FRANCE'S GRANT OF INDEPENDENCE TO VIETNAM IN 1954

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Paper prepared for presentation to the
French Colonial Historical Society,
Bicentennial Conference,
Martinique and Guadeloupe,
May 18, 1989
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I do not propose here to go into the history of French colonial rule in Indochina, or into the details of French colonial policy. I will treat French domestic politics only lightly, and likewise Vietnamese politics. I am an expert on neither. What I will attempt to do is to focus rather narrowly on one issue that concerned both the French and the Vietnamese nationalists in their hour of trial in 1954: the negotiation of the treaties of independence of Vietnam.

The research findings reported here are based very largely on the contemporaneous reporting to the U.S. Department of State, now happily available to researchers in the National Archives, Washington, D.C. I can only relate the facts as they appear from these numerous documents, which have been culled from a far more numerous collection reporting on events in which the question of independence for Vietnam figures only sporadically and as a minor sideshow, as it were, to larger issues of war and peace. The motives of those involved, furthermore, await explanation from researchers who gain access to the French archives of the period, or to those of the State of Vietnam in what used to be the Foreign Ministry in Saigon.

It is actually a rather long story. A story, needless to say,
without heroes. The arguments over colonialism and independence, the national honor at stake on the battlefield, and the wisdom and danger of negotiations echo down to us, because we have heard similar arguments in our own day. In the final analysis, it was the French National Assembly that determined the outcome, to the extent that one can say there was a determinate outcome.

It all begins, let us say, in the statements made during World War II by Charles de Gaulle implying, at least, a relationship of equality for France's colonies in the postwar world. After that war, indeed, high French officials actually spoke of independence. There was a sense of hopefulness in the air. Over the years, the hopes evaporated. Vietnamese independence had to be "perfected" (a term, with its implication that perfection might never be attained, that perhaps only the French could have invented), until finally in 1954 independence seemed to get farther and farther away the harder Vietnamese jurists labored in Paris to devise formulas that satisfied successive French governments.

But the story did not even end in 1954, but went on for years afterwards, greatly complicating life for both the French and the Vietnamese, not to mention the Americans. In July 1955, more than one year after the independence treaties had been initialed by their heads of government, France and the State of Vietnam were still arguing bitterly over whether the diplomatic representative of the former in Saigon should have the title Ambassador (as the
Vietnamese preferred) or High Commissioner (as the French preferred). In the end, a compromise was worked out: he would be called Ambassador on Extraordinary Mission, High Commissioner of the French Republic to the State of Vietnam.¹

The hostilities that lasted almost eight years (exactly from November 20, 1946, to the ceasefire over southern Vietnam, the last to take effect, at 8:00 a.m. local time, August 11, 1954) were in fact, legally at least, a holdover from World War II. In the last few months of the war, the Japanese had exercised sovereignty in Indochina. In May 1946, at a time when the Chinese occupation troops who had taken the Japanese surrender (by the terms of the inter-allied agreement at Potsdam) were still evacuating northern Vietnam and a tenuous modus vivendi existed between the returning French army and the Viet Minh, the Constituent Assembly of the Fourth Republic passed a law stating that "the legal date for the cessation of hostilities will be set by decree by the Council of Ministers." Hostilities between France and the Viet Minh were thus a logical continuation of the former's attempt to restore its sovereignty over Indochina. This decree was in fact not voted by the Cabinet until September 9, 1957, and came into effect on October 1, 1957.

The singularly important event of those hostilities is the battle of Dien Bien Phu, which deserves to be called one of the decisive battles in history. While it involved fewer than 5 percent of the French Union forces engaged in the war at that moment, the siege of Dien Bien Phu, when it ended late in the afternoon of Friday, May 7 (Friday morning Paris time), shook the French people and at a stroke eliminated all policy alternatives for the Government of Prime Minister Joseph Laniel other than arriving at a negotiated armistice. This was indeed the aim of the French delegation to the Geneva Conference on Indochina, which met from 4 p.m. on Saturday, May 8, to early in the morning of July 21, 1954, and which brought together the representatives of France, the Soviet Union, the United Kingdom, the United States, China, the Associated States of Vietnam, Laos, and Cambodia, and the Viet Minh. Let us, however, go back to the summer of 1953.

The French Government's Statement of July 3, 1953

Laniel's government made the issue of independence of the Associated States one of its top priorities upon assuming office on June 28, 1953. There were many reasons for this, but certainly one of them was the Associated States' progressive assumption of a larger share of the burden of providing manpower for the French war effort. Moreover, the Eisenhower Administration, with support from such influential senators as Mike Mansfield of Montana, propounded the view that in Vietnam the majority of the population
would only oppose the Viet Minh if they felt that their government enjoyed all the attributes of complete sovereignty and independence. These it most certainly lacked, in spite of the French turnover of many functions to the Vietnamese since 1949.

The United States recognized the State of Vietnam as "independent within the framework of the French Union." The whole question of the constitutional and legislative underpinning of the State of Vietnam, however, had been left in abeyance by the French and by the ex-emperor Bao Dai, who adopted the title Head of State. Ordinance No. 1 of July 1, 1949, had stated: "The will of the people is the source of all national activities," but had added "in view of present circumstances, it cannot express itself freely."² Bao Dai himself had held out hopes of a constitution to be decided by popular will, and this had been welcomed by the State Department.³ But in April 1953 he was still dithering with a plan to commission his Chef de Cabinet Civil, Tran Van Tai, to go to France in secrecy to begin studies on a draft constitution.⁴

As the United States by this time was paying for a large share


⁴ Saigon Embassy to State, telegram 1890, April 4, 1953; National Archives, Washington, D.C., State Department Central Files, microfilm LM-71, Roll 7. (Hereafter NA LM-71.)
of the financial costs of the war effort, its views carried considerable weight with the French Government. In practice, however, U.S. influence over the French course of action in Indochina was limited by the fear that the French Government, if pressed too hard on the issue of granting genuine independence to the Associated States, might abandon the war effort entirely.

Thus, in a debate on the floor of the U.S. Senate on June 29 and 30 and July 1, 1953, an amendment to a bill appropriating additional mutual security funds for Indochina that would have required the French Government to make an immediate declaration setting a target date for the adoption of constitutions in the Associated States was dropped in favor of a milder version that tied expenditure of the appropriated funds to unspecified action to "encourage" the independence of the Associated States. The debate was precipitated by the Eisenhower Administration's request for the funds, and it was only accidental that it coincided with the change of government in France. In offering his original amendment, Senator Barry M. Goldwater quoted from the American Declaration of Independence. However, saying that he, too, accepted the argument that it was necessary to avoid giving the French Government the impression of being faced with an ultimatum, Goldwater accepted the substitute amendment offered by Senator John F. Kennedy. "French grants of limited independence to the people of Vietnam," Kennedy said, "have always been too little and too late," words that had been used a few weeks previously, at a
luncheon hosted by Supreme Court Justice William O. Douglas attended by Kennedy and others, by Ngo Dinh Diem, a Vietnamese residing at the Maryknoll Mission in Lakewood, New Jersey, who had been tireless in advocating the cause of Vietnamese nationalism. Finally, even Kennedy's moderate amendment was defeated, 17-64.

The debate showed, in the words of one historian, that "most Members of the Senate, when faced with this dilemma, chose to avoid a course of action that might adversely affect the defense of Indochina and of Europe, as well as creating new responsibilities for the United States in Asia at a time when the U.S. was trying to extricate itself from a very costly and unpopular war in Korea."  

In a note handed to the representatives of the Associated States in Paris on July 3, Laniel's Government proclaimed that there is ground for perfecting the independence and sovereignty of the Associated States in assuring, in agreement with each one of the three interested governments, the transfer of powers that France had still retained in the interests even of the States, by reason of the perilous circumstances arising from the state of

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The French Government had therefore decided to invite each of the three governments "to come to an agreement with it on the settlement of the questions that each one of them will consider it ought to pose in economic, financial, judicial, military, and political fields."

The statement recalled that independence had been granted under the terms of accords reached in 1949, by which these states also accepted association with France in the French Union. For the State of Vietnam, the exchange of letters between French President Vincent Auriol and Bao Dai, the so-called Elysée Agreements, constituted the fundamental juridical basis for the existence of that state. The Elysée Agreements were duly ratified by the French National Assembly, conferring on them the legal status of diplomatic treaty under the terms of the French Constitution of October 27, 1946. On the Vietnamese side, the procedure for ratification was set forth in Ordinance No. 1 of July 1, 1949. Article 2 of that ordinance stated: "The Head of State signs and ratifies treaties." The character of the fundamental agreement defining the relationship between France and Vietnam being thus

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7 Text in Cameron, op. cit., pp. 120-128.
established, it was the French Constitution which was legally bound to conform to the provisions of the diplomatic treaty, under its article 28 which recognized the primacy of international laws over internal laws, and not the other way round. 8

The above situation gave rise to a contradiction. This was that Vietnam accepted association with France in the French Union, but the statutes of the French Union had been unilaterally defined by the French Constitution. In the words of one legal expert, "The defective procedure itself which consists, for example, of recognizing in the same text the independence of Vietnam and of establishing limits on this independence creates the greatest possible confusion." 9 This is a reference to the fact that the French Union, the subject of the lengthy Chapter 8 of the Constitution, was not intended in the eyes of its drafters to be a union of equals, but rather a union under the presidency of the President of the French Republic. The main point to be considered here is that, from a legal point of view, the necessary and sufficient condition for "perfecting" the independence of the State of Vietnam was the rewording of the fundamental document defining the relationship between France and Vietnam. So long as this was


9 Blanchet, op. cit., p. 91.
not done, the State of Vietnam continued to be bound by the French Government's control of policy-making in the French Union. As a memorandum by Edmund A. Gullion of the Saigon Embassy put it:

(a) The President of the French Republic is automatically the President of the French Union. The Government of France is the steering and directing agency for the whole Union. Article 62 of the French Constitution states that the members of the French Union 'place in common all their resources to guarantee the defense of the whole Union. The Government of the (French) Republic shall coordinate these resources and direct such policies as will prepare and assure this defense.'

(b) The functions of the High Council of Associated States are specifically limited (Article 65) to 'assisting the Government (of the French Republic) in the general conduct of the affairs of the Union.'

The writer assessed the effect of these restrictions as being "to keep a number of sincere anti-Communist nationalists from participation in the defense effort and the building of a national life."  

A Cabinet Divided

Even before negotiations with the Associated States became a reality, the immediate question of whether the Associated States would be free to leave the French Union gave rise to heated

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10 "Restrictions on the Independence of the Associated States of Indochina" memorandum dated February 2, 1953; NA LM-71, Roll 7. It had been Gullion who had delivered to Bao Dai in Dalat on February 9, 1950, the letter recognizing the State of Vietnam.

11 Ibid., p. 3.
arguments within the Laniel government. It had taken no less than three Cabinet meetings in the space of a week to arrive at the decision to issue the July 3 statement. And on July 3 the statement itself was interpreted differently by two government spokesmen. This was not only a coalition government, in the best manner of Fourth Republic governments. It contained several individuals who had been involved in previous chapters of the Vietnam affair. These included Vice-Premier Henri Queuille, who had been Prime Minister at the time of the Elysee Agreements. Paul Reynaud, who, from his office next to Laniel's in the Hotel Matignon, was now in overall charge of Associated States' matters, had been Minister of Colonies in the 1930's. And Georges Bidault, at the Quai d'Orsay, had been involved in the writing of the articles of the Constitution relating to the French Union and held strong views on Indochina generally.

In these circumstances, it is not surprising that the American Embassy in Paris interpreted the July 3 statement as representing a compromise between divergent points of view. The Embassy saw Reynaud as the moving force behind the position taken. He had, in a meeting with a small group of American correspondents that evening, taken issue with the interpretation advanced earlier in the day by Foreign Office officials that the proposed talks with the Associated States would take place within the framework of the

1949 accords, implying that the discussions would represent an evolution and freer interpretation of those accords. Reynaud made it clear that this interpretation was not correct, and that the entire basis of Franco-Associtated States relations would be discussed if the latter so wished, as was expected to be the case.13

The Embassy advised the State Department to bear in mind the division of opinion on the Indochina independence question between Reynaud and Bidault. The antagonism between the two men was apparently personal as well as political.14

In the circumstances of the growing frustration with the war in Indochina, the Laniel government's decision to issue the unconditional offer of negotiations of July 3 must be described as an act of great political courage. The French press during May and June had been full of speculation about negotiations to end the war. In the National Assembly, advocates of opening negotiations

13 Paris Embassy to State, telegram 69, July 6, 1953; FRUS 1952-1954, Pt. 1, p. 635. Another indication of Reynaud's influence was the simultaneous naming to the post of Commissioner General in Indochina of Maurice Dejean, a career diplomat who had been ambassador to Japan since 1952. Dejean had been one of two private secretaries to Reynaud in the late 1930's (ibid., p. 636). The appointment was less significant for its likely results than for its intentions: since 1947 with the appointment of Emile Bollaert, every French government practically had played the game of naming someone prestigious enough as its representative in Indochina to foil the efforts of the local colonial officials and the large French business community, with their links to politicians in Paris, to sabotage the smallest step to giving the Vietnamese independence. None had succeeded.

with the adversary, led by the Radical Socialist Pierre Mendès-
France, widely viewed as the likeliest alternative to Laniel, now
controlled two-thirds of the votes, if one counted the Communists.\textsuperscript{15}

Mendès-France had his own plan, which he outlined to American
Ambassador C. Douglas Dillon over lunch, for granting immediate
independence to the Associated States, withdrawing French troops
in phases, and offering a negotiated armistice to the Viet Minh
involving elections to a constituent assembly.\textsuperscript{16} Bidault's own
party, the MRP, had voted at its congress on May 25 in favor of
international negotiations on Indochina (which would still allow
the Government more freedom of maneuver than negotiations with the
Viet Minh, presumably). The newly-arrived French commander in
Indochina, General Henri Navarre, was already pressing Paris for
more wherewithal. But who, after all, could justify sending French
boys to die in the rice fields for an independent Vietnamese
government? The answer was no one. Reynaud was in a quandary; he
professed to see "no light at the end of the tunnel."\textsuperscript{17}

\textsuperscript{15} Paris Embassy to State, telegram 30, July 2, 1953; FRUS

\textsuperscript{16} Paris Embassy to State, telegram 6512, June 17, 1953; FRUS

\textsuperscript{17} Paris Embassy to State, telegram 106, July 8, 1953; FRUS
1952-1954, Pt. 1, p. 644. The fact remains that Reynaud, possibly
alone among the members of the Cabinet at that stage, saw that
France's honor lay more with a course that would grant independence
to Vietnam than in one that continued to withhold it on grounds of
French public opinion, and especially that withheld it beyond
France's entry into some form of negotiations to end the war.
Reaction in Saigon

Official reaction in Saigon to the July 3 appeal was favorable. Bao Dai's Prime Minister, Nguyen Van Tam, said that his government considered that the statement "expresses the will of France to realize in full the national aspirations of the Vietnamese people," and spoke of "the total independence which is solemnly promised."\(^{18}\) The phrase "total independence" was to figure prominently in the months to come in Vietnamese statements about their relations with France. On July 12, Tam officially replied in a note expressing willingness to begin negotiations.

A few days later, Tillman Durdin of The New York Times found Tam studying the text of the Elysée Agreements. Tam had underlined sections that would need eliminating or changing. He pointed to an article stipulating that Vietnam's foreign affairs are to be "examined and coordinated under the direction and responsibility of the Government of the French Republic" and that chiefs of foreign missions in Vietnam must be accredited concurrently to the President of the French Union.\(^ {19}\) The negotiations with the French

\(^{18}\) Saigon Embassy to State, telegram 40, July 6, 1953; NA LM-71, Roll 8.

\(^{19}\) Following is the list of the 35 foreign governments recognizing the State of Vietnam and the dates of their recognition: France (Feb. 2, 1950); United States and United Kingdom (Feb. 7, 1950); Australia, Belgium, Luxembourg (Feb. 8, 1950); New Zealand (Feb. 9, 1950); Greece (Feb. 12, 1950); Italy (Feb. 18, 1950); Jordan (Feb. 20, 1950); Honduras (Feb. 25, 1950); Brazil (Feb. 27, 1950); Thailand (Feb. 28, 1950); South Korea, Spain (Mar. 3, 1950); Ecuador, Peru (Mar. 10, 1950); The Vatican,
would be long and complicated, Tam said. Bao Dai would head the Vietnamese delegation to Paris.\textsuperscript{20}

What guidance was the Embassy in Saigon receiving from the State Department at this critical juncture? The Department had, at least, included among its talking points for trilateral consultations of the foreign ministers of the United States, Britain, and France the "wise and hopeful French decision for increasing sovereignty of Associated States."\textsuperscript{21} This formulation still allowed a lot of latitude, particularly as concerns the speed with which the Department expected to see the negotiations take place. Mindful of the French Government's slim parliamentary majority, and of the division within the Cabinet over the question of revising the relationship with the Associated States, the Department cabled the Embassy in Saigon on July 13: "When the time comes we may wish discreetly [to] use our influence [to] see [that] positions taken by Vietnamese do not contribute to further weakening French will [to] continue fight and when peace restored,

\begin{itemize}
  \item \textbf{Union of South Africa, Venezuela (Mar. 13, 1950); Bolivia, Costa Rica (Mar. 15, 1950); Cuba (Mar. 16, 1950); The Netherlands, Paraguay (April 12, 1950); Colombia (April 29, 1950); Argentina (May 4, 1950); Liberia (May 23, 1950); Chile (June 1, 1950); El Salvador (June 2, 1950); Haiti, Nicaragua (June 22, 1950); Panama (Sept. 15, 1950); Canada (Dec. 5, 1952); Turkey (Mar. 9, 1953).
  \item \textbf{The New York Times, July 17, 1953.}\textsuperscript{20}
  \item "Indochina - French Position," position paper prepared in the Department of State, July 9, 1953; \textit{FRUS 1952-1954, Pt. 1}, p. 645.\textsuperscript{21}
\end{itemize}
continue [to] help develop and protect Vietnam."

The ambassador in Saigon, Donald R. Heath, replied that he found the guidance offered "very helpful [to] this Embassy in understanding [the] situation." Then, in one of those subtle but fateful changes of emphasis of which diplomacy so often reveals itself capable, he added: "Perhaps the most constructive position which we can take is to convince the Vietnamese and Cambodians that in their vital self-interest they must take realistic view that they may have to make promptly certain concessions in substance or form in order to insure continuance of French effort in their behalf."23

When Bao Dai arrived at Nice on August 2, saying "It is for the complete independence of Vietnam that I have come to France,"24 therefore, the advice of American diplomats as to the action required to escape from the present difficult situation was on the side of Vietnamese concessions to France rather than vice versa. This is an important point, particularly since Bao Dai had "been unable to determine in his own mind exactly what American policy


is toward Vietnam," as he confessed to his defense minister.\textsuperscript{25}

August was a month of labor unrest in France. With nearly three million railway and other workers on strike, it was not until August 26 that the Laniel government was able to turn its attention to the negotiations with the Vietnamese and announce the appointment of a delegation that included Reynaud, Bidault, and Marc Jacquet, a Gaullist who was Secretary of State for the Associated States. The French told American diplomats they expected the negotiations to start on August 31.\textsuperscript{26} But an initial meeting between Bao Dai and the French negotiators, in the presence of President Auriol, on August 27 and 28 at Rambouillet, ended apparently inconclusively after some frank talk by Bao Dai.\textsuperscript{27}

The Affair of the National Congress

What was the affair of the National Congress? As Ellen Hammer has written, "The announcement that Bao Dai and Nguyen Van Tam would soon open negotiations with the French was the signal for an

\textsuperscript{25} Remark to Defense Minister Phan Huy Quat, quoted in Hanoi Consulate to State, telegram 784, May 29, 1953; \textit{FRUS 1952-1954}, Pt. 1, p. 587.

\textsuperscript{26} Paris Embassy to State, telegram 774, August 26, 1953; NA, LM-71, Roll 9.

outburst of political activity."²⁸ At the beginning of September, the head of the politico-religious sect Cao Dai, Pham Cong Tac, took the initiative in organizing what was described as a national congress.²⁹ The State of Vietnam (unlike Cambodia and Laos) had no popularly elected national legislature. Bao Dai, the ex-emperor who was head of a state that was neither a monarchy nor a republic, had had no lack of advice on this subject. Most recently, in April 1953, Governor Adlai Stevenson had asked him about the possibility of creating a Vietnamese National Assembly. Bao Dai had replied, with alarming frankness, that since half his country was in enemy hands, this was a fairly useless suggestion, but later allowed as to how it would come, he believed, eventually.³⁰

Thus, the "Congress of National Union and Peace" that met in Cholon on September 6 was expressing nationalist sentiment when its some 50 delegates, brought together by Tac and the Catholic labor leader Ngo Dinh Nhu, voted a resolution in favor of unconditional independence and the election of a national assembly by universal suffrage. Bao Dai remembered his conversation with Stevenson when General Georges Catroux, former Governor-General of Indochina and

²⁸ Ellen J. Hammer, The Struggle for Indochina (Stanford: Stanford University Press, 1954), p. 304. After 35 years, this is still the standard work on Vietnamese political events of this period.


an old friend, came to see him at his residence at Cannes with a message from the Laniel government. The message was to the effect that the French wished Bao Dai to democratize his regime. Specifically, the Government urged him to convene a national congress of all political factions in Vietnam. "Very well," Bao Dai replied. "Tell Paris that I will convene a congress in Saigon bringing together all political tendencies. It will be like your own National Assembly, a magnificent display of divergent points of view!"31

Although not everything is known about this peculiar episode, its timing seems significant. The French must have known that the convening of a national congress in Vietnam would delay the negotiations indefinitely. If this was the intent, Catroux would have made the ideal intermediary for those in the French Government who were opposed to making concessions on the issue of revising the statutes of the French Union, since he had Bao Dai's trust. In later years, Catroux would become known for his meddling in North African affairs. Both Bao Dai and Tam were in France as of the beginning of September, and there seems to have been no good reason why the expected negotiations did not start as planned. When Tam, who had come in for criticism at the Cholon congress, arrived in France from Saigon, Bao Dai almost immediately sent him back to Saigon with instructions to the effect that the forthcoming

31 Bao Dai, op. cit., p. 315.
National Congress would choose the members of the Vietnamese delegation to the negotiations. Bao Dai says, however, that he advised Tam not to "get involved" in the affair of this "counter-congress," whose outcome he could foresee. Tam told American diplomats in Paris before he left that he could not predict how much time all this would take. "It may take weeks or months," he said. 32

For his part, as he had been in the habit of doing at times when critical decisions hung in the balance, Bao Dai was preparing to change prime ministers. Tam had served him well. But, as a former director of the Sûreté, he was too closely identified with the French. Bao Dai needed someone more expert in French law for carrying on the negotiations. On the day the National Congress opened in Saigon, Le Monde published an interview with Bao Dai in which he criticized the institutions of the French Union. If the French Union serves to camouflage colonialism, he said, it cannot survive. If, on the other hand, one tries to build this union as a voluntary cooperation of free peoples, it will have a solid foundation. 33

At the National Congress itself, the proceedings rapidly escaped the control of moderate Vietnamese politicians and, in the

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33 Le Monde, October 15, 1953.
words of one observer, "became a monumental free-for-all in which nationalists of all hues and shades concentrated on settling long-standing scores and in outbidding each other in extreme demands on the French and on the Vietnamese Government." The congress was highlighted by unanimous passage after vehement open debate of a resolution that Vietnam should not join the French Union. This all occurred, it should be noted, at a time when few ordinary Vietnamese placed any faith in French promises to grant independence to their country.

The American reaction to this resolution was a surprise only to the Vietnamese. As related by one of the key delegates, Ambassador Heath, citing "multifaceted" U.S. interests, interceded with the result that a watered-down resolution adding the qualification "the French Union in its present form" was passed the following day. In Paris, the resolution was not viewed as easing the passage to negotiation of independence; the American Embassy,

34 Fall, op. cit., p. 221.


36 When President Eisenhower asked Vietnamese Ambassador Tran Van Kha how many of the people of Vietnam believed French promises of independence, "the Ambassador shrugged his shoulders and said perhaps two or three percent." (Memorandum of discussion by S. Everett Gleason, February 4, 1954; FRUS 1952-1954, Pt. 1, p. 1014.)

in fact, described it as a "bombshell." Bao Dai, with characteristic unflappability, issued a statement expressing satisfaction with the National Congress in general, attributing passage of the original resolution to a misunderstanding, and reaffirming the attachment of affection felt by Vietnam for France. He added, however, that it was necessary to develop bonds of equal and voluntary cooperation without delay.

The National Assembly Debate on Indochina of October 1953

The Laniel government's problems were only beginning, however. A debate on Indochina had been scheduled for the end of October in the National Assembly. A Cabinet meeting on October 21 was entirely taken up with consideration of the Vietnam situation. The Government decided to send a moderately worded note repeating the July 3 conditions asking an explanation of the Vietnamese Government.

Three days after the National Assembly opened its debate, Bao Dai left Nice to return to Saigon. Among those seeing him off was Ngo Dinh Diem, who was now living in Belgium. In a letter printed

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40 Paris Embassy to State, telegram 1574, October 22, 1953; NA, LM-71, Roll 9.
by *Le Monde* on October 26, Diem criticized the organization of the National Congress. To be sure, the manner in which the delegates to the National Congress had been chosen left much to be desired, and a more representative National Assembly would have filled the need better. But, in the American estimation at least, Bao Dai had emerged from the episode of the National Congress strengthened.

On October 28, Tam's government gave its reply to the French statement, saying that Vietnam agreed to continue its participation in the French Union, but only on condition that this participation was based on a negotiated treaty, and not on the French constitution. The formulation chosen had implications for the negotiations, still in the future. But it was, on the face of it, reasonable in view of the burden of war the Vietnamese were bearing. Bao Dai himself, a few days later in conversation with visiting Vice President Richard Nixon, said the Vietnamese knew the French Constitution by heart. "As now written," he said, "the French Constitution by definition makes membership in the French

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42 There were, in the winter of 1953-54, 428,000 Vietnamese soldiers fighting on the French Union side. Of these, about 200,000 were in the Vietnamese national army, 50,000 were Vietnamese national army "supplétifs," or special contract soldiers, 78,000 belonged to the local militia and police forces, and 100,000 were in the French Army. (Memorandum from Philip W. Bonsal to Walter S. Robertson, December 8, 1953; *FRUS 1952-1954*, Pt. 1, p. 908.)
Union not compatible with absolute sovereignty.\textsuperscript{43}

The American Embassy in Paris, preoccupied with larger issues in Franco-American relations and generally sympathetic to the Laniel government's political difficulties, avoided pressing the issue of negotiations with the Vietnamese at this point. The prevailing view at the Embassy was that the Vietnamese could not expect to enjoy genuine independence until the war had been won.\textsuperscript{44} The Americans expected the "Navarre Plan" to bring this military success closer. As autumn passed into winter, General Navarre in Indochina prepared to put into operation a key part of his strategy by occupying the aeroterrestrial base of Dien Bien Phu.

The National Assembly debate on Indochina passed off in a generally calm manner. Laniel, in his policy speech, addressed the issue between France and Vietnam over the French Union.

\begin{quote}
In a communication which was sent to them [the Vietnamese] several days ago, we reminded them not only of the services rendered, not only of our reciprocal engagements, but also, and especially, of the fact that the French Government would be justified, if they were
\end{quote}

\textsuperscript{43} Saigon Embassy to State, despatch 181, November 2, 1953; FRUS 1952-1954, Pt. 1, p. 855.

\textsuperscript{44} See, for example, the text of the proposed statement by Dulles, initially drafted by the Paris Embassy, in Paris Embassy to State, telegram 1575, October 22, 1953; FRUS 1952-1954, Pt. 1, pp. 840-842, and State to Paris Embassy, telegram 1556, October 23, 1953; FRUS 1952-1954, Pt. 1, pp. 844-845. The French had approached the Americans and asked for a statement of support for their stand on the French Union issue in order to defend their policy in the National Assembly debate.
to challenge the very idea of the French Union, to consider herself free of her own obligations, notably those concerning the military responsibilities which she takes upon herself. 45

Tam's government, as pointed out above, was not challenging the idea of the French Union, but seeking to make Vietnam's membership in it consonant with genuine independence by negotiating a bilateral treaty with France.

Another subject touched upon by Laniel was the question of negotiations to end the war. He agreed with his critics that it was preferable to negotiate, but the question was: to negotiate with whom? The Assembly closed its debate on October 28 by adopting, by a vote of 315 to 257, a motion that invited the Government to "use every possible means in order to lead to, through negotiation, a general pacification of Asia." The armistice in Korea provided a convenient precedent, in many deputies' minds, for what might be arrived at in Indochina. The motion also "insisted" that "the defense and independence of the Associated States be realized within the framework of the French Union." 46 Laniel himself doubted the feasibility of changing the fundamental concept of the French Union as embedded in the constitution. 47


French Assurances of Consultation

The prospect of negotiations on Indochina, no matter how dim still at this point, was of such a nature as to unsettle the Vietnamese. They knew that if the French went into negotiations for an armistice with the Viet Minh, political questions were unavoidable. To give the French the final say on the political future of Indochina, as was presently inevitable under the terms of the French Union, was asking for trouble. The Laniel government, ever worried about the Associated States' contribution to the war effort, was sensitive to these realities. On December 4, Laniel gave assurances to the State Department that in the hypothesis of a Viet Minh peace feeler through diplomatic channels, "France would only consider it in conjunction with the Governments of the Associated States."48 A few days later, Bidault said the French "will never abandon their comrades and supporters in the Associated States and will therefore never negotiate without the latter's approval."49 With meaningful negotiations on the independence question safely put off for the time being, the French apparently felt at liberty to multiply such assurances. The kind

48 Memorandum of conversation by Douglas MacArthur II, December 4, 1953; FRUS 1952-1954, Pt. 1, p. 897. Ho Chi Minh, the Viet Minh leader, had indicated in a series of questions and answers published on November 29 by the Swedish newspaper Expressen that the Viet Minh would be willing to negotiate an armistice with the French.

49 Secretary Dulles to Acting Secretary of State, telegram Secto 24, December 7, 1953; FRUS 1952-1954, Pt. 1, p. 902.
of "approval" envisaged, in any event, had nothing to do with the relations between sovereign states.

Apparently sensing the danger to the Vietnamese represented by negotiations on Indochina without their full participation, Navarre took it upon himself at the beginning of December to warn Bao Dai that while he could count on French troops fighting with their present spirit and success in the immediate future, he should not delay negotiating the terms of a future Franco-Vietnamese association. 50 But Bao Dai was in the process of changing Prime Ministers. Tam, in spite of his brave talk of forming a national union government to negotiate with the Viet Minh, had outlived his usefulness. On January 12, 1954, Bao Dai replaced him with Prince Buu-Loc, a French-educated lawyer who had been serving as Vietnamese High Commissioner in Paris and who had headed the Vietnamese negotiating team at the time of the Elysee Agreements. In his speech accepting the charge on January 16, Buu-Loc gave first priority to the negotiation of "total independence." Dejean, in his counterpart speech, referred to "a new step" toward independence.

Still there were delays. At the beginning of February, the French told American diplomats they expected the negotiations to begin at the end of the month. On February 24, they said the

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50 Saigon Embassy to State, telegram 987, December 9, 1953; FRUS 1952-1954, Pt. 1, p. 915.
negotiations would begin in the first week of March.51

In the meantime, however, without consulting the Associated States52 or even its own commander in Indochina,53 the Laniel government had agreed to a proposal made at the four-power conference of Berlin to discuss Indochina at a conference to be held in Geneva in April. American officials in Paris reported that the view of the French Foreign Office was that the governments of the Associated States would not be participating since their participation would raise the question of Viet Minh participation.54

At this very moment, Bidault was declaring, at a meeting of the Permanent Committee of the High Council of the French Union presided over by Coty, that the "French position for Geneva would be prepared with [the] concurrence [of the] Associated States and that no decision would be taken at Geneva without their approval."55


55 Ibid.
The idea of negotiations on Indochina without something more than the "concurrence" of either the State of Vietnam or the Viet Minh was, of course, absurd on the face of it. On the eve of his departure for Paris to begin the negotiations, Buu-Loc told Ambassador Heath that he faced the choice of negotiating independence before the Geneva conference opened and having France pull out of Indochina, leaving his army to fight on alone, or else taking the risk that the French would be drawn into negotiations for an armistice with the Viet Minh. "If they are going to request Communist China to stop aiding the Viet Minh, that is fine; but if they are going to negotiate an armistice with Ho Chi Minh, that is something quite different." 56

March 1954: Negotiations Begin but the National Assembly Intervenes

So, once again, negotiations for the independence of Vietnam were on the French Government's agenda. It seemed bizarrely like a throwback to 1946, when the negotiation of a treaty of independence for Vietnam had been placed on the agenda of meetings between delegations representing the French Government and the Viet Minh at Fontainebleau, and the negotiations had proved abortive. 57


The long-delayed negotiations between France and Vietnam finally opened in Paris on March 8. Laniel and Buu-Loc both made statements on the occasion. Laniel confined himself to generalities. Buu-Loc used the expression "total independence." Unfortunately, in one of those happenstances that spell disaster in this story, the opening of negotiations coincided with a new debate in the French National Assembly on the Government's Indochina policy. An ordre du jour, which the Laniel government with its slim majority was forced to accept, read in part:

Solemnly recalls that France is sustaining the armed struggle in Indochina by virtue of the provisions of the Constitution relative to the French Union, to which the Associated States have already voluntarily adhered, and that any repudiation of these provisions by the said States would relieve France of her obligations toward them while leaving her free to judge the measures that might be dictated by her interest, which is inseparable from that of the free world.

This ordre du jour was approved by a vote of 377 to 235. This action obviously made French ratification of any negotiated treaty redefining the nature of association in the French Union (the only change required strictly speaking in terms of legality) difficult, not to say impossible. Nevertheless, for want of better things, the Vietnamese persevered. When substantive negotiations

59 Cameron, op. cit., p. 231.
got under way on March 12, Buu-Loc said he wanted to see the treaty of independence negotiated first, and the treaty of association negotiated second. But the adoption of the ordre du jour had narrowed the Government's room for maneuver.

Revising its earlier opinion that the French Union was a flexible instrument that would allow France to accommodate Vietnamese independence without major complications, the Embassy now advised that inasmuch as the Government's only hope short of constitutional revision lay in disregarding certain French Union provisions of Chapter 8 (and particularly articles 62 and 65) and in defining the French Republic's relationship with Vietnam in a bilateral instrument (per article 61) along lines reflecting the spirit of the last three paragraphs of the Preamble to the Constitution, the March 9 ordre du jour complicated matters. The French Government was not willing to subscribe to a public statement that any member of the French Union could consider itself free to withdraw at its own initiative. The Laniel government feared the effects on other members of the French Union of such a concession, especially in Africa.  

While the Laniel government was trying to find a way out of this thicket, in Vietnam itself Dejean had informed Bao Dai that the French National Assembly doubted the representativity of the

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government of the State of Vietnam. He could constitute a National Assembly, Dejean suggested helpfully. (Bao Dai must have rued the day he agreed to Catroux's suggestion of calling a National Congress, which had not only not satisfied skeptics as to representativity, but had only served to complicate his relations with France.) But, Dejean went on, the attempt to create a Vietnamese National Assembly at this stage would only lead to squabbling and detract from the war effort.62

Bao Dai did not contest this argument. The idea of a National Assembly had never appealed to him, even before the ill-fated National Congress.63 With Buddhists and Catholics, lowlanders and highlanders, the Cao Dai, the Hoa Hao, and the Binh Xuyen, some of whom had been drawing special subsidies from the French for years, ensuring representativity and responsibility in a National Assembly was not an easy task, and he expressed himself freely on this point.64


63 Elections for membership in provincial assemblies were held in the territory controlled by the French Union forces in early 1954, but plans for a Consultative National Assembly did not materialize until Diem came to power, and Frenchmen were no longer interested by then in the representativity of the Vietnamese state.

64 In April 1954, Bao Dai was reported to have made peace with the Cao Dai and the Hoa Hao, with whom he been at odds. (Saigon Embassy to State, telegram 1916, April 6, 1954; NA LM-71, Roll 11.)
Heath Urges Pressure on the French

At the end of March, Ambassador Heath, his previous faith in General Navarre's confidence in victory obviously badly shaken by the tightening noose around the French Union garrison at Dien Bien Phu, showed signs of being agitated over the latest delay in getting the negotiations moving ahead. In cables to Washington and Paris, he pointed out the consequences that would result if the State of Vietnam still did not enjoy "perfected" independence before the discussion of Indochina got under way at the Geneva Conference, and urged that "at highest level [the] French Government should be apprised of our views."65 In a memorandum dated March 29, Gullion, now at the Policy Planning Staff of the State Department, commented: "I am entirely in accord with this telegram and only wish that it had come in under the same dateline three years, two years, or even one year ago."66

Ambassador Dillon, however, continued to recommend against a U.S. approach to the French Government, arguing that the United States should "do nothing further to undermine French interest in continuing the military effort in Indochina." He stated that the Vietnamese were more to blame than the French for the long delay

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in getting negotiations started.\textsuperscript{67} When Nguyen Dac Khe of the Vietnamese delegation in Paris approached the Embassy about interceding with the French to promote the signing of the treaty before the opening of the Geneva Conference, Dillon recommended no action.\textsuperscript{68}

Buu-Loc, in the meantime, had had to leave behind these legal complications and return to Saigon on March 25 to confront the thorny constitutional issue and the potentially even thornier one of Vietnamese representation at the Geneva Conference.

In the United States, the issues posed by the war in Indochina appeared somewhat more clear-cut than they did in Paris. Senator Kennedy undoubtedly spoke for many when, in a speech on the Senate floor on April 6, he voiced doubt at the ability to achieve an outcome satisfactory to the non-Communists "without a change in the contractual relationships which presently exist between the Associated States and the French Union."\textsuperscript{69} Indeed, according to French tabulations, fully one-half of French Union casualties in

\textsuperscript{67} Paris Embassy to State, telegram 3675, April 2, 1954; \textit{FRUS 1952-1954, Pt. 1}, pp. 1212-1214.

\textsuperscript{68} Paris Embassy to State, telegram 3799, April 8, 1954; \textit{FRUS 1952-1954, Pt. 1}, p. 1214, fn 5.

Indochina in the first three months of 1954 were Vietnamese.  

Dulles Intervenes

Dulles, having weighed all the arguments, now decided to take a firm stand on Vietnamese independence. In a cable sent to the Embassy in Paris on April 9, he said he desired "to stress the extreme importance attached here to successful prompt conclusion of Franco-Vietnamese negotiations on a basis which will be generally accepted as effectively perfecting the independence of Vietnam." He added that while he was personally convinced that the French Union framework offered a desirable means of furthering mutual interests, "there must be a free association with sovereign right of withdrawal enjoyed by all associates," adding that this view was also held by Australia, New Zealand, Thailand, and the Philippines. 

Whether due to American pressure on the French, or to the diligence of the Vietnamese negotiators, the negotiations made rapid progress and by early April the Vietnamese were in a mood of optimism. When Bao Dai arrived at Nice on April 11, he said he had

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come to see the independence of Vietnam consecrated by treaty.\footnote{72}{Paris Embassy to State, telegram 3857, April 12, 1954; NA LM-71, Roll 11.}
In a meeting in Laniel's office with Secretary Dulles, who visited Paris from April 13 to 14, Reynaud said that the Vietnamese were asking for two treaties governing their relations with France.

One would set forth their total absolute independence. On this, the French had given them satisfaction. On the second treaty which governed the relations between France and Vietnam, they had asked for an association of free and equal states, but were willing for such an association to have the name of French Union. But it was by no means the French Union envisaged by the French Constitution in which France had a preponderant voice. In place of the High Council of the French Union, the Vietnamese wished to establish a round-table assembly. The French had given them satisfaction on these points, and Mr. Reynaud hoped that the French would never again be regarded as colonialists.\footnote{73}{Memorandum of conversation by MacArthur, April 14, 1954; FRUS 1952-1954, Pt. 1, pp. 1337-1338.}

The Vietnamese were also making one other demand, which was apparently not mentioned at Dulles' meeting with Laniel. This was for written assurances that the French would not negotiate at the forthcoming Geneva Conference to the detriment of the State of Vietnam.\footnote{74}{Paris Embassy to State, telegram 3927, April 17, 1954, quoting Duong Hong Chuong, chargé d'affaires at the Vietnamese High Commission in Paris; NA LM-71, Roll 11.} The Geneva Conference was to open on April 26 with a discussion of the Korean problem. In light of the legitimate Vietnamese concern over French intentions at Geneva, Dulles's failure to meet Bao Dai during his brief sojourn in the French
capital was, in the words of the Vietnamese ambassador to Washington, "most unfortunate."  

The Negotiations Concluded

On April 17, the Vietnamese were able to inform the American Embassy in Paris that the French had conceded the point that decisions of the High Council of the French Union should be taken by mutual agreement. By April 21, the Embassy reported that the negotiations were basically concluded.

Jacquet now informed American officials, however, that the treaties would "not be signed immediately, for it is wished to have [their] signature coincide with that of other conventions to be concluded." The Cabinet was again divided over the question of granting independence to Vietnam, as it had been the previous July. This time, however, with all prospect of victory in Indochina


76 Paris Embassy to State, telegram 3927, op. cit.

77 Paris Embassy to State, telegram 3985, April 21, 1954; NA LM-71, Roll 11.

78 Paris Embassy to State, telegram 3972, April 21, 1954; FRUS 1952-1954, Pt. 1, p. 1353. This was the position announced by Jacquet's own political party, the Union des Républicains d'Action Sociale, in a communiqué on April 22. (Paris Embassy to State, telegram 4027, April 23, 1954; NA LM-71, Roll 11.)
gone,\textsuperscript{79} and hopes resting on a successful negotiation for an armistice, those who favored refusing independence were in a commanding position since they could argue, quite correctly, that even members of the governing coalition in the National Assembly would vote against the Government on this issue.

The fullest and most complete account comes from Buu-Loc, who would have been in a good position to know the details of the French Cabinet's deliberations with respect to winding up the negotiations with the team of which he was the titular and de facto head. He told McClintock that the French Cabinet had discussed the matter of signature of the treaties at a meeting that lasted until 4 a.m. on the 23rd and had finally decided not to sign the treaties at this time.\textsuperscript{80} The French, according to Buu-Loc's account, told the Vietnamese that they preferred to complete the negotiation of the ancillary provisions, and this would require at least two months.

The Vietnamese maintained the position that the treaties should be "signed and published" before the opening of the Indochina phase of the Geneva Conference, which was to follow

\textsuperscript{79} As Jacquet told the Americans on April 21. (Paris Embassy to State, telegram 3972, April 21, 1954; \textit{FRUS 1952-1954}, Pt. 1, p. 1352.)

\textsuperscript{80} Saigon Embassy to State, telegram 2136, April 27; NA LM-71, Roll 11.