vernment. Actual control of the Movement, however, is in the hands of Ngo Dinh Nhu and Ngo Dinh Can, two of the President’s four living brothers. Nhu, who also serves as a political adviser at the Presidency, supervises the activities of the Movement in the Central Highlands and the area southwest of Saigon. Its organization in the Central Lowlands is under the close supervision of Ngo Dinh Can who occupies no official position in government and resides in the old imperial capital of Hue. A major purpose of the Movement is to rally the population to the support of the President and his program; its officials organize meetings in every village to instruct the citizens in their civic duties and engender enthusiasm for the government.

The National Revolutionary Movement sponsors or works closely with a number of smaller specialized groups. Among them are the Republican Youth Movement, the Vietnamese Women’s Solidarity Movement (led by Madame Ngo Dinh Nhu), labor organizations and various other groups. These organizations supplement the activities of the Movement, although they may not have any official connection with it. Especially close is the relationship with the National League of Revolutionary Civil Servants (Lien Doan Cong Chau Cach Mang Quoc Gia) which includes almost all civil servants.

The majority party in Vietnamese elections, the National Revolutionary Movement, exercises dominant influence in the National Assembly. It permeates almost every facet of organizational life in Vietnam; most important, it has the President and the power of the government behind it. It publishes its own paper.

The Revolutionary Workers’ Party

The Revolutionary Workers’ Party (Can Lao Nhan Vi Cach Mang Dang), was organized at about the same time as Vietnam achieved its independence by a group of intellectuals and labor leaders who conceived of it as a cohesive elite corps which would provide leadership for all other political organizations in South Vietnam. The Can Lao, as the Party is popularly known, is headed by Ngo Dinh Nhu. It claims to have about 20,000 members organized into cells and occupying strategic positions throughout the government, the Army and other important organizations throughout the country. It is, however, least active in the Central Lowlands area where Ngo Dinh Can is influential.

The fact that the membership lists and the details of the activities and organizational structure of the Can Lao are kept secret has given rise to the belief that it wields immense power within the government, an impression evidently cultivated by some members of the Party. Can Lao leaders have stated that the reputation of the Party is much exaggerated, but, as a secret organiza-
tion whose leaders are highly placed in government, it has acquired a formidable reputation.

The philosophy of personalism, to which the Party subscribes, has acquired almost the status of an official doctrine in the Republic. It represents an effort by the President, his brothers and a group of dedicated followers to provide the country with an all-embracing ideological alternative to Marxism. Vietnamese personalism is derived from a philosophical movement which attracted a number of Catholic intellectuals in France, particularly in the 1930's. The ideas of European personalism are associated with Jacques Maritain, Emmanuel Mounier and other Catholic intellectual writers in Europe.

The philosophy attempts to find a middle ground between capitalist individualism and Communist collectivism, both of which, according to President Ngo, "have inflicted great damage on man." The President feels that personalism provides a reliable guide for Vietnam's progress toward stability, democracy and industrial development without "the evil consequences" of either capitalist individualism or communism. Personalism holds that man's spiritual and material needs can be satisfactorily fulfilled only within the community and that at a higher level there is no conflict between individual aspirations and community responsibilities. It is held that Western liberalism, by placing great stress on the individual, sets him apart from the community, whereas Marxian collectivism stifles individual fulfillment by subordinating the individual to the state. Personalism seeks to avoid both these pitfalls. President Ngo is emphatic that the greater danger to man is communism, although he reveals a basic skepticism toward Western individualism and democratic capitalist institutions.

At the Personalism Training Center in Vinh Long Province, established by another brother of the President, Archbishop Ngo Dinh Thuc, civil servants and others are taught the principles and application of personalism. Lectures focus heavily on the concept of natural law, and social problems are analyzed in the light of modern papal encyclicals and precepts from Confucian teachings.

Viewed strictly as a political doctrine designed to attract mass support, personalism has had little popular success in Vietnam. There seems to be a general feeling, even among the educated proponents of personalism, that it contains admirable spiritual values but does not provide a doctrine capable of capturing the imagination of the people. Furthermore, personalism provides few specific prescriptions for political programs.

**Opposition**

The absence of legal opposition political parties in the Republic
of Vietnam does not mean that contesting political forces are absent. With all authorized organizations progovernment or government controlled, opposition elements seeking political outlets for their feelings have been compelled either to cluster in the small coteries of preindependence nationalist groups or to associate themselves with the Lao Dong (Communist) Party or one of its front organizations. The old nationalist groups, although not having legal recognition, survive as ineffectual rallying points for small numbers of alienated urban middle class individuals. Government surveillance and periodic police action against their leaders prevent them from developing systematic political programs and organizations capable of attracting popular support. There remains the alternative of the National Front for the Liberation of South Vietnam, supported, encouraged and controlled by Communist North Vietnam. Masking as a South Vietnamese nationalist organization dedicated to democracy and the termination of United States aid (which is described as "imperialist intervention"), the Front seems to have attracted some non-Communist groups and individuals.

The National Front was established in Hanoi in late 1960 for the purpose of eventually reunifying Vietnam. Its immediate program is to replace President Ngo's government with a "neutralist" government which would establish diplomatic, economic and cultural relations with the North. Although it is ostensibly a "popular front," the Lao Dong Party directs its activities and uses it to advance the objectives of Communist North Vietnam. The Lao Dong Party has been careful, however, to give the impression that the National Front is a nationalist rather than a Communist movement.

The organization has acquired a limited following in Saigon, but the focal point of its appeal and recruitment is the rural population whose support is crucial in determining who will ultimately control the nation. Well-trained Communist cadres have used persuasion and fear to enlist the cooperation of the peasantry in its struggle against the Republic. The constant stream of antigovernment propaganda being circulated in the countryside and the present scope and intensity of guerrilla warfare indicate that the National Front has had considerable success in its competition for the loyalty of the Vietnamese peasant.

Special Groups

Aside from the National Front no other effective political organization capable of challenging the government and its parties exists. There are, however, a number of special groups which are of some political significance in South Vietnam. While in some
ways similar to the multiplicity of social, economic, religious and interest groups that shape the policies of Western political parties, comparable groups in Vietnam function in a different way. There is no regular mechanism by which organized interest groups are able to articulate the aspirations of their members and directly influence the programs and policies of political parties and the government itself. Instead, these groups are subject to a high degree of government control and are used by the government, where possible, to implement its programs and policies. The administration has become increasingly aware, however, that it must receive the loyalty of these groups in order to defeat the Communist challenge and advance toward its own goals.

Although the nation is predominantly Buddhist, Buddhism in Vietnam is a loosely organized religion without a cohesive hierarchy and a well-knit organizational base (see ch. 11, Religion). Accordingly, Buddhism has little direct influence in shaping government policy. The better organized minority religions are more prominent in political life.

The Cao Dai and the Hoa Hao are two important sects of modern origin. Together they claim about 3 million adherents, mainly in the area to the northwest and south of Saigon. Of the two, the Cao Dai is the larger and better organized. Until 1955 both sects had maintained their own troops which at times successfully resisted the French, the Communist and, later, the Nationalist Vietnamese regime. Although they no longer have their own troops, the sects represent potentially volatile organized groups that could play a vital role in deciding the outcome of the struggle now ensuing in Vietnam. Despite periodic expressions of fidelity to the government by the sect leaders, neither group is viewed as dependable, and they are subject to strict surveillance by the authorities (see ch. 11, Religion; ch. 23, Subversive Potentialities).

The most important religious group, in terms of political influence, is made up of Roman Catholics. Although only about 10 percent of the population in the South is Catholic, Catholicism is the religion of President Ngo, his family and many of his closest political associates. Moreover, the President's oldest brother is Archbishop of Hue and the ranking prelate in Vietnam. Personalism, the dominant philosophy of the government, has derivations from Catholic thought, and the Church has benefited in numerous ways from government support.

When Ngo Dinh Diem returned to Vietnam in 1954 his most reliable supporters were Catholics. During the period of free movement between the North and the South in the 300 days after the Geneva Agreement, approximately 600,000 Catholics left Communist North Vietnam to resettle in the South.
Among non-Catholic Vietnamese there is some feeling that Catholics have received favored treatment from the government. In rural areas the help rendered destitute refugees from the North in resettling in new communities has focused the unfavorable attention of neighboring non-Catholic villages on the new Catholic communities and given rise to resentment that equal government assistance has not been given to them (see ch. 11, Religion).

Vietnam’s ethnic minorities are significant in the political processes of the country mainly as a potentially active factor. Neither of the two largest minority populations in the South—the Chinese, numbering perhaps 1 million, and the ethnically diverse montagnards of the highlands, estimated at between 500,000 and 700,000—have been assimilated into the mainstream of national life. Similarly, the Khmers (350,000 to 400,000) and the Chams (35,000) of the lowlands have remained alien enclaves in the Vietnamese community around them (see ch. 4, Ethnic Groups).

The Chinese have long played a central role in business, almost completely dominating commercial enterprise. This role, while indispensable to the economy, has attracted Vietnamese resentment, and this in turn has reinforced the tendency of this able and energetic group to remain apart. The country not only suffers from the resultant tensions, but it is denied the contribution the Chinese could make outside the narrowly economic realm. President Ngo has tempered measures requiring the Chinese to accept Vietnamese citizenship and restricting their business activities in favor of a long-range program aimed at bringing about their gradual integration into Vietnamese society. There are indications that the sympathies of some of the younger members of the Chinese community are with Communist China rather than with the Nationalist government of Taiwan, and this group constitutes a potential source of support for the Viet Cong. The bulk of the Chinese, however, appear to be hostile to the Communist regime and to recognize that their future is linked with that of a non-Communist Vietnam (see ch. 23, Subversive Potentialities).

The montagnards, divided by language, custom and tribal affiliation into numerous separate communities of subsistence farmers, hunters and food gatherers, are not a cohesive entity; nor, until they have had the benefits of education and technical and material assistance, will they be capable of taking their place as full citizens of the national society. Communist efforts to use the montagnards in their guerrilla operations against the Republic and the value to the Communists of the sparsely inhabited highlands as an infiltration area and place of safe retreat gives special urgency to government efforts to win the loyalty of the montagnards and to shield them from the Viet Cong (see ch. 23, Subversive Potentialities).
Decision-Making

Decision-making in the Republic of Vietnam is centralized in the person and office of the President and a select group that he includes in his deliberations. Political parties and interest groups do not play an important role in shaping decisions of the government, and the National Assembly has not attained sufficient independence and power to serve as an effective channel of communication between the local communities and the central authorities. Within the government itself the President has been reluctant to delegate authority to his subordinates, and he has tended to involve himself directly in operational details which are formally the responsibility of executive department heads, province chiefs and military commanders.

The closeness of the circle of advisers with whom the President shares his deliberations and his tendency to concern himself directly with the work of subordinates have led to complaints that he is shielded from full awareness of the people's problems and needs and that his preoccupation with detail is an obstacle to efficient administration. The President, for his part, has made it clear that, in view of conditions prevailing in the country, he does not believe that he has any alternative to close personal control.

Elections

In April 1961, with much of the Vietnamese countryside plagued by the guerrilla warfare, almost 7 million voters went to the polls to return President Ngo to office by a vast majority. This was the fourth time since the Geneva Agreement that national elections had been held in South Vietnam. They marked the seventh year of the country's experience with representative institutions.

Historically, the Vietnamese had at various periods participated in the election of village officials, but the nation itself was ruled by a hereditary emperor assisted by members of the imperial court and the mandarin bureaucracy. French rule fatally weakened the indigenous system, but France was careful to preserve the externals of the traditional pattern and to impose only minor modifications of it. It was not until the end of World War II that institutions generally associated with modern political systems and representative government were introduced to Vietnam. Capitalizing on the political disruption in the wake of Japan's defeat, the Communist-led Viet Minh acted quickly to establish a governmental basis for independence and called for the election of "people's committees" in every village to replace the village councils which had traditionally constituted village government. Better organized than any other political group at the time and popularly identified with the cause of independence, the Communist leadership was
sure it would have a controlling voice in the new 15- to 25-man people’s committees in the villages.

While the elected people’s committees gave the Viet Minh a firm foothold in the countryside, where 85 percent of the population lived, national elections offered Ho Chi Minh’s Democratic Republic of Vietnam, proclaimed in September 1945, a broader claim to legitimacy. Viet Minh-sponsored elections were held in January 1946 in Tonkin, in Annam and in the parts of Cochinchina where the French—who had returned to Saigon with the expectation of re-establishing their authority in the country—had little control. In these first general elections in Vietnamese history—the outcome of which reflected both the popularity of the Viet Minh at the time and its manipulation of the elections—the Viet Minh had linked the idea of elections and representative institutions with the concept of Vietnamese independence. Future nationalist governments were to do likewise. When, in 1949, former Emperor Bao Dai was restored as Chief of State of the French-supported State of Vietnam, his quest for popular backing included a promise to establish an elected legislative assembly. Under the election plan, members of a national assembly would be chosen indirectly. The eligible electorate would vote directly for members of municipal councils who, in turn, would elect provincial councils. These two bodies would then elect from among their own members a national assembly.

The elections did not take place until 1953. Severe registration requirements, combined with the inability of the government to conduct elections in insecure areas and its unwillingness to permit participation in politically questionable villages, admitted to the polls only 1 million, or approximately 20 percent of the male Vietnamese citizens of voting age, half of whom lived in the area under the authority of the Bao Dai government. By the time the elections were held, popular discontent could no longer be palliated by a regime which was regarded as an instrument of French control. The municipal elections stimulated no public enthusiasm, and in only a few areas did the elected municipal councils go through the form of electing provincial councils. A national assembly did not come into being until Bao Dai departed from the scene.

In the autumn of 1955, a little more than a year after the partitioning of the country by the Geneva Agreement, the citizens of South Vietnam were summoned to the polls to decide whether Bao Dai should continue as Chief of State or the country should become a Republic with Ngo Dinh Diem as President. As Premier of the State of Vietnam, Ngo Dinh Diem had established his claim to leadership of the nation by his accomplishments during the trying months which followed the Geneva Agreement. Under his
administration, almost a million refugees from North Vietnam had been resettled in the South, an extensive land-reform program had been initiated, the military challenge of a powerful gangster organization had been overcome, the last French High Commissioner in Vietnam had departed and direct United States aid had begun to be received. The referendum was held on October 23 in the absence of Bao Dai, who remained in France, and the outcome confirmed the repudiation of the old order and last ties with France. It also indicated the popularity of the Premier, who received 5,721,735 votes to Bao Dai's 63,017.

With the removal of Bao Dai, Ngo Dinh Diem proclaimed Vietnam to be a Republic and himself President. Upon the promulgation of the Constitution on October 26, 1956, the National Constituent Assembly, elected earlier in the year, became the National Assembly (see ch. 19, Constitution and Government).

Elections for the Assembly were held again in 1959 at the end of the 3-year term of office of its members. In 1961 President Ngo, at the end of his 5-year term, was returned to office in an election. The two National Assembly elections and the 1961 presidential election were carried out under strictly worded election codes prepared by the National Assembly and approved by the President.

Election rules provide that all Vietnamese citizens over 18, upon registering and procuring an election identity card, may vote in national elections. Officially there is no fine or penalty attached to nonvoting. The authorities, however, tend to regard voter participation as a criterion of loyalty, and the citizen may find his motives questioned if his identity card does not show that he has voted. In areas of Viet Cong operations, the same individual may find that the voting mark on his identity card subjects him to the unfavorable attention of the guerrillas for opposite reasons.

There is no legal provision for primary elections for either the National Assembly or the Presidency. The rules governing qualifications for candidacy are not rigid, although in the presidential election they excluded two candidates: one, a prominent nationalist and opponent of President Ngo living in Paris whose application was ruled to be faulty; the other, an outspoken journalist who had been found guilty of violating the press laws. The laws provide for the government to assume all campaign costs, with penalties for candidates who fail to receive at least 5 percent of the vote. The length of time allotted to the 1961 presidential campaign was 3 weeks, slightly longer than time allowed for the campaign for the National Assembly.

Members of the National Assembly are chosen by plurality vote in single-member districts. It is not mandatory for a candidate to be a resident of the election district in which he seeks office, although deputies have been urged to maintain close contact with
their constituency and to familiarize themselves with its problems. Presidential and vice-presidential candidates must run as a single ticket which designates the aspirant for each office. Regardless of the number of candidates in the presidential election, election is by a simple plurality of the popular vote.

Public buildings, schools and village halls are designated as polling stations during elections, and specially constructed voting booths assure the voter a reasonable degree of privacy in casting his ballot. The ballots themselves contain the name of the candidate as well as a symbol agreed upon by him.

Campaign committees, comprising an equal number of representatives designated by each of the candidates, are charged with working out equitable arrangements pertaining to campaign propaganda, public meetings, press conferences and numerous other procedural details. During the legislative elections each of Vietnam's 123 National Assembly Districts, in principle at least, had a campaign committee. Similarly, the presidential election law of 1961 provided for a central campaign committee and regional subcommittees for Saigon and every town and province. The two candidates who opposed President Ngo, however, were unable to find provincial and town representatives willing to identify themselves with candidates running against the President.

Candidates opposing those favored by the government have faced formidable odds, and few have been elected. The press has been almost uniformly hostile to them. Civil servants have actively worked on behalf of government candidates, and in the provinces it appears that some enthusiastic officials did not always distinguish between meetings intended to explain the election law to villagers and those which were actually progovernment rallies. Since the only legal political parties in existence during the elections have been stanchly progovernment, opposition candidates were compelled to conduct their campaigns during a brief 2- or 3-week period without benefit of existing nationwide political organizations.

Opposition candidates have, nevertheless, campaigned vigorously, especially in the more sophisticated and cosmopolitan atmosphere of Saigon. Some have been openly and sharply critical of the President, his policies and the government. The most prominent opposition figure has been Dr. Phan Quang Dan who, unable to obtain legal status for his Free Democratic Party, ran for the National Assembly in 1959 as an independent on a platform which was highly critical of President Ngo and called for greater civil liberty in South Vietnam. He won by a greater majority than any other candidate from a Saigon constituency, but his victory was nullified by the courts, which sustained the government's contention that he had violated election laws. Subsequently Dr. Dan
participated in the abortive coup d'etat against President Ngo. Nearly 2 years later he was still in custody without having been tried. Dr. Dan's part in the attempted coup was public knowledge, but the denial of his seat in the National Assembly was viewed by many as evidence that the authorities were unwilling to tolerate any more than token opposition.

In 1961 President Ngo's opposition for office consisted of a respected Oriental medicine practitioner in his 70's and a politically unknown plantation owner. Official election returns gave President Ngo roughly 92 percent of the total vote, and returns from some districts gave him close to 100 percent. The election returns in Saigon, where the two opposition candidates concentrated their efforts, revealed a considerably lower majority. While President Ngo received some 354,000 votes to a combined total of 197,000 votes for his opponents, almost 180,000 qualified voters in Saigon abstained from the polls. Thus, of 732,248 registered voters in Saigon, less than 50 percent turned out to vote for President Ngo.

Notwithstanding the government's reaction to opposition, it has held elections regularly despite problems of doing so with an inexperienced electorate exposed to a major Communist subversive effort.

President Ngo conceives of elections as a means of educating the people, especially in the countryside, to the responsibilities and practices of good citizenship and democracy. While village meetings have sometimes been used by government officials to work up popular enthusiasm for the President, they inevitably contribute—as do the elections—to an understanding that self-government is a process of conscious and orderly choice by the people. That understanding is only beginning to be achieved.

DEMOCRATIC REPUBLIC OF VIETNAM

The end of the Indochina War left the Communist-led Viet Minh in firm control of the territory north of the 17th parallel. Ho Chi Minh, who had led the war for independence, enjoyed tremendous popularity. The 350,000-man Army of North Vietnam was the most efficient in all Southeast Asia, and its officers and troops were unquestionably loyal to Ho. Even the mass exodus of refugees from North Vietnam after the Geneva Agreement contributed to the solidarity of Ho's Democratic Republic of Vietnam by reducing the number of those who were unsympathetic to the objectives of the Communists.

President Ho and the Workers' Party of Vietnam (Dang Lao Dong Viet Nam), the Communist Party of Vietnam, usually called the Lao Dong Party, have made only the slightest pretense of sharing power with the non-Communist organizations and individuals
Whatever appearance of concessions has been made to non-Communist political parties has been aimed at convincing other nations, and particularly the people of South Vietnam, that the North Vietnamese regime is tolerant of political differences. North Vietnamese authorities hope that this facade will strengthen its hand in attempting to achieve the reunification of Vietnam.

The techniques by which the Lao Dong Party determines government policy are different in some respects from those employed in other Communist states. The new North Vietnamese Constitution of 1960 designates the National Assembly as the most powerful organ in the Democratic Republic of Vietnam. However, the Assembly meets only sporadically, and when it is not in session, most of its constitutional powers may be exercised by the Standing Committee of the National Assembly. The Standing Committee is dominated by the Lao Dong Party and invariably approves all decisions made by the Political Bureau of the Party. Although important members of the Standing Committee are also members of the Political Bureau, the latter organization is not a governmental agency. By this arrangement the 11-member Political Bureau is able to control not only the Lao Dong Party but the government itself.

Despite the apparently unchallengable position of Ho Chi Minh as leader of North Vietnam and the similar status of the small group of powerful men who help him shape government policy, serious political differences have been arising within the ruling elite on certain issues. The most important of these differences centers around the question of whether the Soviet Union or Communist China should be accepted as the leader of the Communist world. One group of North Vietnamese policy makers, which, in 1962, seemed to be in the majority, is anxious to follow the Soviet lead in domestic policies and to take its cue from Moscow in world affairs. Another group, several of whose members acquired their education in communism under the Chinese, feels that the Chinese model is more appropriate for North Vietnam. The key figure in the Chinese wing is Truong Chinh; his name is a pseudonym which means “Long March” (in reference to the Chinese Communist “Long March” to northwest China in 1935) and is indicative of his affinity for the Chinese Communists. These differences could eventuate in an overt power struggle in North Vietnam after Ho Chi Minh’s death. While Ho remains alive, however, it is apparent that he will determine how far North Vietnam veers toward either the Soviet or Chinese power centers. To the extent that the Chinese faction becomes ascendant, it may be anticipated that North Vietnam will act more severely in its internal drive toward
collectivism and industrialization and will take greater risks in pursuing its foreign policy objectives.

**Groups in North Vietnam**

Despite the preponderant role of the Lao Dong Party in the political life of North Vietnam and the highly efficient party apparatus which extends to all organizations and communities, there are still groups which are less than enthusiastic about the Communist state and which can be troublesome to the government. However, the presence of trained Communist cadres in every village and the tight control exercised by the regime tend to obscure the extent of dissatisfaction that exists in the North.

**Catholics**

There are roughly 600,000 Roman Catholics remaining in North Vietnam—about the same number as went to the South after the Geneva Agreement. The Catholics who remained in North Vietnam did not do so because of their sympathy with the Viet Minh regime, however; they stayed because of attachment to their land and uncertainty about their future in a part of the country with which they were unfamiliar.

The authorities have consistently spoken of their respect for the right of religious groups to worship as they please, and the Constitution of 1960 specifically provides for freedom of religion. Behind this facade of assurances, however, the regime has subjected the Church and its congregations to a campaign of only slightly disguised harassment, legal restriction, and propaganda. Taxation has struck at the Church finances, and with the decline in the number of seminaries, the Communists evidently expect that the ranks of the clergy will be thinned by attrition. The regime has also acted to reduce or eliminate the contact of the local Church with the Church abroad, and this policy is supplemented by an effort—sometimes implemented with force—to organize Catholics into progovernment groups. Some importance appears to be attached to the obtaining of support from the Catholic clergy, as well as the laity, as a means of convincing the large Catholic population in South Vietnam that reunification would not spell the end of Vietnamese Catholicism (see ch. 11, Religion).

**Peasants**

The strength of the resistance movement against the French came from Vietnam's peasant population, comprising almost 85 percent of the population. Peasant support in the struggle against France was motivated by dislike of colonial rule, economic and social discontent and a vague desire for a better life under an independent Vietnamese government. Promises of land reform and
a higher standard of living also excited peasant hopes. Although these sentiments and aspirations were successfully exploited by the Communist leaders to defeat the French and win control of North Vietnam, the peasants soon found that the actual policies of the Communist regime differed from their expectations.

Communist agricultural policy has evoked peasant antagonism. The collectivization of the land, which has high priority in the Communist program, is generally repugnant to the Vietnamese peasant, who is more interested in owning his own land than in becoming a worker on a collective farm. Another source of friction between the rural population and the government has resulted from the regime's policy of favoring industrial development at the expense of the agricultural segment of the economy. As in other Communist countries, efforts to finance industry by this means have served to alienate the rural people who must bear this heavy burden.

In the early 1950's agrarian reform was largely the responsibility of the pro-Chinese Trung Chinh. The brutality with which the program was applied produced such deep popular hostility that the Democratic Republic of Vietnam openly acknowledged the failure of its agricultural policy. Truong Chinh was forced to confess his errors and resign from his post as chairman of the Central Committee of the Party. Subsequently agrarian policies were modified to some extent, but there is still evidence of peasant dissatisfaction in the form of sabotage of crops, low productivity, partial delivery of agricultural commitments and even, on occasion, riots. As in the Soviet Union during the 1920's, the North Vietnamese Government has found it necessary to allow the peasant to sell a greater share of his crops at free market rates.

According to published accounts in North Vietnam, the standard of living among the mass of peasants remains low, although it is claimed that some peasant classes—notably the class referred to as "poor peasant"—have benefited more than others. Apparently the poorest group, which started with least and had most to gain, has most willingly participated in agricultural cooperatives. The regime may also have the support of what it terms the "old lower middle peasants," who are grateful to it for the land reforms after August 1945. The "middle peasants" are regarded by the Communists as the most conservative element in the agricultural population and the least dependable from the perspective of the authorities.

Montagnards

The montagnard peoples of North Vietnam number upwards of 600,000 and possibly as high as 2 million. Many of them reside along the Chinese border. As in the South, the montagnards have
historically been at odds with the Vietnamese. The regime has attempted to woo them by giving some recognition to the customs, language and culture of the various tribes and by granting theoretical and political autonomy while actually maintaining close administrative and political control over them (see ch. 4, Ethnic Groups).

Intellectuals

While intellectuals are prominent in the leadership ranks of the Lao Dong Party, intellectual dissidence is present in Hanoi and other urban centers. The Party, inspired by the de-Stalinization policy of the Soviet Union and the corresponding "hundred flowers" campaign of China, relaxed its controls over the press and intellectual groups in 1956. Within a short time criticism of the regime became so intense that the government—as was also the case in Communist China—silenced the intellectuals and invoked more rigid press censorship. During the brief interlude when criticism could be voiced, the newspaper Nhan Dan became the symbol and voice of intellectual opposition to government policy, openly decrying the bureaucratic excesses of the government and the lack of popular freedom.

Elections

Between 1946 and 1960 the Democratic Republic of Vietnam held no national elections, although the war against France ended in 1954. Only after the promulgation of the 1960 Constitution did President Ho Chi Minh call for the election of a new National Assembly. Although 433 seats were to be filled, only a fraction of the candidates had any opposition whatsoever. There was not a single genuine contest in any election constituency. The candidate with the lowest majority in any district still received more than 86 percent of the votes cast. President Ho Chi Hinh ran unopposed from his constituency in Hanoi and was given the largest vote of any single candidate for office. In the preceding 1946 election, the vote for Ho was 98 percent; in 1960, he received 99.91 percent of the votes. Official North Vietnamese statements indicate that the turnout in many constituencies was 100 percent and that the national average was 97 percent. Such statistics not only suggest the efficiency of the regime in achieving the outcome it desires, but also indicate that elections in North Vietnam have little other meaning.

When the Assembly convened to elect its own officers and national leaders, President Ho Chi Minh was endorsed unanimously, as were most other candidates for office. Neither the electoral process nor the National Assembly as an institution may be considered genuine political arenas for selecting leaders and deciding policy.

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CHAPTER 21

PUBLIC ORDER AND SAFETY

The maintenance of public order and safety presents serious and highly varied problems to the authorities in both South and North Vietnam. Under normal conditions the people generally are tranquil and law abiding, but 10 years of armed struggle against colonial rule and 7 more of internecine strife since independence have left their imprint.

In South Vietnam the police forces, besides contending with criminal elements and other law violators, are almost constantly involved, especially in the rural areas, with Communist groups seeking to create disorder and to alienate the people from the government as part of the preparation for seizing power. In the area under their control in North Vietnam the Communists are mainly concerned with forcing the people to comply with laws and directives aimed at rapidly constructing an industrialized Communist state. In both areas the forces charged with the maintenance of public order and safety are relatively untrained, but in the South the impact of the Communist campaign of guerrilla attacks, terror and subversion has hastened training and procurement program. There the police forces, particularly those in rural communities, cooperate closely with the military, and their organizations and activities tend to take on a military character. In the North, on the other hand, where the Communist regime encounters no such armed challenge to its authority, the public order and safety forces are primarily used to further political and economic objectives, and much of their time is spent in working with civilians on government development projects.

In both sections of the country there are large groups of mountain people living in remote and relatively inaccessible regions. Many of these resent and at least passively resist government controls as alien and unwarranted interference in their affairs.

The courts appear to play a more important part in law enforcement in the South than in the North where they are strictly controlled by the Workers' Party of Vietnam (Dang Lao Dong Viet Nam)—the Communist party of Vietnam, usually called Lao Dong Party—and are used largely for Party purposes. In both areas adequate judicial personnel is lacking. Instances of police brutality have been reported in both the South and the North, but they have evoked no strong complaints from the people who, through long experience, tend to take harsh police methods as a matter of course and who, in any event, would be deterred from complaining by fear of reprisal.
During the period of French rule in Indochina police functions and organizations, with adaptations to fit local conditions, were patterned on the French metropolitan model. For administrative purposes the area was divided into five areas: Cambodia; Laos; Tonkin (now North Vietnam); Annam (the central portion of Vietnam); and Cochinchina (the area approximately coinciding with present-day South Vietnam). Control was exercised from the Indochinese capital at Hanoi by a French Director General of Police and General Security.

Overall responsibility for public order and safety in each region was in the hands of the Security Police (Sureté) directed by the Regional Chief of Police who was responsible to the Director General of Police and General Security at Hanoi for technical and operational matters and to the Regional Governor for the disposition of police forces. Ordinary police duties, such as patrol work and other assignments involving direct contact with the people, were performed by selected members of the local population. All the important command and administrative positions were held by French nationals. Recruiting, training and overall direction were under the supervision of a section of the French Sureté Nationale.

REPUBLIC OF VIETNAM

Since the partitioning of the country in 1954, the Communist campaign against the Republic of Vietnam has created a special problem for the public order and safety forces. Communist guerrilla forces control or move freely over large parts of the countryside, and Communist cadres operate clandestinely in the principal towns and cities. In pursuit of their terrorist tactics, Communist leaders direct their followers and incite others to commit such crimes as assassination, kidnaping, burglary, robbery, arson and blackmail. Policemen apprehending offenders are often ambushed by guerrilla groups and so find themselves suddenly involved in a military rather than a police operation.

Increased training and new equipment received through the United States aid program have improved the effectiveness of the public order and safety forces. By mid-1962 they seemed to be capable of coping with the ordinary problems of law enforcement likely to arise under peacetime conditions. It was recognized, however, that it would be necessary to call upon the military to deal with the large guerrilla bands operating in many areas and that, in such cases, the police would act only as adjuncts to the military. In consequence, police and military missions frequently overlap, and the line between the two becomes indistinct.
The Police System

Development

At the beginning of World War II large cities, such as Saigon-Cholon, had municipal police departments administered by the mayor for the municipal council. The Security Police were responsible for maintaining public order in the outlying areas. Actual police functions were performed by men recruited from the local population. They had their own officers, but these were closely supervised by their French superiors. The development of uniform police procedures was hindered by frequent changes of the French supervisors who were transferred to other foreign stations or to France after a short tour of duty in the tropics.

When the Japanese occupied Cochinchina in 1941, they permitted the existing police organization to continue to function under the Vichy French administration. After the fall of Vichy France in 1945, a short-lived nationalist regime was established under the former Emperor, Bao Dai. This regime was tolerated by the Japanese, but as Japan’s position in the area deteriorated, Communist Viet Minh forces in the North, led by Ho Chi Minh, increasingly took control. In August 1945 Bao Dai abdicated in favor of a Viet Minh government. In September the British, who had been designated at the Potsdam Conference in July of 1945 to accept the Japanese surrender in Cochinchina, arrived in the area and exercised police powers until the French Expeditionary Force arrived a short time later (see ch. 2, Historical Setting).

This turbulent period, with its successive changes in police authority, was accompanied by much disorder. Many records, including criminal files, were lost or destroyed. Moreover, Communists infiltrated into many key positions in the Security Police.

Reinstalled in Vietnam, the French were confronted with a widespread and growing sentiment for independence and an active Communist movement which knew how to exploit it. French efforts to impose strict police controls, especially in the urban centers, turned the rising nationalist sentiment to outright antagonism. The Communists organized a national assembly in 1946 in Hanoi, and in 1949, when France recognized Vietnam’s independence within the French Union, ex-emperor Bao Dai, returned from voluntary exile in France to assume office as chief of state.

Some police powers were acquired by the Bao Dai government, but these proved to be more nominal than real. For one thing, the French continued to maintain a police apparatus of their own. For another, many Vietnamese, though potentially capable, lacked experience in responsible positions; others were unsuited for their jobs. Criminal and subversive elements did not fail to take advantage of the opportunities which the situation provided.
By June 1954, when the Indochina War ended in the partitioning of the country at the 17th parallel, the police had ceased to be effective even in the cities, and the villages were virtually controlled by Communist Viet Minh forces. In Saigon-Cholon control of both the Municipal Police and the Security Police had been turned over by Bao Dai to the Binh Xuyen, a political and racketeering organization which had agreed to carry out police functions in return for a monopoly on gambling and the traffic in opium and prostitution in the area. The group also collected fees for visas, licenses and permits of various kinds. It also profited from the control of imports and the sale of rice, fish and pork in the metropolitan area.

Two strong religious sects, the Cao Dai and the Hoa Hao, controlled large areas of the countryside, maintaining their own police and security forces. The Cao Dai operated in Tay Ninh and neighboring provinces north of Saigon; the Hoa Hao was dominant in the provinces southwest of Saigon.

By the summer of 1954 the Binh Xuyen organization, supported by the French and by Bao Dai, then in Paris, threatened to take control of all government functions. The state of public order deteriorated further, particularly in Saigon where there was a concentration of the agents, sympathizers and hangers-on of the contending groups—all of them hostile to government efforts to make its police powers effective. Another source of tension was the presence of the French Expeditionary Force with its European, African, Arabic and Indian troops.

In June 1954 Bao Dai appointed Ngo Dinh Diem Prime Minister, vesting him with full military and police powers. The new Prime Minister quietly set about to win the loyalty of certain army battalions and of the Cao Dai leaders and troops, and in this he achieved some success. A few sect members, and leaders, however, were uncooperative, and the principal religious leader fled to Cambodia (see ch. 23. Subversive Potentialities). Ngo’s position was strengthened when, in a special referendum held on October 23, 1955, he was elected President, replacing Bao Dai as chief of state of Vietnam which he proclaimed a republic three days later.

By April 1955 President Ngo felt he was ready for a showdown with the Binh Xuyen forces. Open fighting in the streets of Saigon-Cholon ended in a quick victory for the government forces. This victory over the Binh Xuyen, followed in mid-1956 by the arrest, trial and execution of the Hoa Hao leader, Ba Cut, restored some confidence in the effectiveness of the government’s police and other law-enforcement agencies. Meanwhile arrangements were made to acquire the services of a police advisory group from Michigan State University to replace the French advisers whose contracts were due to expire in 1956.
Police Agencies

Since the establishment of the Republic of Vietnam police efficiency in South Vietnam has continued to suffer from the multiplicity of police agencies and the overlapping of responsibilities. Moreover, the problem of dealing with armed Communist groups has made it difficult to draw the line between the functions of the civil police and those of the military units. Both types of forces are involved in the anti-Communist operations.

Ordinary police functions are performed mainly by the National Security Police, the Municipal Police and the Civil Guard. All three forces were under the Secretary of State for the Interior until December 1960 when the Civil Guard was transferred to the Department of National Defense. As of January 1962 the National Security Police and the Municipal Police were responsible to the Director General of Police and Security Services, who reported to the Secretary of State for the Interior. There was a directorate of police and security in each of the regional headquarters—the Central Highlands, the Central Lowlands and the South Vietnam Region. Each province also had a local chief of police and a security service. All the larger cities, such as Saigon-Cho Lon, Hue, Da Lat and Da Nang, had municipal police forces.

National Security Police (National Sureté). The National Security Police, sometimes called the Vietnamese Bureau of Investigation, is largely a plainclothes force. It has nationwide responsibilities in a variety of fields, including general intelligence, counterintelligence, subversive activities and major crimes. Its members are recruited from eligible men throughout South Vietnam.

The political section, the largest in the National Security Police, is charged primarily with investigating and reporting on political activities everywhere in the country. The judicial section hears preliminary testimony and prepares cases for court trial. A special section examines passport and visa applications and investigates those which arouse suspicion. Another section makes clearance checks on applicants for government positions.

Special groups are charged with law enforcement and investigations pertaining to customs, internal revenue, aliens, immigration and violations involving moral turpitude. Included in these groups are the harbor police, airport police, postal and tax inspectors, narcotic squads and vice squads.

Municipal Police. The Municipal Police, totaling some 12,000 men, is the basic law enforcement agency in each of the larger towns. It is a uniformed organization, and its functions include: the maintenance of law and order as directed by the national government; the guarding of public buildings, bridges and communications systems; the investigation of ordinary crimes; the enforcement of city ordinances; traffic control and patrolling of the streets. It
also has special vice and morals squads. When needed, it helps the National Security Police in criminal investigations and in intelligence and counterintelligence work. Moreover, in Saigon, the Municipal Police Department provides the city with a perimeter-type of defense consisting of fortified outposts from which small patrols are dispatched to operate in the lightly settled areas around the outskirts of the town.

The Saigon-Cho Lon Municipal Police is headed by the director of prefectural police. He is responsible to the mayor in certain administrative concerns and to the Director General for Police and National Security in technical and administrative matters. On security questions, however, he reports to a military officer who is responsible to the mayor for coordinating the defensive measures for Saigon.

The director of prefectural police, assisted by a general secretary, supervises the prefectural police headquarters which consists of various sections concerned with specialized police matters, such as vice, morals and traffic. A secretariat, under supervision of the general secretary, is likewise organized into sections. These deal with political, economic, judicial and administrative questions pertaining to police functions. The headquarters also supervises police operations in the city’s 10 precincts (arrondissements). The precinct headquarters, organizationally a small version of the prefectural headquarters, is headed by a commissioner of police who usually has one or more assistants, such as a chief of posts who is in charge of patrols and a chief of research who is in charge of investigations. The precinct has several substations, each directed by a chief who is responsible for the street patrols and the guard duty in his area.

The Saigon-Cho Lon Municipal Police is the largest and probably the best trained police force in South Vietnam. In 1960 about 6,000 policemen served the metropolitan area of approximately 1,900,000 population, or a policeman-population ratio of 1:316, as compared to 1:331 for New York City.

The organization of the Municipal Police in the provincial cities is similar to that in Saigon-Cho Lon, except that the directors of prefectural police are administratively responsible to their respective provincial chiefs instead of to mayors. On technical and operational questions, they report to the Director General of Police and National Security through the regional directorate for police and security. Funds to support the Saigon-Cho Lon police are obtained in part from municipal revenues and in part from the national budget. In the provinces, the municipal police are financed by funds from provincial revenues and from the national budget.

The training of police in all ranks has been greatly intensified since April 1955 when the United States International Cooperation

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Administration (later the Agency for International Development—AID) authorized the establishment of the Michigan State University Police Advisory Group for Vietnam. The National Police Academy was opened in temporary quarters at Saigon in November 1955. In 1958 it was moved to a permanent establishment at Rach Dua near Vung Tau (formerly Cap St. Jacques) which is on the coast about 75 miles south of Saigon.

In 1961 a comprehensive training program was under way. Approximately 3,650 police of various ranks from many provinces and cities completed either a basic or a secondary training course. Almost 2,500 completed one or more technical courses in such subjects as interrogation methods, identification, intelligence, codes and typing. In Saigon about 30 selected policemen were being instructed 4 hours a week in riot-control techniques. Approximately 200 policewomen were given a course in the "development of family life." At least 56 municipal and security police took specialized training abroad—23 in the Philippines, 18 in Malaya, 10 in the United States (bringing the cumulative total to 87 in 1961), 2 in Australia, 2 in Hong Kong and 1 in Italy. Moreover, many ordinary policemen received in-service training at their home stations.

By the beginning of 1962 police of all ranks were receiving periodic training in the use of their weapons, and their firing scores were entered in their service records. Officers competed in annual marksmanship matches. Arrangements had been made for the National Police Academy to give a 2-month refresher course to the lower ranks every 2 years to help keep them abreast of new developments in methods and equipment. Plans also were made for higher grades—assistant commissioners and above—to attend special courses in command and leadership and to study police organizational and operational planning problems at the Thu Duc Military Schools Complex in Saigon (see ch. 31, The Armed Forces).

Lack of equipment, particularly communications and transportation equipment and weapons, seriously limited the effectiveness of Municipal Police for several years after the founding of the Republic. In general, the police were supplied with equipment which had been left behind by the French and found to be surplus or unusable by military units. Most of the smaller posts were without communication facilities. Personal bicycles were the only transportation vehicles available, while weapons and ammunition were of a variety of makes, models and calibers. The few items of crime-detection equipment on hand were mostly obsolete.

The situation began to improve somewhat in 1958 when new materiel, acquired through the United States aid program, enabled the Army to turn over materiel of better quality to the Municipal Police.
Police and other security forces. In 1960 a radio-type telecommunications system linked Saigon with Hue. The supply of weapons and ammunition appeared to be adequate at the end of 1961, but additional communications and transportation equipment, particularly radios and radio cars, was needed to insure the flexibility and mobility desirable in a modern police force. The equipment problem was further complicated by the difficulty of training qualified maintenance and operating personnel.

The complicated structure of approximately 50 ranks reflects a primary division between the three functional categories: command, operations and administration. Ranks in the command category are limited to those of inspector general and commissioner. The rank of inspector general is held by only three or four of the highest officials, such as the director of the prefectural police in Saigon, the director of police and security for South Vietnam Region and the chief of cabinet in the office of the Director General for Police and Security. The rank of commissioner is reserved for 12 to 15 other high officials in command positions—precinct chiefs, the heads of the vice, morals and traffic sections and a few others. In the operations category, the ranks of inspector and supervisor are commonly held by station and substation chiefs, respectively. Ordinary policemen assigned to patrol, surveillance and guard duty are assistant inspectors. The administration category includes the usual office classifications of clerk, typist and secretary. A special rank has been created for a few policewomen assigned exclusively to searching female suspects. A given rank may be scaled into as many as 10 or 12 grades, each with different responsibilities, authority and salary.

Many policemen are army veterans, and previous military service weighs in favor of police applicants. Minimum requirements for acceptance as a recruit include elementary school education (but many illiterate ex-servicemen have been accepted), a minimum height of 4 feet 9 inches, a chest measurement of not less than 31½ inches and good physical condition attested to by a doctor's certificate.

The public attitude toward the police in general has improved somewhat since the establishment of the Republic. The police appear to have gained more public acceptance in Saigon-Cho Lon than in other municipalities, mainly because of improved proficiency in law enforcement and in the handling of traffic and crowds. Nevertheless, there still remains a widespread feeling of fear and distrust toward them. This attitude possibly stems from occasional cases of police misconduct supplemented by numerous derogatory, but unsupported, rumors.
Inspection Agencies with Limited Functions

Several government agencies, not in the Departments of the Interior or National Defense, have limited police powers. Their agents work in close cooperation with the regular law-enforcement organizations and may take appropriate action in the absence of the police.

Members of the Customs Inspectorate in the Department of Finance may seize contraband items and prepare charges against violators of customs regulations. In the Department of National Economy agents of the Service of Fraud Prevention check on the accuracy of weights and measures used by merchants and analyze samples of food products. Evidence of violations is prepared and forwarded to the office of the Attorney General in the Department of Justice for prosecution. Special agents in the Service of Economic Control collect evidence on violations of economic regulations, and other special agents investigate black marketing, irregularities in the transporting and stocking of imported goods and other violations of economic laws. Evidence of infractions is transmitted to the Department of Justice (see ch. 29, Domestic Trade).

Role of Army and Paramilitary Forces

Most of the provincial governors and many of the district chiefs are army officers. In some areas the military has, on occasion, taken over police duties to meet an imminent threat of large-scale Viet Cong activity or to relieve local tension created by fear of the Viet Cong. In other instances army units have participated with the police in patrol, surveillance and guard duties. Army facilities and personnel have assisted in organizing and training the police forces. Paramilitary organizations of various types have been established, with the assistance of the Army, to ease the heavy burdens imposed upon the police by Communist terrorism.

Gendarmerie. The Gendarmerie, a small, uniformed, well-trained police organization, is an agency of the Department of National Defense. Its members are distributed throughout the country and work closely with both the civil and military police. Their functions apparently pertain mainly to investigations of violations of civil law by military personnel and by civilians if the offenses are of national importance. They also investigate serious traffic accidents.

Civil Guard (Bao An). To cope with the civil strife which, despite the Geneva Agreement, continued to disturb the countryside in 1954 and the early months of 1955, gendarmerie-type units (army auxiliary organizations) were placed at the disposal of regional supervisors and, in seriously threatened areas, of provincial governors. Friction soon developed between these units and the Army,
with the former charging that they were being called upon to do heavy antiguerrilla fighting for which they were inadequately armed and which they regarded as the job of the Army. When some of the regional supervisors and provincial governors began to treat these security forces as their private armies, Premier Ngo decided to replace them with a centralized mobile police force, the Civil Guard.

The Civil Guard, activated on May 5, 1955, as a semimilitary organization, was to absorb the regional and provincial police forces. It was charged with insuring "public safety, pacification, the guarding of convoys and public buildings." It took over security operations from army units as they withdrew from areas in which the situation had become less tense; thus the Civil Guard, organized and dressed along army lines, supplemented the strength of the Army (see ch. 31, The Armed Forces).

The Civil Guard was initially headed by a Directorate General organized as a section of the Presidency. The basic operational unit was the company composed of about 160 men organized into four platoons and a headquarters section. The companies were distributed among the provinces. All units within a province were commanded by an officer who was responsible to the provincial governor for nontechnical security questions. Within the provinces the companies were assigned—usually by platoons—to guard posts along the railways and main highways and at bridges and other key points.

An extensive training effort was under way by 1958. As a temporary measure, 20,000 men had completed a 4-week basic military training course followed by 2 weeks of instruction in police work at the Quang Trung Military Training Center for army recruits near Saigon. Civil Guard officers were attending army courses in leadership, and some received further instruction abroad in the United States, the Philippines, Singapore and Kuala Lumpur (Malaya).

In 1958 the Department of the Interior was given control of all administrative and technical services in the Civil Guard, thus sharing responsibility for its administration with the Directorate General of the Civil Guard. In 1959, when guerrilla activity increased significantly, the chain of command between the Directorate General in Saigon and the field operational units was strengthened. The influence of the provincial governors gradually decreased and finally, in December 1960, control of the Civil Guard was transferred to the Department of National Defense. By May 1962 the Guard's total strength was approximately 68,000 men (see ch. 32, The Armed Forces).

Self-Defense Corps (Dan Ve). The Self-Defense Corps, sometimes called the Auto-Defense Corps, the People's Defense Corps, the
Self-Defense Militia or simply the Militia, was created in April 1956 as an adjunct to the regular security forces. Responsibility for the Corps was divided between a Central Inspectorate of the Self-Defense Corps in the Presidency and a Directorate General of the Self-Defense Corps in the Department of the Interior. In October 1961 the Central Inspectorate was given overall responsibility for the Self-Defense Corps and was transferred to the Department of National Defense.

The Corps is, in effect, a nonuniformed village police force, comprising more than 50,000 armed volunteers. Recruited locally, its members have limited police powers. Offenders seized by them are turned over to the Civil Guard. The basic unit is the squad, commonly composed of 11 men. In large villages, the Corps may be organized into platoons of three squads each and into companies of three platoons.

Members serve in their own villages on a part-time basis and are trained by local Civil guard or nearby Army units in the use of firearms and in the fundamentals of patrol and guard duties. The annual budget of the Corps is approximately 170 million piasters.

Inadequate training, deficiencies in weapons and lack of close supervision have been reflected in the performance of the Self-Defense Corps. Its isolated and unevenly disciplined units have been relatively easy prey for raiding Communist groups seeking arms and prisoners. Nevertheless, they have rendered valuable service in the company of Army or Civil Guard units in local anti-guerrilla operations. During 1961 the Corps reportedly participated in more than 2,000 engagements, in which it inflicted over 5,000 casualties, took 1,865 prisoners and captured more than 1,300 weapons and important stocks of ammunition (see ch. 31, The Armed Forces).

Women's Paramilitary Units. A law authorizing the formation of volunteer Women's Paramilitary Units was passed unanimously by the National Assembly on October 14, 1961. In February 1962 Units had been formed in several provinces and were receiving 2 months of training under the supervision of army instructors in marksmanship, discipline, first aid and physical fitness. By May 1962 the strength of these units totaled more than 30,000 women, but their mission had not been clearly defined. The character of their training, however, suggests that they would be fitted for limited police, guard and surveillance duties.

Republican Youth Rural Defense Groups. The government-sponsored Republic Youth Movement (Cong Hoa) started in 1956 (see ch. 17, Public Welfare). It was greatly increased in strength and in the scope of its activities in 1961 when responsibility for its development was given to the Department of Civic Action. Early in that year youth-group representatives, in accordance with the
provisions of a presidential circular, began to sit on village councils as regular members. Meanwhile the government began to organize and train young people to help maintain public order and security in rural areas. By October approximately 280,000 rural youths had received some military training. Many had been organized into military-type units called Republican Youth Rural Defense Groups. These Groups, totaling approximately 550 (of which about 85 had been equipped with small arms), frequently reinforced village Self-Defense Units. Funds allocated in 1961 to these Groups amounted to 2.8 million piatsers—more than in any previous year. In municipalities, the Groups are called Republican Youth Groups. They aid traffic police and often participate in patrol and guard operations.

Village Maintenance of Public Order

Under ordinary conditions the maintenance of internal order in the village and the provision of security from external attack are responsibilities of the village council and more specifically of the police chief and the civil status councilor. Both of these council members are appointed to their positions by the chief of the administrative district from a list of names submitted by the village chief (see ch. 19, Constitution and Government).

The village police chief may call upon the village Self-Defense Corps units, the hamlet chiefs and the heads of five-family units for assistance (see ch. 23, Subversive Potentialities). He cooperates with district Civil Guard units and other security agencies in the apprehension of offenders, actions against Communist guerrillas and in intervillage guard activities. He receives reports from village Self-Defense Corps units and watchmen on violations of law and threats to public order and, with customary rather than formal sanction, he acts as a local justice of the peace and as an adjudicator of disputes. He makes arrests, serves court warrants and subpoenas, carries out government orders pertaining to local conscription and issues permits for villagers to travel outside the province.

The civil status councilor assists in the organization of youth groups for village defense. He also distributes posters and bulletins received from district headquarters and explains to the villagers those government regulations that effect the community, particularly those pertaining to public order and security.

Criminal Courts and Procedures

Courts

Persons accused of criminal offenses generally are tried in one of three types of courts, depending on the nature and seriousness of
the charge: a Court of First Instance, a Court of the Peace with Extended Jurisdiction or a Court of the Peace. There are also special military tribunals which have jurisdiction, not only over military offenders, but also over apprehended Communists and all persons regarded as a threat to national security (see ch. 19, Constitution and Government; ch. 31, The Armed Forces).

There are six Courts of First Instance in South Vietnam, and they sit in Saigon, My Tho (Dinh Tuong Province), Vinh Long (Vinh Long Province), Hue (Thua Thien Province), Da Nang (Quang Nam Province) and Nha Trang (Khanh Hoa Province). Courts of First Instance have jurisdiction over civil, commercial and criminal cases, including felonies and misdemeanors. They are also authorized to rehead cases previously tried in a Court of the Peace with Extended Jurisdiction or in an ordinary Court of the Peace. A Court of First Instance is composed of a presiding judge, an examining magistrate and at least three assistant judges. The examining magistrate makes preliminary investigations and prepares the evidence for presentation by the prosecutor at the trial. A prosecuting attorney—not a member of the court—represents the state in pressing the charges against the accused. The prosecuting attorney or his deputy must be present at all sessions trying a criminal or civil case. In criminal cases he is responsible for carrying out the court’s decisions.

There are 24 Courts of the Peace with Extended Jurisdiction. Each of these appears to exercise judicial control over the Courts of the Peace within a specific territory. The Courts of the Peace with Extended Jurisdiction have jurisdiction over civil and commercial cases, including labor disputes and litigation over work accidents, and also over felonies and misdemeanors. The latter jurisdiction, however, seems to overlap with that of the Courts of the First Instance. In practice, the Courts of the Peace with Extended Jurisdiction appear to hear misdemeanor cases and cases involving the less serious felonies, while serious criminal cases of national or regional interest are normally placed before a Court of the First Instance.

A Court of the Peace with Extended Jurisdiction is ordinarily composed of one magistrate who functions in the triple capacities of presiding judge, examining magistrate and prosecuting attorney. He is assisted by a court clerk. For criminal cases two assistant judges from a Court of First Instance or two justices of the peace may be added.

Courts of the Peace, each consisting of a justice of the peace and a court clerk, are the lowest courts in the judicial system. Besides trying minor civil cases and cases involving petty penal offenses, they are authorized to conciliate disputes brought before them by local citizens. When a misdemeanor or a felony comes to
his attention, the justice of the peace makes a preliminary inquiry into the case and forwards his report, together with the complaints, charges and other data pertaining to the case, to the prosecuting attorney of the Court of First Instance or to the magistrate of the Court of the Peace with Extended Jurisdiction, depending upon which has competence. Appeals to decisions rendered by a justice of the peace in a Court of the Peace are heard by the court having jurisdiction over him.

Criminal Laws

The legal code consists of a body of decrees, legislation and court rulings, some of which date from the colonial period. Juridical concepts and practice combine indigenous Vietnamese, traditional Chinese and French elements. In the absence of a uniform code of criminal law, judges, particularly those in the lowest courts, often mete out sentences which vary greatly for the same offense and which reflect, not the real merits of the particular case, but such nonlegal considerations as the social status or national origin of the offender.

Formerly even those convicted of serious crimes could pay a fine in lieu of other punishment, and since the law tended to be moralizing and general rather than prescriptive and specific and the discretionary powers of magistrates were great, it was often difficult to distinguish a fine from a bribe. This tradition has been disabused in modern times, but the attitudes associated with it have proved to be persistent, and charges of venality and corruption in the court system are common. A complete review of legal codes and procedures was undertaken in late 1955. In 1958 the Department of Justice published the Reformed Rural Code, the Civil Procedure and the Explanatory Background of the Civil Law. By the spring of 1962, however, a uniform body of criminal law apparently still had not been adopted.

The organization of the courts suggests that four general categories of criminal offenses are recognized: petty offenses, misdemeanors, felonies and crimes against the state. Important legislation passed by the National Assembly in 1959 fixed penalties for various crimes against the state such as sabotage, loss or damage of public property and assassination of public officials. To try persons charged with offenses which had been defined by these laws, special military tribunals were created. Lack of press coverage on such trials, however, indicates that they frequently are held in secret (see ch. 23, Subversive Potentialities; ch. 31, The Armed Forces).

Rural Customary Justice

In the villages of the lowlands and in the mountain regions many disputes and petty offenses are dealt with informally by
family heads and local leaders. Under existing conditions such customary proceedings seem to have at least the tacit approval of the authorities, although they are not entered in the records of the formal court system.

**Lowland Village Justice.** In the lowland villages the district chiefs have limited judicial powers. When using their authority to gather evidence and to bring offenders to court, they function as assistants to the prosecuting attorney. They are not authorized to hold trials of any kind, but they may arrest anyone caught in a criminal act, interrogate witnesses and prepare an official statement for the prosecuting attorney. When a serious crime has been committed, the district chief makes a personal investigation on the scene and informs the prosecuting attorney of the facts. Where public safety or morale is involved, the provincial governor must also be informed. Village chiefs are authorized to mediate disputes between villagers, but criminal offenders are customarily turned over to the police for investigation to determine what further action is to be taken (see ch. 19, Constitution and Government).

Most disputes in lowland villages are settled informally by hamlet chiefs or village councils. Many others remain unresolved because the contending parties cannot afford to go to court. Differences between members of the same family are probably most often settled within the family to avoid the disgrace attached to airing family troubles in public. Angry villagers seeking a settlement of their differences commonly take their cases first to the head of their five-family group or to their hamlet chief. If settlement cannot be agreed upon, they then may go to the village council which serves as an informal court for petty offenses or minor litigations (see ch. 19, Constitution and Government).

The limited information available indicates that most complaints or infractions arise from quarrels within or between families, disputes over property ownership or damage, defaults in debts or services, altercations over the use of land or irrigation water, jealousy and marital infidelity. Such conflicts may lead to physical violence, though rarely to murder.

The informal judicial role of the village council is an important means of preserving tranquility. Moreover, hearing cases enables the council to keep closely in touch with village attitudes and activities. Procedures are extremely informal, with no ritual and seemingly with no particular person in charge. The contending parties on entering the village hall may begin telling their stories to the first councilman they meet. Onlookers may interject statements and the councilman may make suggestions for settlement or refer the disputants to the police chief, who, though without
specific legal authority, also acts as adjudicator in village quarrels. In serious disputes, the entire council may meet and listen to the complaints of the parties. After questioning them, the council may ask their hamlet chief to investigate further, delegate the case to him for settlement or itself try to effect a reconciliation. It may also require indemnity for loss or damage or levy fines or impose other sanctions, such as contributions of labor to village projects. Unresolved cases are forwarded to the district chief for further consideration.

A threat to refer a case to the district chief, who may place it before a court, often brings a settlement. Village justice, which costs nothing, generally seems to be administered effectively and villagers prefer its relatively mild operation to the expense and possible severity of the regular courts.

Montagnard Justice. Among the mountaineers (montagnards) in the highland areas, customary law and the manner of settling disputes varies among the different ethnic groups. It appears, however, that everywhere the local council of elders combines juridical with governing functions. So-called tribal courts, some of which may even dispose of felonies, apparently were still functioning in the provincial capitals of the Central Highlands region as late as 1962. The president of one such court was reportedly a member of the dominant ethnic group in the province. He was assisted by several other representatives of his group and by a court clerk. The court convened on certain days each month to hear disputes between montagnards. Altercations between families about property were said to be common, but the most frequent and troublesome cases apparently involved marital infidelity. Vietnamese who came to this region from urban areas reportedly regarded the justice meted out by the customary courts as unusually harsh. Information pertaining to incidence of crime and penalties imposed is not available.

The Penal System

The penal system is based on that established by the French. It consists primarily of state-supported institutions—termed re-education centers—located in most, if not all, of the provinces. Municipal jails and village detention rooms serve for light offenders and persons awaiting trial. There are provincial prisons and a few special prisons for criminals serving longer sentences. Installations and facilities are almost entirely those inherited from the colonial period. Budgetary allocations since 1958 indicate that an expansion and modernization program is under way.
A few internment camps held over from the French administration are reportedly used to confine captured Communists and persons suspected of antigovernment activities. Provincial prisons also seem to be used for this purpose. Hardened criminals and dangerous Communists are apparently incarcerated, along with other convicts, in certain prisons provided with special safety facilities and with custodial staffs experienced in handling recalcitrants.

Administration of the prison service was a responsibility of the Department of Justice until 1960 when it was transferred to the Department of the Interior. The budget for the centers increased from 157,638,000 piasters in 1960 to 190,000,000 piasters in 1961.

The President has constitutional power to mitigate sentences and grant pardons. In exercising this power he has been generally guided by the recommendations of the Pardon Commission, of which the Secretary of State for Justice is the presiding officer. Announcements of executive clemency are usually made on national holidays and other festive occasions.

**Crimes and Punishments**

Treason and other major offenses against the state, particularly those directly affecting national security, are regarded as the most serious crimes. Theft, arson and embezzlement involving state property or funds are generally dealt with more severely than the same offenses against private property. Crimes against the state commonly are given wide publicity, while infractions against persons are apt to be given only brief press notice.

Crime statistics are lacking, but the offenses most frequently mentioned in the press are those having an economic background, such as violations of antigambling laws, infractions of commercial regulations, robbery, prostitution and opium smoking. Crimes of violence are relatively infrequent, while burglaries and petty thefts are common offenses. To the Westerner, the number of kidnapping cases seems high, but the actual rate probably is no higher than in neighboring Asian countries.

**Types of Punishment**

The most common punishments are fines, imprisonment and confinement at hard labor. Information is scanty regarding the penalties attaching to various offenses and the maximum punishments that different courts may impose. The death sentence is still applied in accordance with the French criminal code and is carried out with the guillotine. In some instances the offender is executed at the scene of his crime by means of a portable guillotine.
Political Offenses and Punishments

A presidential ordinance of January 1956 provided that persons regarded as "dangerous to national defense and common security" could be imprisoned or compelled to reside at a specified place under police supervision. The wide application of the ordinance, which contained no provisions for hearings, brought many persons into detention camps and prisons. A prolonged riot in a Saigon jail in May 1956 was said to involve about 2,000 persons who claimed they had been arbitrarily imprisoned there for several months without hearings and, in some cases, without formal charges having been made. Another decree, issued in February 1956, authorized heavy fines and prison sentences of up to 5 years for persons convicted of publishing statements which could endanger security and public order; journals or newspapers in which such statements were printed could also be suspended. As of May 1962, it appeared that approximately 25,000 more persons were being held in custody on political charges.

Criminal Offenses

Gambling and other offenses not regarded as involving moral turpitude are generally punished with no more than a fine. Vice is more severely dealt with, and such offenses as opium smoking, prostitution, embezzlement and robbery are apt to bring prison sentences. Murder and aggravated assault are among the most serious crimes and may be punished with sentences ranging from 5 years' imprisonment to death. Crimes against the state, as defined in Law Number 10 of May 1959, call for the death penalty, and confiscation of property is prescribed for persons guilty of murder, poisoning or abduction of public officials, or of sabotaging (by explosives or fire) public buildings, dwellings, storehouses, factories, churches, temples or pagodas. The same sanctions apply to persons guilty of willfully damaging: air, land or water transport facilities; mining installations; communications and power systems; agricultural crops, cattle or machinery; dikes, dams, bridges, canals or port facilities. Life imprisonment with forced labor and confiscation of property (all or part) is decreed for those convicted of: interrupting transportation on land, air or water by terrorism or intimidation; threatening assassination, abduction, or arson (burning of dwellings or crops); disruption of public markets; plundering. Membership in any group plotting against the state is also a crime. If persons involved in such groups help to bring the principals to justice before authorities begin action on the case, they may be given reduced sentences or immunity from prosecution in return (see ch. 31, The Armed Forces).

In 1961, according to the Department of National Economy,
847 merchants were punished for violation of economic regulations. Most of these infractions involved false weights and measures and illegal markup of prices. Fines totaled approximately 13.5 million piasters, or an average of about 15,600 piasters for each merchant.

The General Director of Customs reported that the 2,565 violations of customs regulations during 1961 resulted in the seizure of merchandise valued at more than 112 million piasters. Penalties consisted of almost 19 million piasters in fines, confiscation of goods valued at about 7 million piasters, and a number of prison sentences.

Smuggling and Blackmarketing

Smuggling and blackmarketing reduce internal revenue collections and thus indirectly retard development of the national economy. Both kinds of activity are difficult and costly to control. The opportunities for blackmarketing are as broad as the scope of trade itself. Smugglers have the advantage of a long coastline dotted with numerous sheltered inlets and of land frontiers which in many sectors are relatively inaccessible, sparsely settled and overgrown with dense tropical cover (see ch. 27, Public Finance). Recognizing the damage done to public respect for government controls, the authorities in 1961 established “anti-smuggling committees” in the districts along the Cambodian border.

Opium, most of it apparently produced in Laos and Cambodia, is the most important item of the smuggling trade. The drug is carried into the country on foot, in jeeps and in airplanes. In February 1962 six persons were convicted of dropping about 485 pounds of opium by parachute into an area east of Saigon in October 1960 and were sentenced to prison terms ranging from 3 to 5 years. The main distributing point for retailers in South Vietnam is Saigon-Cho Lon. Other frequently smuggled goods are watches, cigarettes and antibiotics.

Small-scale blackmarketing in foodstuffs is very widely practiced by farmers and peddlers. Bigger operators deal both in smuggled goods and local products. Contraband articles seized by the police in November and December 1961 included soap, vitamin tablets, dacron cloth, various kinds of medicines and alcoholic beverages. Important quantities of food items, particularly meat and rice, are traded under blackmarket conditions—meat without payment of the slaughtering tax and rice without payment of the rice processing tax (see ch. 27, Public Finance).

DEMOCRATIC REPUBLIC OF VIETNAM

In North Vietnam, as in all Communist countries, the Party and police tend to see all infractions as derived from, or leading to,
political dissidence. Blame is frequently placed on United States-South Vietnamese "agents" or on "debasing influences" remaining from the colonial period.

The law-enforcement agencies, including the courts, are organized in a bureaucratic hierarchy extending down from the national authorities through provincial, district, town and village echelons. For each agency, command channels are clear and direct from the central authority at the top in Hanoi, through successive subdivisions to every resident in the remotest jungle. Communist "self-criticism" and a network of informers are important instruments of the police, public security forces, prosecutors and judges. Confessions and self-accusations are established features of the judicial process in criminal cases, and it is generally recognized that they constitute the convicted person's main hope for mercy. Punishment is commonly accompanied by intensive political indoctrination. If he has confessed his past "errors," both in writing and orally, before his fellow prisoners and "instructors" and convincingly professed his belief in communism and his hatred for capitalism, the prisoner whose offense is not too great may be released on probation.

The Police System

The police system consists mainly of nationally organized Militia and Self-Defense Units and a centrally controlled Police Service (Cong An). Initially they were headed by the Undersecretariat for Police and Security and directly controlled by the General Directorate of Security within the Ministry of the Interior. In July 1960 they were transferred to the newly created Ministry of Public Security.

Police functions are performed also by other armed groups such as border guards, coastal guards and certain armed youth organizations. Information regarding their strength and organization is lacking. Collectively, all these paramilitary elements, including the Militia Units, the Self-Defense Units and Police Service, are called the Public Security Forces. They apparently are a responsibility primarily of the Ministry of Public Security, but their overall control seems to rest with the Ministry of National Defense (see ch. 31, The Armed Forces).

Overall responsibility for maintaining public order and for protecting the interests of the state and the citizens is vested by the Constitution of 1960 in the Council of Ministers (see ch. 19, Constitution and Government). A People's Council in each administrative subdivision—province, district, town and village—is responsible for law enforcement and the maintenance of public order and security in its area. Each Council delegates this respon-
sibility to its administrative committee which functions as an executive agency of the Council and an administrative organ of the state. In the autonomous regions, the People’s Councils and their administrative committees are specifically charged by the Constitution (Article 94) with organizing militia, self-defense and other public security forces in their respective areas.

Militia Units are organized in rural areas; Self-Defense Units in factories, mines and other State-operated enterprises. The two designations, however, seem to be used almost synonymously by press and radio commentators. Militia is the older term and it originally was applied to local groups that aided the regular army forces which fought the French. Before 1954 Militia Units were used as army auxiliaries or reserves and operated under the orders of the officers commanding the units to which they were attached. The Self-Defense Units, apparently less often engaged in actual combat, performed such duties as collecting and transmitting intelligence, recruiting for the Army and patrolling in their local areas.

In 1962 the Militia and Self-Defense Units appeared to have overlapping missions: to protect various government agencies and public buildings; to report and repress any act likely to be harmful to the state; to assist the people in the “production drive” by helping with the harvest, the construction of irrigation works and other projects; to be ready to supplement the regular Army, if needed; to maintain public order and safety; and to protect the lives and property of the population in peacetime. In time of war the Militia’s principal mission is to support the regular army in any operational area and that of the Self-Defense Units to undertake guerrilla activities against the enemy within their own districts. The range of these missions enables the public security forces to keep suspected persons under surveillance and to check any political activity deemed undesirable. Government leaders, including President Ho Chi Minh and General Vo Nguyen Giap, Minister of National Defense and Chief of Staff of the Armed Forces, have especially stressed the mission of assisting in the production effort. In December 1961 the Central Committee Secretariat of the Lao Dong Party issued instructions to administrative committees at all levels authorizing the mobilization of the Militia and Self-Defense Units to help gather and process the manioc harvest.

Militia and Self-Defense Units are organized on military lines into sections, platoons, companies, battalions and larger formations depending on the availability of personnel and the security requirements of the area. Party leaders at central headquarters urge provincial and lower administrative committees to conduct
campaigns for volunteers. Clubs for physical training, marksmanship and sports also serve to encourage recruiting.

All men of military age are eligible to join Militia and Self-Defense Units if they can pass basic literacy, intelligence and health tests and their loyalty is vouched for by a Party official. According to a Party pamphlet of June 1959, explaining the National Service Law, former soldiers who become reservists at the expiration of their military service terms are expected to form the core of these security forces. Even soldiers discharged upon reaching the age of 45 are accepted if physically fit. Women with special skills, such as nurses, telephone operators, typists and vehicle drivers, are also encouraged to volunteer. In 1962 most members reportedly had had some previous military training and were from low-income families. Total strength figures are lacking, but the North Vietnamese People's Army publication in September 1961 claimed that militia forces included almost 26,000 students from schools in Hanoi and 10,000 from various ethnic groups (Meo, Thai and Lao) in the Thai-Meo Autonomous Region.

A minimum of 25 days of training for officers and 15 days for noncommissioned officers and men each year is prescribed. Premier Pham Van Dong, in a decree of December 1961, directed that all state organizations and state enterprises arrange for members of the security services in their employ to receive their required military training, not necessarily on successive days, but in short periods of 2 or 3 days each. Training is carried out in provincial towns, often under the supervision of army instructors. General Hoang Van Thai, Deputy Chief of Staff of the Armed Forces, reportedly stated in December 1961 that the militiamen were qualified in the use of weapons of different kinds, including mortars, heavy machineguns and light artillery.

The Police Service is presumably organized on the same hierarchical basis as other state agencies, with controls extending downward from the central headquarters in Hanoi to the security authorities in the provinces, districts and villages in turn. The Police Service is an unpublicized agency, and information regarding its strength, organization, training and operational methods is scanty.

For administrative purposes, North Vietnam is divided into several police security zones, including a zone for each of the two autonomous regions, Viet Bac and Thai-Meo, and one each for the areas centering on the larger cities, such as Hanoi, Haiphong and Nam Dinh. In addition, the Vinh Linh Special Zone has been established just north of the 17th parallel. At zonal levels the Police Service authorities reportedly maintain close liaison with the military and Party intelligence agencies.
At the provincial level there is a Police Service branch organized into several sections—a “political and protection” section; one dealing with visas, passports and identity cards; and an administrative office. At the district level police specialists, called can bo, organize and train the village militiamen and members of the Police Service. A group of special agents, subdivided into cells, is concerned with “counterrevolutionary activities.” Each village administrative committee has a security section, commonly composed of trusted Party members. It is concerned primarily with political investigations and with surveillance of suspects. The security sections apparently receive considerable information through complaints and denunciations made by the local people—a practice encouraged by the Constitution as one of the duties of the good citizen. Villagers also maintain their own local watchmen for patrol and guard duties.

The rank structure for officers and noncommissioned officers of the Police Service, as prescribed in a decree law of July 16, 1962, indicates a strong military influence within the Service. The decree was publicized as a measure designed to “uphold the responsibilities and honor” and to “improve the sense of organization and discipline” of police officers and men. The structure includes three ranks for officers: general’s rank with two grades (lieutenant general and major general); field rank with four grades (senior colonel, colonel, lieutenant colonel and major); and company rank with four grades (senior captain, captain, senior lieutenant and lieutenant). Noncommissioned officers are provided with three ranks of sergeant major, sergeant and corporal. A temporary “aspirant” rank is provided for those who are preparing for promotion to officers’ ranks.

The decree stipulates that the nomination of officers and men is based on their political records, on professional ability, on achievements while serving in the security or police branches and on “services rendered to the revolution.” Nominations to field and general’s ranks are governed by the same regulations as for corresponding ranks in the Army (presumably promulgated by the Minister of National Defense). Nominations to aspirant and company ranks are made by the Minister of Public Security; to noncommissioned officers’ ranks, by the Council of Ministers.

Promotions are based on the needs of the Service, political records, achievement records and the length of service in grade. The service normally required in each grade is 2 years for corporals up to lieutenants, 3 years for lieutenants to captain, 4 years for captains to lieutenant colonel and 5 years for lieutenant colonels and higher ranks. The same authorities who are authorized to nominate also are authorized to promote and to demote.
Thus, advancement in the Police Service depends primarily upon political records and achievements in carrying out Party policies. Moreover, the Party's firm control over the Service and its members is insured by the appointment, promotion and demotion system.

The Court System

The courts, like the police, are organized in a pyramidal structure. At the top is the People's Supreme Court, the president of which is appointed by the National Assembly. Controls extend downward through People's Courts in the provincial, district and village echelons (see ch. 19, Constitution and Government). The local People's Courts are responsible to the local People's Councils at corresponding levels, and they report to them. Hence the courts, from the highest to the lowest, are subject to control by Lao Dong Party members in the People's Councils—a circumstance which nullifies the constitutional provision that, in administering justice, the People's Courts are independent and subject only to law. Moreover, the People's Supreme Organ of Control, responsible to the National Assembly, is vested with authority over all organs of state and over all citizens to ensure the observance of laws. This agency is represented in the courts by a public prosecutor who presents the state's case at all trials (see ch. 19, Constitution and Government).

The basic premise of the system is that the interests of the regime override any consideration of rights of the individual, although the Constitution contains the usual guarantees of civil rights. An accused person is “guaranteed” the right to defense, but the defense counsel is more often found pleading for leniency than for acquittal. Trials in People's Courts are required to be heard in public “unless otherwise provided by law.” In practice, the press reports only those which serve a propaganda purpose, such as the trials of “spies” or of persons certain to be found guilty of treasonable or subversive acts.

The Penal System

The authorities strike down without hesitation any whom they regard as “enemies of the people,” but the basic concept of penal practice is that the salvageable violator should not so much be punished as isolated from society until he has “reformed.” A new prisoner usually undergoes a course of “instruction” designed to expose to him his previous “erroneous attitudes toward society in general and toward political matters in particular.”

After the prisoner has advanced to the stage of “self-criticism and self-denunciation,” he begins to receive intensive indoctrina-
tion in Communist theories and in the regime's policies. On his progress in this phase apparently largely depends the nature of his treatment in prison and his prospects for probation or pardon.

Corporal punishment does not appear to be among the penalties which the courts are legally authorized to impose. The pillory and more severe forms of torture, employed under the Vietnamese emperors and discontinued in the modern period, were revived in 1956 during the public trials of landowners and others regarded as hostile to the regime, but they do not seem to have been used since (see ch. 25, Agricultural Potential).

Information regarding the prison system is scanty, and mention of it is signally absent in the press and on radio broadcasts. The prisons established by the French at Hanoi, Haiphong, Nam Dinh and other large towns probably are still in use. Some prisons have been built since 1954, especially in the remote areas. Presumably each provincial and district capital has a detention room, and in some instances a jail, to confine prisoners during interrogations and trials.

The prison system is believed to be administered by the Ministry of Public Security. Political and criminal prisoners are generally segregated, either in separate installations or in separate sections of the same installation.
CHAPTER 22
FOREIGN POLICIES

The conflict between North and South Vietnam is intensified and complicated by the alignment of each state with different great powers in the Cold War. The ultimate outcome may depend on military and diplomatic factors far removed from this divided nation. At the same time the strategies, diplomacy and military capabilities of North and South Vietnam may, in turn, determine the role of the great powers in this struggle. For this reason the foreign policies and international relations of the two Vietnams are critical in any assessment of the future of the area.

Since partition in 1954 relations between South and North Vietnam have overshadowed all other foreign policy questions in either state. From its inception the Republic of Vietnam in the South has felt itself threatened by its northern neighbor, the Democratic Republic of Vietnam. In response to this threat it has refused to have any form of diplomatic relations with North Vietnam or with any other Communist state. President Ngo Dinh Diem sees his country as a frontline in the Free World’s battle against communism and feels that the United States is simply protecting its own interests by giving aid and assistance. Other Western nations have supported Vietnam in varying degrees, but to a lesser extent than the United States.

South Vietnam has sought to cultivate close relations with other newly independent nations, particularly those in Asia, but also with states in Africa and Latin America. Its relations with these developing nations is not likely to bring it significant material support. Such relations are important, however, in enabling South Vietnam to establish its identity and national importance in world affairs. Through its active participation in international organizations, associations and conferences, the country seeks to counter the Communist challenge to its legitimacy.

The primary foreign policy objectives of Communist North Vietnam are the elimination of anti-Communist governments along its borders and the eventual reunification of Vietnam under a Communist regime. Dedicated to the achievement of these goals, North Vietnam has actively sought to undermine the South Vietnamese Government through terrorism and subversion. In Laos the Ho Chi Minh regime has shown that it will take great risks in order to prevent the consolidation of an anti-Communist, pro-Western government. Thus, without being committed to overt warfare, the North Vietnamese are nevertheless actively leading the guerrilla war in the South and are also providing troop support and military advice to the Pathet Lao in Laos.
The extent, timing and strategy of North Vietnam's participation in the struggles in Laos and South Vietnam are closely linked to the regime's relationship with Communist China and the Soviet Union. North Vietnam's objectives in the Indochinese Peninsula are close to the militant and aggressive line of Communist China. However, North Vietnamese fear of excessive Chinese influence, or even domination, disposes them to maintain close relations with the Soviet Union even at the cost of relinquishing or postponing their long-range policy objectives.

The leaders of South Vietnam and North Vietnam both look forward to reunification of Vietnam under their respective auspices.

In a pronouncement made in 1956, the Republic of Vietnam said that "it will aim at the reunification of the country which is dear to its heart by all peaceful means, in particular through really free and democratic elections, when all conditions for freedom of vote have really been secured." It is its position that until these conditions prevail in the North, elections cannot be held.

The Communist regime in the North views reunification as "a sacred duty of our people." It has been pressing for elections—"the correct implementation of the Geneva Agreement"—since 1955. At the same time, it guides and supports guerrilla operations in the South, a struggle viewed as "natural" because of the "oppression" by "the American imperialists and their henchmen."

The Communists are also waging a propaganda war against the government in the South, which it calls the "United States-Diem clique." They have made proposals for trade and communications contacts between the two parts of Vietnam and, during the 1961 Mekong River floods, offered the services of their Red Cross to aid the victims.

The Republic of Vietnam has made no official response to these proposals. Its propaganda and military measures have been of a defensive nature. The government has charged the Communists with internal subversion and, in 1961, with all-out war. President Ngo said in October 1961:

> It is no longer a guerrilla war we have to deal with, but a real war, waged by an enemy who attacks us with regular units fully and heavily equipped and who is seeking a strategic decision in Southeast Asia, in conformity with the orders of the Communist International.

FROM POTSDAM TO GENEVA, 1945-54

The Outbreak of the Indochina War, 1945-46

Vietnam's independence, as well as its involvement in the Great Power conflict, is an outcome of the Indochina War. After World War II, France moved to re-establish the control over
Vietnam which it had lost to Japan. The British who, under the terms of the Potsdam Conference of July 1945, had entered southern Vietnam to disarm the Japanese, relinquished control to the French. In order to reoccupy the North, however, the French had to come to terms with both Nationalist China, which was responsible for disarming the Japanese in northern Vietnam, and the Communist-controlled Democratic Republic of Vietnam (see ch. 2, Historical Setting).

The Chinese withdrew from Vietnam in return for substantial concessions by the French. In an agreement signed on February 28, 1946, France gave up its extraterritorial rights in China and guaranteed the Chinese free trade in Haiphong, exemption from transit and customs duties for goods shipped to and from China over the Haiphong-Yunnan railway and rights for Chinese nationals in Indochina equivalent to those of French nationals.

The French concluded an agreement with Ho Chi Minh's Democratic Republic of Vietnam in March 1946. France recognized his regime as a free state within the Indochinese Federation and the French Union in return for Ho's consent to a French landing in the North. Relations between the two deteriorated rapidly, however, and war broke out in December 1946.

The Indochina War, 1947-54

France, while fighting Ho Chi Minh's forces, recognized that Ho Chi Minh's strength was derived from Vietnamese nationalist aspirations and therefore attempted to build up a competing nationalist movement which would be willing to preserve Vietnam's ties with France. Negotiations were initiated with former Emperor Bao Dai which resulted in the Elysee Agreements of March 8, 1949. Under these Agreements the three parts of Vietnam—Tonkin, Annam and Cochinchina—were nominally unified in a single State of Vietnam with Bao Dai as Chief of State. Vietnam, Laos and Cambodia together were to constitute the Associated States of Indochina, which was to be a member of the French Union. The Agreements did not, however, provide for complete Vietnamese independence, and one of the clauses stipulated that control of Vietnam's foreign policy was to be vested in the French Union. When the Agreements were signed in February 1950 by the President of France, the State of Vietnam was recognized by the United States, Great Britain and other powers—mostly those allied with the West.

In December 1949 Communist troops, victorious in China, arrived at the Vietnamese border. French recognition of the State of Vietnam under Bao Dai brought a counterclaim from Ho Chi Minh's Democratic Republic of Vietnam. Ho sought and obtained
recognition, first from Communist China in mid-January 1950 and shortly thereafter from the Soviet Union and the other Communist states. With this formal recognition by Western and Communist powers of rival Vietnamese claimants to national sovereignty, Vietnam’s struggle for independence became enmeshed in broader and more complicated issues of the Cold War.

Great Power Aid (1950-53)

In April 1950 Ho Chi Minh visited Peiping and signed a military aid agreement under which the Chinese Communists agreed to supply and train his troops. Increasing assistance from the Chinese and other Communist powers in the ensuing years contributed substantially to Ho Chi Minh’s military successes and to the victory at Dien Bien Phu in 1954.

On December 23, 1950, the United States concluded a mutual defense assistance agreement with France and the Associated States in which it undertook to provide military equipment and services to the French Union Forces for the Indochina War. By 1953 the United States had assumed almost 80 percent of France’s military costs in the conflict.


Despite the heavy outlay of men and equipment by France—supported by non-Communist Vietnamese nationalist forces and American aid—it became obvious that France could not achieve a satisfactory solution in Indochina by military means. Meanwhile, Chinese men and materiel released by the cessation of hostilities in Korea were available to be diverted to Indochina. At the same time the regime in North Vietnam, despite its military successes, appeared willing to come to a negotiated settlement—an attitude no doubt influenced by fear of possible active American participation in the war and the new soft line adopted at the time by the Soviet Union.

In April 1954 representatives of the United States, France, Great Britain, Communist China, the Soviet Union, Laos, Cambodia, the State of Vietnam and the Democratic Republic of Vietnam met at Geneva to arrange terms of a truce. France declared the State of Vietnam to be fully independent in April, and agreements providing for cease-fires in Vietnam, Cambodia and Laos were signed in July.

The armistice agreement for Vietnam was signed by representatives of the French Union Forces in Indochina and of Ho Chi Minh’s Army of Vietnam. In addition to providing for the partition of Vietnam and the free movement of civilians north or south, the agreement established an International Control Commission. Composed of India (chairman), Poland and Canada,
its task was the supervision of the cease-fire terms. A protocol
issued at the end of the conference, but not signed by the partici-
pants, stated that general elections in Vietnam should be held in
July 1956, and that consultations toward that end should begin
between representatives of the two parts of the country in July
1955. The State of Vietnam, which did not sign the Geneva Agree-
ment, protested the manner in which the armistice was concluded
as well as its terms, particularly those relating to the partitioning
of the country. It also objected to the declaration setting a date
for elections without its consent. The United States did not concur
with the terms of the truce, but stated that it would refrain from
the threat or use of force to disturb its provisions and would view
any renewal of aggression in violation of the Agreement with
grave concern as a threat to international peace and security.

Consequences of the War

The Geneva Agreement ended the special position of France
in Vietnam and introduced South and North Vietnam into world
politics as independent entities. The South now looked to the
United States for aid in its development and defense, while the
North formally moved into the orbit of the Soviet Union and
Communist China.

Following the Geneva Conference the International Control
Commission set up by the Geneva Agreement began to function.
The Western, neutralist and Communist positions of the three
states represented on the Commission were from the outset re-
lected in the reports of the body. The Indian and Polish members
consistently showed most concern about Soviet Vietnamese un-
friendliness to the Commission; the Canadians, on the other
hand, issued a number of minority reports calling attention to
North Vietnamese obstruction of refugee movement to the South
and to the refusal of the North Vietnamese authorities to permit
the Commission to contact groups wishing to go to the South.

A similar pattern developed with regard to the implementation
of the unsigned final declaration issued at Geneva which called
for elections in 1956. In the spring of 1955 North Vietnam, sup-
ported by Communist China, the Soviet Union and India, stated
that it was ready to begin discussions on elections with the gov-
ernment of South Vietnam. Great Britain and the Soviet Union,
as cochairmen of the Geneva Conference, were urged by the
North Vietnamese to uphold the election declaration. In July
Ngo Dinh Diem, then Premier of South Vietnam, stated that his
government was not bound by the Geneva Agreement which it
had not signed. He insisted that a prerequisite to elections must
be the cessation of North Vietnamese violations of the Agreement

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and satisfactory evidence that the northern leaders placed na-
tional above Communist interests.

The United States agreed that the situation in North Vietnam
precluded the possibility of free elections. Great Britain, which
had at first urged the South Vietnamese to participate in election
preparations, suggested to the Soviet Union in the spring of 1956
that the preservation of peace was more important than the elec-
tion issue. The Soviet Union tacitly agreed. Following Soviet-
British talks in London in April 1956, notes were sent to the
authorities in Hanoi and Saigon urging them to keep the peace,
cooperate with the International Control Commission, and advise
when it would be possible to hold elections. The elections have
never been held.

REPUBLIC OF VIETNAM

Relations with the West

The United States

Soon after the conclusion of the Geneva Agreement United
States economic and military aid, which had formerly been chan-
neled through France, began to be sent directly to South Vietnam.
In September 1954 the Southeast Asia Treaty Organization
(SEATO) was established by the United States, Great Britain,
France, Thailand, Australia, New Zealand, the Philippines and
Pakistan. Members committed themselves to resist aggression
in the treaty area in accordance with each country's constitutional
processes. Although South Vietnam was prevented by the Geneva
Agreement from joining the alliance, a protocol to the treaty ex-
tended the protection of SEATO to South Vietnam, Laos and
Cambodia.

In May 1957 President Eisenhower and Ngo Dinh Diem, who
had become President of the Republic of Vietnam in 1955, jointly
reaffirmed their desire for close cooperation in working for Viet-
name's freedom and independence. Their statement reiterated the
American position at Geneva in 1954—that aggression or sub-
version threatening the political independence of South Vietnam
would be considered as endangering peace and security.

In 1961 a mounting campaign of guerrilla warfare, terror
and subversion guided and supported by the Communist regime
of the North against the Republic of Vietnam had reached pro-
portions which clearly threatened not only South Vietnam but all
of Southeast Asia. Vice President Lyndon Johnson, who visited
Vietnam in May 1961, emphasized the grave concern of both
governments over the situation and assured the South Vietnamese
Government that the United States would honor its commitments
in the area.
Although relations were generally good in the early months of 1962, criticism in the government-controlled press indicated Vietnamese reluctance to adopt some of the measures, especially in the economic domain, recommended by United States advisers. It also appeared that, in the atmosphere of crisis, some of the feeling formerly directed against the French had been transferred to the Americans. Intellectuals, on the other hand, sometimes expressed disappointment at what they regard as failure by the United States to press vigorously enough for hoped-for political reforms.

France

Relations between South Vietnam and France were strained for several years after the end of the Indochina War. The continued presence of the French Expeditionary Corps, the continuance of nominal French command of the Vietnamese Army and the fact that France had stationed a mission in North Vietnam, heightened lingering anti-French sentiment. During the time the country remained within the French Union as the State of Vietnam, French political influence and economic manipulation roused strong anti-French feeling.

By 1956, after complete independence had been achieved, the South Vietnamese Government succeeded in negotiating the elimination of most of France's special privileges in South Vietnam, and relations improved. France regained its role as a leading supplier and customer, and the government encouraged French business. In 1958 a visit by French Foreign Minister Pineau resulted in agreements relating to French economic assistance, cultural exchange and trade. French credits, loans, technical and educational assistance continue to contribute to South Vietnam's development.

Other Western Allies

The Republic of Vietnam also has diplomatic relations with Great Britain, the Federal Republic of Germany, Italy, Spain, the Netherlands, Belgium, Denmark and Sweden. Great Britain, as a member of SEATO and cochairman of the 1954 Geneva Conference, has continued to play a leading role in the international debate on the future of Vietnam. It has supported South Vietnam and condemned the aggressive policies of the North.

South Vietnam also has friendly relations with Canada, a member of the International Control Commission. Canada has supplied the country with much technical and economic aid, and the Vietnamese Government has contributed local currency for a Canadian survey contributing to the Mekong River Project within the framework of the Colombo Plan (see Glossary).
Australia and New Zealand, whose geographic position makes events in South Vietnam and other parts of Southeast Asia of special concern to them, are both members of SEATO. Australia was one of the first countries with which the Republic of Vietnam established diplomatic relations. President Ngo made a state visit to Australia in September 1957, and a large number of South Vietnamese are studying at Australian universities.

Relations with Asian Nations

Laos

Laos has historically been an area of Vietnamese expansion. Laos and Vietnam were both ruled by France and were joined as Associated States in the French Union in the postwar period. It was not until 1956, however, that they established formal diplomatic ties as independent countries. By 1960 several Laotian Government missions had been to Saigon, while trade, transit, payments, immigration and other accords were concluded in 1954, 1956, 1958 and 1959.

South Vietnam became deeply disturbed about events in Laos with the onset of internal conflict there in 1960. It has supported the pro-Western government of Prince Boun Oum and strongly opposed the formation of a neutralist regime, which, it felt, would lead to a Communist seizure of power. In 1961 the South Vietnamese Government declared:

The Republic of Vietnam has always considered the Laotian crisis as a purely internal affair of Laos and has taken care not to intervene. However, in the open arming and aiding of the rebels against the legal government of Laos, Soviet Russia and the Democratic Republic of Vietnam, or North Vietnam, are attempting to conquer Laos to serve as a springboard for other conquests.

Laos, with frontiers contiguous with both North and South Vietnam, has been used increasingly by the North Vietnamese as an infiltration route to South Vietnam. At the 1961 Geneva Conference on Laos, the Republic of Vietnam showed its awareness of the implications for its own security of developments in Laos by pressing for the inclusion in any Laotian settlement of a clause prohibiting the use of Laotian territory for aggressive purposes.

Cambodia

Numerous disputes have troubled relations with Cambodia since 1954. Among the issues which have arisen are Cambodian rights of navigation on the Mekong River, conflicting claims by Cambodia and South Vietnam to offshore islands in the Gulf of Siam, the status of Cambodians in South Vietnam and the Vietnamese
in Cambodia, the location of the border between the two countries and mutual accusations of border violations.

Reactions of both peoples to these questions are inevitably affected by the past history of Vietnamese expansion at the expense of Cambodia, but the major factor is the divergent attitude of the two states to the issues of the Cold War. Cambodia proclaims a neutralist policy; South Vietnam maintains that the objectives and tactics of the Communist bloc make political neutrality impossible, and it accuses the Cambodians of aiding the North Vietnamese Communists by allowing them to use Cambodian territory as a base from which to attack South Vietnam.

The question of minority rights has also been a source of tension between South Vietnam and Cambodia, and it has been aggravated by the Vietnamese tendency to view the Cambodians as culturally inferior. Since independence there have been repeated mutual accusations of mistreatment of the Cambodian and Vietnamese minorities in each country. Formal relations have been further strained by South Vietnam's assertions that Cambodia has given refuge to dissident South Vietnamese political elements as well as to Communists. In turn, Cambodia has charged that South Vietnamese officials have been implicated in plots against its government.

Early in January 1962 South Vietnam's Secretary of State for Foreign Affairs announced that official talks were going on between the Cambodians and Vietnamese with a view to solving the question of border disputes and assuring the security of the frontier. Later in the month, however, Cambodia claimed that South Vietnamese troops had attacked border villages. In February Cambodia granted political asylum to a South Vietnamese pilot who had bombed President Ngo's residence in Saigon. Each crisis between the two countries, however, has been followed by a cooling-off period, and it appears that there is a mutual desire to avoid an open rupture.

Republic of China

There has been some friction between the Republic of Vietnam and the Republic of China arising from the treatment of the Chinese minority in South Vietnam and from conflicting claims over islands in the South China Sea. But these tensions have been eased by common interests growing out of the similar problems they face as a result of Communist control over portions of their territories.

Diplomatic relations were established between the two in December 1955 and received their severest test in the years 1956 to 1958. On August of 1956 the Republic of Vietnam issued a nationality decree requiring all Chinese born in Vietnam to be
come Vietnamese citizens without option. A decree in September, also aimed at the Chinese, prohibited aliens from engaging in 11 lines of trade (see ch. 4, Ethnic Groups; ch. 13, Labor Force). The Chinese government made representations to South Vietnam, requesting moderation of these regulations. Vietnamese rejection of the requests strained relations between the two countries. Later the decrees were somewhat modified in application, and tension eased in 1958. South Vietnam’s more relaxed policy toward its Chinese minority was no doubt due in part to a recognition of the important role of the Chinese in Vietnam’s economic life, but it also came about through awareness of the fact that a serious split between South Vietnam and the Republic of China could only benefit the Communists.

The visit of President Ngo to Taiwan in January 1960 was preceded by an information campaign by both governments stressing the common Vietnamese-Chinese cultural heritage. A Vietnam-China Cultural Association has also been formed, and a Sino-Vietnamese Economic Cooperation Commission is engaged in arranging for Chinese technical assistance to South Vietnam.

Thailand

The long history of friendly relations between Vietnam and Thailand and the need for solidarity to safeguard security were stressed during President Ngo’s visit to Thailand in 1957 and that of Thai Foreign Minister Thanat Khoman to South Vietnam in 1959. Thailand, a member of SEATO, has been especially concerned about the threat to its security posed by Communist activities in both South Vietnam and Laos. Ambassadors were exchanged between the two countries soon after the Republic of Vietnam was proclaimed, and South Vietnam is currently cooperating with Thailand, as well as with Laos and Cambodia, on the Mekong River Project.

The problem of Vietnamese who had sought refuge in Thailand during the Indochina War strained relations between the two countries in 1959. In July of that year the Thai Government and the North Vietnamese Red Cross signed an agreement for repatriation to the North of those refugees expressing the desire to go there. South Vietnam protested, stating that the enforced regroupment of both Communist and nationalist refugees in one area had obstructed the free choice of the nationalists, who were subject to coercion by Communist agents. Thailand answered that South Vietnam had previously refused to accept the Vietnamese and that the Thai were not to blame for the consequences. The fact that the King and Queen of Thailand visited Saigon in December 1959 indicates that this dispute did not seriously disrupt friendly relations between the two countries.
Japan

Diplomatic and commercial relations were established with Japan shortly after the Republic of Vietnam was formed, and by 1957 Japan had become one of its leading trade partners. On May 13, 1959, the two countries concluded a war reparations agreement as well as arrangements for Japanese loans to South Vietnam for economic development projects (see ch. 30, Foreign Economic Relations).

Resentment at Japan's actions in Vietnam during World War II seems to have subsided, and Japan is admired for the high level of its economic development and technical competence. South Vietnam looks to Japan for technical as well as economic assistance in its efforts to introduce new crafts and industries.

The Philippines, South Korea and Malaya

The Republic of Vietnam has diplomatic, commercial and cultural relations with the Philippines, South Korea and Malaya, all of which have received President Ngo on state visits. They share with South Vietnam a postwar experience of conflict with a Communist foe: Korea suffers a division like Vietnam's and the Philippines and Malaya have had to contend with Communist guerrillas. South Vietnam takes every opportunity to foster a unified anti-Communist front in its relations with these countries.

The Federation of Malaya shares South Vietnam's concern with the Communist danger in Southeast Asia. Malayan Prime Minister Tengku Abdul Rahman's mission to South Vietnam in 1958 was his first visit to a foreign country after Malaya's independence, and the two heads of state expressed "complete identity of views." The Malayan Prime Minister paid a second visit to the country late in 1961 when the two leaders conferred on the Communist threat to South Vietnam. Subsequently Malaya sent advisers to give the South Vietnamese the benefit of its successful experience against Communist guerrillas.

Other Asian Nations

Soon after the Geneva Agreement, South Vietnam and India exchanged consuls. In its role as chairman of the International Control Commission since 1954, India has frequently joined with the Poles in criticizing South Vietnam in relation to violations of the terms of the Geneva Agreement. The Indian and Polish members of the Commission were the objects of angry demonstrations in Saigon in 1955. In 1957 President Ngo made a determined effort to improve relations with India, and during a state visit by him to New Delhi a joint communique announced that he and Prime Minister Nehru had noted the important contribution made by India in the International Control Commission toward main-