

THE WAR IN VIETNAM AS AN ATROCITY PRODUCING CONFLICT:
AN EXAMINATION OF ACTORS AND ACTIONS

by

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ABSTRACT

This thesis seeks to explain the commission of atrocities of war in Vietnam. The paper begins with a brief review of the nature of the war and the legal verification of atrocities in Vietnam. The thesis advanced by this paper is that the atrocities committed in Vietnam were a direct result of the technologies developed for and employed by the belligerents to the conflict; and, the psychological conditioning to which members of the warring sides were exposed both prior to and during the conflict. The paper further suggests that these two elements contributed to the atrocity-producing situation in Vietnam by means of an "action-reaction" process. This process is discussed throughout the paper in terms of the elements themselves, and the styles of warfare adopted by the warring sides. The paper's conclusion is that while the atrocities were not the direct result of deliberate attempts to perpetrate atrocities, they were the result the way in which the belligerents prepared for that war and the way in which they executed their respective strategies in response to actions undertaken by the other.

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INTRODUCTION

As the war in Vietnam progressed through the 1960s and early 1970s, its rate of attrition continued to soar steadily, leaving in its wake innumerable dead and immeasurable destruction. With each new phase in the war -- early terrorism, American mobilization, mobile guerrilla warfare, mechanization, and Vietnamization -- the losses continued to mount. The new technologies, the embittered emotions, and the many "cause-and-effect" relationships all worked towards the creation of horrors seldom seen in the past, but very characteristic of the Vietnamese conflict. As the title of this paper indicates the major area of concern will be with those acts labelled "atrocities" of war. The specific concern of this presentation will be with the degree to which those atrocities were the logical result of the war's prosecution.

This paper advances the hypothesis that the atrocities were the product of two major aspects of the war: the technology developed for and employed by the belligerents; and, the psychological conditioning to which members of the warring sides were exposed both prior to and during the conflict. For the purposes of this paper, the word "atroc-ity" will be used to refer to acts of direct and deliberate violence against combatants and non-combatants that violate the international laws governing the conduct of war. Accordingly, it will be necessary to verify the existence of atrocities and then to explain them in terms of the two previously mentioned aspects of the war.

The technological aspect will be discussed in terms of the use of

certain tactics and strategies; the logical result of employing certain weapon types; the weapons available to each side at the outset of the war, and the need for modification and/or elaboration as the war progressed; and the evolution of measurement indicators capable of registering each side's successes and failures. The psychological aspect will be discussed in terms of the relationships that existed between combatants and non-combatants, as well as between combatants; the processes of dehumanization and depersonalization;¹ the mental preparations undertaken by both the individual combatants and the general military system for the conflict; the implications of personal frustration as well as the frustration of the military system; the implications of impatience and aggressiveness; and the complications resulting from the pursuit of military over political objectives, and/or the pursuit of political over military objectives.

Underlying these two aspects is an all encompassing process, the "action-reaction" phenomenon. In order to view this process as it operated throughout the Vietnamese conflict it will be necessary to present both "technological" and "psychological" aspects in terms of the belligerents' styles of warfare. What this implies is a discussion of atrocities, and their probable occurrence, in the context of, first, insurgency warfare; second, counterinsurgency warfare; and third, the "action-reaction" process itself. This approach requires, at the outset, a review of the war, as a whole, from the aspect of warfare styles. Writing on the crimes of war from this perspective of the whole, Gabriel Kolko has suggested another reason for reviewing the war

in this way: "We can scarcely comprehend the war in Vietnam by concentrating on specific weapons and incidents....What is illegal and immoral, a crime against the Vietnamese and against civilization as we think it should be, is the entire war and its intrinsic character."² While not typical of the materials pertaining to the conflict, this passage does highlight one of the major difficulties posed by the topic.

Despite the existence of numerous accounts and descriptions, the majority of these works on Vietnam pertain to the prosecution of the war by the counterinsurgents. Unfortunately, this imbalance necessitates over concern with the war effort as undertaken by the forces of the counterinsurgency, and most notably with those of the United States. However, as unfortunate as this situation may be, it is not a disastrous consequence for this paper. Given the overwhelming nature of the counterinsurgency effort, it would seem only natural that their efforts would be responsible for a larger share of the death and destruction of the war, and, accordingly, warrant a greater amount of attention.

The Vietnamese war, while not a difficult topic, does pose several problems for any researcher wishing to undertake its examination. While the problem of materials has already been mentioned, there is also the related problem of bias in published reports and accounts. Realistically, it is to be expected that very little work on the topic possesses any true objectivity or freedom from bias. It is the existence of such strong and emotional attitudes which makes this issue so important. Many of the Americans who fought in Vietnam had been trained in an environment characterized by a prejudice against the people of the

Orient. So strong was this attitude that many eventually came to regard the so-called western superiority as fact.² A similar bitterness was to develop on the part of the Indochinese for those forces of the counterinsurgency who represented western norms and beliefs.³

Throughout the course of the war more and more people came to view the military efforts of the counterinsurgents as extremely cruel and somewhat genocidal.⁴ Likewise, those who defended the counterinsurgents' claims of fighting for democracy and freedom branded the insurgents as ruthless criminals engaged in the worst forms of population-control. However, it would appear that both characterizations miss the reality of the situation. I can not find any substantial support for the belief that belligerent actions were the product of two sides engaged in the willful and systematic use of violence and cruelty. Rather, I must conclude from the available facts that the actions of the combatants were the unfortunate result of a conflict that likely had no other outcome.

While all of the preceding factors were, no doubt, present and, to some extent, influential, I can only conclude that they exacerbated an already difficult situation in which the outcome had long since been determined. However, the purpose of this thesis is not so much to bear witness to the foregoing personal beliefs as it is to substantiate the conclusion that, in addition to other factors, an "action-reaction" dynamic, hard at work throughout the course of the war, had already made the war's cruelty, violence and destruction a probable result.

REFERENCES

¹For the purposes of this presentation the term "dehumanization" will be used to refer to that conditioning process in which the individual loses all or part of those values, qualities and traits that we, western man, identify with the state of being human. "Depersonalization", on the other hand, will be used to refer to that conditioning process in which another member of our species is denied full or partial association and, accordingly, reduced to a level, in many cases, of sub-human identification.

²Gabriel Kolko, "War Crimes and the Nature of the Vietnam War." In Crimes of War, edited by Richard A. Falk, Gabriel Kolko, and Robert J. Lifton. New York: 1971, p. 414.

³Citizens Commission of Inquiry, Eds., The Dellums Committee Hearings on War Crimes in Vietnam. New York: 1972, p. 38.

⁴Thich Nhat Hanh, Vietnam: Lotus in a Sea of Fire. New York: 1967, p. 67.

⁵This attitude of increasing concern over the prosecution of the war is advanced in the following: Gabriel Kolko, "War Crimes and the Nature of the Vietnam War;" Robert J. Lifton, "Beyond Atrocity;" and Jean Paul Sartre, "On Genocide." In Crimes of War, edited by R.A. Falk, G. Kolko, and R.J. Lifton. New York: 1971, pp. 403-415, 17-27, 534-549.

THE NATURE OF THE CONFLICT

It is sometimes necessary to dismiss the vague and often times confusing accounts and reports which are products of events such as the war in Vietnam. Occasionally, we replace these characterizations with narratives -- the thoughts, ideas, and feelings of those who have participated in the event. At other times, we inject tables and charts to illustrate the course of the event. Unfortunately, when attempting to discuss the war in Vietnam, or to characterize its nature, all of these forms of illustration somehow fail to transmit its full scope and complexity. Needless to say, the following while indicative of the war, will fail in the same way as its predecessors have. However, the following characterization is not designed to be as comprehensive as it is to be representative and indicative.

By the middle of 1968, the war in Vietnam was being fought by 540,000 American and 768,000 South Vietnamese troops.¹ They were opposed by 378,000 Vietcong and North Vietnamese regulars. By the end of 1971 the war involved approximately 160,000 American and over one million South Vietnamese troops. Supporting the forces of the counter-insurgency in 1968 were nearly 5,500 aircraft, including over 2,500 helicopters, and 85 ships, 840 tanks, and 400 cannon. Between 1965 and 1971, 6.3 million tons of air ordnance were dropped on Indochina with over 50 per cent delivered between 1969 and 1971. The tonnage dropped on South Vietnam between 1965 and 1971 totalled 3.9 million tons. Half of all the ordnance dropped by air was delivered by B-52s. During this same period, 7 million tons of artillery ordnance were

expended, of which 65 per cent was employed in "harassment and interdiction" operations. Between 1964 and 1965, 1.7 million helicopter sorties were flown each year. This was increased to an annual rate of 2.3 million sorties between 1965 and 1968. It has been estimated that there were nearly 21 million bomb-craters created in the South between 1965 and 1971. This represents a displacement of 3.4 billion cubic yards of earth, or ten times the amount of earth excavated in the construction of the Suez and Panama Canals. During the American participation in the war, 90,000 tons of chemical warfare agents were employed in Vietnam, of which 90 per cent were herbicides.

While American combat deaths remained below the 500 figure per month throughout most of the war, they rose in excess of 1,000 per month during the latter part of 1967 and remained high throughout 1968. By late June of 1968, over 25,000 Americans had been killed in action. Three months later the total number of U.S. casualties had surpassed the 200,000 figure, or about 60,000 more than were killed, wounded, or missing in Korea. South Vietnamese and other allied casualties² totaled about 500 a month,³ while North Vietnamese and Vietcong killed in action rose from 3,500 to 7,000 a month between late 1965 and the end of 1967. Total Vietcong and North Vietnamese dead by September, 1968, were estimated at 400,000 with an undetermined number of wounded. By 1971, 45,828 Americans had died in combat with over 300,000 wounded. North Vietnamese and V.C. combat deaths have been placed at 870,000. Since 1965, civilian casualties in South Vietnam have been estimated at 400,000 dead, and 1.3 million wounded. Between 1966 and 1971 there

were 26,367 assassination and 35,946 abduction operations reportedly undertaken by the Vietcong in South Vietnam. Estimates are that civilian deaths accounted for 90 per cent or more of those killed in the war throughout Indochina.⁴ In all, one-third of the people of Indochina were estimated to be refugees by 1971: 6 million out of 17 million South Vietnamese; 900,000 out of 2.8 million Laotians; and 2 million out of 6.7 million Cambodians.

These consequences of the conflict in Vietnam, however, provide a very incomplete picture of the war's effects upon the country and its people. It was not a war between armies engaged in open battle with each side intent upon capturing precious territories. It was, rather, a conflict fought between armies and peasants in jungles and forests, on hills and plains, rivers and swamps, and in and around population centers which were, it would now appear, the ultimate objectives of the warring sides.

The people of South Vietnam were involved in the war not only as members of the militias, the armed forces of the South or the Vietcong, but as civilians whose support was sought by both sides in a peculiar mixture of political-military and conventional-guerrilla warfare. The involvement of the peasants increased throughout the war not only as the prize of the war but as its ultimate target.⁵ The South Vietnamese were a population whose very existence was constantly endangered by the tactics of the conflict. It was a war in which civilian buildings and property were perfunctorily classified as enemy installations and military targets.

The aims of the major belligerents remained, throughout the war, varied and sometimes confusing. While the aim of Hanoi was, quite simply, the support of a People's Revolutionary War in the South which sought the reunification of Vietnam, the aims of the United States were not so clear-cut. In 1964, according to then Assistant Secretary of Defense McNaughton, American aims were viewed as being: the protection of the American reputation as a counter-subversion guarantor; the avoidance of Southeast Asia falling into the Communist sphere of influence (the "Domino Theory"); and the American emergence from the conflict without unacceptable taint from the methods employed.⁶ In 1965, McNaughton declared American aims in Vietnam to be: "70% -- to avoid a humiliating U.S. defeat"; "20% -- to keep SVN territory from Chinese hands"; "10% -- to permit the people of SVN to enjoy a better, freer way of life". "ALSO -- to emerge from crisis without unacceptable taint from methods used", and "NOT -- to help out a friend...."⁷

On one side of the conflict there was the devastating and demoralizing firepower of the American military technology which improved body-counts and area-denial programmes.⁸ On the other hand, there was a guerrilla strategy combined with the more conventional methods of the regular North Vietnamese units.

The importance of both the body-counts and the area-denial programmes increased as the war progressed. During the early years of the war, counterinsurgency planners adopted those tactics and strategies more suitable to the weapons' systems at their immediate disposal. Due

to the war's unconventional nature, as well as the ever-present sense of frustration, the only means available for determining the war's progress were the total number of enemy dead and the total acreage of land denied to the enemy. Regardless of the weapons employed the body-counts and the area denied continued to provide some information as to the progress of the war. Those military tactics, as well as those suggestions for weapon improvement, which appeared capable of maximizing these indicators were usually adopted and welcomed with relief. What apparently began as simple indicators as to the war's progress eventually were turned into key objectives. Thus, weapon procurement was altered so that weapons specifically designed to increase body-counts and areas denied the enemy became de rigueur as to production and use.

Associated with the development of specific weapons for the purpose of indicator maximization is the issue of strategy and tactic alteration. As new weapons became available, new tactics and strategies emerged from the war-rooms in Washington and Saigon. Commenting on the development and evolution of strategies and tactics, Townsend Hoopes has noted:

"The preferred doctrine dictated the strategy and the strategy determined the policy. Though not officially acknowledged, not even planned that way, military victory became an end in itself."⁹

When these two developmental processes (strategies and weapons) are viewed together, it would appear that there existed no better military measurement for combat results than body-counts and areas denied.

The idea of not losing in Vietnam appears to have been more than

just a simple military concern. President Johnson's comment -- "I am not going to lose Vietnam....I am not going to be the President who saw Southeast Asia go the way of China"¹⁰ -- brings to mind the infamous declaration of an American Army officer following the obliteration of the town of Ben Tre during the American response to the Tet Offensive: "We had to destroy it in order to save it."¹¹ Accordingly, it would appear that the forces of the counterinsurgency regarded the accomplishment of military victory as dependent upon the continual improvement of body-counts and area-denial programmes. Any weapons which served this function were given preferred status. In this way the Vietnamese war became an excellent testing ground for experimental weapons and strategic and tactical innovations. Not only would the results be directly applicable to the war in Indochina, but they would also be applicable in the future should the United States find itself in another unconventional conflict.

Vietnam was also a war in which the laws governing the conduct of warfare exercised only minimal restraint, as noted by Bernard Fall:

"Another aspect of the progressive irrelevance of the human aspect of the Vietnam war is the universally callous attitude taken by almost everybody toward the crass and constant violations of the rules of war that have been taking place."¹²

Even those members of the military who were familiar with the rules governing the conduct of war did not necessarily apply them, as noted by an American official in Saigon, apparently attempting to justify prohibited conduct: "People on the outside just have no idea of what

this war is all about or how it is fought. It's a rough and brutal war. The Viet Cong has never heard of the Marquis of Queensbury or the Geneva Conventions, and we can't afford to lose just because we have heard of them."¹³

Above all, the war in Vietnam was characterized by the numbing brutalization of men and the depersonalization of the enemy. It was a war in which the Vietcong, "these termites," did not live in places, they "infested areas"; where to "clean them out" required "sweep and clean" operations or the removal of peasants to relocation camps so that an area could be "sanitized."¹⁴ It was a war in which the insurgents' agitation and propaganda ("agit-prop") teams dwelt on the "inhuman" and "barbaric" atrocities committed by the Americans and their Southern "henchmen" -- the "rape", "murder", and "torture" of innocent men, women, and children; where the "Vietnamese traitors" in the South "fattened themselves" on the blood of the peasants.¹⁵ It was a war fought between "gooks" and "lackies", "slopes" and "imperialist-dogs", and between "dinks" and "tyrants." It was a war which could compel an American government official in Saigon to utter the following: "We're going to beat the communists at their own game, use their methods, cut off their cocks and cut up the women and children if that's what it takes, until we break the communist hold over these people. We can stand it. We're going to make this place as germ-free as an operating room. And we can afford to do a better job of it than the VC."¹⁶

REFERENCES

¹All of the following figures are taken from the following two sources: U.S. News & World Report, September 16, 1968; and, Milton Leitenberg, "America in Vietnam: Statistics of a War." Survival, vol. 14, no. 6, November-December, 1972: 268-274.

²Allied forces participating in the Vietnamese conflict which came under the Free World Military Assistance Command were those from: Australia, South Korea, New Zealand, the Philippines, the Republic of China, South Vietnam, Spain, Thailand, and the United States. (Air War Study Group, Cornell University. General editors, R. Littauer, and N. Uphoff, Air War in Indochina, rev. ed. Boston: 1972, p. 267.

³During late 1967 and early 1968, the Vietcong and North Vietnamese regulars began the final stages of a strategy that was to culminate with the Tet Offensive. During this period, major conflicts were initiated to draw attention away from their preparations. One example of this "smoke-screen" effort was the Vietcong and North Vietnamese attack on the Marine base at Khe Sanh. With these large-scale engagements, American forces took the lead in all * combat-offensives. The other forces of the counterinsurgency, most notably the forces of South Vietnam, were left in defensive positions around the major towns and the cities. Southern forces were also engaged, at this time, in large riots and demonstrations against the Southern government in Hue, Da Nang and Saigon.

⁴The 400,000 Southern civilian casualties represent only those civilians who were found in areas nominally under the control of the Saigon government. Other civilians found in either V.C. areas or contested territories were labelled as enemy killed in action. Where "friendly" civilians were known to have been hit, but, for whatever reason, were not found, rough estimates were made. With respect to the number of wounded, the 1.3 million figure represents only those who were admitted to either American or South Vietnamese hospitals for medical attention. Once admitted to hospital, a wounded remained a "wounded" even if he were eventually to die from his wounds.

⁵B. Singh, and Ko-Wang Mei, Theory and Practice of Modern Guerrilla. Bombay: 1971, p. 75.

⁶The Pentagon Papers, the New York Times Edition. New York: 1971, p. 365.

⁷Ibid., p. 432.

* Counterinsurgency

⁸"Body-counts" and "area-denial" programmes were the two measurement indicators employed by the forces of the counterinsurgency in assessing the progress of the war.

⁹Townsend Hoopes, The Limits of Intervention. New York: 1969, p. 62.

¹⁰David Halberstam, The Best and the Brightest. Greenwich, Conn.: 1972, p. 364.

¹¹As cited by Frances Fitzgerald, Fire in the Lake. Boston: 1972, p. 393.

¹²Bernard Fall, "Vietnam Blitz: A Report on the Impersonal War." The New Republic, vol. 153, no. 15, October 9, 1965, p. 19.

¹³Malcolm Browne, AP, March 25, 1965.

¹⁴Frances Fitzgerald, op. cit., p. 368.

¹⁵Stephen Hosmer, Viet Cong Repression and Its Implications for the Future. Santa Monica, Calif.: 1970, pp. 25-26.

¹⁶David Welsh, "Pacification in Vietnam." In Crimes of War, edited by Richard A. Falk, Gabriel Kolko, and Robert J. Lifton. New York: 1971, p. 291.

ATROCITIES AND THE VIETNAM CONFLICT

The Laws and Regulations Governing the Conduct of War

When defining atrocities, initial distinctions are sometimes made between civilian and military personnel. There is a tendency, especially among the technologically advanced nations, to limit the concept to face-to-face assaults on civilians. Similarly, there is a tendency on the part of insurgent and guerrilla forces to regard the assault on civilian and military personnel as both politically and militarily expedient when undertaken in support of some desirable or worthwhile objective. Telford Taylor notes: "Guerrilla warfare is not intrinsically unlawful, but as waged by the Vietcong it is undeniably in violation of the traditional laws of war and the Geneva Conventions, based as they are on the distinction between combatants and non-combatants."¹ Despite these tendencies and beliefs, both sides to the Vietnamese conflict have been accused of violating the laws of war:

"The United States has been charged with violating the Geneva Convention on gas warfare because of its use of tear gas and herbicides; with ignoring the traditional immunities of non-combatants because of its "free-fire" zones and bombing tactics; and with ignoring the prisoner of war rules because of its not infrequent failure to stop the torture of POWs....The North Vietnamese and Viet Cong, too, have been charged with "war crimes" for their execution of civilians at Hue during the Tet offensive; for their practices of impressing civilians as supply-bearers; for their employment of blind weapons (i.e., rockets) against urban non-combatants."²

For the purposes of this paper, these actions will be referred

to as atrocities. The word atrocity will be used to refer to acts of direct and deliberate violence against civilians. This will include both face-to-face attacks on civilians and attacks inflicted on them by impersonal methods that are certain to result in civilian casualties: the leveling of cities by heavy artillery; serial bombardment to dislodge a small number of enemy troops; or the indiscriminate mortaring or saturation bombing of civilian sites in enemy-held territory. Atrocities will also encompass acts against civilian populations and/or enemy troops that violate the laws of war, as in the case of gas warfare, deliberate attacks on enemy medical installations, or the torture and murder of prisoners of war.

The laws of war are primarily composed of customary and treaty rules, multipartite agreements, national codes of warfare, and draft rules not adopted by states but having certain persuasive authority. Since their earliest conception, these laws of war have been grounded in three interconnected principles: a belligerent was believed justified in employing any amount or kind of force to overcome his opposition; a principle of humanity existed to restrain this first principle by demanding that the degree of force necessary to overcome the enemy not be exceeded; and a principle of chivalry was to be observed in order to introduce an element of fairness into the conduct of warfare.³ The central functions of the laws of war appear to have been the attempt to limit war's destructiveness; the establishment of a more humane awareness regarding the conduct of hostilities; and the achievement of an understanding and common expectation that the savagery of war

must be restrained.⁴ Current controversy concerning the laws of warfare, which finds direct application to the war in Vietnam, revolves around the following four issues: 1) the use of chemical and biological weapons; 2) the strategies employed by counterinsurgents which are designed for separating guerrillas from their popular bases and which rely on massive and indiscriminate firepower; 3) the application of the laws of war to civil conflicts; and 4) the application of the laws of war to insurgents.

The identification of those issues which have molded the laws of war is an obvious precondition to the study of the Vietnam war in the current context. One such issue requiring recognition is the concept of "military necessity." In their study of the laws of war, McDougal and Feliciano identify this as the "key concept." They note:

"This concept may be said to authorize such destruction and only such destruction, as is necessary, relevant and proportionate to the prompt realization of legitimate belligerent objectives. ...The fundamental policy embraced in this concept must be modestly expressed as the minimizing of unnecessary destruction of values."⁵

The fundamental dilemma of "military necessity" always has been whether or not considerations of military efficiency should exclusively determine the choice of means.

Beyond the phethora of rules that form the main body of the laws of war, one "master" and three supplementary principles enjoy wide international acceptance. As suggested by McDougal and Feliciano, this master principles is "no Carthaginian peace."⁶ Operationally this required avoiding the economy of means principles in a case where

the most economic means for subjugating an opponent is massive and indiscriminate weapons systems. The supplementary principles, as noted by the same authors, are: proportionality; the selection of the less destructive or painful means where economic advantage is roughly equal or, at least, uncertain; and, the selection of means that discriminate between "legitimate" targets and the "innocent."⁷

Proportionality can refer to the reallocation of force between destruction and military advantage on either a case-by-case (tactical) or cumulative (strategic) basis. Instances of value destruction that appear grossly disproportionate when viewed from a narrow tactical perspective may seem militarily essential and hence proportional when examined in light of broad strategic alternatives. Accordingly, in guerrilla or insurgency warfare, the party opposing the guerrillas may pursue a strategy of area-devastation where guerrillas are reported to be operating, regardless of their numbers. The resulting injury to land, livestock, crops, and people may exceed the injury to the total number of guerrillas by an enormous amount and therefore appear disproportionate. However, if such a policy is pursued relentlessly in every part of the territory where the insurgents are known to operate, not only will the casualties increase from the bombardment itself, but their efficiency will also be reduced by the need to be constantly on the move in order to avoid the incessantly probing bombs and shells. Given certain political constraints and other military commitments, the only possible means of reducing the insurgent problem to the dimension of a police action may very well be massive

bombing with its inherent consequence of wholesale devastation. As will be shown later in this paper, this was precisely the view that developed within counterinsurgency military circles.

The "master" principle and its three supplementary principles derive their status of importance from a host of laws and treaties: the "Hague Convention No. IV" of 18 October 1907, respecting the laws and customs of war on land, and the "Annex" thereto, embodying the regulations respecting the laws and customs of war on land; the "Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field," of 12 August 1949; the "Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea," of 12 August 1949; the "Geneva Convention Relative to Treatment of Prisoners of War," of 12 August 1949; the "Geneva Convention Relative to the Protection of Civilian Persons in Time of War," of 12 August 1949; the "Hague Declaration" of 1907, on expanding bullets, projectiles and explosives launched from balloons, and projectiles containing asphyxiating and deleterious gases; the "Geneva Protocol" of 1925, on the use of asphyxiating, poisonous, and other gases, and bacteriological warfare; the "Universal Declaration of Human Rights" of 1948; and the "Genocide Convention" of 1948.

The Laws of War Applicable to the Vietnam War

While all of these "declarations" find some application to the Vietnamese war, it will serve no purpose to enunciate every individual application. However, several "rules" exist which merit special mention:

- from the "Annex to the Hague Convention of 1907", respecting the laws and customs of war on land:⁸

Article 25 -- the attack or bombardment, by whatever means, of towns, villages, dwellings or buildings which are undefended is prohibited.

- the "General Assembly Resolution on Prohibiting the Use of Chemical and Biological Methods of Warfare":⁹

Declares as contrary to the generally recognized rules of international laws...any chemical agents of warfare -- chemical substances, whether gaseous, liquid or solid -- which might be employed on man, animals or plants.

- from the "Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949":¹⁰

Article 3 -- In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply as a minimum, the following provisions: 1) Persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons:

a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

b) taking of hostages;

c) outrages upon personal dignity, in particular humiliating and degrading treatment;

d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

2) The wounded and sick shall be collected and cared for.

Article 16 -- The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed or wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

Article 42 -- The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

Article 85 -- The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health and provide efficient protection against the rigours of the climate and the effects of the war.

- from the "Geneva Convention Relative to the Treatment of Prisoners of War, of 12 August 1949":¹¹

Article 13 -- Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited....In particular no prisoner of war may be subjected to physical mutilation.... Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

Rather than engaging in a detailed and separate discussion of these laws of war as they apply to the war in Vietnam, I have elected to accomplish this task through the use of a table. Table I provides a list of several types of actions which can and have been termed "atrocities" of war as committed during the course of the war in Vietnam. It illustrates the fact that acts, which violate both the

TABLE I

Atrocities of the Vietnam War

Description of Atrocities	International Laws Violated	Number of Atrocity Counterinsurgent Forces		Violations Insurgent Forces	
		(1)	(2)	(3)	(4)
Abductions	GC: 3: 1b	-	-	6	16
Ambushes producing civilian deaths	GC: 3: 1a	-	-	-	13
Assassinations	GC: 3: 1a	-	-	8	22
Attacks on medical installations	GC: 18	-	4	-	6
Burning of villages	HR: 25	7	7	6	2
Denying quarter	GC: 3: 1a	1	3	-	-
Indiscriminate use of firepower	HR: 25	13	13	11	30
Killing children intentionally	HC: 3: 1a	7	3	4	11
Killing civilians for sport	GC: 3: 1a	9	2	-	1
Killing unarmed civilians	GC: 3: 1a	23	16	14	43
Killing POWs and suspects	GC: 3: 1a	7	4	-	3
Killing wounded civilians	GC: 3: 1a	1	-	-	1
Killing wounded POWs	GWS: 12	2	2	-	2
Maltreatment of children	GC: 3: 1c	7	1	-	-
Maltreatment of people for sport	GC: 3: 1c	2	-	-	-
Maltreatment of POWs	HR: 4	8	2	-	-
Napalming of civilians	GC: 3: 1a	2	1	-	-
Needless destruction of property	HR: 47	22	20	6	16
Pollution of water supply	LLW: 504i	1	-	-	-
Mutilation of bodies	GPW: 13	12	10	-	7
POWs thrown from helicopters in flight	GC: 3: 1a	4	2	-	-
Racism in medical care	GC: 16	14	3	-	-
Terror-bombing and booby-trap civilian deaths	GC: 3: 1a	-	-	2	45
Torture of POWs and civilians	GWS: 12	26	14	-	3
Use of chemicals on POWs	GAR: XXIV	1	1	-	-
Use of fire-power on villages for sport	HR: 25	2	-	-	-
Women raped	GC: 27	5	1	-	-

TABLE I (con't)

Sources

- (1) Vietnam Veterans Against the War. (1972)
- (2) The Citizens Commission of Inquiry. (1972)
- (3) Alan Davidson. (1968)
- (4) Douglas Pike. (1970)

International Laws

- GAR: XXLV General Assembly Resolution 2603 (XXIV) On Prohibiting the Use of Chemical and Biological Methods of Warfare
- GC: Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949
- GPW: Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949
- GWS: Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949
- HR: Annex to the Hague Convention No. IV, 18 October, 1907, embodying the Regulations Respecting the Laws and Customs of War on Land
- LLW: United States Army Field Manual on the Laws of Land Warfare

spirit and the letter of the laws of war, have been committed by both sides of the war. The table also provides one major international law of war that was violated by the commission of each act listed.

In gathering data for the table, I employed two sources for each of the collective belligerent sides: the forces of the counterinsurgency, and the forces of the insurgency. Each of the four sources represents accumulations of international law violations during the course of the war in Vietnam. Columns (1) and (2) represent those violations attributable to the South Vietnamese and Americans, while columns (3) and (4) represent violations attributable to the North Vietnamese and Vietcong. The figures appearing below each column represent the total number of separate incidents falling into each atrocity description. While the atrocity descriptions in the table do not exhaust the total references made in the four sources, they do, nevertheless, provide a good indication of the types of international law violations perpetrated in Vietnam. The number of violations are included in the table to show that the commission of atrocities was neither the exception to the rule, nor limited to just a handful of specific acts. Table I represents both the scope and the depth of the violations of the laws of war as found in the Vietnam experience.

Many of the problems that plague the operation and the implementation of the laws of war affect the process of determining when and to whom the protection of these laws is to be afforded. To be war, a conflict must be between states.¹² Hence, war between the de jure government, assisted by a third-party state, and a body of armed

individuals is not "technically" a war in the language of international law. However, it has become practice that when a de facto political organization has been established by the rebellious faction and such organization evidence an ability to maintain themselves and to conduct their operations in accordance with the laws of war and, at the same time, the parent states exercise belligerent rights, the situation is recognized as a "public war" which is subject to international regulation.¹³

Behind the rules of international law the fact remains that any nation-state can, almost at will, grant or withhold the status of belligerency according to its judgement as to whether or not the insurgent faction has satisfied the criteria for such recognition. The facts which have to be proven before recognition must "lawfully" be extended include, according to Gerhard von Glahn:

"...the existence of a civil war beyond the scope of mere local revolt; occupation of a substantial part of the national territory by the rebels, together with the existence of a degree of orderly and effective administration by that group in the areas under its control; observance of the rules of war by rebel forces acting under the command of some responsible and ascertainable authority; and finally, the existence of a need on the part of other states to take a stand on the existence of the civil war and to define and classify their attitudes and policies toward it."¹⁴

On the basis of interpreting the criteria set out in the above, third-party states and de jure governments may extend or withhold belligerent status from the rebellious faction just as their national interests suit them. The protection of many of the rules of war must,

under international law, be extended to the rebellious faction by the lawful government only after the former has attained this belligerent status. In addition to the problems surrounding extension of belligerent status to rebellious factions in civil or international civil-wars, the nature of the war adds many difficulties to the operation of the laws of war.

Some of the most obvious differences between international war, war between states to which the laws of war automatically apply, and civil or international civil-wars, characterized by guerrilla operations, focus on the issue of identity of the combatants. Deciding who is included in the armed forces of a state is a matter of domestic jurisdiction and not a question of international law. Generally, non-combatants as well as combatants of regular armed forces are to be treated as prisoners of war if captured.¹⁵

A war may also include the employment of irregular forces either authorized by a belligerent power or operating independently thereof. Formerly, only "authorized" irregulars or guerrilla forces were granted the privileges normally extended to armed forces of belligerents. Other irregulars could be shot as war criminals if captured. Article 2 of the "Annex to the Hague ?Rules of Land Warfare of 1907" determined that guerrilla activities remained criminal if conducted within occupied territory. The "Geneva Conventions" of 1949, however, agreed to recognize such activities within occupied territory, and allowed such individuals the status of prisoners of war provided that they satisfied the four criteria of belligerent status:

"The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

- 1) To be commanded by a person responsible for his subordinates;
- 2) To have a fixed distinctive emblem recognizable at a distance;
- 3) To carry arms openly; and
- 4) To conduct their operations in accordance with the laws of war."¹⁶

While some scholars contend that such criteria are fair,¹⁷ it should be noted that because successful guerrilla warfare depends on stealth, hit-and-run attacks, and clandestine operations, obeying the specified conditions of belligerent status, especially those relating to wearing of signs and carrying arms openly, would be tantamount to committing suicide.

While there is some confusion over the legal application of some of the laws of war to the Vietnam conflict, there does appear to be a basis for contending that at least the four Geneva Conventions of 1949 do apply. Throughout the conflict, the International Committee of the Red Cross sought to promote the full compliance by all parties to the conflict with at least the minimum provisions of the Geneva Conventions. On June 11, 1965, the ICRC addressed a letter to the governments of the Democratic Republic of Vietnam, the Republic of Vietnam, and the United States, and to the National Liberation Front of South Vietnam. In part this letter read:

"The hostilities raging at the present time in Viet-Nam -- both North and South of the 17th parallel -- have assumed such proportions recently that there can be no doubt they constitute an armed conflict to which the regulation of humanitarian law as a whole should be applied.

All parties to the conflict, the Republic of Viet-Nam, the Democratic Republic and the United States of America are bound by the four Geneva Conventions of August 12, 1949, for the protection of the victims of war, having ratified them and having adhered thereto. The National Liberation Front is bound by the undertakings signed by Vietnam.

Pursuant to the common Article 1 of the four Geneva Conventions, "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances." It is likewise said in Article 2 that "The present Convention shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the Contracting Parties, even if the state of war is not recognized by one of them.

In keeping with its humanitarian tradition, the International Committee of the Red Cross in Geneva reminds the governments of the aforementioned countries and the National Liberation Front of their obligations pursuant to the Geneva Conventions.

/Parties/ to the conflict shall respect and protect civilians taking no part in hostilities, they shall abstain from attack against such persons and subject them to no forms of violence.

The ICRC conveys the present communication to the Governments of the three aforementioned countries and will endeavour to deliver it also to the National Liberation Front. It would be pleased to know what measures are taken by the governments in conformity with the duties devolving upon them pursuant to the Geneva Conventions."¹⁸

Despite the position of the ICRC, the major participants in the war were not in agreement as to the applicability of the Conventions.

While all except the NLF have either ratified or adhered to the Conventions¹⁹ only the United States and South Vietnam officially supported the ICRC opinion. The North Vietnamese and the NLF considered

the Conventions inapplicable to the Vietnam conflict.

Secretary of State Rusk replied to the ICRC on August 10, 1965.

In part his reply read:

"The United States has always abided by the humanitarian principles in the Geneva Conventions and will continue to do so. In regard to the hostilities in Vietnam, the United States Government is applying the provisions of the Geneva Conventions and we expect the other parties to the conflict to do likewise."²⁰

A similar reply was received from the South Vietnamese Minister for Foreign Affairs. In part it read:

"The Government of the Republic of Vietnam is fully prepared to respect the provisions of the Geneva Conventions and to contribute actively to the efforts of the International Committee of the Red Cross to ensure their application. It is to be hoped that for their part the Viet Cong will show the same humanitarian concern. Appropriate measures have already been considered by our Government to accelerate the promulgation and dissemination of these conventions. I should further like to inform you that the Geneva Conventions although not yet promulgated in Viet Nam have, in fact, always been applied. Viet Cong prisoners have always received the most humane treatment from our civilian and military authorities."²¹

A letter of August 31, 1965 from the North Vietnamese Minister of Foreign Affairs did not reply directly to the ICRC request, but constituted, instead, an attack on the United States and the Government of South Vietnam. In part the DRV reply read:

"In order to compensate for its defeats in the undeclared war of aggression in South Vietnam, the United States Government has, without any justification, given orders to its air and naval forces to make surprise attacks on the Democratic Republic of Vietnam in flagrant violation of the Geneva Agreements of 1954 on Viet Nam and of the

rules of international law. It has employed napalm and phosphorous bombs, poisonous chemical products, and its aircraft and warships have indiscriminately bombed hospitals, schools, road transport stations, markets, villages, fishing vessels, churches, pagodas, etc., massacring large numbers of innocent civilians and violating the Geneva Conventions of August 12, 1949, for the protection of the victims of war, as well as other rules of war."²²

Although the NLF did not formerly reply to the ICRC request, they did give assurances, like the DRV, that, while they considered the Conventions inapplicable, any prisoners they captured in the course of the conflict were assured of humane treatment.²³

Despite the ICRC request and the apparent respect shown by all parties involved to the principles of international law governing the conduct of war as embodied in the four Geneva Conventions of 1949, the ICRC was compelled to issue the following press release on February 9, 1968, almost three years after their original letter:

"The ICRC reminds belligerents that in all circumstances they are bound to observe the elementary and universally recognized rules of humanity.

These rules demand that the lives of combatants who have been captured be spared, that the wounded, the sick, and those giving them medical care shall not be subjected to attack from the air and lastly, that summary executions, maltreatment or reprisals shall be prohibited.

The ICRC has often made known to those taking part in the hostilities the obligations they must fulfil. It ardently hopes that they will shortly put an end to this blood-stained conflict and meanwhile urgently calls upon them to observe the basic rules of humanity."²⁴

It would appear that we can now suggest that, in addition to the

commission of acts bearing criminal similarity, the parties to the conflict should bear criminal responsibility for their respective actions. These assertions will assume greater validity in the following sections of the paper where additional documentation is advanced in support of their claims.

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- ⁵Myres McDougal, and Florentino Feliciano, Law and Minimum World Public Order. New Haven, Conn.: 1961, p. 72.
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- ⁹See Richard A. Falk, Gabriel Kolko, and Robert J. Lifton, Eds., Crimes of War. New York: 1971, pp. 60-61.
- ¹⁰United Nations Treaty Series, vol. 75, no. 973, 1950.
- ¹¹United Nations Treaty Series, vol. 75, no. 972, 1950.
- ¹²Hersh Lauterpacht, Ed., Oppenheim's International Law, 7th ed., vol. 2, London: 1952, p. 202.
- ¹³See Charles G. Fenwick, International Law, 4th ed. New York: 1965, p. 165.
- ¹⁴Gerhard von Glahn, Law Among Nations. New York: 1965, p. 552.
- ¹⁵Article 13 of the "Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949." United Nations Treaty Series, vol. 75, no. 970, 1950.
- ¹⁶James B. Scott, Ed., op. cit., p. 107.
- ¹⁷Hersh Lauterpacht, op. cit., p. 215.
- ¹⁸International Legal Materials, vol. 4, 1965, p. 1171.

¹⁹Prior to the partition of Vietnam in 1954, Vietnam acceded to the Geneva Conventions of 1949 (United Nations Treaty Series, vol. 181, nos. 970-973, 1953, pp. 349-352). However, North Vietnam acceded separately in 1957 (United Nations Treaty Series, vol. 274, nos. 970-973, 1957, pp. 335-341), and the United States ratified the Conventions in 1955 (United Nations Treaty Series, vol. 213, nos. 970-973, 1955, pp. 378-386).

²⁰International Review of the Red Cross, vol. V, no. 54, 1965, p. 477.

²¹Ibid., p. 478.

²²International Review of the Red Cross, vol. V, no. 55, 1965, p. 527.

²³International Review of the Red Cross, vol. V, no. 57, 1965, p. 636.

²⁴ICRC Press Release. Geneva: February 9, 1968.

INSURGENCY WARFARE IN VIETNAM

The Evolution of Insurgency in Vietnam

In May of 1959, the Central Committee of the Lao Dong Party, meeting in Hanoi, declared that the time had come to begin the task of liberating the South.¹ In accordance with the basic orientation of revolutionary strategy, the Lao Dong Party determined that this task would require a guerrilla war. Accordingly, it began to build a political platform upon which the insurrection could be sustained.² Basing its united front appeal on propaganda directed against the politics of the Diem regime, the Lao Dong Party created a united front organization, the National Liberation Front. Shortly thereafter, the Lao Dong Party began to infiltrate guerrilla cadres into the South who had gone North following the end of the "First Indochina War" in 1954.³ They also began to mobilize the Viet Minh remnants, left behind in the South after the war, for the purpose of organizing peasant villages into an insurgency infrastructure.⁴ Commenting on this organization in the South, Dennis Duncanson notes that the villages were the key to insurgency planning:

In organizing the masses for this all-important purpose, they (the Vietcong) have established four kinds of relationships with villages.... The first group are their original 'popular bases', in which they set up a rudimentary form of administration during the Japanese inter-regnum and from which they have never been dislodged. In a second group, as in many of the towns, they have been content, for a time at least, with limited support in contributions and with information from a few individuals. In the biggest group of villages, however, they have demanded, from everybody reasonable, regular supplies of money, food and, latterly, :

conscripts to serve for fixed terms, "taxes" according to advertized scales, and percentages of any foreign aid handed out....It is against this group of villages that repeated resort to violence has been necessary because the daily presence of government officials and soldiers...has been a strong temptation to back-sliding on the part of the peasants.

The last category is that of villages already closely dominated by some other organization, of which the most resistant has proved to be the Catholic Church. These have often been left completely alone for long periods, but in the end they too have nearly all been brought to heel, less by subversion from within than by direct onslaught from without, sometimes on the people's dwellings, more frequently on the garrison whose duty is to protect them."⁵

While the approach would appear to be very typical of insurgency planning, there was a basic difference between it and earlier Communist and nationalist planning. Ten years of technological development, particularly in the area of air power and the use of helicopters, had made a purely military undertaking seem hopelessly unrealistic. The French military had proven in Algeria that military answers to Mao's strategy of guerrilla warfare could be developed and successfully implemented. Moreover, the danger of an American intervention against the insurgents was clearly a factor that had to be acknowledged.

Accordingly, alternatives to a purely military approach were sought. "Contradictions" within the Saigon regime suggested that the Vietcong could isolate it politically and demoralize or win over the army without actually being forced to reverse the insurgent-counter-insurgent military imbalance and defeat the counterinsurgent forces in a Maoist "third-stage" positional war.⁶ Having defined the movement's

goal as political rather than military victory, the Vietcong sought to make credible, by means of terror, the inability of the Saigon government to govern. In response to the growing involvement of American forces in the early part of the 1960s, the NLF decided to increase its military efforts. While there is no evidence available to indicate that the NLF believed they could defeat the Americans in a military contest, there is evidence which suggests that political victory was possible, as in the Southern case, through the exploitation of "contradictions" within the American position.⁷

While the concept of the "three-stages" was retained within Vietcong strategy, the first two stages were reoriented away from steadily increasing attrition and towards a political transformation of the people from either an anti-revolutionary or neutralist position to a position favouring the NLF. This was attempted by means of violence. Douglas Pike notes:

Not military but sociopsychological considerations took precedence. Military activities and other forms of violence were conceived as a means contributing to the sociopolitical struggle. The two hundred to five hundred 'guerrilla incidents' per week that went on in Vietnam week after week and month after month for five years had no purpose in themselves -- and indeed when viewed in themselves often made no sense -- except to preserve the political-struggle movement. Thus the primary purpose of the violence programme was to make possible the political-struggle movement."⁸

While this selective terrorism not only served to frighten the people, it was also employed to force the peasants into making individual choices as to the relative costs and benefits of choosing one

side over the other. This process of "selective terrorism" was aimed at the poorly protected and the poorly socialized.⁹ The Vietcong sought to legitimize their activities by playing on feelings toward national reunification, loyalties, discontent, and the desires of the people for peace and security.¹⁰

It has been suggested that if the objectives of a movement can be stated in such a way as to appeal to both the people's patriotism and their discontent, the insurgency's future will be greatly enhanced." Such was the belief, at least, among the insurgency's leaders in Vietnam, as illustrated in the following:

"In expounding the "crimes" of government officials, the V.C. agit-prop teams dwelt on the "inhuman" and "barbaric atrocities" committed by Americans and their GVN "henchmen", the wanton destruction of homes and property, and the "rape", "murder", and "torture" of innocent men, women and children. South Vietnamese officials are characterized as "Vietnamese traitors" who fatten their lives on our blood."¹²

This ability to involve the people of South Vietnam emotionally aided greatly in their mobilization by the NLF. It must be stressed that above all else, the Vietnamese insurrection was viewed as being a "total" revolutionary war which involved, in some capacity, everyone. General Giap has noted that "the protracted popular war in Vietnam demanded...appropriate forms of combat: appropriate for the revolutionary nature of the war in relation to the balance of forces then showing a clear enemy superiority....The form of combat adopted was guerrilla warfare.../with/ each inhabitant a soldier; each village a fortress.... The entire population participates in the armed struggle, fighting,

according to the principles of guerrilla warfare....This is the fundamental content of the war of people."¹³

Terror: The Weapon of Vietnamese Insurgency

As noted earlier, the population and their resources were an important objective of the insurgents' overall strategy. It is therefore, usually considered to be in the interest of the insurgents to utilize the population as effectively as possible. While a population may contribute to the cause of the insurgency, it may do so without ever making an ideological commitment. It was in this respect that behaviour and not attitudes became the crucial factor, at the outset, for the movement's operation:

"Many recruits had been made in the villages, in the days before it occurred to anyone that active service might one day be required of them....Whatever the inducement by which the recruit was first subverted, he has been retained primarily by a studied combination of secrecy and of fear -- secrecy which makes it reasonably safe for him to carry on his designated activities under the noses of the authorities, and fear which makes it certainly fatal for him even to dream of breaking with the organization and which he knows will deter any neighbour from giving him away. It is the function of ideological indoctrination to convert him, as soon as he no longer has any escape, to the belief that this is all for the best in the end -- that cruel violence is justified by the higher good that it serves."¹⁴

Accordingly it would appear that the best measure of an insurgency's success is the movement's ability to elicit from the populace the desired behaviour and the required resources.

The overall strategic objective of any insurgency is to alter,

in their favour, the capabilities between their forces and those of the counterinsurgents.¹⁵ The NLF's alteration was attempted by changing the counterinsurgency's inputs and by continually escalating the price of victory for the forces of the Free World Military Assistance Command.¹⁶ It has been noted by Paret and Shy that "the weakness of the guerrilla himself and his consequent need to gain and maintain strength among the civilian population largely determine his techniques and objectives."¹⁷

It is helpful in the examination of terror in Vietnam to note the three objectives of the insurgency: 1) an improved utilization of the population; 2) an improved military situation; and 3) the survival of the movement.¹⁸ In attempting to achieve these objectives, the Vietcong focussed on three primary targets: the people who did not support them, or who were at least indifferent to the movement; the civil administration of the Southern government; and the military establishment.¹⁹ While the aim of the insurgency was the accomplishment of its specified goals, it should be noted that these could only be accomplished if the movement continued to exist. Therefore, while survival was not, in itself, the ultimate objective, it was an indispensable end for the NLF and, accordingly, it was a central condition to the insurgents' decision-making environment.

To achieve its strategic objectives and strike against the primary targets, the Vietcong employed such tactics as selective and indiscriminate terrorism, sabotage and ambush. The targets of these actions may be viewed as the movement's more immediate "tactical"

choices. These ranged from the torture and murder of children for the purpose of influencing parents, to the sabotage of military ordnance destined for enemy military use.

In Vietnam, terror was an omnipresent phenomenon throughout the war. On February 20, 1962, Vietcong guerrillas threw four hand-grenades into a crowded village theater near Can Tho. A total of 108 persons were killed or injured, including 24 women and children.²⁰ On September 12, 1963, Vo Thi Lo, 26, a school teacher in An Phuoc village, Kien Hoa province, was found near her village with her throat slit. She had been kidnapped three days earlier.²¹ On August 26, 1969, a nine-month-old baby was found shot in the head by the Vietcong outside of Hoa Phat village in Quang Nam province; also found dead were three children between the ages of six and ten, an elderly man and a middle-aged couple, a total of seven victims all shot at least once in the back of the head.²² While such activities may, at first, appear to be the acts of desperate or even mad men, a closer examination of the Vietnamese insurgency reveals that such acts may possess very real military or political motivations.²³ As a result of this interplay between political and military factors, any attempt to sharply differentiate between the two is generally not too helpful:

"Personnel that are military or political (or both) can use techniques that are military or political (or both) against targets that are military or political (or both) in the pursuit of objectives that are military or political (or both) and produce consequences that are military or political (or both)."²⁴

Although insurgent behaviour towards the population was

normally irreproachable and the insurgents' use of terror highly selective, there were times in Vietnam when terror was used indiscriminately to create a shock-effect on a community. A case in point was the Vietcong attack on the village of Dak Son in 1967, when flame-throwers were used on the village's buildings and on its women and children sheltering in the settlement's tunnels, bunkers, and fox-holes.²⁵ It would appear that there comes a time during the course of a struggle for a population when the people need to be "informed" as to which group "deserves" popular loyalty and support. Dak Son and Hue served just such a purpose. Douglas Pike has noted, in this regard, that one of the primary purposes behind Vietcong terror was the disorientation and psychological isolation of the individual.²⁶

A more subtle form of Vietcong terror was its indirect use. Such a form, usually designed to put a village or town into a state of shock which can then be exploited, was to induce the counterinsurgent forces into taking retaliatory action. This particular form of indirect terror was a special feature of the Vietnamese war. It was only necessary for the Vietcong to take some minor action -- firing a few shots from within a village at passing enemy forces -- to induce a response from the counterinsurgents. Such a response usually accomplished the population-control work for them -- be it punishment and/or propaganda. An example of this response was provided during the "Vietnam Veterans Against the War" study on war crimes in Vietnam:

"We'd received a battalion order at that time.
...If while sweeping on line and passing by
friendly villages...you received one round of
any sort from a friendly village, the entire
battalion was to turn on line and level the

village. The exact wording was to kill every man, woman, child, dog and cat in the village."²⁷

Terror was thus employed by the insurgents as a means of undermining the counterinsurgents' control over the people. Accordingly, terror can usefully be viewed in either a political or a military capacity.

In addition to striking directly at the counterinsurgents' means of population control -- the breakdown of counterinsurgent security measures, the removal of local administration officials, and the destruction of foreign aid schemes -- the insurgents also used the people themselves against the control apparatus by organizing strikes, boycotts, popular demonstrations, and riots to embarrass and weaken the government and force it, once again, into taking excessive reprisals.²⁸

While the rationale for the use of terror was that the enemy had given the insurgents no alternative, the doctrinal motivations seem to have been that terror is required to accomplish three basic goals:²⁹

1) to diminish the opposing forces, "both in the sense of eliminating key individuals and in reducing the totality of power which the other side has accumulated"; 2) to sustain the "morale"³⁰ of the Vietcong and, to some extent, the forces of North Vietnam fighting in the South; and 3) to disorient and psychologically isolate the individual. This last goal applied to peasants and enemy soldiers alike. In the case of the former, peasants might lose their faith in the ability of the counterinsurgents to provide protection and security, or have their respect for the insurgency increased. In the case of the latter, enemy soldiers might become scared or nervous and, accordingly, over-react in combat or potentially dangerous situations.

When attempting to employ terror as a military tool, the Vietcong's most common approach was to demoralize or "soften-up" enemy troops and thus lower their effectiveness and professionalism in the process. The means at their disposal ranged from psychological techniques to the use of direct terror. When there were a large number of isolated acts of harassment, such as sniping and ambushing individual soldiers, the counterinsurgents became very apprehensive. Repeated operations, such as those conducted by the Viet Minh along the "street without joy",³¹ made many American units nervous about passing through combat zones; so much so that "shoot first" and "question later" tactics became commonplace, as evidenced by the following:

"...sometimes when we'd come to a village a Vietnamese would run out of the bomb shelter for fear of being caught, so consequently this surprise would startle any individual and they would automatically turn and fire."³²

Once again, this over-reaction situation -- induced in part by the insurgents themselves -- helped to serve the movement's propagandization and education programmes. Thich Nhat Hanh has noted that "as the destruction and the terror intensified, so too did the hatred of the villagers for the Americans, leaving the American soldier, who believed he had come to help, caught in a quicksand of hatred and frustration."³⁴

The greater the number of people in the insurgents' control apparatus, the greater its control over the area populated by these people. This, in turn, provides the insurgents with a greater percentage of an area's resources. In some cases, the Vietcong increased

their percentages of land and resources by "liberating" villages through the reduction of South Vietnamese and American military forces. In other cases this meant "educating" the people as to the true nature of the Southern regime by means of "trials" and the elimination of the "enemies" of the people:

"Elimination of traitors and tyrants to dis-integrate the enemy ranks is important in weak areas. This mission aims at breaking the enemy's control and weakening their prestige and, in addition, raising our revolutionary prestige. It also encourages the people's movement to break the enemy ruling machine and gain the administration power in villages and hamlets for the people."³⁵

In still other cases this meant isolating the people from the Americans and the forces of the Southern regime:

"A major object of Vietcong terror bombing is to isolate Americans and government officials from the Vietnamese by making Vietnamese afraid to associate or cooperate with Americans."³⁶

Accordingly, we can note that when the insurgents desired to use the people and their resources, in areas where the movement exercised little or no control, they first had to pry loose the counterinsurgents' control mechanism over the people. The NLF regarded the enemy's population control mechanism as being composed of three elements: 1) the South Vietnamese government structure; 2) the police and security/military forces; and 3) the administrative bureaucracy. In addition, those who did not support the NLF were viewed as opposing the movement and therefore subject to disciplinary measures. To employ terror to reduce the grip of these three elements over the people was deemed not only permissible but necessary. An illustration of the broad

spectrum of people encompassed by the three elements is provided in the following selection taken from a National Liberation Front "secret directive" of May, 1969:

"Enemy public personnel, intelligence personnel, military security personnel, RVNAF personnel, psywar personnel and pacification personnel, civil-self-defense members, informers, those in charge of appealing to our cadre members to surrender, "Phoenix spies", intelligence personnel working for both sides, and false defectors
/from the GVN/."37

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⁴For details of the early days of the insurgency, see: Douglas Pike, Viet Cong. Cambridge, Mass.: 1968; and, George McT. Kahin, and John W. Lewis, The United States in Vietnam. New York: 1967.

⁵Dennis J. Duncanson, "The Vitality of the Viet Cong." Survival, vol. IX, no. 1, January, 1967, 1967, pp. 16-17.

⁶Chalmers Johnson, "Guerrilla Warfare in Asia." Survival, vol. X, no. 10, October, 1968, p. 324.

⁷Vo Nguyen Giap, "The Party's Military Line is the Ever-Victorious Banner of People's War in Our Country." Viet-Nam: Documents and Research Notes, document no. 70, January, 1970, pp. 48-49. The "contradictions" that the insurgents perceived in the American position were: 1) the falling-out between the United States and several of her allies over the prosecution of the war; 2) the inability of the United States to match its extraordinary technical superiority to Vietcong manoeuvrability and military intelligence; 3) the growing American aversion to the war; 4) the "unintended" consequences of the war which resulted from the American style of large-scale operations (Unintended consequences referred to those military operations which resulted in the deaths of many civilians and the destruction of their property. My Lai can also be regarded as an "unintended" consequence of the war. It is worth noting that the avoidance of such consequences was one of the U.S. aims in the war -- see p. 10.); and 5) the generation of a true nationalist (anti-American) reaction among the people of South Vietnam. Melvin Gurtov, Hanoi on War and Peace. Santa Monica, Calif.: 1967.)

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- ¹¹Andrew M. Scott, Donald P. Clark, John W. Salmon et al., Insurgency. Chapel Hill, N.C.: 1970, p. 92.
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- ¹⁸A.M. Scott et al., op. cit., p.93
- ¹⁹Stephen Hosmer, op. cit., pp. 14-15.
- ²⁰Douglas Pike, The Viet Cong Strategy of Terror. Saigon: 1971, p. 61.
- ²¹Ibid., p. 62.
- ²²Ibid., p. 79.
- ²³George S. Patton, Jr., "Why They Fight." Military Review, vol. 45, no. 12, December, 1965, p. 16.
- ²⁴A.M. Scott et al., op. cit., p. 90.
- ²⁵Lewis W. Walt, Strange War, Strange Strategy. New York: 1970, p. 22.
- ²⁶Douglas Pike, op. cit., p. 19.
- ²⁷Vietnam Veterans Against the War, The Winter Soldier Investigation. Boston: 1972, p. 69.
- ²⁸Dennis J. Duncanson, op. cit., p. 16.
- ²⁹Douglas Pike, op. cit., pp. 18-20.
- ³⁰Terror was used to sustain and bolster insurgent "morale".

Without victories, combatants become discouraged and sometimes disillusioned with their undertakings. Terror provided immediate and highly visible results of "victory". Terror also contributed to large-scale military victories by unnerving enemy soldiers. By its use, for instance, as a means of precipitating an enemy reprisal, terror also served to confirm certain ideological and political precepts of the insurgency.

³¹Bernard B. Fall, Street Without Joy. Harrisburg, Pa.: 1963, chapter 7.

³²Vietnam Veterans Against the War, op. cit., p. 7.

³³Ibid., pp. 160-161.

³⁴Thich Nhat Hanh, Vietnam: Lotus in a Sea of Fire. New York: 1967, p. 67.

³⁵Stephen Hosmer, op. cit., pp. 18-19.

³⁶Malcolm Browne, The New Face of War. Indianapolis: 1968, p. 191.

³⁷Stephen Hosmer, op. cit., pp. 14-15.

COUNTERINSURGENCY WARFARE IN VIETNAM

The American Approach to Insurgency

American opposition to guerrilla wars and its subsequent campaign to defeat insurgency came about as a direct response to Soviet intentions purporting to encourage and support "wars of national liberation." David Halsberstam has written:

"At almost the same moment that the Kennedy Administration was coming into office, Krushchev had given a major speech giving legitimacy to wars of national liberation. The Kennedy Administration immediately interpreted this as a challenge...and suddenly the stopping of guerrilla warfare became a great fad."¹

The American response to the Soviet challenge was the development of specialized counterinsurgency tactics, strategies, and weapon systems.

As a doctrine, the American counterinsurgency strategy purported to recognize both the political and the military dimensions of guerrilla warfare. In order to deprive the insurgents of their popular base of support, the United States sought to offer the populace physical security, a better programme of economic assistance, and social reform. When applied to Vietnam, the Americans also agreed to cover the costs of the entire military effort undertaken by all counterinsurgent forces. However, the United States felt compelled to remain in the background in order to avoid offending nationalist sensitivities² -- those very same sensitivities that the Vietcong would later make use of when the Americans finally emerged from the background.

In the eyes of President Kennedy and several of his key advisors, Vietnam was the "acid test" for his counterinsurgency strategy.³

However, by the time of his death, the failure of Kennedy's counter-insurgency strategy was most apparent. Having realized that the insurgents were still in possession of their population cover and that the more subtle means of warfare employed by the Kennedy Administration had failed, President Johnson turned toward the arsenal of weapons associated with limited and nuclear warfare, rather than those associated with "brush-fire" or unconventional warfare.⁴

The overall American approach to counterinsurgency is best viewed as a continuing process of compromise. It was an approach founded on conventional premises of, as well as orientations and perspectives toward, national wars of liberation. The American counterinsurgency attempted to incorporate all the interest, concerns, and personal objectives of those involved in its formulation and execution.⁵ Throughout the war this was to mean the amalgamation of such interests and views as: negative views of all "peoples' revolutions;" employment of a "systems approach" to problem-solving; a preoccupation with statistics and quantity; a fascination with technology; a conspiracy theory which held the Communists responsible for the ills of the world; concern with the non-military problems of world hot-beds of civil unrest, a belief that military priorities should take precedence over all others.

This "conventional" approach to counterinsurgency evidenced a preference for conventional air and ground combat operations which employed large deployments of troops and involved such tactics as search and destroy, encirclement, attrition, and zonal bombardment. The advocates of this approach longed for set-piece battles in which massive fire-power would be useful, and surprising or luring

guerrillas into ambushes or conventional battles. The result of all this was massive and sustained aerial bombardment of Indochina, invasion of enemy sanctuaries in Laos and Cambodia, the use of GIs for "bait,"⁶ defoliation of large tracts of land, and relocation of population settlements.⁷

While we have been referring to the general approach of American counterinsurgency, it is worth noting that its implementation was attempted in two distinct strategies.⁸ The first strategy was in use prior to the Gulf of Tonkin incident. With the American bombing of the North, and the U.S. build-up of troops in the South, the second strategy came into operation. This latter strategy remained in force throughout the balance of the American presence in Vietnam.

The first strategy, developed and implemented by the Kennedy Administration, was characterized by the use of irregular tactics, small-unit military teams (Special Forces units like the Green Berets), effective and ruthlessly executed punitive measures against those suspected of aiding the Vietcong (Operation Phoenix), the use of terror and counter-terror, murder of prisoners, and total control of the people through what came to be known as "pacification" programmes.⁹

While the "pacification" programmes required the demonstration of kind and considerate treatment toward the people, this was not always the practice. Distinguishing between friendly and hostile individuals was easier said than done in Vietnam. Wary soldiers in an alien environment which was booby-trapped and unpredictable could only perceive the civilians as enemies or potential enemies:

"...in the spectrum of war, that whole Vietnam thing is based on fear. You're scared to death all the way over there. You're told continually that you're going to die if you don't do this, if you don't do that. That every Vietnamese is going to kill you; that booby-trapped babies are going to be sent against you and old grandmothers are going to throw bombs at you, which can be very, very true and in many instances is true."¹⁰

As the war dragged on and as positive results became fewer and fewer, the "Kennedy" strategy was found to be lacking. It was suggested that where "quality" had failed, perhaps "quantity" would prove to be what was needed. Indeed, at the outset of the Vietnamese war, many American military and political officials had been dissatisfied with the qualitative thinking that characterized the era. David Halberstam has noted:

]] "At an early intergovernmental meeting on the importance of psychological warfare, one of Harkins' key staff-men, Brigadier General Gerald Kelleher, quickly dismissed that theory. His job, he said, was to kill Vietcong. But the French, responded a political officer named Douglas Pike, had killed a lot of Vietcong and they had not won. "Didn't kill enough Vietcong," answered Kelleher. Such was the attitude of the American headquarters; despite all the faddishness of counterinsurgency it was all very conventional, with a dominating belief that more and more force was what was really needed."¹¹

Adopting this "more-is-better" approach, the American planners of counterinsurgency developed what Eqbal Ahmad refers to as the "technological-attrivitive" approach, or what we might call the "Johnson-Nixon" strategy. Professor Ahmad notes:

"The increasing reliance on the technological-attrivitive approach marked the shift of the American counterinsurgency in a genocidal direction. When a people's revolutionary war

has been lost...then a great power caught in a war like Vietnam is left only with alternatives. One is to negotiate a withdrawal. The other is to continue the war...at a cost acceptable to the people at home, but costly to the insurgents."¹²

This latter alternative was the first choice of President Nixon. It was manifested by an increase in the use of powerful and indiscriminate weapons.

The object of Nixon's choice was to make the war, as Ahmad has rightly noted, acceptable at home while remaining unacceptable to the enemy. In order to accomplish these twin goals it was necessary to decrease the war's financial costs and its cost in terms of American lives. The first required a reduction in the number of American servicemen deployed in Vietnam. The second required the avoidance of active combat between the enemy and American forces. Both of these goals were pursued by engaging more Southern Vietnamese units and by removing the American servicemen from the front, but not from the war altogether. Massive fire-power proved to be the solution. This enabled U.S. military forces to continue the fight with a greatly reduced risk to their lives while enabling enemy body-counts to increase and thus providing some evidence as to progress in the war.

Technology and the Strategy of Attrition

In the American effort to defeat the insurgents, great emphasis was placed on the development of suitable tactics and new technologies. Gabriel Kolko has noted:

"While the United States has sought to discover and procure weapons uniquely designed for the centralized agrarian and jungle environment, it has also attempted to utilize existing strategic

weapons first designed for such concentrated strategic targets as industry and air-missile bases. This, by necessity, has required employing weapons, such as the B-52, originally constructed for intensive nuclear warfare against stationary targets. It has adjusted for decentralized mobile targets simply by dropping much greater quantities of explosives of immense yield on vast¹³ regions with very few permanent installations."

Among the tactics employed by the United States throughout the course of the war, the following are noteworthy:¹⁴

- heavy use of airborne infantry;
- use of herbicides against crops in food denial programmes and forests in "area-denial" programmes;
- bulldozing of smaller land areas for "area-denial";
- designation of free-fire and free-bomb zones for artillery and air-delivered ordnance, within which there were few distinctions made between "civilian" and "military" targets;
- "harassment and interdiction" by fire, and the use of "unobserved fire" by both artillery and air-delivered ordnance;
- extensive use of air support for ground combat operations;
- wide use of napalm;
- carpet-bombing by B-52s;
- use of CN (Chloroacetophenone), CS (tear gas) and DM (Diphenylchloroarsine) gases, as well as the use of CS gas on the battlefield in coordination with conventional fire-power, as well as for area denial and for interdiction;
- meteorological warfare for the purposeful production of rain;
- "population relocation" programmes;

- regular dispatch of special forces (SEALS - Sea-Air-Land Commandos) into North Vietnam for purposes of Sabotage; and,

- selective killing of members of the civilian population with alleged Communist affiliation in the South (Operation Phoenix).

With respect to the technologies employed and developed in Vietnam, the following are among the more "spectacular" and worthy of mention:¹⁵

- some thirty delivery systems for CS gas, mostly for battle-field use;

- "lightships: for night fighting, and the development of "gunships" capable of spewing out thousands of bullets per minute;¹⁶

- light-gathering and heat-gathering devices for "night-ground based-anti-personnel target acquisition;"

- anti-personnel, air-delivered weapons (Cluster Bomb Units - CBUs) such as flechettes, pellet-bombs, etc.;

- "laser-guided" and television-guided bombs;

- ground-based fire location sensors;

- portable field radars for mortaring and enemy artillery location;

- special aircraft for airborne tactical air control and electronic counter-measures, largely over the China Sea and North Vietnam;

- drone aircraft for photo reconnaissance and for electronic counter-measures;

- ground-based sensor to detect personnel and motor traffic

movement behind enemy lines;¹⁷

- air-borne sensors capable of detecting tunnel net-works;
- improved air-delivered anti-personnel mines; and,
- improved anti-personnel land mines.

An illustration of the type of consequences sometimes resulting from the use of such weapons and tactics will be afforded by a brief reference to the B-52 bombing operations.

During the years following the massive American intervention, large portions of the countryside which had a dispersed population were subjected to aerial bombardment by formations of B-52s. Their purpose was to inhibit enemy infiltration into the South, interdict supplies coming into the South, from North Vietnam, and to destroy enemy strongholds in the South. Air strikes were usually made on the basis of intelligence information supplied by agents or "ground-based sensors" which indicated the presence of Vietcong or North Vietnamese forces. Unfortunately, due to a combination of faulty reporting, over-anxiousness, the desire to surprise, and the inability of electronic devices to distinguish between combatants and non-combatants, many of these raids did little damage to the enemy, but did manage to rain down death and destruction on innocent civilians living in these "target" areas.¹⁸

The following table attempts to provide some statistical information as to the results of American bombing operations. As appears quite obvious, few of the figures seem to follow any logical progression when compared. However, I do believe that the refugee figures are noteworthy. It can be noted that with the increase in bombing missions during 1969 the

number of refugees increased by over fifty percent. This fact, coupled as it is with the way in which casualties were calculated by the Americans,¹⁹ would suggest that civilian casualties did increase with the heavy bombing missions. It is also worth noting that the bombing missions did not appear to significantly alter large-scale insurgent military operations.

As previously stated, two major reasons for the American bombing of the North and border areas were the counterinsurgency's general failure to halt large-scale infiltration from the North, and their failure to make noticeable headway in the war.²⁰ Given the availability of resources, the American use of air power was a logical outcome as well as a progressive process. When it later became clear that infiltration, far from having been reduced, had actually increased²¹ there were immediate complaints from the exponents of the bombing that the air attacks had come too late and had been too little. The belief that characterized this era was that North Vietnam should be bombed "back into the Stone age." According to Brigadier General Glenn D. Walker: "You don't fight this fellow rifle to rifle. You locate him and back away. Blow the hell out of him and then police up."²²

By early 1966, nearly one-quarter million American men were deployed throughout the South. The enemy offensive of the previous year had been checked, and it appeared to many in Saigon and Washington that the South had been saved from what appeared to have been imminent disaster. Additionally, it was believed that General Westmoreland had come through with positive results when they were most needed. The

TABLE II

Vietnamese War Statistics

1967						
	July	August	Sept.	October	November	December
B-52 missions	100	78	28	52	77	47
Total aerial bomb ton- nage dropped (a)	80,035	79,535	78,885	83,497	83,088	83,136
Civilian hospitaliza- tions from war (b)	3,058	3,954	4,515	3,884	4,884	4,790
Large-scale insurgent military-operations	197	204	260	264	264	286
Enemy casualties (c)	7,923	5,810	6,354	6,272	7,662	7,938
SVN refugees (d)						1,723,509

1968						
	January	February	March	April	May	June
B-52 missions	104	291	311	265	231	293
Total aerial bomb ton- nage dropped (a)	90,036	103,000	123,672	124,660	127,942	125,159
Civilian hospitaliza- tions from war (b)	5,919	19,662	9,043	6,483	9,044	7,197
Large-scale insurgent military-operations	409	570	558	391	588	288
Enemy casualties (c)	15,217	39,867	17,371	12,215	24,086	10,319
SVN refugees (d)						

	July	August	Sept.	October	November	December
B-52 missions	240	300	291	272	207	217
Total aerial bomb ton- nage dropped (a)	128,407	126,379	117,569	122,233	114,925	127,672
Civilian hospitaliza- tions from war (b)	5,630	5,589	6,335	5,811	4,333	5,236
Large-scale insurgent military-operations	137	242	215	145	184	194
Enemy casualties (c)	6,653	15,478	12,543	8,168	9,632	9,600
SVN refugees (d)						2,702,077

TABLE II (Con't)

Explanatory Notes

- a) The bombing-tonnage figures represent the total amount dropped by all American planes. There exists no separate figures for B-52 missions.
- b) Civilian hospitalizations from the war represent all those admitted to either American or South Vietnamese hospitals. (see footnote 9, p.14)
- c) Enemy casualties refer to both Vietcong and North Vietnamese military.
- d) Unfortunately, there exist no monthly figures for SVN refugees. Each figure represents the official published figure put out at the end of each year.

Source

Air War Study Group, Cornell University. General editors, R. Littauer, and N. Uphoff. The Air War in Indochina, rev. ed. Boston: 1971, pp. 265-284.

question that emerged following this period was "what was next?"; a response was soon forthcoming -- "search-and-destroy":²³

"/Search and destroy/ had great appeal. It offered prospects of quick results before the mid-term elections in November 1966. Moreover, at this time, the GVN was involved with the Buddhist crisis in Danang and Hue and could not be expected to play its full part in the war. Even so, it is doubtful if these considerations would have made any difference. The temptation to bring to bear the enormous resources and fire-power of the American Army and Air Force on Vietcong and North Vietnamese units contacted was too great. *Later.* Even B-52s could take on black pyjamas."²⁴

Given this situation in Vietnam,²⁵ American forces were able to conduct aggressive operations anywhere they desired; and if every piece of available modern weaponry was brought to bear in the war, many experts believed that the tide of the conflict would change. Indeed, as has already been suggested, many believed that this approach would be tantamount to the adoption of a winning strategy:

"A message of great importance to those concerned with armament technology is in great danger of being lost in the quagmire of information that surrounds the war in Vietnam. This message is straight forward in its text but far-reaching in its implications: a government defending against well-armed guerrilla combat forces in the field will have little prospect of winning unless it is prepared to use against its antagonists the fruits of military technology."²⁶

It was almost a matter of faith on the part of many military and political planners that aggressiveness and technical superiority, coupled with a fast reaction ability, constituted the initiative and, accordingly, the way to achieve victory in Vietnam. It is probably quite accurate to suggest that without weapons like the helicopter, the

Cluster Bomb Units, napalm, and B-52s, the American "search-and-destroy," "harassment-and-interdiction," free-fire and free-strike missions would never have been possible. It is these type of military operations which have been given the label "genocidal" because of their inability to readily distinguish between combatants and non-combatants. In addition, many critics of the American prosecution of the war have blamed this failure to differentiate on the weapons themselves.

Gabriel Kolko, writing about the U.S. prosecution of the war has noted:

"The U.S. has made South Vietnam a sea of fire as a matter of policy, turning an entire nation into a target. This is not accidental but intentional and intrinsic to the U.S.'s strategic and political premises in the Vietnam war. By necessity it destroys villages, slaughters all who are in the way, uproots families, and shatters a whole society."²⁷

While I do not believe one can categorically state that the American strategy was designed to be atrocity-producing, I do believe it is valid to suggest that it was a strategy which inevitably led to atrocities. The counterinsurgents' use of weapons and tactics described above could not do anything but produce the death and destruction so characteristic of the war.²⁸

The Character of the American Counterinsurgency

To comprehend the "character" of American participation in Vietnam it is necessary to acknowledge the existence of the environment in which the counterinsurgency was fostered and executed. Part of this environment is the presence of three levels of American participation. These levels represent at the highest pinnacle, the American political

leaders and other policy-makers. Below this level are the policy implementors and chief military advisors and field officers. Finally, we have those who executed the orders of war, the individual serviceman himself. This section will attempt to describe the character of American counterinsurgency in terms of the environment which will allow for a blend of the three levels rather than a separate review of each.

Apart from the weapons and tactics employed in the war, the individual combatant and the policy-makers must share some responsibility for the enormous death and destruction wrought on South Vietnam by counterinsurgent efforts. While there appears little in the individual complexion which is capable of producing the horrors of a Son My,²⁹ a Quang Ngai or a Quang Tin,³⁰ or the purposeful beheading of a surrendering enemy soldier;³¹ there is in the military system which trained these men. Combat training and the mental preparation which accompanies that process, deliberately sought, in the American case, to infuse into the individual both a fear and a drive that would make him actively pursue victory and ensure its realization. The U.S. military and political planners had no other choice in this matter. Raymond Aron has noted that whereas "insurgents have no need of decisive successes in order to win, counterinsurgents need total victory."³² By the very nature of insurgency, guerrillas can take their time; they can sit out difficult situations and even feign catastrophe or capitulation. Once the counterinsurgents have left, the insurgents can recommence their activities -- well-rested and with renewed vigour which the lay-off has provided them. The counterinsurgents, on the other hand, must

completely destroy the insurgents; if not, they will never achieve victory. In this sense, the characterization of an insurgency as a "cancer" is quite accurate. Only the complete removal of the cancer will cure the patient.

Accordingly, military and political perspectives of the course of the war, and the perception of victory would be expected to greatly influence the prosecution of the war. The full-scale American entry into the war by 1965 was a direct acknowledgement of the failure of the "Kennedy" strategy. With this failure came the admission by some that the war could never be acceptably terminated even within the context of the "Johnson-Nixon" strategy of "controlled escalation:" "The pursuit of victory in Vietnam through the so-called strategy of escalation has conspired with a variety of other forces to literally make the war unwinnable."³³ The massive mechanization of the war in the late 1960s and early 1970s was an admission by the counterinsurgents that victory was not within reach. Richard Nixon's "peace with honour" was an admission that total victory could never be achieved.³⁴

American government and military leaders have always opted for quick results with immediate inputs.³⁵ This desire for quick results, coupled as it was with impatience and frustration, led to the impulsive nature of American problem solving in Vietnam.³⁶ While the "try-any-thing-once" approach can prove successful in some instances, it can also be very dangerous when little or no thought is given to the likely results of, or to the reasons for, using some "quick-result" scheme. The Vietnam war became a veritable "melting-pot" for half-developed,

spontaneous and novel ideas, all of which were tried out in "battle-field conditions" and most of which proved disastrous for the peasants of Indochina. When these new combat techniques and tactics failed to produce desirable military results, some reason was usually found for trying them again. If, on the other hand, some idea proved successful in one instance it was usually assumed to be universally applicable and always successful. Such would appear to have been the case with the use of anti-personnel weapons.

When first employed these weapons were designed to hurt the enemy in areas not safely penetrable by American forces, such as dense forests, jungles, or heavily bunkered fortifications. Due to the enormous success of these weapons, they were widely used in most field operations. Napalm and CBUs were used prior to most troop operations in order to "soften-up" the enemy, and as preparations for the entry of counterinsurgent forces into enemy-held strongholds. Unfortunately, most of those "softened-up" were civilians. Despite these civilian casualties, the anti-personnel weapons were still employed because they did manage to disrupt some enemy operations, and kill some enemy forces.³⁷

One aspect of the American counterinsurgency which added to individual impatience and impulsiveness was the demand for aggressiveness. Such a trait was continually manifested in the U.S. desire to surprise, to "shoot-first," and to possess a fast-reaction capability. This orientation was, often times, the confirmation of what was contained within many Vietcong statements -- the brutality directed towards South Vietnamese civilians, the murder of unarmed civilians, and the needless

destruction of civilian property. The result of all this was that many American units found their efforts frustrated even further.

This, in turn, set the action-reaction cycle in motion:

"In revolutionary warfare professional armies trained for conventional combat follow a vicious logic of escalation which derives from acute frustration over an elusive war that puts in question not only their effectiveness, but the very validity of their training."³⁸

It was precisely this type of response to enemy actions which prolonged the Vietnamese conflict and resulted in the needless loss of life.

Another disadvantage from which the counterinsurgents suffered was their tremendous wealth. In Vietnam, resources were continually substituted for efficiency and organization. In this sense the counterinsurgents waged a war that was "material-intensive" while that of the insurgents was "labour-intensive". When a solution to a problem failed, rarely did anyone question the solution itself or challenge the correctness of the policy. Rather, it was simply assumed that the "resources" had been inadequate. The constant remedy, then, was to retain the same tactic or approach but increase the amount of resources employed by it. This policy of "more is better" led to a situation where "instead of policy allotting the means and thereby dictating the strategy under which the means were applied, the strategy demanded more and more and so dictated the policy."³⁹ Given this preoccupation with quantity, Vietnam became a war in which it was possible to note that "almost any kind of military error /on the part of the counterinsurgents/, no matter how stupid, can be retrieved on the rebound."⁴⁰

These factors, together with the products emerging from combat training and psychological conditioning as provided for combatants in the United States contributed to the failure of both the military and political leaders' full comprehension of the nature of the war. The factors are important because they tended to obscure the true nature of the insurgency movement, and the combatants are an issue because they were often regarded as more the results of, rather than the causes for, some of the military and political disasters experienced by the counterinsurgency. In some instances individual ignorance or plain fear produced disastrous consequences for the United States Command in Saigon -- the killing of children and old people because they wore the traditional black clothing of South Vietnamese when tending their paddies; the shooting of someone moving about in the bushes of a free-fire zone because they could not read the warning leaflets, or did not wish to vacate traditional family land for religious reasons; of the resettlement of refugees into relocation camps whose building format violated ancient Vietnamese customs. All of the consequences stemming from such actions were usually blamed on the Vietcong because of the way the insurgents had compelled the Americans to fight the war, and not on the system which trained the soldier to behave this way, or on the individual and his instruments of war.

Accordingly, we can suggest the existence of two prime causes for the disasters associated with the U.S. counterinsurgency. On the one hand, "the American liberal tradition, ignorant of popular revolutionary warfare and untempered as it was by experience of the Asian scene of

violence, led to some very fanciful and disastrous thinking."⁴¹ On the other hand, the problem would seem to have rested with the lack of American military preparation and planning in accordance with the type of war that had developed. American service men, unable to respond to the situation at hand, resorted to strategies that were only meaningful in relieving their tension and frustration and which also appeared to reaffirm their belief in the military process. Perhaps the most graphic characterization of this military situation has been provided by Frances Fitzgerald:

"Like an Orwellian army, /the American servicemen/ knew everything about military tactics, but nothing about where they were or who the enemy was. And they found themselves not attacking fixed positions but walking through the jungle or through villages among small yellow people, as strange and exposed among them as if they were Martians. Their buddies were killed by land mines, sniper fire, and mortar attacks, but the enemy remained invisible, not only in the jungle but among the people of the villages -- an almost metaphysical enemy who inflicted upon them heat, boredom, terror and death, and gave them nothing to show for it -- no territory, no visible sign of progress except the bodies of small yellow men. And they passed around stories: you couldn't trust anyone in this country, not the laundresses or the prostitutes or the boys of six years old. The enemy would not stand up and fight, but he had agents everywhere, among the villagers, even among the ARVN officers. The Vietnamese soldiers were lazy and the officials corrupt -- they were all out to get you, one way or another. They were all "gooks" after all."⁴²

This was the attitude of many American forces before they went into combat; this was the attitude they had confirmed in combat; and it was this very attitude which predisposed them towards the commission of acts of brutality and savagery.⁴³ It now appears from many of the studies

made on returning Vietnam veterans that when a GI's conscience did begin to trouble him, there was the belief that orders were merely being obeyed, that his superiors would not ask him to do something that was illegal. When an illegal act was requested of a combatant, the individual could always think in terms of "gook" or "sub-human", as well as the likely reward for a job well-done.⁴⁴

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- ²For a review of these objectives and their importance as viewed by the Kennedy Administration, see: "Vietnam Program of Action by Kennedy's Task Force," document no. 18; and "White House Cable to /Ambassador/ Lodge on Pressure for Saigon Reform" document no. 45. The Pentagon Papers, The New York Times Edition. New York: 1971, pp. 119-125; 206-208.
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- ⁵Eqbal Ahmad, "Revolutionary War and Counterinsurgency." Journal of International Affairs, vol. XXV, no. 1, 1971, p. 16. [Professor Ahmad has termed the American counterinsurgency strategy as possessing one main characterization and two supplementary characterizations. The main characterization he labels as "conventional-establishment". The two supplementary characterizations are: "punitive-militarist" and "technological-attrivitive".]
- ⁶GIs were used as bait in South Vietnam as lures to ambush enemy units, as illustrated by such military emplacements as Khe Sanh, and the use of the "night logger." Night loggers were night bases for large units of counterinsurgent forces sent out for the specific purpose of luring V.C. and North Vietnamese units into attacking these "vulnerable" positions. Once attacked, the counterinsurgents would call in massive artillery and night fighters to destroy the enemy. (Citizens Commission of Inquiry, The Dellums Committee Hearings on War Crimes in Vietnam. New York: 1972, p. 71.
- ⁷E. Ahmad, op. cit., p. 17.
- ⁸Ibid., p. 16.
- ⁹Ibid., p. 18.
- ¹⁰Vietnam Veterans Against the War, The Winter Soldier Investigation. Boston: 1972, p. 6.
- ¹¹D. Halberstam, op. cit., p. 229.

¹²E. Ahmad, op. cit., p. 19. See Professor Ahmad's Counter-insurgency description, reference no. 5, this section.

¹³Gabriel Kolko, op. cit., p. 411.

¹⁴Milton Leitenberg, "America in Vietnam: Statistics of a War." Survival, vol. 14, no. 6, November-December, 1972, p. 268.

¹⁵Ibid., p. 269

¹⁶Multiple barreled machine guns capable of high rate of fire (6,000 rpm) of which as many as six were being carried by one plane, the C-47, were a deadly weapon when aimed down on V.C. and North Vietnamese staging areas. The C-47 was affectionately known by American GIs as "Puff the Magic Dragon."

¹⁷"The McNamara Line", which grew into project Igloo White, employed sensors which detected through various methods -- seismic, thermal, etc., -- movement and which then telemeter their information to circling aircraft or drones that pass it on to ground-based computers, which call for aircraft strikes. This was popularly referred to as the "electronic battlefield."

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¹⁹Ibid., p. 29.

²⁰See reference no. 9, p. 14.

²¹"Further McNaughton Memo on Factors in Bombing Decision." The Pentagon Papers, The New York Times Edition. New York: 1971, document no. 109, p. 491.

²²Air War Study Group, op. cit., p. 52.

²³Jay B. Durst, "Limited Conventional War -- Can It Be Successful?" Military Review, vol. 50, no. 1, January 1970, pp. 56-63.

²⁴Robert Thompson, No Exit From Vietnam. London: 1969, pp. 134-135.

²⁵This occurred with the preoccupation of Saigon officials with the Buddhists, which allowed the Americans to conduct military operations with only nominal consultation with their allies of the South.

²⁶D.R. Kirchner, "Anti-guerrilla Armament." Ordnance, vol. 56, no. 308, September-October, 1971, p. 127.

²⁷Gabriel Kolko, op. cit., p. 412.

²⁸Frances Fitzgerald, Fire in the Lake. Boston: 1972, p. 375.

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³¹Clergy and Laymen Concerned About Vietnam, In The Name of America. Annandale, Va.: 1968, p. 62.

³²Raymond Aron, On War. New York: 1968, p. 69.

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³⁴This should not be taken to mean that victory was out of the question. Victory, in an absolute sense, was always attainable for the Americans. However, the means to that goal were never seriously considered as employable. To use nuclear weapons in Vietnam would have meant a serious possibility of nuclear war with the Soviet Union, or the direct military involvement of the People's Republic of China.

³⁵Robert Thompson, op. cit., p.125.

³⁶Peter G. Bourne, "From Boot Camp to My Lai." In Crimes of War, edited by R.A. Falk, G. Kolko, and R.J. Lifton. New York: 1971, pp. 466.

³⁷Y. Ishijima, "Non-Military Targets and Methods of Attack." In Against the Crime of Silence, edited by John Duffett. New York: 1968, pp. 161-164.

³⁸Eqbal Ahmad, op. cit., p. 33.

³⁹Robert Thompson, op. cit., p. 127.

⁴⁰Bernard B. Fall, "Vietnam Blitz." The New Republic, vol. 153, no. 15, October 9, 1965, p. 18.

⁴¹E. Ahmad, op. cit., p. 33.

⁴²Frances Fitzgerald, op. cit., p. 370.

⁴³In many of the accounts which attempt to explain the American acts of needless brutality and senseless violence, this claim is borne out. For a review of several acts in light of this claim, see: Seymour M. Hersh, op. cit.; and Jonathan Schell, op. cit. For a general review

of American activities in Vietnam, see: Citizens Commission of Inquiry, op. cit.; Vietnam Veterans Against the War, op. cit.; and Clergy and Laymen Concerned About Vietnam, op. cit.

⁴⁴The "reward system" is well described in the American Vietnam veterans accounts contained in: Citizens Commission of Inquiry, op. cit.; and Vietnam Veterans Against the War, op. cit.

VIETNAM ATROCITIES COMMITTED WITHIN AN ACTION-REACTION PROCESSVietnamese Insurgency: An Evolutionary Undertaking

While the basic facts of the war are not that controversial, the dispute concerning the conflict would appear to revolve around the conclusions that may be drawn from them. Through the use of certain tactics -- area bombardment; free-strike and free-fire zones; forcible relocation of civilians; destruction of property; indiscriminate bombardment of villages suspected of harbouring members of the enemy forces; and aerial machine-gunning of peasants who were thought to be Vietcong -- the forces of the counterinsurgency maimed thousands of innocent civilians and created refugees out of many others -- many of whom were compelled to exist in camps and compounds of incredible filth and horror.¹ Similarly, by employing the methods of insurgency warfare -- political assassination; abduction; terror-bombing; ambushing; "armed propaganda;" forcible support; the ability to compel their enemies to resort to reprisals; the ability to intimidate and capitalize on enemy impatience and frustration -- the forces of the insurgency directly and indirectly produced the conditions which resulted in the deaths of many innocent peasants and city-dwellers throughout Vietnam, Laos, and Cambodia. Many of the deaths resulting from the use of such tactics and methods were the product of an action-reaction process which was one outcome of contact between the two types of warfare employed throughout the war.

To understand this process better, it is necessary to view the war as an evolutionary and developmental phenomenon.² There appears

to be several reasons for this phenomenon. The desire on the part of individual insurgents to survive, as well as the desire of the insurgency's leadership to maintain the movement's existence led to adaptation. When, in the early 1960s, the enemy began to employ aircraft for spotting and attack, the Vietcong responded by operating in smaller units, moving about at night, breaking camp frequently, using natural cover, storing materials and living underground. When trucks, jeeps and armoured vehicles were employed against the insurgents, the Vietcong responded by leaving the well-travelled routes and the open areas and moving into those areas in which such vehicles did not have an easy access, but which still afforded the Vietcong sufficient maneuverability.

A second reason for insurgent adaptation was their desire to capitalize on the regular forces' vulnerability in unconventional warfare situations. As previously noted, U.S. forces in Vietnam were generally unprepared for the situations they were often forced to experience. This led, in many instances, to their impatience, frustration, and aggressiveness. Although the counterinsurgency did attempt to adapt and modify their tactics and orientations to the realities of the Vietnam experience, such counterinsurgent developments usually led to a corresponding change in the approach to war undertaken by the insurgents. Due to their need to retain the initiative, the military practices of an insurgency change in response to alterations in technology and action by counterinsurgents.³ While the pressures for adaptation and innovation are normally greater for the insurgent for this reason of retaining the

initiative; the behaviour of the counterinsurgents is also likely to be very adaptive. This was especially true in Vietnam, as noted by Maxwell Taylor:

"While /the V.C./ objectives remained remarkably constant over the years, each side repeatedly changed its strategy to meet new conditions. Usually these changes were made necessary either by actions of the adversary or by evidence of the inadequacy of the current strategy."⁴

The following pattern of change illustrates this point quite well. Regular forces, unable to achieve the immediate victory they are seeking, may start the evolutionary and developmental phenomenon with the introduction of some new weapon or device. The altered behaviour on their part represents a challenge to the insurgents and they respond by taking actions specifically designed to minimize the value of the counterinsurgent's altered behaviour and the maximization of their own efforts.⁵ In Vietnam, when the counterinsurgent innovation was the increased use of a better transportation system, the insurgents responded by avoiding those areas in which such a system offered an advantage. The insurgents also responded to the challenge by striking directly at the transportation system itself.⁶ This response was viewed by the counterinsurgents as a new challenge, which led to attempts to minimize the response options available to the insurgents. When the insurgents reacted to the use of aircraft by dispersion, concealment, and night-travel, the counterinsurgents responded by using night-vision techniques, infrared photography, defoliation and heavy bombers.⁷ Such developments represented a new challenge to the insurgents and helped to set off another round in the challenge-

response cycle.

People's Revolutionary War and the American Response

The war in Vietnam has often times been referred to as a People's Revolutionary War.⁸ A People's Revolutionary War is, by its very nature, a civil-war of a very complicated type. It employs highly refined techniques to seize power and to take over control of a country's ruling mechanisms. Its significant feature is its relative immunity against the application of massive fire-power and large-scale force. John Hoagland notes: "...once the insurgents revert to guerilla warfare or terrorism, it is often virtually impossible -- as the Vietnam experience shows -- for the incumbent government to stamp out all evidence of their presence."⁹ Quite obviously, the political infrastructure is relatively immune to the massive application of force. An insurgent cell located in a school or church is not likely to be eliminated by B-52s unless the buildings, with all cell members inside, is intentionally bombed, killing the inhabitants. Equally, insurgents, by their strategies and tactics and their ability to accept or reject battle, are not likely to be defeated by conventional means.

Normally a People's Revolutionary War goes through Mao Tse-tung's three phases of "protracted war:" the build-up, or defensive phase; the guerrilla war, or the equilibrium phase; and the take-over, or offensive phase. Time is not usually viewed as an important factor for the completion of any one of these phases. Accordingly, time, or perhaps patience, is regarded as the greatest asset in the arsenal of an insurgency, and it is the key to the strategy of protracted war.¹⁰ The

value of patience is enhanced when the counterinsurgents are themselves impatient because, as previously noted, impatience produces errors and further impatience which then perpetuates the "impatience-frustration-aggression" cycle.¹¹ In its broadest sense, time provides the insurgents with the opportunity to develop, experiment, evaluate, and innovate. Time can only be preserved or increased when there is sufficient "space" to exchange for it. In this sense, "space" refers to both actual territory and people, as well as their resources.

When the "guerrilla war" phase was initiated, the aim was to gain space which could then be traded for time. Control was established over the remotest villages and then gradually extended inward in accordance with the Maoist dictum of using the villages to encircle the towns, and the towns to encircle the cities.¹²

When the South Vietnamese forces were compelled to pull back in defense of the main towns and cities in 1965, the Vietcong had gained the needed space to begin their war of mobility (the offensive phase).¹³ By gaining the needed space, the insurgents had ensured themselves the needed time. It was at this point in the war that the Americans became directly involved through bombing the North and large-scale deployment of combat troops throughout the South. In terms of space, this action had a number of immediate effects. It spread the war into the North and brought into play the people of North Vietnam. Within the South itself, the additional strength provided by the American forces meant that the space already secured by the Vietcong had to be retained and that the American effort would have to be neutralized if further space

was to be gained. In effect, this meant that the war for control of the South was divided into two major areas: the political war for control of the people, and the military war to neutralize the Americans. This meant that Hanoi would have to become directly involved in the conflict if these two courses were to be actively pursued. The bombing of the North provided Hanoi with the needed excuse to involve herself.¹⁴ In short, escalation had to be met by counterescalation, and action had to be countered by reaction.

Due to the nature of insurgency warfare, the Vietcong and the forces of North Vietnam were essentially in command of when and where battle would be undertaken.¹⁵ This was in keeping with the Maoist stratagem of guerrilla warfare:

"Although the flexible dispersal or concentration of forces according to circumstances is the principal method in guerrilla warfare, we must also know how to shift...our forces flexibly. When the enemy feels seriously threatened by guerrillas, he will send troops to attack or suppress them. Hence the guerrilla units will have to take stock of the situation. If advisable, they should fight where they are; if not, they should lose no time in shifting elsewhere. Sometimes, in order to crush the enemy units one by one, guerrilla units which have destroyed an enemy force in one place may immediately shift to another so as to wipe out a second enemy force....If the enemy's forces in a certain place present a particularly serious threat, the guerrilla units should not linger, but should move off with lightning speed. In general, shifts of position should be made with secrecy and speed. In order to mislead, decoy and confuse the enemy, there should be constant use of stratagems, such as making a feint to the east but attacking in the west, appearing now in the south and now in the north, hit-and-run attacks, and night actions."¹⁶

The choice of strategy -- offensive, defensive, or maintaining the

status quo -- usually rested with the insurgents' military leaders. By maintaining the offensive and keeping the strategic initiative, the V.C. and the Northern regulars presented the American military commanders with a constant and unsolvable dilemma: choosing between concentrating for offensive operations or dispersing for the defense of vulnerable targets. According to General Westmoreland, this dilemma was viewed as being the fundamental problem to the war's successful prosecution. The solution he suggested, was to increase the number of American servicemen, thereby providing sufficient manpower to operate successfully on both levels.¹⁷ However, the dilemma was to prove unsolvable for the Americans because of the nature of guerrilla warfare and Hanoi's direct involvement. Whenever the Americans attempted to redress the balance of forces by increasing the size of their own troop commitment (it was believed that a proper balance was ten counterinsurgents for one insurgent), Hanoi countered by sending more troops down the "Trail" into the South.¹⁸ The ultimate result of this counter-action was a situation in which American military commanders came to rely less and less upon their ground combat troops, and more and more upon their air and artillery fire-power. The very fire-power which proved disastrous to non-combatants because of its inability to distinguish readily between combatant and non-combatant, and because of the military's over-eagerness to "shoot-first" and "question later."

Another effect of Hanoi's intervention and the insurgents' ability to maintain the offensive was the creation of a tendency on

the part of South Vietnamese troops to leave the difficult fighting assignments to the Americans. This tended to increase American disenchantment with South Vietnamese forces. As well, the sometimes heavy American casualties which resulted from these combat situations intensified the Southern forces' distaste for combat with the insurgents.¹⁹

To maintain the offensive meant, for the insurgents, a high cost in manpower, massive bomb damage to the North, and, to some extent, a loss in operational maneuverability. However, given the rather primitive industrialized nature of the North's economy; the abundance of civilian "volunteers" from China who could help repair the damage inflicted by the bombing; the persistent ability to find alternate means of transport; and the willingness of allies in eastern Europe to come to their assistance, Hanoi's choice was to endure because nothing would prove fatally damaging to its efforts in supporting the insurgency in the South.

Hanoi knew quite well, as did many American politicians, that there was only one asset in North Vietnam which was vital to the war effort and that was the North's population. It was the one asset that could be counted upon, and which did not appear subject to attack. Unfortunately, because the people of North Vietnam were the only real targets which could successfully affect both the physical course of the war and Hanoi's prosecution of the conflict, American leaders felt compelled to wage an air campaign against that resource base. Given the lack of real targets which could affect the conflict,

the people, in the North as well as the South, were the logical targets for the American air-power.

The air war in Vietnam (North and South) was characterized by zonal bombardment, area-denial, free-bomb zones, and anti-personnel weapons. The zonal pattern of bombardment in the war was designed to devastate entire regions of the country. Since there was no particular target, injury to civilians located in those areas subjected to bombardment was necessary and, indeed, inevitable if the plan was effectively executed. Noam Chomsky has noted: "It is important to understand that the massacre of the rural population of Vietnam...is not an accidental by-product of the war. Rather it is of the very essence of American strategy."²⁰

It is unfortunate and somewhat ironic that when examined closely, the strategy of American counterinsurgency suggests, on the one hand, a policy of careful restraint against traditionally accepted military targets and, on the other, a widespread lack of restraint against targets of a more dubious military nature.²¹ There is ample evidence available to indicate that the United States Air Force avoided many vital targets in the North as late as August, 1967. A report issued by the United States Senate Preparedness Investigation Subcommittee on September 1, 1967, dealt with this subject:

"It was clearly implied by the Secretary of Defense that few, if any, important military targets remained unstruck. The great weight of the military testimony was to the contrary: General McConnell states: "There are many valuable targets remaining unstruck." General Wheeler stated that the 57 targets under

discussion /those remaining targets not yet authorized for bombing/ were worthwhile targets and said: "There are many lucrative targets that have not yet been struck," and "that we consider important." As late as Aug. 28 /1967/, General Greene said: "The key targets have not even yet been hit."²²

The sparing of authentic, fixed military targets in the North, coupled with the fact that the air raids above the 17th parallel continued unabated prompts one to ask what was the nature of those targets being hit. This question takes on added significance in light of Secretary McNamara's testimony before the same Senate Subcommittee on October 11, 1967. Admitting that he did not believe the bombing had "in any significant way affected the war-making capability of North Vietnam," he noted: "All of the evidence so far is that we have not been able to destroy a sufficient quantity of war material in North Vietnam to limit the activity in the South below the present level and I do not know that we can in the future."²³ Yet, despite his doubts, McNamara seemed to possess some justification for continuing the raids when he noted that they were increasing the price of the North's aggression against the South.²⁴ One conclusion that we can deduce from these statements is that American air-power was being directed against targets of decreasingly little or no military value. Under such conditions it is not surprising to note that civilian suffering increased as the war dragged on.

The use of American air-power and artillery in the South also raises serious questions about the conduct of the war. Numerous accounts of correspondents, visiting scholars and others indicate that targets of secondary, tertiary, and, in some instances, of no conceivable

military value, had come under air and artillery bombardment throughout Vietnam.²⁵ One explanation for the bombardment of such targets is that with so few targets of a conventional military character, targets had to be found for the vast arsenal of American fire-power. In addition, two of the principal reasons for limiting the bombing of the North -- negotiation and Chinese intervention -- were absent in the South.

Another explanation for the indiscriminate bombardment in the South may be found in the area of targeting policies and restrictions. While there existed rather rigid guidelines for bombing operations in the North, there were very few applied to the Southern theater of combat. With a freer reign on air and artillery operations, there was more room for carelessness and the carefree use of weapons. However, the reason for this reduction was not strictly strategic. The freer reign helped to diminish some of the hostility shown by military personnel towards U.S. war policies by keeping military commanders from turning completely sour on a war which, many felt, was being run by politicians in Washington whose first concern appeared to be over-restraint of military forces.²⁶ It has been suggested, however, that the civilian administrators had to pay a price for their restraint over policies relating to the North by giving in to the military on policies designed for the South. Richard Barnet has noted: "The Joint Chiefs of Staff exacted a price from President Johnson for their agreement to support the cessation of bombing over North Vietnam. They insisted upon taking the bombs they had counted on dropping on the North and

dumping them on the South and Laos.²⁷

In 1963, Defense Secretary Robert McNamara told a United States Congressional committee:

"We have a long way to go in devising and implementing effective counter-measures against the communist techniques. But this is a challenge we must meet if we are to defeat the communists in this kind of war."²⁸

The United States was to eventually meet this challenge by viewing the conduct of the war in terms of managerial and military experimentation in the areas of pacification and combat practices. On the issue of "managerial" experimentation, Gabriel Kolko notes:

"The U.S. effort in Vietnam is grounded on former Secretary of Defense McNamara's concepts of cost effectiveness, which weighs fire-power and available resources against political-military needs and objectives. To pay for such a vast undertaking, and rationalize expenditures to Congress, violence is carefully calculated and its intended outcome translated into military and economic terms, with the relative "body-counts" becoming a vital measure of results. Such mechanized, dehumanizing slaughter assures mass death, from the air, from artillery shells, in fields and prisons."²⁹

In 1969, General Westmoreland declared that Vietnam had in fact been a valuable laboratory for testing new weapons and techniques; that the "lessons" and "devices" coming out of Vietnam are "revolutionizing" the techniques of warfare; that having inflicted in Vietnam "over two-thirds of enemy casualties," long-ranged artillery and air-power had proved their capacity to "rain destruction anywhere on the battlefield within minutes...whether friendly troops are present or not;" that with new electronic devices the enemy could be mechanically

located, tracked, and targetted; and that technology would permit a "tremendous economy of man-power."³⁰

The trouble with the tracking, targetting, and locating devices was that they were even less capable of distinguishing between combatants and non-combatants than were the actual servicemen in the field. One conclusion to be derived from all this is that when a technologically advanced nation becomes committed to developing techniques against a People's Revolutionary War, it must end up producing and employing weapons of mass murder. At least this is the view of Gabriel Kolko:

"Militarily, the United States has fought the war with whatever decentralized-style weapons it could develop as well as the sheer quantity of fire-power which "conventional" weapons employ. The preeminent characteristic of both these approaches is that they are intrinsically and utterly indiscriminate in that they strike entire populations. And while such strategy violates all international law regarding warfare, and is inherently genocidal, it also adjusts to the political reality in South Vietnam that the NLF is and can be anywhere and that virtually the entire people is Washington's enemy."³¹

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¹¹For a recapitulation of this point, see text on pp. 64-65.

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¹⁴Although Hanoi has never "officially" acknowledged the presence of North Vietnamese troops in the war in the South, she has acknowledged the presence of "South" Vietnamese troops who have "returned to the South to assist in the war-effort against the forces of the counterinsurgency. These troops were those Southerners who left South Vietnam following the end of hostilities against the French in 1954. However, we now know that Northerners have engaged in active combat in the South from captured documents and confessions of PAVN (People's Army of Vietnam) troops. (See reference no. 48, p. 44.)

¹⁵ By the very nature of the war they wage, insurgents can usually choose when and where they wish to engage in combat. This follows from Mao's teachings on guerrilla warfare: "...it can be seen that in their operations guerrilla units have to concentrate the maximum forces, act secretly and swiftly, attack the enemy by surprise and bring battles to a quick decision....the basic principle of guerrilla warfare must be the offensive, and it is more offensive in its character than regular warfare." (Mao Tse-tung, Selected Military Writings, vol. II. Peking: 1963, p. 156.) Mao goes on to note that "it is precisely because the guerrilla units are small and weak that they can mysteriously appear and disappear in their operations behind enemy lines, without the enemy's being able to do anything about them, and thus enjoy a freedom of action such as massive regular armies never can." (Ibid., p. 158.)

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²⁹Gabriel Kolko, "On The Avoidance of Reality." In Crimes of War, edited by R.A. Falk, G. Kolko, and R.J. Lifton. New York: 1971, p. 15.

³⁰New York Times, October 15, 1969.

³¹Gabriel Kolko, "War Crimes and the Nature of the Vietnam War." In Crimes of War, edited by R.A. Falk, G. Kolko, and R.J. Lifton. New York: 1971, p. 411.

ATROCITIES OF WAR AND THE INDIVIDUAL IN VIETNAM

Although we have examined a number of issues relating to the commission of atrocities in Vietnam, our focus on the role of the individual combatant has only been peripheral. While this has been adequate in explaining the role of the insurgent in atrocity-producing situations, the same can not be said of the counterinsurgent references. Accordingly, this part of the paper will attempt to clarify what has, until now, been an intentional oversight. What is required is a discussion of the counterinsurgent's motivational-environment.

A brief review of two specific issues will prove helpful in understanding part of the motivational-environment in which American servicemen undertook the prosecution of the war, and which helped foster a situation very conducive to the commission of atrocities. This discussion will, of necessity, be limited to the American forces serving in Vietnam.¹ The two issues that will be discussed, and which may very well be the two most important, are: the "body-count," and the depersonalization of the enemy.² The first issue represents the one measure which the Americans viewed as capable of determining the success or failure of their war effort. The second issue was the factor which enabled the first to become such a viable measure.

The body-count was considered by many to be the most, and perhaps only, important measure of the war's progress. A large body-count for example, would suggest the success of some particular military operation. In addition to determining the success or failure of a military operation, body-counts were employed in the evaluation of a military

commander's effectiveness in the field, a weapon system or some new innovation to battle-field tactics; and, above all else, it was used in the evaluation of the individual serviceman in the eyes of his commanders, his friends, and his comrades-in-arm.³ In a war where few indicators existed for determining who the enemy was, where the lines of combat were drawn, what the mood of the population was towards the progress of the war, and how the enemy was doing, the body-count was a welcomed relief, for it alone could tell American military men how the war was going for them as well as for the enemy. With such an importance attached to it, the body-counts became the primary motivating force behind any military undertaking. This fact was to be continuously impressed upon the American troops in the field throughout the course of the war.⁴ The effect this had was so great that, in one instance where an American was tried for the murder of a Vietnamese civilian, the desire to achieve a high body-count was introduced in defense of the defendant, Lt. James Duffy:

"Duffy's company commander, Capt. Howard Turner describes the policy which made the murder probable, if not inevitable: - "The extreme stress is on what we call the kill ratio - how many US killed and how many enemy killed -- or body count. And this has become the big thing. This is what your efficiency report is written on."⁵

Given their limited ability in determining what successes had been achieved, the U.S. military leaders accepted the number of enemy dead as a good indicator. Accordingly, a high body-count meant that the enemy had suffered, which was indicative of American gains; while a low body-count meant that the enemy did not suffer as much as he should

have, which was indicative of American losses. Robert Lifton has noted that a key to understanding the psychology of the war lies with the body-count. He notes:

"Nothing else so well epitomizes the war's absurdity and evil. Recording the enemy's losses is a convention of war, but in the absence of any other goals or criteria for success, counting the enemy dead can become a malignant obsession. For the combat GI in Vietnam killing Vietnamese is the entire mission, the number killed his and his unit's only standard of achievement."⁶

Given the inability of the American forces to distinguish between combatants and non-combatants, and the ability of the Vietcong to strike suddenly and effectively by almost any means, the Americans found it very easy to adopt a "shoot first and question later" approach to combat. The only drawback to this approach, however, was that the GIs rarely were in a situation where questioning could be undertaken. This was partly due to the type of weapons employed, and the orders of combat issued (both direct and implied).

The American combat rifle, the M-16, was such a powerful weapon that when an insurgent was struck by its bullet, his chances were not very good for survival. This was precisely the purpose for which the weapon was developed.⁷ We know that very few combat operations were undertaken without the support of massive air and artillery support. Once the enemy was engaged, or just located, the fire-power was called upon to do the work of destroying the enemy.⁸ If the enemy was located in a heavily bunkered position, or tracked to a network of underground tunnels, napalm, phosphorous, dynamite or bulldozers would be employed to ensure his eradication. In many cases, all that was required of the

combat GI was his use in collecting the dead bodies, and engaging any snipers operating in the vicinity. If some of the insurgents did somehow manage to survive the bombs, shells, napalm and phosphorous, and there was no direct request issued for prisoners, they were usually subjected to the whims of the countless one-man execution squads. As one GI described the situation: "We really never got an order to take prisoners and I think it was a general attitude of almost everybody over there not to take prisoners;"⁹ or the following comment: "There were no prisoners of war taken by our company because that diminishes the body-count."¹⁰ Unfortunately, with such body-counts, there were numerous times when the figures were simply not believed. It became imperative among the lower echelons of command to devise some way of verifying such body-counts. The solution that finally resolved the problem proved to be the cutting off of ears from dead bodies: "They didn't believe our body counts. So we had to cut off the right ear of everybody we killed to prove our body count."¹¹ In addition, there evolved a system of rewards for high body-counts¹² which spurred the ground forces on to bigger and better body-count totals. Unfortunately, because the Vietcong were elusive, and both the V.C. and the Northern forces were very adept at the recovery of fallen comrades, "other" bodies had to be produced to fill the body-count columns. These proved to be civilians. The marvel of using civilians for enemy statistics was that there was no way of ever verifying this murderous conduct, as noted by one American official: "If it's dead, it's VC. --- because it's dead. If it's dead, it had to be VC. And of course, a

corpse couldn't defend itself anyhow."¹³

The "depersonalization" process was designed to make the American serviceman think of his enemy in terms of something resembling a dreaded disease. This process, begun on induction into the service, helped serve the situation described above.¹⁴ The process was designed to condition the serviceman to view his enemy as possessing no human characteristics or qualities. In this sense, then, it was quite permissible to kill Vietnamese without any compunction provided that such was considered to be, at least nominally, within the bounds of "military necessity." Given the undefinable nature of the war, "military necessity" could (and usually was) be applied to almost every situation the counterinsurgent found himself in. The "depersonalization" process, while never officially programmed as such, served the body-count objective most admirably. In addition to depersonalizing the actual enemy, the process worked on depersonalizing those the American forces were in Vietnam supposedly to protect -- the civilian population of the South. When U.S. servicemen entered basic training they were constantly told that the Vietnamese were not people: "You are taught they are gooks and all you hear is gook, gook, gook, gook."¹⁵ Basic training, then, may be viewed as a process whereby the counterinsurgent was prepared for the facts of war that awaited him: the enemy was not human; the Vietnamese were not human; the enemy could be anywhere and could be anyone; death was always lurking in a shadow or around any corner; body-counts were very important; and, killing would help serve the cause of personal safety as well as the body-count.

By depersonalizing the enemy (not to mention those men whom one is supposedly fighting for), the U.S. servicemen lost his inhibitions about killing and was psychologically prepared to commence his job as soon as he landed:

"On his arrival in Vietnam the GI is immediately thrust into an environment where killing and the struggle for survival was a daily fact of life. To stay alive by any means possible for the next twenty-four hours becomes the motivating force, and to do so the GI has little choice but to fall back on the training and resources the Army has provided him. The Army has already taught him to relinquish personal initiative, and the more hazardous and frightening the environment the more he is willing to be dependent upon the orders of superiors, even at the expense of abandoning previous values, beliefs, and independence."¹⁶

A third variable which played into this psychological situation was frustration. The body-count and depersonalization enabled the serviceman to relieve his frustrations by killing the "enemy" because anyone he killed was, by his definition, an enemy. Likewise, should he mistakingly kill a non-enemy, he was always able to acknowledge that he was not killing a human being because the Vietnamese were not considered human.¹⁷

When all of these variables were combined, the final product created an environment in which massive death was not only likely, but acceptable as well. These three variables, then, worked together to produce the indescribable horror that has since come to characterize the war. Given the mental perceptions of American forces, is it any wonder that when the "super" weapons were introduced into combat they

were employed towards the ends of body-count, frustration-relief, and the negation of fear? Given the situation in which the "impatience-frustration-anger-aggressiveness" cycle operated, and the type of weapon-systems available for combat use, is it any wonder that "atrocities" were committed despite attempts at minimizing the needless loss of life?¹⁸ These were the conditions which helped to transform Vietnam into what might be regarded as a departure from the normal traditions of armed combat: "The new war is an American Marine setting fire to a hut (a "Zippo Raid") because it looks like a Vietcong headquarters. It is American paratroopers abusing a village chief because they don't have interpreters to explain his importance. More than anything else, it is the indiscriminate bombing operations because of faulty information and because it is easier than sending men out."¹⁹

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¹Unfortunately the area of "psychological" factors has not been well researched or documented. The overwhelming majority of available materials pertains to the forces of the United States. It is only natural, therefore, that the focus in this chapter will relate to those factors pertaining to the American forces of the counterinsurgency.

²For a review of this term, see reference no. 1, p. 6.

³Citizens Commission of Inquiry, The Dellums Committee Hearings on War Crimes in Vietnam. New York: 1972, p. 13.

⁴Ibid., p. 70.

⁵"The Interrogation of Captain Howard Turner at the Trial of Lt. James Duffy." In Crimes of War, edited by Richard A. Falk, Gabriel Kolko, and Robert J. Lifton. New York: 1971, p. 239.

⁶Robert J. Lifton, Home from the War. New York: 1973, p. 59.

⁷Malcolm Browne, The New Face of War, rev. ed. Indianapolis: 1968, p. 54.

⁸Charles Mohr, "Vast U.S. Firepower Arrayed in Vietnam Against Guerrillas." In Vietnam: Anatomy of a Conflict, edited by Wesley R. Fishel. Itasca, Ill.: 1968, p. 461.

⁹Vietnam Veterans Against the War, The Winter Soldier Investigation. Boston: 1972, p. 77.

¹⁰Citizens Commission of Inquiry, op. cit., p. 228.

¹¹Vietnam Veterans Against the War, op. cit., p. 9.

¹²Ibid., p. 56.

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¹⁴Vietnam Veterans Against the War, op. cit., pp. 44-45.

¹⁵Vietnam Veterans Against the War, op. cit., pp. 44-45.

¹⁶Peter G. Bourne, "From Boot Camp to My Lai." In Crimes of War, edited by R.A. Falk, G. Kolko, and R.J. Lifton. New York: 1971, pp. 465-466.

¹⁷Vietnam Veterans Against the War, op. cit., p. 152.

¹⁸General Abrams, when he took over command of the war, introduced stringent guidelines for the creation of free-fire and free-strike zone; when and where pattern bombing, search-and-destroy missions and harassment and interdiction operations would take place. Prior to his assumption of command these decisions, while nominally in the hands of Saigon officials, were left up to the discretion of field commanders. One of the reasons for his decision was the needless loss of life and destruction of property. (Peter Braestrup, "The Abrams Strategy in Vietnam." The New Leader, vol. LII, no. 11, June 9, 1969, pp. 3-5).

¹⁹Clergy and Laymen Concerned About Vietnam, In The Name of America. Annandale, Va.: 1968, p. 175.

CONCLUSION

Among the many commentaries which have attempted to depict the problems associated with counterinsurgency efforts, the following is especially noteworthy:

"Whereas at the outset we could be satisfied with infantry units, the expansion and embitterment of the conflict required a continually increasing use of artillery, mortars, tanks, flame-throwers and other technical expedients....The crippling sense of uncertainty and liability to attack led to the development of a suitable defense against being ambushed. Instead of waiting to be shot at from a house we neutralized possible snipers by opening fire on the house or went on firing until the enemy was out of action....In view of the brutal, indeed very often inhuman, behaviour of the bands, for one critical period I had to order drastic use of weapons to curtail the extraordinary casualties we were incurring from a certain nonchalance and out-of-place mildness on the part of our soldiers. Unless one wanted to commit suicide the war involved a reversal of natural feelings, which in itself concealed grave dangers."¹

While indicative of the nature of the conflict, this passage also suggests the inevitability of war-crimes as necessitated by the alignment of certain counterinsurgency forces with particular strategies.

However, given this apparent "necessity," this military commander still felt uneasy with his conduct in light of the laws of war:

"As it is, because of the peculiar nature of insurgent or guerrilla warfare certain measures are permissible by international law which are alien to the soldier at the front. Unfortunately the articles of the Hague Convention for Land Warfare are insufficiently defined, the vague term "the custom of war" being partly used to cover this lack of precision. The questions that require clarification are: hostages and the killing of hostages; reprisals and their nature, extent and proportionality; collective measures and their pre-conditions; emergency decrees and judicial procedure."²

Given this one characterization of guerrilla or insurgency warfare, can we suggest that it is reflective of the war in Vietnam? It would seem most unlikely that these comments accurately reflect the Vietnamese situation because we have too many newspaper accounts, television documentaries, personal stories, and findings of international conferences which tell us differently. We can also note that this characterization does not conform to the realities of Vietnam because it was not drawn from that experience. Albert Kesselring based his comments on his experience with the Italian Partisans during the Second World War.

Nevertheless, we can suggest, from his characterization of guerrilla warfare, that such warfare has changed very little with respect to its prosecution and its expected results. What does appear to have changed is the attitude taken towards the successful prosecution of counterinsurgency efforts by military commanders. Kesselring noted that "as a matter of principle" he abstained from using bombers, "because in inhabited places I could not take the responsibility for injury to the civilian population. He further noted that "in the future such scruples will have to go by the board..."³ It would appear that Generals Westmoreland and Abrams took this last piece of advice to heart and sought its purposeful execution.

While the Vietnam conflict may be viewed from any one of several vantage points, this paper has been concerned with the war's apparent ability to induce the commission of atrocities and the relationships existent between these acts and the weapons, tactics and strategies adopted. To deny the existence of such actions is to remain oblivious

to the realities of the conflict. To suggest that although the "acts" did occur they were not criminal is to overlook a sizeable body of legal documentation which tends to support just the opposite conclusion. It should also be recalled that both sides are collectively guilty of war crimes, and qualitatively should both be held responsible for a larger portion of the death and destruction, if only because they possessed the weapons capable of such massive horror.

To single out any one cause for this is to deny the extreme complexity of the war itself. However, there does appear to exist one such explanation which seems to rise above all the others -- the "action-reaction" process.

"The Vietnamese war had long been stamped by an unusual degree of cruelty from both sides, but the Vietcong's acts of violence as such had until late 1961 usually been directed against specific government forces...and local defense forces....The Vietcong usually restricted its terrorism to the achievement of political ends and endeavoured to restrain its followers from resorting to mere acts of vengeance. But when the heavy influx of new weapons, especially the armed helicopters, caused communist deaths to soar in 1962, the Vietcong loosed a wave of assassinations and kidnappings of Saigon supporters, presumably to offset the drastic effects of its staggering losses."⁴

Similarly, as the war progressed and as insurgent casualties mounted from the terrific pounding to which they were constantly subjected by American B-52s, the need for recruits and supplies increased insurgency coercion: "Coercion, including induction via abduction, has become more prominent in NLF military recruitment since 1964-65. Mounting casualty rates and financial pressures, coupled with ever greater

recruiting quotas, have caused the cadres to resort to more direct, strong-arm methods of induction and taxation than the preferred methods of more gradual and informal persuasion and indoctrination of recruit-designates."⁵

Apart from such "utilitarian" purposes, the action-reaction phenomenon resulted from other factors as well. Emotional factors induced both sides into the commission of horrendous acts. Such acts of violence against the civilian population by each side tended to confirm the other's view of them as something less than human:

"A method of killing is often regarded as an atrocity by one side but not the other -- Americans are outraged by the National Liberation Front's disembowelings and beheadings, while they in turn refer to napalm and crop-poisoning as "the most cruel and barbaric means of annihilating people."⁶

Jerome Frank goes on to explain this action-reaction dynamic, which closely resembles a "self-fulfilling prophecy," when he notes:

"Playing up enemy atrocities, each side not only justifies its own cruelties and dehumanizes the enemy, it further arouses its own citizens' blood-lust. The ferocity of war is both made possible and enhanced by the denial of humanity to the enemy: he becomes a statistic, an abstraction, and a beast, and the perception of him as subhuman reinforces the conviction that, like an animal, he is impervious to reason and will respond only to punishment."⁷

Given this depersonalization of the war, combatants would appear to have sublimated their "military" objectives into a combined and uniform purpose. This satisfied military commands as well as whatever individual needs existed at the time. However, when such efforts were disrupted, the

resulting sense of frustration was far more acute than would normally be experienced. This, I believe, is the key to the war's ability to create an inevitable atrocity-producing situation. In this sense, we can suggest that such acts are usually committed by desperate and highly frustrated men. Robert Lifton has noted that "an atrocity is a perverse quest for meaning;" it is the "end result of a spurious sense of mission;" it is "the product of false witness."⁸

With respect to the American participation in the war, we can advance the proposition that My Lai-type massacres were inevitable in that those men who participated in them were the victims of the war's many contradictions:

"To say that American military involvement in Vietnam is itself a crime is also to say that it is an atrocity-producing situation. Or to put the matter another way, My Lai illuminates, as nothing else, has, the essential nature of this atrocity-producing situation. It includes an advanced industrial nation engaged in a counter-insurgency action in an underdeveloped area against guerrillas who merge with the people."⁹

Among the many problems encountered by the counterinsurgents was their inability to separate the people from the insurgents. Frances

Fitzgerald notes:

"In many regions the Viet Cong were simply the villagers themselves; to eliminate the Viet Cong" meant to eliminate the villages, if not the villagers themselves, an entire social structure and a way of life."¹⁰

The war crimes policies that existed in Vietnam for the forces of the counterinsurgency stemmed from the fact that they were totally incapable of distinguishing between combatants and non-combatants.

Given this inherent difficulty, the adoption of weapons such as B-52s and large artillery pieces only aggravated the problem by making differentiation between combatants and non-combatants that much more difficult to accomplish. This added a physical distance to the already existing mental gulf which separated American forces from the Vietnamese peasants.

With respect to the atrocities of the Vietcong and the North Vietnamese regulars, their explanation is to be found in the insurgents' need to control the people in the face of an always growing counterinsurgent presence, and their inability to counter effectively the massive mechanization of the counterinsurgency's efforts. Although it can be said that the only way in which an insurgency can be defeated is through the massive reduction in popular participation and support, there never appears to have been much doubt as to the assured continuation of the Vietnamese insurgency. However, even with such assurances one does become tired and impatient without dramatic and highly visible successes. Accordingly, there existed a need on the part of the insurgents to achieve military and political successes. Given the disparity between the two sides, guerrilla tactics were the one means available to the insurgents. As we have already noted, this type of warfare produces a very hostile reaction on the part of conventionally trained troops. The results, as shown by the Vietnam experience, were the slaughter of innocent people, the needless destruction of property, the torture of enemies and suspects, and the brutalization of all combat participants.

The point of this paper has not been to characterize the participants in the war, and especially the Americans, as animals whose sole purpose was the perpetration of deliberate cruelty and violence. Rather, it has been the point of this paper to relate these actions in terms of an action-reaction process which found impetus in the types of technology employed and the types of conditioning to which the combatants were subjected. The counterinsurgents were drawn into an atrocity-producing situation by the weapons they employed, the type of enemy they encountered, and the emotional factors produced by the conflict. The insurgents, in order to retain existing gains, spread the revolution by controlling the people and by attempting to negate the influence of the counterinsurgents by means of terror -- the one tactic they were familiar with. Taken together, we can suggest that because Vietnam was a war over people, any measure which employed the use of force was bound to produce the atrocity-filled situation that came to symbolize the conflict. It is in this sense, then, that Vietnam may be viewed as an inevitable atrocity-producing conflict.

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