Prison Governor Minh, of Thu Duc Prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

<table>
<thead>
<tr>
<th>Category</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal offenders</td>
<td>265</td>
</tr>
<tr>
<td>Communists</td>
<td>843</td>
</tr>
<tr>
<td>Civilians condemned by military court</td>
<td>15</td>
</tr>
<tr>
<td>Military prisoners</td>
<td>3</td>
</tr>
<tr>
<td>Political prisoners</td>
<td>0</td>
</tr>
<tr>
<td>Prisoners of war</td>
<td>0</td>
</tr>
</tbody>
</table>

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom:

- Were soldiers who committed political offenses (helped or sympathized with the V.C.) 984
- Were civilians who had worked directly with the V.C. 2,700
- Were soldiers who committed criminal offenses 769
- Were civilians who committed criminal offenses 252
- Were detainees, never tried or sentenced 2,316

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

**Thu Duc (Women's Prison)**

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms. There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were overcrowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40' by 30'. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

**Chi Hoa**

Chi Hoa is often referred to as the "showcase prison". Since 1963 American funds have been available for the improvement of facilities, and American ad-
Visitors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is ... based on the principles of humanity, charity and equality."

The Warden said that there were about 5,500 men and boys now in prison of whom 40% were "Communist" and only 6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted earth-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown to cells. In one room, about 40' by 25', there were 47 children under 8 years of age. One child, 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked adequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at attention and did not move or speak; only their eyes followed the visitor's moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

**Con Son Island Prison**

Con Son Island Prison, an escape-proof prison about 50 miles off the southwest coast is said by officials to contain 7021 prisoners, most of them "political".

In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or "words needed to determine where charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were repeated over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the...
enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (three out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages", reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place." The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a $1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy) agree that there is torture, but insist that it does not take place in the "correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of police officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with wooden sticks and clubs. ("Metal" was mentioned by one
The blows are applied to the back and to the body parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to be particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In a related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half year term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were prodded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her ... They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then", explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephemeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerrilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerrilla war activities—sabotage, espionage and the organization and support of National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression
of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further war-like activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compel this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement to the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction within the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1963, and as amended authorizes, among other things:

* The search of private houses, both by day and night;
* Fixing the place of residence of those elements judged dangerous to national security;
* Prohibition of all demonstrations or gatherings harmful to public security and order;
* Prohibition of the distribution of all printed matter harmful to national security;
* Control and restriction of communications and travel, consonant with security requirements...

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years.

\(^3\) Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)
because they are “judged” to be “elements . . . dangerous to national security”. Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any, legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibited “left-wing tendencies” were being incarcerated in national prisons whose administrator classified them in his census as “Communists”; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of “prohibition of . . . gatherings”, the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man’s case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

“Article 4.
(1) The Republic of Vietnam opposes Communism in any form.
(2) Every activity designed to publicize or carry out Communism is prohibited.”

The looseness of the prohibition against activity designed to “publicize or carry out” Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a “political prisoner” on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is ipso facto prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, detention and interrogation.

Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as “aids” to interrogation, they are forms of cruel and barbarous punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local and national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerrilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that: “(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation.” the Team was unequivocally assured by Colonel Man, Chief of the Special Branch of the National Police Forces, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team’s information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.
Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.


An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functions of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000. On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrest and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khiem a preliminary sketch of team findings: i.e. loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a type-written list of the names of the individuals whose cases were being considered: approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and, in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon
Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to prisons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

"In the event of doubt, the court will rule in favor of the accused.

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by Law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103-107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that: "All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. The "Military Field Courts" are not really courts at all.

The Study Team is convinced that the number of arrests and improvements continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitution in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

"(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecute, both of which are professionally qualified." In the Military Field Court, the Judge is a military official not necessarily trained in law.
(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everybody has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of the international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM

James Armstrong, Bishop of the United Methodist Church, Dakotas area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book The Heartland. He himself is the author of the book, The Journey that Men Make, published by the Abingdon Press.

Mrs. John C. Bennett (Annie McGrew Bennett). Mrs. Bennett received a B. Sc. in Education from the University of Nebraska and M.R.E. from Auburn Theological Seminary. She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford College, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles on student and protest movements and is co-author of The Draft, a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B. and LL.M. from Georgetown University
Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is Democracy and Disorder, published in 1969 by the Seabury Press, and is a contributor to many publications, including Commonweal and the Harvard Law Review. Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.R.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John De J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, an LL.B. cum laude at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the Harvard Law Review; after graduation, taught commercial and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaelis, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman II. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, he became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of Conservative Judaism, Jewish Heritage, and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, Jewish Theology Today, he has also contributed many articles and reviews to both scholarly and popular journals, among them the Saturday Review and Commentary.

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True received a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1935. He served in the United States Asiatic Fleet in the Far East, commanded the USS Harnkann and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkins, of Congregational Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

Cable from U.S. Study Team to President Nixon

President Nixon,
Washington, D.C., U.S.A.

The Independent Study Team on Religious and Political Freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the national assembly, attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. (Quote) There should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation. (Unquote.)
Religious and political suppression is widespread. Speaking for peace or in any other way opposing the government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu government.

On behalf of the study team on religions and political freedom in Vietnam.

Hon. John Conyers, Jr., M.C.

Signed:

James Armstrong, Bishop, United Methodist Church; Anne M. Bennett (Mrs. John C.); Allan Brick, Director of National Program, Fellowship of Reconciliation; John Conyers, Jr., Member of Congress; Robert Drinan, S.J., Dean, Boston College Law School; Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England; John de J. Pemberton, Executive Director, American Civil Liberties Union; Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary; Arnold E. True, Rear Admiral, U.S. Navy (Retired).

JUNE 11, 1969.

Senator Kennedy. Bishop Armstrong and Mr. Pemberton, we are delighted you could join us this morning, and look forward to hearing your comments.

STATEMENTS OF BISHOP JAMES ARMSTRONG, UNITED METHODIST CHURCH; AND JOHN PEMBERTON, EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION

Mr. Armstrong, Thank you very much.

As you know, this will be background material for the work of this subcommittee. Our purpose was the inquiry into political and religious freedom in South Vietnam, which is not directly related to your work.

There are two points I would make before the more detailed and specific presentation of Mr. Pemberton.

The first is that the Thieu-Ky Government does not represent the majority of the people of South Vietnam.

According to the U.S. Embassy in Saigon, there are about 45,000 prisoners in the official prisons and detention centers of South Vietnam. There were thousands more held in military custody, in refugee camps and in detention centers manned by secret police. More than 70 percent of these being held are “political prisoners.” The majority of the political prisoners are classified as Communist or NLF agents.

In a sense, because of the nature of the war, they are prisoners of war. However, there are uncounted thousands of more who are not Vietcong agents but whose only crimes consist of opposing the Saigon Government; of advocating peace.

The United States Study Team on Religious and Political Freedom visited Con San Island, Chi Hoa, and Thu Duc prisons and the national police headquarters in Saigon.

We talked with hundreds of political prisoners. Many of them represented the so-called third force, or third solution. They were Nationalists, persons who are not pro-Communist, but who are opposed to the present government in Saigon, a government they consider to be a military dictatorship.

*Organizational associations listed for purposes of identification only.
We saw Truong Dinh Dzu, now sentenced to 5 years enforced labor in the Chi Hoa prison. He was runner-up in the 1967 presidential election. He was imprisoned because he advocated negotiations with NLF and later advocated a coalition government.

We saw Thich Thien, one of the influential Buddhist monks in Vietnam. He was being held in military custody under tight security. He was summoned to the Office of The Minister of the Interior and warned to stop preaching “peace sermons.”

On February 23, he was arrested and sentenced to 10 and 5 years in prison. These sentences were to run concurrently. The sentence has now been reduced to 3 years.

We were denied access to Nguyen Lav, owner and publisher of the Saigon Daily News, now thought to be held in the national police headquarters. He was arrested on April 16. His newspaper had been closed down at least once a year since 1963. Recently he criticized the treatment of prisoners in his editorial column and had likened press censorship to that under the Diem regime. More than 25 newspapers and several magazines have been suppressed during the past 12 months.

At Thu Duc we talked with the two girls who had been officers in the Saigon University student union. Though these girls were classified as “Communists” at Thu Duc, their sole offense, according to their dossiers, was they had “leftist” tendencies. They had attended a peace meeting at their school and some VC pamphlets were found in a student union desk.

We asked to see 13 other prisoners by name, but were denied access to them. Without question, there are thousands of prisoners in Vietnam who have been denied all procedural protection during the time of their detention and interrogation; who have been erroneously classified as “Communists,” who have been physically mistreated—and this is documented in the Congressional Record for June 17—and who represent a broad, middle-ground of nationalists and progressive political sentiment.

More than 80 percent of the South Vietnamese people are Buddhists. Buddhists are by nature and doctrine nonviolent. They have been regularly and systematically persecuted by a succession of Saigon Governments since the time of Diem. We saw 120 Buddhist monks in the Chi Hoa prison alone.

President Thieu a Catholic himself, told us although Catholics supported both the war and his policies, the Buddhists gave him trouble.

The national Buddhist shrine headed by Thich Tam Chau has the blessing of the Thieu-Ky regime. However, the An Quang pagoda in Saigon, the seat of the Unified Buddhist Congregation, is more representative of the Vietnamese Buddhism. It represents the Mahayana and Theravada wings of the faith and has consistently been antigovernment and antiwar.

Thich Tri Quang the leader of the so-called militant Buddhists, is identified with the An Quang pagoda.

The Thieu-Ky Government does not have the support of the nation’s Buddhists, and the old-line Nationalists who fought in the resistance movement against the French, the student leaders so-called intellectuals and broad sections of the citizenry who refuse to believe the only alternatives to communism are corruption, militarism, and what they classify as police-state terrorism.
No government can pretend to be free and democratic when it uses the word "Communism," "neutralism," and "coalition" interchangeably, when it silences its opposition, denying its critics any semblance of due process. When it imprisons or forces into exile thousands of persons who could lend balance and strength to a truly representative government, and when it arrogantly denies its people the right to discuss the obvious options open to them.

President Thieu told us, as he told his first Saigon press conference following Midway, that talk about a coalition government will simply not be tolerated. This from the man who says, when speaking with the President, that there should be self-determination for his people.

My second point is this: the American military presence is systematically and unremittingly destroying the land and the people in Vietnam.

In all fairness, let it be said that we were more impressed by General Abrams than any other American official with whom we met. He seemed profoundly moved by the devastation of the war and was deeply sensitive to the needs of the Vietnamese people and appeared to welcome the kind of inquiry our study team was conducting. After all, freedom is indivisible and when it is denied to people it makes a lie of any war fought in its name.

We talked with Peter Arnett and other correspondents in the field who argued that given our present manpower and military hardware south of the 17th parallel, we could not pursue our stated military goals with greater intensity and maximum effect. It almost goes without saying we have dropped almost twice the bomb tonnage on Vietnam that the Allies dropped on the enemy during World War II.

Operation Phoenix, the pacification program, "search and destroy," "hunt and kill"—call it what you will—has been heatedly debated in the lower House of the Saigon Congress in the past 2 weeks. Even those committed to the present government in South Vietnam are not willing to stand by silently while their nation is turned into a smouldering ash heap. Defoliation, Napalm, indiscriminate bombing, and intensified search-and-destroy operations are laying waste the countryside, tearing the peasants from their land and splintering their families and glutting the cities with millions of nameless refugees.

The American soldier, a valued friend of the Vietnamese people during World War II, has become a hated presence since the Vietnam war was "Americanized" in 1964 and 1965. And this for two reasons: one, the American presence is turning the Vietnamese people—now, these are all Buddhists and Catholics, but they are (all Confucian), away from their ancient and treasured heritage.

I ask (Thich Thi Quang) to compare French colonial rule with the American presence today. He said the American presence is far more destructive because the French at least appreciated and protected the traditions of the past. And, he said, the French were relatively poor. The Americans, with their money and their Western value system, are turning their heads and destroying the soul of Vietnam.

But it is not just the subversion of culture, it is the destruction of life itself that is gaining the United States the enmity of the Vietnamese people.

I walked through the children's surgical unit in a Saigon hospital. By my side was a distinguished physician, a member of the medical
faculty of Saigon University, and a former Minister of Education of the South Vietnamese Government. He explained the sights I was seeing. Each year, between 5,000 and 6,000 children are brought into that one unit of that one Saigon hospital. They are brought in there from a range of 30 or 40 kilometers out. Eighty percent of them, he said, are war victims; 25 percent of that 80 percent suffer from burns. The remainder have shell fragments, bomb fragments, other kinds of military hardware in their little bodies.

The doctors, by now sophisticated in determining the nature of aggressive weaponry, insist that only a handful of the children brought in over the past year have been wounded by VC weapons. Almost all of them, then, were victims of our search-and-destroy tactics.

I saw the amputees, as you have. Youngsters without hands, arms, legs, I saw those disfigured with horrible burns. My nostrils caught the stench of open wounds, I heard their moans, and I wish those who speak so glibly about defending freedom and stopping communism 10,000 miles away could hear and see these pitiful trophies of our distant efforts.

One day a group of deputies from the Lower House gave a luncheon for us. Duong Minh Kinh spoke of the resources being poured into North Vietnam by Russia and China. He spoke of the men and money the United States is pumping into South Vietnam and then he said: “We are begging from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all.”

In Paris, we saw a gentle little Buddhist (scholar-in-exile) a monk named Thich Nhat Hanh. He has written a poignant book about the war called “Lotus in a Sea of Fire.” In it, he described the overwhelming destructive capacity of the American war-machine and said, “More than anything else, Vietnam needs to be saved from American salvation.”

Mr. Perren. Mr. Chairman, we, too, came to talk about the human consequences of what is going on in South Vietnam. But I am struck with the fact that there is very profound political and policy significance to the human consequences we investigated.

A few weeks ago, President Nixon, in setting forth our objectives in the current negotiations in Paris said, and I quote, “There should be an opportunity for full participation in the political life of South Vietnam for all political elements, that are prepared to do so, without the use of force or intimidation.”

It seems to me that this statement puts forth the reliance of our Government on the possibilities of achieving a peace and a stable government, one that is representative of the popular will of the society, and therefore can be counted upon to last and to win their loyalties.

What we saw in our investigation and interviews were a wide variety of people in South Vietnam, including visits to prisons and to officials, and we enjoyed both the cooperation from outcast elements in the society and very remarkable cooperation from the South Vietnamese Government itself, despite the fact that our conclusions come out quite critical of that government.

What we discovered was that many thousands of persons are being arrested and have been arrested and are denied all procedural protections whatsoever. The arresting agencies include the National police, various forces of provincial and district police, and security police agencies, not to mention military and intelligence units.
Nobody has any figures for how many of these individuals are still being held in the police stations or the hands of the original arresting agency, although we were given an estimate of 10,000. No procedure whatsoever protects the rights of those individuals. They are not being arrested as the South Vietnamese constitution requires, upon judicial warrants, or a demonstration of being caught in the act of committing a crime at the time they were arrested.

They are arrested in the essentially unlimited discretion of the arresting agency. They are held, not as we are accustomed to assume, for brief periods until it is practical to bring them before a magistrate to obtain judicial sanction for their detention. They are denied an opportunity for release pending trial. They are held often for 6 months and sometimes even more for purposes of interrogation.

Interrogation is a kind of euphemism. What the overwhelming evidence we saw and heard demonstrated was that this interrogation process, the kinds of aids to interrogation and the methods used to get answers to questions amount to the most brutal of the methods of torture known to history. They included very simple beatings, but they included far more sophisticated methods of human torture.

This went on, as I say, often for 6 months or even more, until the arresting agency was satisfied.

After this period of initial detention, provision in the existing system——

Senator Kennedy. What did the government say when you brought this to their attention, that you found evidences of torture being administered to political prisoners?

Mr. Pemberton. Both to us and in response to a question put a couple of weeks before our visit on the floor of the lower house, the Minister of the Interior acknowledged that this was a problem that his government had not solved and took most seriously.

We have no assurances of any successful steps being taken to change this. One provincial chief referred to the necessity for torture in order to get the information needed from interrogation. But he said it should be kept within limits, of course. Nobody has yet defined what are proper limits for torture as an aid of interrogation.

I would suggest that none are acceptable, if the purpose of the interrogation is to get the truth. And certainly that the employment of torture on a person arrested in the unlimited discretion of an arresting agency is at the least a brutal form of punishment applied before any kind of guilt has been determined.

Well, then, after this process, a large proportion of the people kept in detention are kept by an administrative process without any kind of a trial. In one province, we were told, 50 percent; in one national prison, 40 percent. I got to visit one provincial security committee, which is the administrative body that determines these things. The members sit with little typewritten lists in front of them. There were about one hundred names on that afternoon's typewritten list. One member had a stack of files and, presumably, from the information contained in the files, the determination of each of these one hundred people, including further detention up to 2 years, which might be renewable by a like process, was made.

No appearance by the accused before this committee occurred; no appearance by any witnesses, simply dossier information.
The members of our team who visited the women's prison got to examine the dossiers with the aid of our own interpreter and with the aid of two students whom they interviewed there. The students wore red badges, indicating they were classified and treated as though they were Vietcong agents, but the dossier contained the information simply that they had exhibited “leftist” tendencies. That was the basis on which they were being held, presumably for a period of up to 2 years.

For the rest, all but the conventional prisoners—and parenthetically, it is interesting that the Ministry of the Interior told us that of the 35,000 people in the formal prisons of the country, only 17 percent were convicted of conventional crimes—all of the rest fall in the categories that we are now talking about, and are political prisoners of one kind or another.

The rest of these political prisoners are sentenced, usually to longer sentences than the administrative detention system determines by Military Field Tribunal, which are extra-constitutional, of course, made up of military men that are appointed not as the constitution provides for judicial officers. They are men not necessarily with judicial training or background, but appointed by the President from military ranks. Their function is not to try military personnel for military offenses, but to try civilian personnel for so-called offenses against the security of the state.

Here, again, we observed no uniform provisions or notice of the charge to the individual who is accused, or even an adequate opportunity for him to obtain a lawyer and make preparations for his defense. There is no assurance of the right of cross-examination of the witness that might appear against him. In fact, often a proceeding consists of only cross-examination of the accused himself, and absolutely no right of appeal; although the court exercises the power of sentencing up to life imprisonment, or the death sentence itself.

The only change that can be made in any of those sentences is in exercise of executive clemency by the President himself, after it occurs.

Without that question, the Thieu-Ky Government is using charges of Communism and even of neutralism, or coalitionism, to silence dissent and opposition to it; to weaken political and so-called activists, and Buddhist religious opposition; to suppress student peace movements and to suppress political activity and the freedom of the press systematically. This is done by what must be a very insecure government that relies more on police-state tactics and American support than upon true representation.

So long as it continues, the possibility of achieving our objectives as we have stated them in Vietnam—the possibility of achieving any kind of stable government which is representative and does not require the support of heavy American military involvement—is defeated by the very thing that we are permitting and encouraging the South Vietnamese Government to do.

I suggest—

Senator KENNEDY. What do you mean by “encouraging”?

Mr. Pemerton. The defense is offered for these practices by members of the U.S. Embassy whom we interviewed in Saigon, and Government officials here in our own capital. I suggest that at the very minimum, the executors of our policy are exhibiting sympathy for
this kind of political repression in the name of military necessity and South Vietnamese Government security.

I suggest, Mr. Chairman, that to carry out the U.S. policy objectives in Vietnam, we must at a minimum absolutely condition our further assistance to the Government of Vietnam on, first, the release of all prisoners not yet convicted or sentenced to a correctional institution by constitutional courts, and by constitutional procedures.

Let me add, parenthetically——

Senator Kennedy. This is a pretty serious charge to suggest that American personnel, responsible embassy officials, are at least in sympathy with the torturing of South Vietnamese political prisoners.

Mr. Pemberton. I am suggesting, Mr. Chairman, that the sympathy is expressed in terms of placing the value of the South Vietnamese Government's efforts to protect itself higher than the human values, higher than two things; the human values of preventing this kind of torture and, second, the very important policy values of our own Government, of achieving stability in a representative South Vietnamese Government.

Senator Kennedy. Therefore, they feel that the South Vietnamese Government is sufficiently insecure that they are willing to at least turn their backs on the kinds of evidences which your group has obtained and which has generally been acknowledged on the floor of the National Assembly, and without at least raising objections to this kind of attitude and policy?

Mr. Pemberton. It seems to me that "turning the back" is the proper expression to describe this. Whatever representations may be made in secret to the Vietnamese Government otherwise, the defense of it, to us, seems to me to be indefensible.

Mr. Armstrong. If I could add one word at this point, Mr. Chairman.

We heard the two doctors make reference to the role of the American adviser and the rationale sometimes employed by the adviser concerning his inability to intrude on the rightful province of the sovereign government. This was another side of this same coin, when some of these things were mentioned. They simply said, this is their affair, we cannot intrude at some of these points.

Senator Kennedy. Could I ask you what Ambassador Bunker's attitude was? When you talked to him, did you bring these points up with him?

Mr. Pemberton. Ambassador Bunker in my presence emphasized not so much the turning of the back, that you and I were discussing a moment ago, but his optimism about the independent efforts that the Vietnamese Government itself would make to achieve amelioration of these conditions.

This emphasis pointed out the release by executive clemency of several hundred prisoners on May 30 last, on the occasion of the celebration of Buddha's birthday. It emphasized the introduction of some techniques of modern penology, in part through a school that had American assistance, through which, I understand eight prison administrators in the system that has 41 prisons have had a 2-year course in penology, and such steps as this.

I genuinely believe there has been improvement in the treatment of the prisoners that are in the formal correctional system, the ones there,
after there has been either an administrative determination about the detention or a trial by a military field tribunal; but that none of these procedures have affected or hardened. And those we talked to, a large number of ex-prisoners, none of this is effective. The procedures employed in that initial arrest and interrogation period, which I said may often last about 6 months.

Senator Kennedy. What about Thieu’s new alliance he refers to, attempting to broaden his own government? The kinds of groups you met or encountered in these prisons, are they going to be given any opportunity to be a part of that alliance, or are they being asked to be a part of that alliance?

Mr. Pemberton. We saw no evidence that those elements were being asked to be a part of that alliance.

Senator Kennedy. Including in there, obviously, the criminal?

Mr. Pemberton. No; I am referring to the political prisoners, such as—

Senator Kennedy. I am talking about the referring to the neutralists.

Mr. Pemberton. Truong Dinh Dzu, the unsuccessful candidate for the Presidency, who was charged with advocating a coalition government, is still in jail.

Jim, do you want to enlarge on this?

Mr. Armstrong. The parts that were included under this new umbrella were of a sort they did not include any of the so-called third-solution persons, and certainly any of those who had been advocating either neutralism or coalition government; but rather are simply carryovers of those who were in the 1967 election, who together were able to accumulate not even a majority of the popular vote. However, these have turned, as you know, to President Thieu as their titular head and have formed this kind of an allegiance. It is not, however, the representative allegiance that is indicated as a necessity.

Senator Kennedy. How do they reach the question, when you say, why is Dzu in jail now when he advocated conversation and negotiations with the NLF; now, Thieu has suggested about the same thing? How do they respond? How do officials respond?

Mr. Pemberton. We asked President Thieu that directly, in a private conversation we had with him, and his response was simply that no one would be permitted to advocate coalition while he was President and charged with enforcing the constitution.

He reasoned that the Constitution permits the Government to oppose communism in article 4, and forming a coalition government would flatly violate article 4 of the Constitution. Therefore, he reasons, that advocating a coalition government was necessarily in violation of the Constitution, and that he had a constitutional obligation to punish those advocates.

It seems to me that the fallacy in that reasoning is that the advocacy of any change in a constitutional system that provides for its own amendment would necessarily involve advocating a result opposite to that now provided for by the Constitution. And if freedom of speech has any meaning and the Constitution does provide for freedom of speech, that kind of advocacy must be permitted.

Senator Kennedy. Freedom of speech, as long as it speaks for the Government policies.
Mr. PEMBERTON. This apparently is the way it is being interpreted. It is certainly not freedom of speech that will produce responsible political activity that could ultimately have a Government representative of all of the people.

Senator KENNEDY. I want Senator Mathias to feel free to comment at any time here.

On page 13, you refer to U.S. money and personnel supporting GVX in prison operations.

What do you mean by this?

Mr. PEMBERTON. We were told that two of the prisons we visited—we visited the three national prisons—had specific capital improvements created by U.S. money. For instance, on Con Son Island Prison, those members of the team, which did not include me, who visited that island were shown a capital development that would create 72 new prison barracks that was being funded with about a million and a third American dollars.

Senator KENNEDY. Could you state in conclusion on this, do you know how many newspapers have been closed down now by the Thieu government?

I understand it is 36 or 37.

Mr. ARMSTRONG. 12 months ago now, legislation was passed concerning the cessation of any kind of censorship. Nine months later, 23 papers had been closed. Two or three magazines have been closed down. This did not include several student publications. That was 3 months ago. We had no accurate figure concerning the past 3 months, but it can be assumed, I think, that the same policy is continuing.

Mr. PEMBERTON. In order that this might not be misunderstood, is it correct that some of these are suspensions rather than permanent suppression?

Mr. ARMSTRONG. Yes.

Senator KENNEDY. They are not publishing?

Mr. ARMSTRONG. They are not publishing.

Mr. PEMBERTON. However, they may come back and publish?

Mr. ARMSTRONG. Our State Department underscored this in our conversation with them, that sometimes they are suspended as little as 2 or 3 or 4 days. However, others have been suspended permanently.

Senator KENNEDY. I saw the report in yesterday's Washington Post by David Hoffman, that says, "Newsweek Gets Saigon Warning."

"The South Vietnamese Ministry of Information has warned Reuters, Agence France Press and Newsweek magazine not to write critically of the Saigon Government."

Is this consistent with what you found over there in terms of—

Mr. ARMSTRONG. Perhaps this is a little more pointed than what we heard, though we heard there was a good deal of suppression and attempted control of the Vietnamese press, we also heard that by and large there was a measure of tolerance offered the foreign correspondents who were there.

I talked with Ian Wright of the Guardian, Manchester Guardian, who said that at no point had any control been exercised over material he was sending to his paper. He had written several articles very critical of the arrest and detention of Nguyen Lai, publisher of the Saigon Daily News. He indicated that there were occasional instances when controls were exercised over foreign correspondents, but I think
this would simply indicate a policy that tends to be a good deal more tolerant when administered for those who represent foreign interests than those who are homegrown.

Senator Kennedy. Just two final questions:

Do you think there is any hope of Dzu being released at all?

Did you get any kind of encouragement, from any impression that he might be released?

I know he is in bad health, and I understand, as well——

Mr. Armstrong. I would say that the one point that approached levity in our conversation with President Thieu was precisely at this point, when we suggested that perhaps international attention, at least, or criticism would be relaxed if both Thuh Thieu Minh and candidate Dzu were released. He suggested at that point, if I recall correctly, so long as he was advocating a coalition government—which incidentally is not the charge that was leveled against him when he was first arrested and imprisoned—so long as he is advocating a coalition government he must be punished. However, he was moved from Con Son Island to Chi Hoa while we were there, and this was explained to us from the basis of his health needs and the fact he could have better medical treatment in Saigon.

Senator Kennedy. Finally, I saw the report in the Washington Post, this morning's Post, about "Huong Orders Release of Some VC Suspects."

Then it says, "The Saigon Government today ordered local officials to release persons being held as suspected Vietcong without concrete evidence against them."

Then it goes on:

The government instructed local security committees to speed up legal formalities. The legislators today traded accusations of corruption among themselves. Turmoil broke out as the House of Representatives' Anti-Corruption Committee began to report on an eight-month investigation into the private affairs of legislators.

It sounds familiar.

I am just wondering if you think that at least the release aspect of it might be to some extent part of the result of your study team and U.S. public concern, realization of what they were doing would not lead to stability?

Mr. Armstrong. We might hope this would be a contributing factor. However, on the basis of our conversations, Prime Minister Huong is more highly regarded than almost any other person in the government there. He himself is a former political prisoner. He was the one who was instrumental in the release of these prisoners that Mr. Pemberton made reference to. So you do not want to level a blanket indictment at each of the persons in government. There seems to be a good deal more sensitivity to the issues we are here discussing with Prime Minister Huong, primarily, and with Deputy Prime Minister Khiem as well, than among other functionaries we talked with.

Mr. Pemberton. I had the impression that actions of both of speeding the process to shorten the time one spends in an interrogation center and getting into a formal prison center, and the release of political prisoners, as an act of executive clemency would represent an effort, and maybe very sincere to achieve some amelioration of
these conditions we are complaining of. Unhappily, to the man down underneath, the man whose political freedoms may be at stake in this process, particularly the release of prisoners, looks simply like another act of arbitrary official capriciousness. Why did this guy get released and not that? Is it based upon any formal determination of the innocence or guilt of these people; and obviously, it is not.

Senator Kennedy. One of the things that this administration, and other administrations have talked about, is broadening the base of the South Vietnamese Government.

Certainly what you have commented on this morning: for any individual or political leader to be expressing broadened attitudes would certainly be a threat to his personal freedom in that country and certainly any newspaper would appear to be in just such jeopardy.

I am wondering how we can expect to be able to make any kind of progress in that area with the kind of attitude that has been reflected by responsible South Vietnamese officials. Unfortunately, and I underscore that, even by our own toleration, it substantiates, at least it adds important evidence to a feeling by many of us that it is the tail wagging the dog in terms of the solution of the Vietnam problem.

Mr. Pemberton. Our whole reason for being there will be defeated by this thing.

Senator Mathias. Mr. Chairman, pursuing this point just a moment, we had the spectacle of the major portion of the hostile forces that exist in South Vietnam, which is the first primary evidence of lack of unity in a country. And we have all of the other disintegrating factors which you have noted in your statement, disintegration of culture in the country, other disruptive forces.

Now, under these circumstances, do you conclude that national unity is almost impossible with the repressive atmosphere which exists there?

Mr. Armstrong. I would say that under present circumstances, yes. It is not simply the repressive atmosphere, but the continuation and intensification of the war action. The continuing American presence, who simply because he does not represent a value system and resources, that are distorted all out of proportion to anything known to the Vietnamese people; all of these things together are doing something to the cultural foundations of the people that probably will have lasting effect.

Senator Mathias. Would you say that because of the shortcomings, as you have outlined in your statement, that the American presence is not looked upon as an allied or friend or liberator, but rather as a larger colonial than they have ever seen before?

Mr. Armstrong. Yes and no.

In all fairness, there were some voices who insisted there would need to be an American presence continued through an interim period, until some form of representative government and stabilization could be maintained. But by the same token, these voices insisted that there could not be a continuation of the present devastation.

Now, there were other voices equally outspoken who insisted there could not be a truly representative government as long as the American presence was there in any form.

Senator Mathias. I did want to question you on one or two points. You said there was torture other than simple beating.
Mr. PEMBERTON. Yes.

Senator MATHIAS. But you did not specify. I wonder, in the first place, how do you know this?

Mr. PEMBERTON. Our evidence is primarily the interviews with a large number of ex-prisoners, some of whom are fairly recent ex-prisoners.

Senator MATHIAS. I am not doubting your credibility, but I think it is helpful to have in the record exactly what your resources are.

Mr. PEMBERTON. In addition, we interviewed some doctors, and some ex-prisoners who had served as kind of trustees in the prison, working in the prison clinic, who described the condition in which prisoners were brought from the interrogation centers, to the present.

Senator MATHIAS. What kind of torture?

Mr. PEMBERTON. Specifically, taking testimony of one of the latter, a woman who was bleeding at the vagina profusely, to the point where it was a hard fight to save her life, from the sticking of something up in it to do physical damage to her.

Mr. ARMSTRONG. There is the use of electrical wires, apparently, on different sensitive portions of the body. There is what is called the water treatment, where water is poured in the nostrils and so on, and these particular forms of testimony were duplicated on the first-person basis and on an eyewitness basis time and time again.

One other thing that goes back only a month, and it came from this physician with whom I spent a great part of the day, who teaches on the medical faculty at Saigon University, and also teaches at Van Hanh University. A former student of his had been in a receiving hospital near one of the district police headquarters. A young woman had been arrested, was beaten, was sexually violated, died, was taken by the arresting officers to this adjacent hospital. There he asked from this physician for a certificate warranting natural death. The physician refused. He went to see the director of the hospital and this disposition was granted.

The comment made—which goes back to something earlier said—obviously she was a well-known student or so-called intellectual, or this kind of care would not have been taken. Because had she been a nobody, she would have been lost in the shuffle.

But apparently they were attempting to legitimatize something because she was relatively well known.

This came again from a former Cabinet member in the South Vietnamese Government, who was obviously a dedicated professional man who was not rancorous at all and who was not in most points criticizing the Thieu-Ky Government.

Senator MATHIAS. Were political and criminal prisons segregated or were they all together?

Mr. ARMSTRONG. Yes, they were.

To get back to this prison where we talked with only two persons on an intimate basis, because we had their names before we went, there were listed 823 prisoners classified as Communist, about 200 prisoners classified as criminal. In this particular prison, there were no prisoners listed as political prisoners, yet the two we talked to, on the basis of any evidence that was made available to us, were solely political prisoners. There was no record of Communist involvement in their past at all.
So I think this whole base of classification muddies the water—who is Communist, who is a VC agent, who is a political prisoner, who is a refugee, who is a part of the urban drift.

The whole business of classification is extremely difficult.

Senator Kennedy. I want to thank both of you gentlemen for your testimony. I think it is extremely helpful for us to get some illumination on this area and this problem. I think your responsible attitude, which you have expressed this morning and which runs through your testimony is, I think, evident and I think you have performed a very important service.

I want to thank you for appearing here and for giving us the benefit of your study and your trip.

Mr. Armstrong. Thank you.

Mr. Pemberton. We are very grateful for the opportunity to express our concern.

Senator Kennedy. This concludes our hearing this morning. We are going to ask the GAO to continue over the period of the next several months their studies, which they have done at other times on two other occasions of the refugee program and the civilian war casualties, and then we will hope to have some additional hearings after these reports come back to us and we have a chance to study them, and we will look forward to some additional hearings in the early fall.

So the subcommittee will stand in recess, subject to the call of the Chair.

(Whereupon, at 12:50 p.m., the hearing in the above-entitled matter and the subcommittee were adjourned, to reconvene subject to the call of the Chair.)
APPENDIX

STATEMENT OF JOHN BALABAN, FIELD REPRESENTATIVE FOR THE COMMITTEE OF RESPONSIBILITY

By introduction, let me note that after graduating from Penn State and Harvard Universities, I have now served for two years in voluntary agencies in Vietnam. I speak Vietnamese. Through the sponsorship of the International Voluntary Services, my first work was as an Instructor in English Literature and Descriptive Linguistics at the University of Can Tho. My first contact with the plight of civilian casualties was during the Tet offensive of 1968 when I served as an emergency volunteer at the Can Tho Provincial Hospital until being slightly wounded myself. Following the destruction of the University by Allied ground and air fire, I left the International Voluntary Services to work as a field representative for the Committee of Responsibility (COR). My tasks have been to assist a COR physician in the visitation of hospitals, to assure the comfort of the children while still hospitalized in Vietnam, and to obtain a passport for each child through the various ministries in Saigon. I have just returned from a 3-month visit in Vietnam for the Committee. Acquainted as I am with the concern of this Subcommittee, through its visits to Can Tho last year and its published reports, I admire greatly its achievements in bringing the civilian casualty and refuge conditions to public attention. I am glad for the opportunity to make this statement on current civilian war casualty conditions.

CIVILIAN WAR CASUALTY ADMISSIONS

Upon returning to Vietnam in March of 1969, I had the opportunity to speak with Colonel Richard L. Coppedge, Director of USAID Public Health in Vietnam and with Dr. Vu Nghia An, Assistant Minister of Health and Social Welfare. Col. Coppedge was particularly kind in informing me of AID’s view on the present rate of casualty admissions to American and Vietnamese hospitals. The official rate appears to be about the same as officially recorded a year ago: 6000 to 7000 civilian casualties admitted to these facilities each month. According to the figures given to me by Dr. An, there was a drop in admissions from September of 1968 to January, 1969. Col. Coppedge presented recent charts which indicated that from February, 1969 to the present time, there has been a slight, but steady, increase in the numbers of admissions. No figures, of course, were available for the total number of civilian war casualties. Col. Coppedge offered that no one could really know how many civilians were injured; however, he thought that the Subcommittee’s estimate of a year ago was high.

Conversations with health officials in the provinces confirmed the official view that the rate of civilian war casualty admissions is about the same as always. This was confirmed by Dr. Le Van Khoa, the Regional Health Director of the IVth CORPS at the Can Tho Hospital, and by Dr. Isaiah Jackson, the U.S. Medical Officer-in-Charge at the Danang Surgical Hospital in I CORPS. In Quang Ngai, no medical persons were on hand to discuss this question on the Friday, Saturday, and Sunday of our visit, but unless three and four persons to a bed was the rule earlier, then the two and three to a bed that were seen in most wards indicates no decrease in the civilian war casualty load in that province hospital.

Since my duties primarily included evacuation of cases and returning to their villages children whom COR had successfully treated in the United States, I did not have time to visit any hospitals in the II CORPS. Several conversations with Dr. John Clarke, a surgeon on the British Pediatric Team who had recently returned from Tay Ninh and Kontum, revealed that the fighting around those cities had produced a heavier casualty concentration than Dr. Clarke had witnessed since the offensives of February and May, 1968.

(123)
It is only in Saigon that the civilian war casualty admissions are at all reduced in number. Hospitals do not appear crowded and elective cases are receiving better attention. National Liberation Front pressure on Saigon appears to have been reduced. Civilian war casualties occur—many as a result of continued Allied bombings and search missions— but in manageable number. The whole matter of “rocket victims” has been grossly distorted by the Vietnamese government. Some time ago there appeared in the Saigon papers a picture of another COR field worker and myself carrying war injured children into an ambulance. The children were all from the Danang Hospital and had been wounded variously by ground fire and air attacks. A press release in Vietnamese about the children was provided to the newsmen. Nevertheless, the picture of the children was captioned as “more victims of the Communist rocket attacks in Saigon”.

In regards to the origins of these civilian war casualty admissions, I have no doubt, from conversations with medical personnel and from direct experience for over a year, that at least 80% are caused by U.S. and ARVN firepower, either through bombing raids, Search and Destroy missions, responses to NLF and NVA actions, or through wanton Harrassment and Interdiction (H&I) and Free Strike Zone fire.

CASE BIOGRAPHIES

As has been known for some time, about 60% of the civilian war injuries are children under 16. This high proportion results from South Vietnam’s relatively high child population percentage and from the obvious indefensibility of children in a war which rages about their homes. The Committee of Responsibility, financed by private donations from concerned Americans, has elected to treat in the United States those most severely injured children who cannot be adequately treated in Vietnam. Our own in-country travel in this mission has been granted by the State Department through USAID Public Health and the children themselves travel in the special medical aircraft of the U.S. Air Force on a “space-available” basis. It may be helpful to the Subcommittee to describe six children who were referred to the Committee of Responsibility during the last two months of my stay. These children are representative of many of the conditions which concern this Subcommittee.

Case 74

A 12-year-old boy whose upper and lower lips, jaw and mandible were destroyed after picking up a blasting cap—Vietnam is littered with such playthings—which he had found, together with several small mines and grenades, near the orphanage where he has lived since being abandoned by his mother. The boy's father had been killed some years previously. The mother could no longer support the family. The child will receive in Philadelphia long-term orthopedic, orthodontic and plastic surgery which is entirely unavailable in Vietnam.

Case 75

A 12-year-old boy found by the roadside near Saigon with his hand destroyed and both eyes and ears perforated by grenade fragments from a blast of unknown origin. He cannot speak, see, or hear. No one knows where his family is. Until our discovery of and interest in this boy, he had been chained to a bed in a large orphanage near Saigon. Although there are two Vietnamese ophthalmologists in Saigon, the child had never been referred to them. In Boston, the child will receive delicate ear and eye surgery and rehabilitative training.

Case 76

A 6-year old girl with gross deformity, infection and non-union of the right femur as a result of a strafing of her home by an American jet in January, 1969. Her family's home and livestock were destroyed. Her father was injured and still cannot work. This little girl is now severely anemic from an open, draining wound, and is in danger of losing her leg. The child was taken by a U.S. “dust-off” helicopter to the Evacuation Hospital at Cau Lai where she received immediate attention and then was dismissed with her mother. On January 15th, six days after her injury, she was in the orthopedic ward at Quang Ngai Province Hospital. When we visited Quang Ngai, the child had received no surgical attention for 4 months. There has been, in fact, no orthopedic doctor for the ward since the last MILHAP doctor left three months ago after his tour was over. The child will receive orthopedic surgery at Duke University Hospital, North Carolina.
Case 77
A 10-year old boy with a severed sciatic nerve, non-union of the right femur with possible osteomyelitis and severe traumatic deformity of the left foot as the result of an artillery shelling of his house. He was also wounded in January and was evacuated to Chu Lai. I discovered him in the orthopedic ward in Quang Ngai where he had sat, without surgery, for four months. He will require orthopedic surgery, a procedure to join the sciatic nerves, and surgical correction of his left foot. All of these procedures are unavailable to him in Vietnam. The boy's father is in the 2nd ARVN Division. His family lives in a refugee camp.

Case 78
16-year old girl, burned over 60% of her body as a result of an ARVN shelling of her house with a "Willie-Peter" white phosphorous round. She is in danger of losing her eyesight due to contractive scarring of her eyelids. For three months the girl had been in the burn ward in the Danang Hospital where she shared a bed with another burned patient. Her only relative is her mother who lives in Tam Ky. Her father was killed in a military vehicle accident some years ago. She will receive plastic surgery in Philadelphia.

Case 79
A 12-year-old boy with paraplegia and concomitant rectal and urinary fistulae and several decubitus ulcers over his sacrum as a result of a transsection of his spinal cord by shrapnel. The boy was injured in a US/ARVN sweep near Quang Ngai. His parents were farming this paddy at the time and have been detained since. The boy was brought from Quang Ngai by a pediatrician of the Children's Medical Relief International (CMRI) and transferred to the National Rehabilitation Institute (NRI) after his ulcers had been grafted over at CMRI. Because of the lack of facilities for caring for paraplegics in Vietnam, his health subsequently deteriorated. He was referred by CMRI and NRI and will be treated by the Committee of Responsibility in Philadelphia.

These children then—six cases from hundreds of thousands—are representative not only of the outright casualties of the war but also of the rupture and disintegration of South Vietnamese society as a whole.

MEDICAL SERVICES
As has been mentioned earlier, surgical services in Saigon appear improved, while services in the provinces are reportedly as inadequate as ever. In Saigon, the Children's Medical Relief International—the Barsky Unit—is performing about six plastic procedures a day. CMRI, in cooperation with AID and the International Rescue Committee, maintains a full, 60-bed convalescent center near Tan Son Nhat airfield. CMRI seems restricted in its good work only by its chosen limitation to plastic cases, by the smallness of its convalescent center (their permanent building at Cho Ray Hospital was still not ready for them when I left on June 6, 1969), by a lack of personnel to bring patients to Saigon—particularly the war-injured in the provinces—and by their age limit of 15 years.

I learned from Mr. John Hayes, the administrator of the CMRI unit, that CMRI will be phased out of foreign participation in approximately two years. To my knowledge, there are no fully-competent Vietnamese plastic surgeons in Vietnam at present and, although CMRI has recently begun training doctors, I cannot imagine that there will be a competent staff within two years or less.

The National Rehabilitation Institute, with its main branch in Saigon, has expanded its services to turn out about 1000 prosthetic devices per month. This is a great increase but hardly sufficient in a country where there are already 40,000 to 50,000 amputees and in which—according to an English prosthetic maker—prostheses last only between 6 to 8 months. Despite the concern and zeal of the Director of NRI, I heard many rumors from hospital workers reporting alleged briberies and services that were forced from patients before receiving an artificial limb. I did not attempt to substantiate these rumors.

Also in Saigon, I visited Cho Ray and Nhi Dong hospitals. Cho Ray, under the directorship of Mr. Trang Dat Hieu, seemed admirably clean and orderly and responsive to patient needs. At Nhi Dong, the brunt of the surgical load is still carried by the British Pediatric Team. Here, too, the overcrowding of a year ago was not visibly evident.

The betterment of services in Saigon means little or nothing for the war-injured civilians in the provinces: in the north particularly Quang Tri, Quang
Tin, Quang Nam, and Quang Ngai provinces; in the south, An Xuyen, Chau Doc, Kien Phong, Kien Tuong, Dinh Tuong, and Kien Hoa provinces, and in the areas of heavy fighting around Tay Ninh and Kontum.

This centrality of the Saigon government's interest and administration should not surprise the Subcommittee. Visiting the large hospital in Danang, it seems incredible that 4 years ago, one and one half million U.S. dollars were poured into the facility. The Burn Ward is one-half of an evil smelling, screen-sided, Quonset hut in which there are approximately sixty beds and an average of 120 patients, plus their relatives. There is one unbearable room which serves as a toilet. Discarded, infectious bandages lay covered with flies outside the building, along with old hypodermics which are picked up by children for use as water pistols. A dedicated general surgeon, Dr. Pham Van Hanh, one tireless USAID nurse, and two Vietnamese nurses attend the ward. At 8 o'clock each morning, under terrible pain, the burned patients stand in basins of physohex mixed in foul water as their families peel off their gauze bandages (which often cover their entire bodies) and bathe them. This goes on day after day until their burns heal over with scars or the patient dies.

At the Danang Hospital, I had the opportunity to talk with Dr. Isaiah Jackson, the American Medical Officer-in-Charge. I learned that there are about 50 war-injured civilians admitted in an average day. In an average month, 1300 surgeries are performed, 700 of which are war-caused, according to the USAID records. This is an average of 54% war-related surgeries per month. Dr. Jackson, who was particularly kind and helpful to the other representatives, Mr. Stephen Erhart, Mr. Gerald Liles, and myself, told me of his difficulties as an administrative advisor in seeing that patients received the care they needed. He mentioned one patient, a farmer of about 50 years, who had lain in the entrance hall of the hospital for two days without admission. The intravenous drip that the man had arrived with had been replaced by a nurse but no one else had bothered with this single, lone casualty until one of Dr. Jackson's assistants happened to discover him.

In Quang Ngai, I was struck by the fact that there was no physician in the hospital on the weekend of our visit. This situation, apparently, is still the rule in most provincial hospitals where a few exhausted Vietnamese doctors share the entire medical burden with a few foreigners. There are two Vietnamese physicians at Quang Ngai—the hospital Director, Dr. Pham Le Thang, and the Medical Chief, Dr. Tran Gia Khai. Neither of them had been informed of my visit despite my having gone through the formality of cabling through USAID Public Health in Saigon a full week before. On Saturday morning, there was a single USAID nurse who was attending a number of war-injured children who had survived a mortar the night before. In the adjoining room, lay five small corpses of children who had perished. On the Sunday afternoon of the following day, when some patients were brought in by a three-wheeled Lambretta bus, there was not a single medical person available in any of the wards.

In March, before I began my visits to the provinces, I asked Col. Coppedge about the success of the Medevac system in moving civilian war casualties. I learned that, according to AID figures, NVA, NLF and civilian casualties account for 39% of the injured moved by U.S. medical helicopters or "dust-offs". Col. Coppedge said that he was not sure about the success of the Medevac system and asked that I report to him on what I found. I found that the Medevac system—which is one thing in Quang Ngai Province and quite another in Phong Dinh—barely succeeds at all except in moving small percentages of wounded civilians immediately from the battlefield. Once in a hospital, there is almost no
Except for the arrival of such groups as Terre des Hommes or the Committee of Responsibility—for a needy patient to get to better facilities. Patients either die, get better, become cripples, lose a limb or two, scar over, or are simply taken home by families disgusted at the neglect. Time and time again, our visits found children who simply needed to be moved to Saigon where better care is available. The Medevac system exists on paper. Its implementation depends largely on the individual time, energy, and motivation of doctors and hospitals and on the transportation means made available to them by the U.S. military. At best, it can be described as it was to me by Dr. Barr, the regional health advisor for the IV CORPS: "helter-skelter".

**CUT-BACKS IN AID MEDICAL PROGRAMS**

There appears to be a quiet cut-back in AID medical involvement. I asked Col. Copedge if the reduction of AID-sponsored personnel was part of the proposed overall U.S. pull-out. He said that really it was more a matter of keeping staffing at its present level than a reduction and that this situation was part of an independent program designed months ago, intending that American medical involvement would diminish as Vietnamese expertise and resources developed. Presumably, AID sees this development as being accomplished. The province hospitals, however, do not show any visible evidence of this. Instead of increasing the number of AMA Volunteer Physicians for Vietnam (VPVN), the number is being kept at its present level. Specialties are not being filled. For the first time in a year, AID has not had an ophthalmologist in Vietnam to replace the outgoing ophthalmologist at the eye center in Vinh Long. Needed personnel, such as a competent anesthesiologist to check on the quality of the anesthesia being done in the provinces, are not being hired. The 16-man military MILPHAP teams are not being expanded. (The above-mentioned absence of an orthopedic surgeon for the orthopedic ward at Quang Ngai was due simply to the failure to replace the last MILPHAP doctor.) Officially, the reason for this reduction in surgical personnel programs—there may be other reductions that I do not know about—is due to the fact that Vietnamese doctors are being released from the military to replace Americans. One hundred and fifty such doctors are said to have been released, but no one has seen them according to the doctors I have talked to.

**RECOMMENDATIONS**

It is my opinion—informed as it is by a concerned and direct immersion in these problems—that as American interest in the war dies and as American involvement diminishes, general medicine in Vietnam will get even worse. While it approaches the bizarre to speak of bettering the conditions in any aspect of public health while the war in Vietnam continues, I suggest that, since the United States must bear the major responsibility for the injuries done to the Vietnamese civilians, that the U.S. should immediately look to attending to the health of the Vietnamese—exclusive of their hearts and minds. The psychological warfare approach to medicine in Vietnam has only been, as Shakespeare wrote, that salve to "skin and film the ulcerous place". The United States should commit itself to adequate movement, treatment and rehabilitation of the Vietnamese war-injured, while the war continues, and after the war ends.