, as special sessions of Courts of First Instance. Juvenile Courts were established in 1958 in Saigon, Hue, Dinh Tuong, southwest of Saigon, and Nha Trang in the Central Lowlands to deal with offenders less than 18 years of age. Those in Hue and Saigon also function as courts of appeal in juvenile cases. By 1961, 6 juvenile courts were functioning.

A Council of State was created by decree in 1954 which replaced the administrative section of the former Supreme Court of Appeals. Its administrative division hears appeals from the decisions of the administrative courts which have jurisdiction over the administrative actions of the government.

The Constitution provides for two other special judicial bodies outside the regular judicial system. The Special Court of Justice, composed of 15 deputies elected each legislative term by the National Assembly, has jurisdiction in the event of impeachment action against the President and Vice President of the Republic, the Presiding Judge of the High Court of Appeals and the Chairman of the Constitutional Court. Should the impeachment action be against the Presiding Judge of the High Court of Appeals, who normally presides over the Special Court of Justice, his place would be taken by the chairman of the Constitutional Court.

The constitutionality of laws, decrees and administrative regulations is determined by the Constitutional Court, the organization and function of which is determined by law. The Chairman of the Court is appointed by the President with the consent of the Assembly. Four judges are appointed by the President and four are deputies chosen by the National Assembly. Decisions of the Court are effective from the date they are published in the official journal of the Republic.
Civil Service

The Civil Service System covers only agencies supported by the national budget. The Directorate General of Civil Service, attached to the Presidency, is responsible for drafting the general statutes governing the service, managing the personnel of the central administration and reviewing the activities of the executive departments.

Modeled on the French system, the Civil Service was established by the Bao Dai regime. In 1949, when the State of Vietnam set up its own system of administration staffed by a Vietnamese Civil Service, it found itself seriously handicapped by a lack of trained and experienced administrative personnel, the French having previously reserved to themselves most high-level administrative positions.

Training schools in public administration were established in Hanoi and Saigon, and in 1958 the National Administration School (Ecole Nationale d'Administration—ENAD) was established at Da Lat and began offering a 2-year program. Its students were recruited from recent high school graduates and civil servants with 2 years or more of practical experience. Students spent 1½ years in study at the school and 6 months working in the field with a local administrative body. The curriculum of ENAD preserved the French emphasis on law; instruction was given in both French and Vietnamese.

In 1955 the National Administration School, renamed the National Institute of Administration, was moved to Saigon and brought under the control of the Presidency. Through the United States foreign aid program, American advisers worked with faculty members of the Institute until 1962. Under American influence the school was oriented away from the heavy stress on law and toward practical training in public administration.

Local Government

South Vietnam is administratively divided into 39 provinces (see fig. 9). These in turn are subdivided into districts, cantons, villages and hamlets. Saigon, Hue, Da Nang and Da Lat have separate status as corporate municipalities with administrative powers similar to those of the provinces. The country is also divided into four regions each headed by a delegate (formerly a governor) with limited supervisory authority over the chiefs of provinces in their region; the delegates report directly to the President.

Provincial Government

The central government relies upon the provincial administration to carry out national policy at the local level. To the majority
Figure 9. The Administrative Divisions of South Vietnam.

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of Vietnamese outside the few urban centers, the provincial administration is the embodiment of government, and they tend to judge the character of the central administration by the success or failure of the provincial officials.

Each province is headed by a province chief, who is appointed by the President and may be either a civil servant or a military officer. There are no elective bodies in the provinces, and the only limits to the authority of the province chief are those imposed by the Presidency. The province chief's duties and authority are defined by a presidential decree promulgated in 1956. He is responsible for the enforcement of national laws, but in recognition of the diversified cultural attitudes and ethnic composition of the provinces, he is given considerable latitude in adapting the application of the laws to local conditions (see ch. 4, Ethnic Groups). He has supervisory authority over services of the central government agencies operating in his province, and he is responsible for the maintenance of order and security (see ch. 21, Public Order and Safety; ch. 31, The Armed Forces).

The province chief appoints the village councils, but district chiefs within the province and canton chiefs (where they exist) are appointed by the President upon the recommendation of the province chief. Local budgetary and fiscal actions, including the transfer of funds from one village to another and from villages to districts, are determined by the province chief. He is, in fact, the chief executive for all administrative affairs in the province.

In effect, the province is an administrative unit of the executive branch of government, created by the President and operated under his jurisdiction. Administrators of government departments or agencies may issue orders and instructions to province chiefs only with the consent of the President. However, the province chiefs look to the executive departments for detailed implementation of presidential orders, and they maintain close contact with the authorities in Saigon. Three main channels of contact are customarily employed: with the President himself and members of his office; with the regional delegate who represents the President; and with the various departments and agencies, particularly the Department of the Interior.

Village Administration

Traditionally the Vietnamese village functioned as a nearly autonomous administrative unit. From the early fifteenth century onward villages were allowed to govern themselves, provided the demands of the central authorities for financial contributions and manpower for military service and public works were met. Village chiefs were usually chosen by the senior men of the village and by the local people, and each community maintained its own tradi-
tions and customs. Each village saw to its own internal order and security and its few public services.

Basic elements of the present-day village council are the village chief, the police chief and the fiscal officer. Although the office of village chief is the highest of these, the village chief is not in a position to dictate to the others, who function as his councilors. In large villages several other councilors and an administrative staff may be added. In 1961 the councils of a number of large villages were augmented by councilors selected from the Republican Youth Movement. These new members were responsible for informational and social welfare activities and for work with youth organizations.

A presidential decree of October 1956 provided for the appointment of village councilors by the province chief. The purpose of this ordinance—which represented a decisive break with the past in injecting direct government control into the traditional autonomy of the village community—was to eliminate the influence of members of the Viet Minh, many of whom had risen to positions of leadership in villages in areas controlled by the Viet Minh during the Indochina War.

DEMOCRATIC REPUBLIC OF VIETNAM

The Communist regime bases its claim to legitimacy upon Bao Dai's surrender of his powers to Ho Chi Minh in August 1945, upon the general elections for the constituent assembly held in January 1946 and upon the Constitution proclaimed in November of that year (see ch. 2; Historical Setting).

The first government of the Democratic Republic of Vietnam, established in 1946, was a Communist-led coalition which included many non-Communist elements. The 1946 Constitution was designed with the sensibilities of the non-Communist in mind, and—more importantly—it was intended to serve as a democratic exhibit in the Viet Minh's early negotiations with the French and the Western Allies. It did not deal in economic theories or Communist stereotypes. It included an impressive number of provisions relating human freedoms and welfare: freedom of assembly, speech and press; the right of election to public office; the right to employment, free education and ownership of property. These constitutional provisions, however, were not guarantees of these rights and privileges; rather they constituted a facade for the working of a regime in which the will of the Workers' Party of Vietnam (Dang Lao Dong Viet Nam), the Communist party of Vietnam, usually called the Lao Dong Party, became more and more openly revealed. The 1946 Constitution formally remained in effect in the areas controlled by the Viet Minh during the Indo-
china War; thereafter, in the area north of the 17th parallel, it continued in force until 1960 when it was replaced by an entirely new document. The 1960 Constitution, widely discussed in the press and through the party organization in preparation for adoption, was explicitly Communist in character and it officially placed Vietnam in the ranks of the Communist states.

The Constitution

In style, substance and basic principles, the 1960 Constitution resembles that of the People's Republic of China, the first article of which is quoted in its preamble. The preamble defines the Democratic Republic of Vietnam as a "people's democratic state, based on the alliance between the workers and the peasants, and led by the working class." The "imperialist aggression" of France and the United States is indicted in detail. The Lao Dong Party, clearly identified as the former Communist Party of Indochina, is credited in the preamble with paramount leadership of the country. The Party, however, is not mentioned specifically in the body of the document.

The provisions of the new Constitution make no sharp distinction between legislative and executive authority (see fig. 10). The National Assembly is stated to be the highest organ of the state. In theory, it enacts laws, supervises enforcement of the provisions of the Constitution and elects the President and Vice President. A Standing Committee elected by the Assembly acts as its permanent executive body. In practice, supreme political power rests with the national leaders of the Lao Dong Party, all of whom hold key posts in the government. The government itself is essentially the administrative apparatus through which the Party controls the country. Following the Soviet pattern, the Constitution provides for the establishment of autonomous regions for the numerous national minorities. The regions are held to be inalienable, and provision is made for them to administer their affairs "within the limits of autonomy prescribed by law."

The provisions for the promotion and protection of human freedom and welfare are even more numerous than in the earlier Constitution. Freedom of conscience, worship, speech, press and assembly, and the right to employment, rest, leisure, social insurance and free education are all described. In the economic realm citizens are permitted to own and operate commercial or industrial enterprises provided they do not undermine the economic plan of the state. The main forms of ownership during the present period of transition to socialism are, according to the Constitution, "state ownership, that is, ownership by the whole people; cooperative ownership, that is, collective ownership by the working masses;
Figure 10. The Government of the Democratic Republic of Vietnam, 1960.
ownership by individual working people; and ownership by na­
tional capitalists.” The right of citizens to possess lawfully earned
income and the right to inherit property are guaranteed. Privacy
of correspondence is protected “subject to law,” and all citizens
have the right to petition or lodge complaints with the govern­
ment. All citizens are proclaimed to be equal before the law, and
women are pledged equal pay with men for equal work.

The guarantees of the right to inherit, hold and use private
property are modified by the repeated use of the phrase “accord­
ing to law,” and all of the fundamental rights granted the indi­
vidual are made conditional by the admonishment of Article 38
that “No person is permitted to make use of democratic freedom
to infringe upon the interest of the state and of the people.”

Structure of Government

The Executive and Legislative Branches

The unicameral National Assembly is stated to be the “highest
organ of state authority.” Its 453 members are elected for 4-year
terms through universal suffrage by secret ballot. All citizens have
the right to vote at 18 and to stand for election at 21. The Con­
stitution gives the Assembly broad powers, including the power
to: amend the Constitution; elect the President and Vice Presi­
dent of the Republic, the President of the People’s Supreme Court
and the Chief Procurator of the People’s Supreme Organ of Con­trol; make the laws and pass resolutions; determine the national
economic plan; examine and approve the budget; fix taxes; estab­
lish or change territorial or administrative units in the country;
grant amnesties; and decide upon questions of war and peace.
The Assembly may extend its tenure in the event of war or other
“exceptional circumstance” for the duration of the emergency.

The actual powers of the National Assembly are limited. It is
convened only twice yearly for brief sessions upon the decision of
the Standing Committee, which it elects as its permanent execu­tive body. During the long recess periods all the powers of the
Assembly, except for the power to amend the Constitution, are
vested in the Standing Committee. The Standing Committee is in
turn controlled by the Political Bureau of the Lao Dong Party
which makes all policy decisions; these are automatically approved
by the Standing Committee.

The Council of Ministers consists of the Premier, five Deputy
Premiers, the heads of the various ministries, the heads of state
commissions and the Director General of the State Bank of Viet­
nam. Although it is formally responsible to the National Assem­bly and—when the Assembly is recessed—to the Standing Com­mittee of the Assembly, it is defined as the “highest administra-
tive organ of the government.” It is under the direct control of the President of the Republic, who may preside over it and who appoints and may remove its members. The Council functions continuously; it has direct jurisdiction over all ministries and authority to annul or revise the decisions, regulations or instructions issued by any lower body. The Council establishes administrative procedures, issues decrees and proposes legislation. In addition, the National Assembly or its Standing Committee may grant the Council of Ministers special powers as it deems necessary. The extensive authority granted to the Council of Ministers and to the President makes the executive branch of the formal government of the regime relatively stronger than in most Communist countries.

Each ministry is headed by a minister who is in charge of its activities and those of its subordinate agencies. The number and functions of the ministries are not prescribed, but in 1962 there was one Minister Without Portfolio (Le Van Hien) and 18 ministers in charge of the following ministries: National Defense; Finance; Labor; Foreign Affairs; Agriculture; Heavy Industry; Light Industry; Interior; Culture; Water, Conservation and Power; Public Health; Public Security; Foreign Trade; Home Trade; Education; State Farms; Communications; and Building. Ministerial responsibilities tend to be defined on narrow functional lines as is indicated by the fact that there is a Ministry of State Farms as well as a Ministry of Agriculture, a Ministry of Foreign Trade as well as a Ministry of Home Trade and a Ministry of Interior (for civil administration) as well as a Ministry of Public Security.

Also under the Council of Ministers are a number of state commissions which have responsibilities in areas of particular concern to the government. In 1962 these included: the Nationalities Commission, which had obvious propaganda functions; the State Planning Commission, which was headed by one of the Deputy Premiers who was assisted by a man who was formerly Minister of Finance; the Control Commission; the National Reunification Commission; and the National Scientific Research Commission, headed by General Vo Nguyen Giap. The National People’s Bank of Vietnam had status similar to that of the Commissions.

Officials of the Lao-Dong Party effectively dominate all organs of the central government. In the top echelons of government, a relatively small group of leaders concurrently occupy high office in both the Party and the government. The President of the Republic, Ho Chi Minh, is also Chairman of the Central Committee of the Party and head of the Political Bureau. Almost all the members of the National Defense Council belong to the Political Bu-
reau, as do the ranking members of the Council of Ministers (see ch. 20, Political Dynamics).

In 1961 Political Bureau member General Vo Nguyen Giap, was at once Commander in Chief of the Vietnam Army, a Deputy Premier, Minister of National Defense, a Vice Chairman of the National Defense Council and head of the National Scientific Research Commission. Premier Pham Van Dong, another member of the Political Bureau, was also a Vice Chairman of the National Defense Council and Minister of Foreign Affairs. Most other high officials of the central government were members of the Central Committee of the Lao Dong Party.

The Judiciary

The brief chapter of the Constitution dealing with the judiciary establishes a system consisting of a People's Supreme Court, local People's Courts, military courts and a People's Supreme Organ of Control. In addition, the National Assembly is authorized to create special courts "when special trials are needed." The organization of the several judicial bodies is left to the determination of law. Although the People's Courts are declared to be "independent and subject only to law" in administering justice, they are held directly responsible to the People's Councils. Their proceedings, like those of the military and special courts, are administered by the People's Supreme Court which, in turn, is responsible to the National Assembly (or its Standing Committee) and must report to it. The People's Supreme Organ of Control, headed by a Chief Procurator, "exercises control authority over all departments of the Council of Ministers, all local organs of state . . . and all citizens to ensure observance of the laws." It, too, is responsible to the National Assembly.

People's Courts exist at every level of the territorial administration. At the village level members of the village administrative committee constitute a primary court or village conciliation committee. There is a three-man court which consists of a presiding judge who is a professional jurist and two People's Assessors who are appointed by the People's Council of the territorial administrative unit which the court serves. Each has a Court of Appeals in the final appellate jurisdiction.

The code of justice, adopted in 1950, is an adaptation of the French Civil Code. In the People's Courts above the village level, the two People's Assessors each have equal powers with the presiding professional jurist and together can override him. In their deliberations the three judges are not restricted to evidence introduced in court but, in forming their decisions, may take cognizance of any information they regard as relevant. All cases are heard in public unless an exception is made by law. Citizens belonging
to ethnic minority groups may use their own spoken and written language in court.

The People’s Supreme Court, like the other components of the court system which it is charged with administering, is not an independent judicial body but an instrument of the combined executive-legislative apparatus of the Communist regime. The National Assembly, to which the court is responsible, elects its president. As a high appellate body for civil cases, the People’s Supreme Court has little to do since most of the lower courts have final civil jurisdiction. It does exercise a wide range of investigative powers, and it appears to have primary jurisdiction in cases of high treason involving members of the Council of Ministers or high ranking army officers.

The People’s Supreme Organ of Control works closely with the Supreme Court and, like it, is directly responsible to the National Assembly or its Standing Committee. Headed by a Chief Procurator elected by the Assembly for a 5-year term, it has wide powers of surveillance over the activities of government agencies and individual officials, and its officers act as government prosecutors and legal representative in court actions. A nine-member committee determines policy, and the offices of the organization in the various units of local government are answerable only to superior authority within the hierarchy of the People’s Supreme Organ of Control.

Civil Service

The minimum qualification for appointive office is, like that for elective office, acceptability to the Lao Dong Party. The Party itself is the main reservoir of personnel for positions of public responsibility.

The test of party loyalty frequently brings forward otherwise unqualified men, and in such cases the particular civil or military official may be provided with an assistant capable of the substantive duties of his office. Sometimes also a popular figure about whom the Party has doubts may be permitted to hold an official post under the eye of a Lao Dong official assigned to keep him from straying from the Party line. This pattern is most common in the villages where the Party, even after eliminating or silencing those hostile to it, has had no choice but to utilize the leadership talent of the local community. The Party deals with this situation through the device of the Party agent (căn bo) who is assigned to “assist” the more important local officials in the spheres of administration, finance and military affairs. The official, aware that his position and perhaps his personal future may be determined by what the can bo reports about his attitudes and conduct,
has a strong incentive to accept and actively seek the advice of the *can bo*. The decisions taken are presented to the community as those of the official himself, while the *can bo* remains in the background.

The parallel hierarchies of Party and government provide an apparatus through which the national leaders, who occupy the highest positions in both, are able to impose their will on the country in the name of collective leadership and popular consent. The subordination of the formal machinery of the government to the Party takes on the character of an amalgamation when Party member and government official are the same person. When, as is often the case on the lower levels of administration, the government functionary is not a Party member, the *can bo* system assumes critical importance as the transmission belt of Communist control.

**Local Government**

The organizers of the Democratic Republic of Vietnam, initially retained the three traditional territorial divisions of North, Central and South Vietnam. Subsequently, the regime, in the interest of administrative manageability, divided the country into 10 zones. Reorganization followed almost immediately with the outbreak of the Indochina War, and military command zones were merged into 6 interzones. Each interzone was subdivided into provinces (see fig. 11). Each province was further divided into smaller units. With the end of the war and national partition, the zonal divisions were preserved in the North, except that in 1955 special autonomous zones were established for the more numerous ethnic minorities (see ch. 4, Ethnic Groups).

Excluding the autonomous zones, the largest units of local civil administration are the provinces, each of which is subdivided into districts and cities. One of the cities is given special status as the provincial capital. Districts are subdivided into towns and villages. Provinces and cities—which themselves may be subdivided into districts—are administratively responsible directly to the central government. The smaller units in each province conduct their local affairs subject to the authority of the next higher administrative unit of which each is a part. On all levels, the components of this hierarchy of local government do not so much govern as administer laws and regulations and apply policies made by higher authority.

The organ of state authority in each of these territorial entities, from province to village, is the locally elected People's Council. The provincial People's Council consists of 20 to 25 members elected for a 3-year term, with each district represented in proportion to its population. All registered residents of the province
Figure 11. The Administrative Divisions of North Vietnam.
are eligible to vote. On the village level, the People’s Council may have 10 to 25 members, depending on the size of the community, who are elected for 2-year terms. Voting regulations include a residence requirement of 3 months prior to the election, but this does not apply to military or administrative personnel assigned to a village. Candidates for office must have resided in the village for at least 6 months.

The executive nucleus of each People’s Council is its administrative committee. The administrative committee consists of a chairman, vice chairman, secretary-recorder and several delegates, whose number depends upon the size of the Council in which it is formed and whose members elect it. The rules of eligibility for administrative committee membership—aside from the requirement that the candidate be acceptable to the Lao Dong Party and from stipulations about age, literacy and mental competence—evidently framed with the tendency to nepotism of a traditional kinship-oriented society in mind. A husband and wife may not serve together on an administrative committee nor may a parent and two children or three siblings.

The People’s Councils have little room for initiative except on narrow local issues. All actions of subordinate administrative units must be in complete agreement with decisions taken at successively higher levels until the ultimate authority of the combined leadership of the Party and the government at Hanoi is reached.
CHAPTER 20

POLITICAL DYNAMICS

One factor, the existence of an aggressive Communist regime in North Vietnam, dominates all others in Vietnamese political life today. It signifies that approximately one-half of the territory and the population of the country have been brought under the rule of a Communist party and incorporated into the larger Communist system dominated by the Soviet Union and Communist China. For the Republic of Vietnam in the South, it means a struggle for survival for the indefinite future against a North Vietnamese-supported and -directed campaign of guerrilla warfare and subversion.

Government in Vietnam has historically been authoritarian—anciently under Chinese domination, then under the Vietnamese emperors, and, in modern times, under French colonial rule. In the North the authoritarian principle has been reaffirmed and extended in the form of Communist totalitarianism. In the South the representative institutions and civil freedoms delineated in the Constitution of the Republic remain, in many respects, not an achieved reality but a blueprint for political and social evolution. In the shadow of the Communist threat, the course of that evolution, which at best could only be gradual, continues to be slow and painful.

BACKGROUND TO THE PRESENT POLITICAL SITUATION

Political authority in precolonial Vietnam was clearly delineated according to tradition. The Emperor, who was held to rule under a "heavenly mandate," was in theory subject to no other limitation in the exercise of power. In ruling the nation, he was assisted by appointed officials at the imperial court and a rigidly hierarchical mandarin bureaucracy modeled after that of China. In theory, the mandarins spoke for the Emperor and their word was the law to those occupying inferior positions in the social pyramid. In the name of the Emperor, they demanded taxes, military service, contributions in labor and various other kinds of tribute from the population.

Beneath the structure of the mandarinate, the Vietnamese village enjoyed a high degree of autonomy. Mandarinal authority extended to the village level, but it was impossible for it to be exercised directly in the thousands of villages scattered throughout the countryside. Poor communications, difficulty of travel and the number of villages made it necessary for the mandarins to
administer the villages indirectly through village chiefs and elders who managed internal village affairs. In provinces and districts remote from the imperial capital, the mandarins, for their part, had considerable latitude of decision under the general directives of the central bureaucracy.

The mandarin system had inherent weaknesses which became acutely manifest during periods of internal difficulty and foreign aggression. Yet the Vietnamese remained loyal to the system long after it was far advanced in decay. In clinging to what they knew, they attributed the weaknesses of the mandarinate to the frailties of men rather than to the system itself.

After implanting its authority in Vietnam through military means, France, in the late nineteenth century, worked out a different form of administrative relationship with each of the three regions of Vietnam. In Cochinchina, where the Vietnamese were still moving in to displace non-Vietnamese populations, the traditional organizational structures had not been firmly established by the time of the French conquest. This circumstance eased the French decision to make Cochinchina an outright colony of France and to govern it directly. A different approach was used in Annam and Tonkin, where imperial rule and the mandarins' system had long prevailed. The royal authority was preserved in Annam, which was made a protectorate under the close watch of a French résident supérieur. Tonkin, also declared a protectorate, was administered by mandarins responsible to French résidents.

The nation that the French ruled was made up of a preponderantly peasant population which gained a livelihood from the soil and resided in socially and economically self-contained village communities. The economic purposes of the colonial government demanded more direct intervention by the central authorities in village affairs than the villages had ever known. Village officials were brought under tighter controls and compelled to adopt new administrative techniques to improve the quality of their records and methods of tax collection. Members of the village councils were given a clearer definition of responsibility and instructed to regularize their procedures in accordance with decisions of the central authorities. Formal election procedures were inaugurated for the village councils. These measures brought about greater administrative efficiency but, in introducing external controls into village affairs, they disrupted the relationship that had existed between village authorities and the local people.

Meanwhile, in the few cities and the larger towns, a small but growing number of French-educated Vietnamese were beginning to criticize colonial rule, not from the standpoint of their mandarin predecessors, but in terms of Western concepts of national independence and political liberty. This new nationalism acquired
ties with social and political movements in Europe and Asia, and these gave it broader appeal and set the stage for ideological disagreement among the nationalists themselves. The success of the Japanese in their war with Russia in 1905 was for some Vietnamese an inspiring example of the victory of an Asian nation over a European power. But it was the revolutionary ferment in China—nationalist and, in particular, Communist—which most strongly influenced the Vietnamese nationalists.

Still other nationalists looked to liberal leaders in the French administration to grant them greater independence and help them to acquire the Western knowledge and technical skills which would prepare them for self-government. The many Vietnamese who served in France during World War I were directly exposed to Western social and political concepts and had opportunities to observe at first-hand the benefits of Western technology. Carried back to Vietnam, these ideas were to have revolutionary consequences.

Although the popular base of the nationalist movement in this period was broader than in the earlier years of the mandarin-led uprisings, it lacked an organizational structure capable of utilizing the energies and talents available to it. Except in Cochinchina, where the French for a time permitted political parties, nationalist groups were compelled to carry on their political activities surreptitiously.

Moderates who openly agitated for reform were suppressed. Those groups which managed to persist were unable to function as genuine political parties and became conspiratorial leagues. The most prominent of them, the Vietnamese Nationalist Party (Viet Nam Quoc Dan Dan—VNQDD), which had been modeled after the Chinese Kuomintang, was crushed by the French for its part in the Yen Bay Mutiny in 1930. The surviving leaders fled to China, and the VNQDD ceased to be an effective nationalist force, although it reappeared in the North when Chinese troops occupied Tonkin after the Japanese surrender in 1945.

The collapse of the VNQDD, French suppression or control of the moderates and the waiting strategy of attentisme adopted by many nationalists left Vietnam with only one well-organized political group capable of effectively opposing French rule—the Communist Party of Indochina. Organized in Hong Kong in 1930 under the leadership of Ho Chi Minh (then known as Nguyen Ai Quoc), the Communist Party of Indochina brought together several separate Communist groups into a single party. The Communists, with their disciplined organization and tactical flexibility, vigorously exploited the general social and economic discontent and anticolonial sentiment which was waiting to be given
direction and purpose. A series of strikes, demonstrations, peasant-supported uprisings, and the outright seizure of control in two provinces were severely suppressed by the French. Like the leaders of the VNQDD a year earlier, many of the Communist leaders fled to China. Unlike the VNQDD, however, the Communist Party of Indochina survived as an effective organizational entity and within a few years was again in the vanguard of the resistance movement. The Communists were able to do this because they possessed an effective, disciplined organization and a strategy of political action which put tactics, overt and covert, to the service of defined goals. Their task was made easier by the colonial administration's repression of the only moderate elements which might have competed with them to shape and organize rising nationalist sentiment.

The halving of the country into separate political entities at the end of the Indochina War left the Communists in control of the North. The constitutional Republic which emerged in the South was committed to a parliamentary order and a multiparty system, but even the form of these things could be preserved only by a strong executive. In 1962, 8 years later, the still dominant executive had to weigh the advantages and the risks of sharing its powers more broadly in the face of heightened Communist danger.

**REPUBLIC OF VIETNAM**

Postindependence politics in South Vietnam reflect the underdeveloped condition of the nation, the internal and external threats to its security and a heritage almost devoid of the traditions and experiences associated with representative government. Moderation and attempts to establish normal political parties proved futile, while conspiracy and extremism seemed to be the only effective alternatives. This background and the attitudes it fostered left an imprint which is still evident in the political life of the Republic.

The initial months of independence convinced President Ngo Dinh Diem that any political organization or power structure not under his control represented a threat to him and to the nation. During this period, in addition to resettling some 900,000 refugees from the North and attempting to revive the national economy, the President was confronted by a series of conspiracies and overt challenges to his authority. In contrast to North Vietnam, which emerged from the war under the firm control of a single party which enjoyed the prestige of having led the country to victory, the new nation in the South was torn by the divisive claims of a mélange of armed politico-religious sects, semifeudal leaders and ambitious military officers. President Ngo successively overcame
each of these challenges (see ch. 21, Public Order and Safety). By late 1956 he had asserted his command over the Army and removed its insubordinate Chief of Staff, defeated or outmaneuvered the armies of the Cao Dai and Hoa Hao sects, replaced Bao Dai as Chief of State by popular referendum, crushed the Binh Xuyen gangster bosses who controlled 5,000 troops and much of the Saigon police, and established his authority as President of the Republic under a constitution written at his direction. These successes were achieved through a tough determination to hold and exercise the executive power which left little room for tolerance of even the most moderate political opposition.

The Vietnam in which President Ngo came to office was a nation plagued by corruption, Communist agitation and gangsterism. It was a nation, he felt, which had lost sight of its traditional values and was wandering without purpose in a materialist world devoid of the spiritual qualities which he himself had embraced and wanted to impart to his people. Until such a time as he had realized his mission—which was little short of the re-ordering of Vietnamese society—competitive political parties and Western-style democratic freedom seemed, in his view, dangerous luxuries which Vietnam could ill afford.

Political Parties

The only legal political parties in South Vietnam are unequivocally pro-government. In order for a political party to function legally, it must be approved by the Secretary of State for the Interior, who has broad discretionary powers in granting or withholding approval and is under no obligation to explain his decisions. There are no significant ideological or policy differences among authorized parties and all share a common dedication to the person and programs of President Ngo.

The National Revolutionary Movement

The only party which claims a mass following is the National Revolutionary Movement (Phong Trao Cach Mang Quoc Gia) whose honorary leader is President Ngo. Although spokesmen for the National Revolutionary Movement state that it originated in the 1930’s and played a clandestine role in the struggle for independence, there is little evidence of its activities before 1954. Polling about 80 to 90 percent of the popular vote, the Movement places its membership at about 2 million. The number participating actively in its program is considerably lower. In recent years the National Revolutionary Movement has absorbed several lesser parties.

The nominal leaders of the National Revolutionary Movement are men close to the President who occupy positions in the gov-