

VIETNAM

Magazine

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FROM OUR READERS

Thank you so much for mailing us a copy of your excellent magazine. Please accept our warmest congratulations for the excellent articles and fine presentation.

I have read with great interest the article "Enter house, follow tradition" written by Mr. Tran Long. We would like to reprint this article in our monthly magazine "Am Cham Peru" that is distributed to our members. Please be kind enough as to give us authorization to reprint such fine article. We will see that proper credit is given to Vietnam Magazine.

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Manager

American Chamber of Commerce
of Peru

Lima, Peru

I am a boy attending secondary school and just past my entrance examinations. I want to know more about South Vietnam. When I was eleven years old I used to go to the United States Embassy and I found one of your magazines. I found interest in Vietnam and I will be very glad to know how the United States entered Vietnam. So please supply me with information on the incident. I am your friend.

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C/O Miss Cordelia Thomas

23 Dougan St., Freetown, S. Leone
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Recently, I had the opportunity to read one of your reviews which informed us on the situation in your country. Sincerely, I am very interested in reading the publication which describes the reasons why your people have to endure a struggle which seems very unjust.

If you have some magazines published in Spanish, English, German or Portuguese, please be kind enough to send them to my address.

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Maiquetia, Venezuela

I have received a copy of Vietnam Magazine through the Consulate General of Vietnam. I just finished reading it. I never read such an interesting and informative magazine.

I am interested in collecting Vietnamese stamps and view cards. May I ask you to send me some back copies of your magazine? Please place my name on your mailing list and send me the magazine regularly.

C. J. SELVA KUMAR

6th St., Gandhipuran

Combatore — 12, India

VIETNAM *Magazine*

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Cover: She is typical of many young girls pursuing higher studies in South Vietnam's universities, this unidentified beauty from Dalat University.

I am very interested in your magazine. Would it be possible for you to forward a few copies? What are the prices for these publications? I find it very hard nowadays to get unbiased literature about Vietnam.

PETER THOMSON
21 Lochiel Road, Khandallah
Wellington, New Zealand

Long ago, news from your country aroused my interest. Unfortunately, they were only war information, and being so far away from your country, I do not have a clear view as to which field to turn to.

I now wish to receive brochures, information bulletins, covering life, people, living standards, future of Vietnam, i.e. many things that can help a foreigner to obtain a good knowledge about a country.

I would also be glad to exchange stamps with someone who can speak French or English, since I speak some of these two languages, but not Vietnamese.

ROBERTO CONTRERAS
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Coquimbo, Chile

I am a student of medicine in the University of Mexico and at present I am in training at the Chemic Pharmaceutical Laboratorio. The purpose of my letter is to request you to send me your publication **Vietnam Magazine** which is very important to me as well as to my friends at the University. In addition, we would like to receive some information on the Vietnamese culture, stamps or other reviews concerning Vietnamese philatelists.

DANIEL CONTRERAS PAREDES
Laboratorios INFAN, S. A.
Calz. de Tlalpan No. 4515
Mexico 22, D.F.

Thank you sincerely for sending me a copy of **Vietnam Magazine**. It seems to be very interesting and gives me useful information about Vietnam and its achievements. I am also interested in your other publications and informations about Vietnam, its people and their cultural activities.

A. V. VASAVAN
Managing Editor, Malayalam
Weekly
Cochin, Kerala State. India

Thank you very much for sending us a complimentary copy of your **Vietnam Magazine**. We found it very interesting and we are wondering if your publication could be sent to us regularly on a complimentary basis.

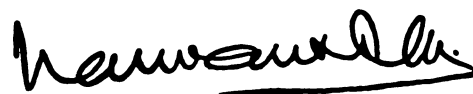
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If you would like to learn more about our activities, we indeed would be pleased to hear from you.



President
TRAN VAN LAM

A friend of mine wishes to have his name placed on your mailing list to receive your excellent publication. His name is Thomas Petzinger Jr., of 6815 Tanglewood Drive, Youngston, Ohio, USA, 44512. He is very interested in Vietnamese affairs. He would like to have as much materials as you can possibly spare for distribution on his campus. He is especially interested in your **Vietnam Magazine** and your article reprint series. I can assure you that he will put these materials to good use.

THOMAS ANDERSON
150 Lowell Ave.
Youngstown, Ohio
USA 44512

As a leading research institution in this country, we deeply appreciate your kindness in sending us the **Vietnam Magazine**.

It is a valuable source of information for our research people. We should like to receive all future issues and, if possible, the last issue of your magazine's Volume 2.

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Supreme Court

Tribunal will grow to full size this year

Once again this year electoral commissions will be busy in the Republic of Vietnam. The legislative, judicial and executive branches all have elections scheduled before the end of 1971.

In a ruling interpreting the Constitution, the Supreme Court on April 20, 1971, declared that the National Assembly, Vietnam's bicameral legislature, will have to pass special election laws this year for all three branches of the government. The lower house elects a new 135-man body of legislators on August 29; balloting for the President and Vice President of the republic will be held October 3, and the Supreme Court will get six new justices later this fall.

Created on October 22, 1968, the Supreme Court will grow to its full size this year. The Court's nine original justices will stay on the bench, but will be reinforced by the six newcomers chosen in the second election in judicial branch history. Like the first in 1968, it will be conducted according to rules uniquely designed to bring forth seasoned, objective men of wisdom and to keep political choices off the nation's highest bench.

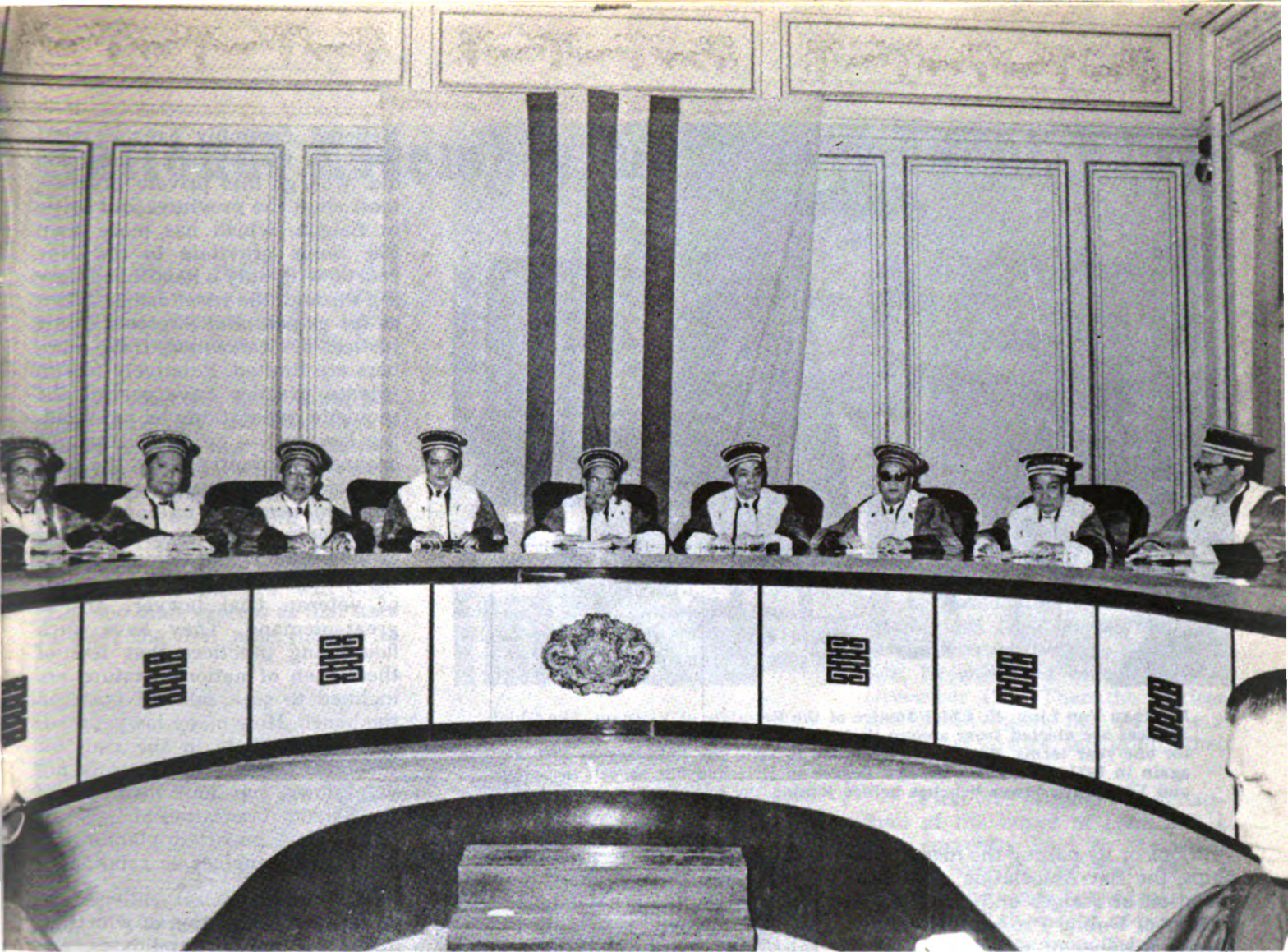
Constitutionally, the Supreme Court is a bench limited to 15 justices, each serving a six-year term. But because six of the justices are regularly elected when the terms of the other nine are half over (and vice versa in

alternate election years) there is never a complete turnover, never a time of transition from one Court to the next. Election contests for these top savants of the judiciary are held every three years — in 1968 and 1971 to fill the first Court, in 1974 and 1977 for the second, and so on. Overlapping terms of office assure consistency in judicial rulings and continuity of effort; there are always experienced incumbents familiar with the docket whenever new jurists are elevated to this court of last resort.

Making the electoral system even more unusual — and more democratic than in many countries of the world — is a multi-phased procedure enabling Supreme Court justices to be selected by the



Headquarters of Vietnam's Supreme Court is the Gia Long Palace in downtown Saigon. Created in 1968 with nine justices, the Court grows to its full complement with the election of six more members sometime this year.



The first justices of Vietnam's Supreme Court elected in October 1968 will be reinforced by six new justices to be elected this year. The original nine are, from left, Nguyen An Thong, Nguyen Van Si, Tran Van Liem, Nguyen Van Bien, Chief Justice Tran Van Linh, Trinh Xuan Ngan, Tran Minh Tiet, Mai Van An, and Nguyen Mong Bich.

nation's legislators from a slate nominated by the candidates' peers in the legal professions. The electorate is thus a knowledgeable as well as a distinguished one composed of law-makers, judges prosecutors and lawyers. Review of applications within the legal fraternity by colleagues familiar with each candidate's character, professional competence and ethical standards insures that the qualifications of would-be justices are weighed thoroughly and objectively.

The system is designed to encourage independent thinkers. Because he is sent on to the bench by a mixed jury of his peers, a Supreme Court justice carries into his term of office no political indebtedness; he owes fealty to no sponsoring faction, boss, party, administration, ministry or other appointing body. "Nobody could pack this court without the collusion of the nation's entire

legal profession," says a Western observer visiting Saigon. ¹

Elections Process

The 1967 Constitution and Law No. 007/68 spell out the unique electoral process for Supreme Court contests, and to these authorizing documents now must be added the Court's constitutional ruling of April 20, 1971. During a "regular" election, such as in 1974 and 1977 (the Court ruled that 1971's is a "special" election to finalize the Court's formation), the timetable for the process is set routinely by the Council for Election of Supreme Court Justices, popularly called the electoral commission. During a two-week period designated by the commission, high court candidates submit their

^{1/} In order to « pack » a court the appointing authority adds to it an overbalancing quota of men subscribing to its own political or factional persuasions.

names to the commission, whose members include the President of the Senate, one other senator, the Chairman of the House of Deputies (i.e., the lower-house Speaker), one other deputy, a judge, a prosecutor and a lawyer. The electoral commission screens the list of Court candidates, eliminating those who do not meet all of the Constitution's criteria. While there are no age requirements for Supreme Court justices, they must be Vietnamese citizens with at least 10 years' experience as judge, prosecutor or lawyer. They must have records free of any serious legal or professional offense and free of any anti-government or pro-communist activity. A male candidate (women are eligible, but so far none has applied) must have complied with military draft regulations.

The nation's three prestigious professional groups then enter the picture. By voting at national con-



Dr. Tran Van Linh, 46, Chief Justice of the Republic of Vietnam. The Chief Justices are elected from among their own ranks by the Associate Justices for one-year terms. Dr. Linh was chosen to head the judiciary in 1969 and again in 1971. He earned his law degree in 1951 and has served in Saigon and Vinh Long lower benches before joining the nation's top judicial post.

ventions or by polling the memberships, the Bar Association, the Association of Judges and the Association of Public Prosecutors each choose a panel of members, ordinarily 50 to a panel, and their job is to whittle down the list of Court candidates still further. The 150 thus chosen — men representing professional circles around the country, particularly long-established groups centering about the appeals courts in Hue and Saigon — form the electoral college. Members of the electoral college convene in Saigon to debate the candidates' qualifications. (The 1968 electoral college totaled 149 delegates because one lawyer from a remote region of the country failed to reach Saigon in time for the debate.)

In "regular" election years, the electoral college caucuses on a date set by the electoral commission to select a slate of not more than 30 names from among the candidates. Ideally, the slate would include 10 from each of the three branches of the legal community. But this is not always feasible; in 1968 the electoral college, after reviewing qualifications of 45 approved applicants, nominated 10 judges, 10 prosecutors and only four lawyers. Lawyers seeking election were not

numerous enough to provide a full quota. Only six lawyers submitted their names to the electoral commission, which disqualified two (along with four judges and three prosecutors) who failed to meet constitutional criteria. The electoral college nominated all four lawyers remaining on the list of candidates submitted to it. Of the nine justices named to the bench from the college's 24-man slate, one was a lawyer.

Many Lawyers

Yet lawyers are not as scarce in Vietnam as this experience would seem to indicate. The law is a prestigious profession and the nation's universities are producing sizeable crops of young lawyers each year. Many of the law graduates, however, go into the ranks of the armed forces, the civil service or business. But not politics; unlike those in Western countries, young Vietnamese law graduates do not have the opportunities to go into politics immediately. There are as yet no province-level or district-level constituencies for the untried politico to contend in, nor are political parties yet a power factor. It is therefore the older, experienced lawyers who run for

National Assembly or council posts. Of the lawyers, young and old, who go into private practice, most shun the provinces and settle in Saigon, which has more than 500. Some gravitate to the Hue courts, with only a handful spreading through the rural districts. But as far as potential Supreme Court justices are concerned, their numbers are limited. Relatively few in private practice have earned the requisite reputations as outstanding lawyers — no more than 200 around the country. With the pace of litigation quickening as the population nears 18 million and as the people taste the new climate of individual rights stemming from the 1967 Constitution, the services of veteran trial lawyers are in great demand. They have such flourishing practices that few of these men of national stature are inclined to seek salaried posts on the bench. How many lawyers will throw their hats in the ring for this year's Court elections is not yet known, but four members of the Saigon Association of Lawyers already are reported planning to submit their names as candidates.

Once the electoral college has performed its function of whittling down the list of candidates, the process moves to the National Assembly. From the slate selected by the electoral college, the Senate and the lower house — balloting in joint session — choose the new Supreme Court justices. The names of the winning candidates are sent to the President of the Republic for appointment.

This year the electoral commission, organized by Senate President Nguyen Van Huyen, started what it thought would be its routine work in March. On April 6 it issued a communique setting the election timetable, including the date of April 30 as the deadline for naming the 150-man electoral college. But on April 20 the Supreme Court declared the communique unconstitutional. Such initiative by the electoral commission, it ruled, was appropriate in "regular" years. But 1971 is a "special" year, said the Court, because the elections this year are not routine but are designed to bring the Court for the first time up to its full constitutional strength. In that sense the 1971 elections are a continuation of the 1968 elections. Therefore,

National Assembly must pass special law

said the Court, the National Assembly must pass a special election law, just as it must do for executive and legislative branch contests.

Legal observers believe the National Assembly will pass such a special election law this summer, probably after the August 29 elections in the lower house. Then the process can begin again, with the electoral commission carrying out the terms of the new law. It is expected that the law will prescribe the same process as that used to elect the first nine justices in

not be a bad thing, says one observer. If the process had been started this early in the year, the National Assembly might have received the slate of Court candidates at a time when a number of lower-house delegates were off the floor campaigning for reelection. This would have given Senate members a proportionately greater voice in selection of the justices.

The special law probably will set the date for this National Assembly plenary session. Observers believe it will be set late in the fall so it will come close to the

parate from and equal to the executive and the legislative branches.

Naming Chief Justice

One more electoral procedure then will remain to be followed. The President of the Supreme Court — i.e., the nation's Chief Justice — is elected from among their ranks by the justices themselves every year. The first Chief Justice was Dr. Tran Van Linh, 46; he headed the judicial branch during 1969. Now serving a second, nonconsecutive term as Chief Justice, he will hold that title until December 1971. Then the justices will ballot again, not only for a new Chief Justice, but to fill other Court Offices:

- * First vice president and chairman of the board of cassation, a post currently held by Associate Justice Nguyen Van Bien, 46;
- * Second vice president and chairman of the board of constitutional protection, now Trinh Xuan Ngan, 57;
- * Magistrate in charge of judiciary management, now Mai Van An, 50;
- * Magistrate in charge of internal affairs, Nguyen An Thong, 46;
- * Magistrate in charge of external affairs, Nguyen Mong Bich, 52;
- * Magistrate in charge of legal research, Tran Minh Tiet, 49, who was Chief Justice during 1970.

The other present Court members are Tran Van Liem, 45, the only practicing attorney elected to the bench (but he has taken down his office shingle for the duration of his term) and Nguyen Van Si, at 59 the dean of the Court. In that capacity Si did much to get the Court speedily organized in 1968 after the justices were sworn in and before the Chief Justice was chosen.

Many legal observers say Chief Justice Linh has one of the best judicial minds and the widest knowledge of Vietnamese law among the present justices, although as one observer put it, "any one of them would do a good job



Associate Justice Tran Minh Tiet, 49, former Justice Minister, was Chief Justice when three landmark decisions on the Constitution were rendered.

1968. If there are any changes, they may concern the size of the slate selected by the electoral college. Some sources close to the high court have pointed out that if a 24-man slate was used to name nine justices in 1968, a 30-man slate to name six justices in 1971 would increase National Assembly responsibility and decrease electoral college responsibility in the process.

Essentially, however, the principal effect of the Court's ruling of April 20 will be to delay start of

the balloting preliminaries. This Court's third anniversary and close on the heels of the presidential elections scheduled for October 3. The names of the six candidates winning the most ballots in the Assembly then will be sent to the President starting a new term. When the six Court members are sworn in South Vietnam, having fulfilled the stipulation set forth in the Constitution, for the first time will have a full Supreme Court of 15 elected justices — a complete judicial branch of government se-

as Chief Justice." Linh, a native of Bien Hoa who earned his licentiate of law in Saigon in 1951, was a judge in the Saigon appeals court, the Saigon court of first instance and the Vinh Long court of first instance before ascending the high court bench. Independent politically, he is considered to be a strict constructionist.

"Election of the Chief Justice on a rotating basis by the Associate Justices of the Supreme Court," says the Western observer, "is an additional measure that will tend to prevent the Court from ever becoming a tool of any administration or faction. Because the rotating tours are short, the Court does not take on the complexion of any one personality or any one philosophy. From beginning to end, this electoral process is a democratic one. Even in the United States, which prides itself on having innovated the triple checks and balances system of government, the Chief Justice — like the Associate Justices — is appointed by the executive branch with legislative approval.

"The Supreme Court in Saigon has potent powers of its own, derived through legislation rather than delegation," he points out, "and these include the crucial power of judicial review — ruling on the law's constitutionality. While the right of judicial review once was delegated to a constitutional court under President Ngo Dinh Diem, its members were appointed by the President and they acted largely as an arm of his administration until it was overthrown in 1963. Not until the Supreme Court was established in 1968 did any authority in Vietnam have the power to nullify any legal code or any act of the legislature or any decree of the executive."

Court Functions

Law No. 007/68 gives the Supreme Court extensive powers affecting the administration of government. It has the authority to:

- * Interpret the Constitution and rule on the legality of all laws, decrees and administrative decisions of the government;

- * Administer the judicial branch of government and oversee



Judge Tran Huu Danh presides over the Saigon court of first instance as lawyers (right) and defendants (left) cluster in front of the bailiff.

the operations of subordinate courts;

- * Rule on appeals from judgments rendered in any lower court and decide on petitions for retrial or revision of sentences;

- * Determine the jurisdictional boundaries of lower courts;

- * Replace lower-court judges in cases of questionable competence or ethics;

- * Dissolve a political party whose policies, pronouncements or activities are judged to be opposed to the republican form of government;

- * Establish the list of presidential and vice-presidential candidates, rule on the validity of their election, announce final election returns, and witness the swearing in of the President of the republic.

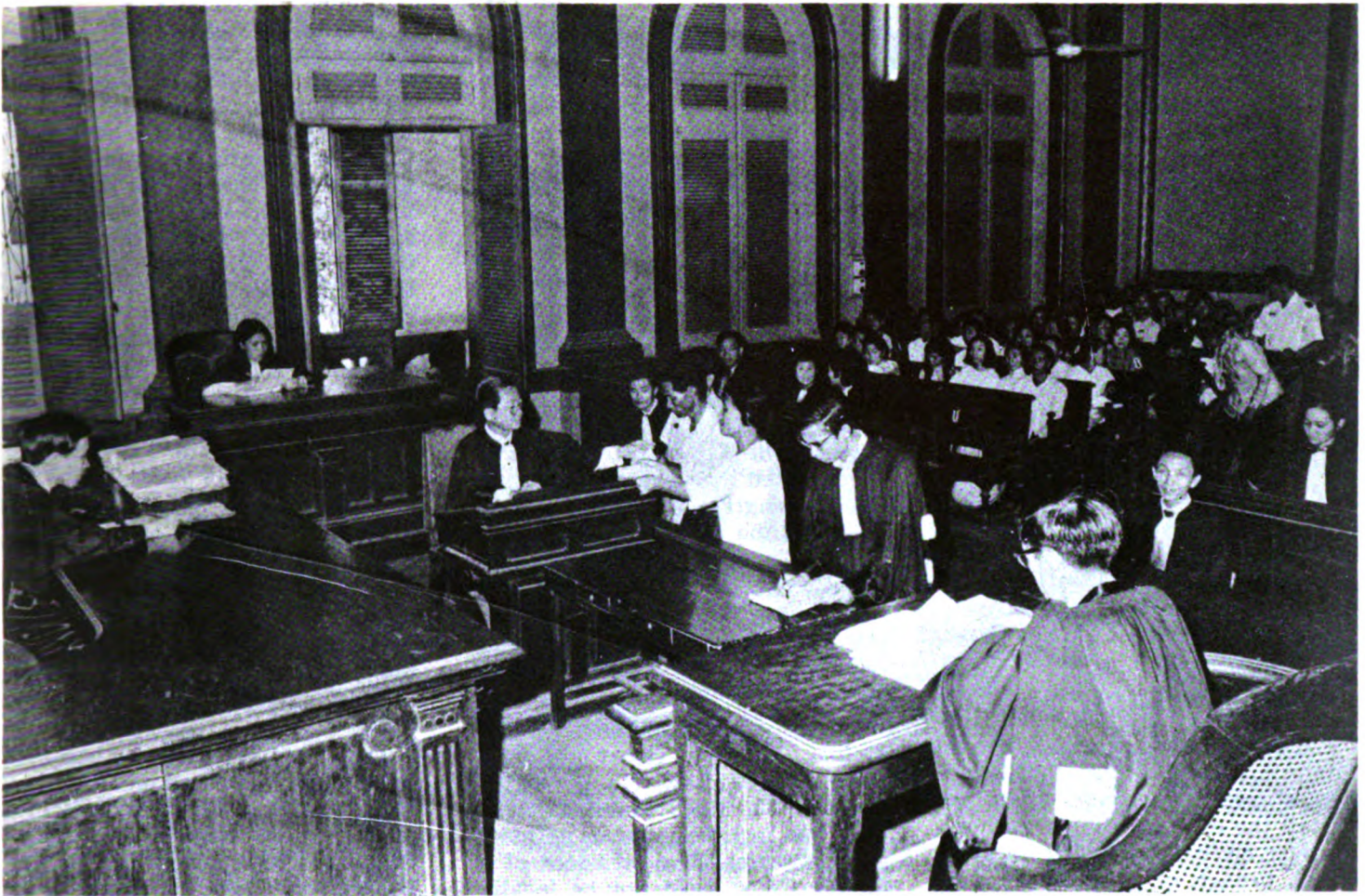
Until October 22, 1968, when the first nine Supreme Court justices were sworn in, the judiciary had been part of the executive branch, with the Ministry of Justice's civil and criminal directorates controlling the operation of all nonmilitary courts and appointing all judges and prosecutors. "Judges were formerly dependent upon the Minister of Justice for appointment and advancement," says Chief Justice Linh. "Our decisions were independently made, but in our structure and political matters we were not free." Now the Supreme Court has full jurisdiction and control over all civil, criminal

and administrative courts in the country, with the Justice Ministry retaining control only of the public prosecutors.

Running the judicial branch of government entails overseeing the work of more than 120 separate courts, ranging from justice of the peace courts through courts of first instance up to the two appeals courts. (Two higher courts, the Court of Cassation and the Administrative Tribunal, were incorporated into the Supreme Court's structure on its formation.)

"We are a kind of ministry because we administer all personnel and judges of the court system," says Justice Linh. About 150 judges sit on the various benches, aided by some 1,600 secretaries, bailiffs and clerks. "It's not much," says the Chief Justice, "but we can work with this."

Administrative decisions affecting lower courts are made by the Supreme Court on the advice of the judicial council, made up of four judges from appeals courts and four judges from courts of first instance, each man serving a two-year term. The council proposes appointments, promotions, transfers and disciplinary measures for judges and advises on other matters pertaining to the court system. The council members' actions are not binding on the Supreme Court, but "we always respect their advice," says Justice Linh.



The Supreme Court oversees the operations of more than 120 subordinate courts like the Saigon court shown above. At left is the presiding judge, the prosecutor at right and standing at center, the defense lawyer.

To handle the functions previously assigned to the Court of Cassation, the Supreme Court has a cassation division which acts to revise or annul final judgments appealed from lower courts. It is composed of civil, criminal and administrative sections. Three justices regularly work in each section. As all Court members except the Chief Justice have these assignments, at least one justice must work in two sections under the nine-man Court, but the work will be spread out after this year's elections.

The most publicized responsibility of the high court is interpreting the Constitution. In addition to public bodies and the legislative and executive branches, any defendant in any court is allowed to raise constitutional questions, and these must be brought before the Supreme Court on an initiatory petition or through an appeals court. On constitutional questions, seven of the nine justices must

concur in the decision. In other cases a simple majority is required.

Constitutional Questions

In the last two years the Supreme Court has taken bold steps to establish itself as a viable third branch of the government. In exercising the power of judicial review in a nation still at war, a nation with a long history of justice based on imperial fiat, it was inevitable that the Supreme Court should find itself on a number of occasions at odds with the legislature or with executive branch and military officials accustomed to wartime emergency powers. The Court has not flinched from these confrontations.

Hardly had the Court moved into its new quarters in the Gia Long Palace in downtown Saigon when it was called on to interpret the Constitution. Article 39, Clause 3, provides that the National Assembly shall vote on questions

concerning any peace negotiations. President Nguyen Van Thieu was seeking an affirmative vote on his proposal that the Republic of Vietnam send a negotiating team to the Paris peace talks. But the procedure for such a vote was unclear. The Constitution did not specify whether the two houses of the legislature voted jointly or separately on such a question. The difference could change the outcome of the vote. On December 6, 1968, the Supreme Court ruled that the Assembly should vote in joint session. The delegation went to Paris.

More constitutional judgments came the following year. When the economy-minded legislators cut President Thieu's proposed national budget of 129,992 million piasters by nearly 1,000 million,² the Presi-

^{2/} The exchange rate then was 118 piasters per US\$. That remains the official rate for most transactions today, but a more valid measurement is the accommodation rate established in October 1970 for certain exchange and foreign trade transactions: 275 piasters per US\$.

dent returned the budget bill to the Assembly. Such action on other types of bills is provided for in the Constitution; it requires the Assembly to muster a two-thirds vote to defeat executive amendments, otherwise the bill goes into effect as changed by the President. In the case of the budget, however, the Constitution did not specifically give the President that privilege. The Supreme Court decided that the President did have the power to return the budget for the executive branch, but he could not return the budgets of the legislative and judicial branches. Typical of public reaction was the liberal newspaper **Hoa Binh's**, which wrote: "Although the President has clearly won his case, the Assembly clearly has not lost its, either." The newspaper described Chief Justice Linh's Court as "wise and practical."

The decisions were more difficult in 1970. Under the leadership of Chief Justice Tiet, a former Justice Minister, the Court handled three major cases which did much to curtail the military courts' authority over civilian offenders, decided which branch of government had the power to tax, and threw out the legality of confessions extracted under duress. In these cases the Court found itself in dispute with the executive branch, but while it continued to exercise its "wise and practical" tactics, it did not compromise on essential issues.

An important constitutional precedent was set in the Court's decision on the tax case. A ministerial decree law had been signed in October 1969 that imposed "austerity taxes" on certain imported goods. Senator Nguyen Van Chuc brought suit the next year before the Supreme Court, challenging the validity of any direct tax measures imposed by a ministry of the executive branch. The Supreme Court ruled that the National Assembly alone could enact tax measures, by ballot after floor discussion, so the austerity taxes were unconstitutional. As a result, the Economy Ministry sent to the National Assembly a series of new tax bills. Substantially the same type of austerity taxes are being collected, but now the taxes are those imposed by the legislative branch. While the importer may not care, to legal circles the deci-

sion is vital to future tax administration. The judicial branch won its point but the executive branch, while bowing to the Court's authority, managed to keep its operations relatively undisturbed. This pattern was to emerge in other 1970 constitutional cases.

Chau and Mam Cases

The case attracting the most attention involved Tran Ngoc Chau, a lower-house deputy accused of meeting with a Communist agent (his brother) without informing government authorities. President Thieu asked the lower house to lift Chau's congressional immunity so he could be brought to trial. A petition signed by 102 of the 135 deputies was submitted, asking that Chau either be cleared or convicted. The Defense Ministry issued an order for Chau's arrest on February 19, 1970.

The case went to the III Field Mobile Military Court, because since Decree Law No. 49/67 of October 30, 1967, Mobile Courts have had jurisdiction over national security cases. The president of a Mobile Court need not be legally trained; he is a line officer, colonel or above, while the alternate president is a Military Justice Corps officer.

The military court found Chau guilty. During the brief trial Chau remained in his Assembly office, continuing to claim congressional immunity. The court sentenced Chau in absentia to 20 years' imprisonment. The 46-year-old legislator then appealed the case to the same military court on the grounds that he had not been present at the trial. Mobile Court decisions can be appealed only on those grounds, or in cases where the verdict is the death penalty. On hearing the appeal March 2 through March 5, the court reconfirmed Chau's guilt but reduced the sentence to 10 years.

Three weeks later a Senate committee rebuked the lower house for allowing the congressional immunity of a deputy to be lifted, criticized Chau's ill treatment at the time he was finally taken into custody, and requested the Supreme Court to step into the case.

The Court accepted the case. Its acceptance was based on an earlier case involving 21 students, chief among them Huynh Tan Mam, Student Union leader at Saigon University. They had been tried by the same III Field Mobile Military Court after a series of violent student disorders. On conviction they appealed their case to the



Arresting officers give their depositions to bailiff Pham Van Thiep at the Saigon court of first instance accusing the defendant (behind policeman), of stealing a bike. Defense lawyer Nguyen Duy Nguyen (right) lost the case.

Ruling changes powers of military courts

Supreme Court. This was the first major case in which an initiatory petition was accepted directly by the high court from the defendants. The Supreme Court ruled that the Mobile Court's actions were unconstitutional because it did not assure a defendant's right to be tried by a professional judge, his right to counsel and his right to appeal to a higher court. The Supreme Court also based its rejection of the military court's verdict on evidence that the students' confessions had been obtained "through torture, threat or coercion, a fact that nobody denied at the hearing session." The Court declared the form of the military court unconstitutional and ruled that as a general principle a civilian could appeal a military court decision to the Supreme Court.

With this case as a precedent the Supreme Court entered the Chau case. In a decision announced on October 30, 1970, the Court overturned Chau's conviction on the grounds that the deputies' petition suspending his congressional immunity had been improperly compiled. The Court said immunity could be lifted only by a three-quarters vote after open debate by the entire house. In Chau's case the petition had been circulated outside the Assembly with no discussion on the floor, and several of the deputies later said their signatures on the petition had been forged. The Supreme Court also rebuked the military court for ignoring constitutionally guaranteed civil liberties and judicial procedures.

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Reorganizing the System

Vietnam is seeing the beginnings of a reorganization of the entire judicial system. Although many of the new attributes of the judiciary are still on the drawing board, reform and restructuring push forward despite the war.

Difficulties encountered in establishing a successful Vietnamese judicial system are largely a by-product of the nation's past and its frequent domination by foreign powers. From China Vietnam's emperors inherited the concept of imperial law codes. The last major revision of the code used by the Nguyen dynasty in the imperial capital at Hue was made more than 150 years ago under Emperor Gia Long. The Gia Long Code, as later amended to suit French colonial requirements, continues to be the code in effect today for the area

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The coming of the French to Indochina weakened the imperial concept of law based on morality, law aimed at protecting public morals and insuring public order. Confucian logic considered any offense against an individual a violation of public order requiring appropriate punishment, and imperial punishments were harsh, including torture, exile, death and banishment. The French introduced the concept of individual rights, eliminated many of the drastic oriental punishments, distinguished between civil and criminal cases and abolished the concept of the monarch retaining all administrative, legislative and judicial powers. But the French made their language the language of the courts, and they established special courts for French citizens. As a result, few Vietnamese in the province feel the courts are for their benefit: the courts are alien, and designed for the rich. So one of the major tasks of the Supreme Court, aided by experts in the Justice Ministry, is to design a single Vietnamese judicial system belonging to the people of an independent Vietnam.

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The Louisiana State University team consisted of two researchers who spent 20 months in Vietnam and a staff of seven maintained in Baton Rouge to compile reports and research papers. The LSU team members and their Vietnamese counterparts worked with the newly formed Supreme Court in many fields. The American and Vietnamese experts helped the Court organize internal operations, establish jurisdiction and organize a lower court system under Supreme Court control. Corollary objectives included preempting military courts' jurisdiction over civilians, strengthening the bar and other professional associations, upgrading legal education (including the publishing of textbooks in Vietnamese) and implementing civil rights provisions of the Constitution.

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can ask for a free lawyer and the Bar Association must provide one," says Linh, "but lawyers don't like free cases." The Chief Justice says one of his projects this year is to earmark five million piasters from the Court's total budget of 440 million piasters and use the money to cover the expenses of lawyers having to take free cases in rural areas. "This would provide transportation to the province, food and a place to stay so the lawyer will not lose money by taking the case," he says. "But as security conditions improve I hope more lawyers will settle in the countryside. The judiciary cannot do its work properly in the provinces without their support."

Later in the year Justice Linh expects that his Court will be called on for more interpretations of the Constitution — possibly on the powers of the Inspectorate, or on the Press Code, or on the Land to the Tiller law. "We must settle these cases," he says. "It is our work."

That work is appreciated more and more in Vietnam. Says an editorial in a Saigon newspaper: '

"There are nine men in this country who deserve the unqualified adulation of our people if they continue the courageous course they have so far been following. These are the justices of the Supreme Court. Tradition here has been either not to stand up to the government at all, or else — when the situation becomes completely unbearable — to go to the other extreme and stage a violent overthrow. By its actions the Supreme Court has provided us with a model of due process of law. By declaring its decisions it has also shown us that the government is not always an awesome ogre. By no means do we expect the Court always to find against the government. It should just continue to have the courage of its convictions and decide dispassionately on the basis of right and wrong."

4/ Vietnam Guardian, May 7, 1970.

dent returned the budget bill to the Assembly. Such action on other types of bills is provided for in the Constitution; it requires the Assembly to muster a two-thirds vote to defeat executive amendments, otherwise the bill goes into effect as changed by the President. In the case of the budget, however, the Constitution did not specifically give the President that privilege. The Supreme Court decided that the President did have the power to return the budget for the executive branch, but he could not return the budgets of the legislative and judicial branches. Typical of public reaction was the liberal newspaper **Hoa Binh's**, which wrote: "Although the President has clearly won his case, the Assembly clearly has not lost its, either." The newspaper described Chief Justice Linh's Court as "wise and practical."

The decisions were more difficult in 1970. Under the leadership of Chief Justice Tiet, a former Justice Minister, the Court handled three major cases which did much to curtail the military courts' authority over civilian offenders, decided which branch of government had the power to tax, and threw out the legality of confessions extracted under duress. In these cases the Court found itself in dispute with the executive branch, but while it continued to exercise its "wise and practical" tactics, it did not compromise on essential issues.

An important constitutional precedent was set in the Court's decision on the tax case. A ministerial decree law had been signed in October 1969 that imposed "austerity taxes" on certain imported goods. Senator Nguyen Van Chuc brought suit the next year before the Supreme Court, challenging the validity of any direct tax measures imposed by a ministry of the executive branch. The Supreme Court ruled that the National Assembly alone could enact tax measures, by ballot after floor discussion, so the austerity taxes were unconstitutional. As a result, the Economy Ministry sent to the National Assembly a series of new tax bills. Substantially the same type of austerity taxes are being collected, but now the taxes are those imposed by the legislative branch. While the importer may not care, to legal circles the deci-

sion is vital to future tax administration. The judicial branch won its point but the executive branch, while bowing to the Court's authority, managed to keep its operations relatively undisturbed. This pattern was to emerge in other 1970 constitutional cases.

Chau and Mam Cases

The case attracting the most attention involved Tran Ngoc Chau, a lower-house deputy accused of meeting with a Communist agent (his brother) without informing government authorities. President Thieu asked the lower house to lift Chau's congressional immunity so he could be brought to trial. A petition signed by 102 of the 135 deputies was submitted, asking that Chau either be cleared or convicted. The Defense Ministry issued an order for Chau's arrest on February 19, 1970.

The case went to the III Field Mobile Military Court, because since Decree Law No. 49/67 of October 30, 1967, Mobile Courts have had jurisdiction over national security cases. The president of a Mobile Court need not be legally trained; he is a line officer, colonel or above, while the alternate president is a Military Justice Corps officer.

The military court found Chau guilty. During the brief trial Chau remained in his Assembly office, continuing to claim congressional immunity. The court sentenced Chau in absentia to 20 years' imprisonment. The 46-year-old legislator then appealed the case to the same military court on the grounds that he had not been present at the trial. Mobile Court decisions can be appealed only on those grounds, or in cases where the verdict is the death penalty. On hearing the appeal March 2 through March 5, the court reconfirmed Chau's guilt but reduced the sentence to 10 years.

Three weeks later a Senate committee rebuked the lower house for allowing the congressional immunity of a deputy to be lifted, criticized Chau's ill treatment at the time he was finally taken into custody, and requested the Supreme Court to step into the case.

The Court accepted the case. Its acceptance was based on an earlier case involving 21 students, chief among them Huynh Tan Mam, Student Union leader at Saigon University. They had been tried by the same III Field Mobile Military Court after a series of violent student disorders. On conviction they appealed their case to the



Arresting officers give their depositions to bailiff Pham Van Thiep at the Saigon court of first instance accusing the defendant (behind policeman), of stealing a bike. Defense lawyer Nguyen Duy Nguyen (right) lost the case.

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4/ Vietnam Guardian, May 7, 1970.

Early this year, an American journalist was told to leave South Vietnam within a week's time. In this country, where journalists are kings, the measure immediately created a big storm as most correspondents, setting aside their prime responsibility of war coverage, began writing instead on an alleged "systematic" effort on the part of the Government to hide the truth from the scrutinizing eyes of Pressmen.

Government spokesmen were asked to explain the reasons behind the unpopular measure. Thousands and thousands of words were dispatched abroad on what correspondents thought to be the true story of a "shameful" case. Some of the leading U.S. publications even went so far as to question the advisability of continued U.S. assistance for a regime that dared to antagonize the all powerful members of America's Fourth Estate.

The correspondents' ire, of course, was viewed with concern in the United States and soon was translated into intervention by the U.S. State Department on behalf of the ousted man. Ambassador

Ellsworth Bunker called on President Nguyen Van Thieu and it can be assumed that for the sake of harmony between Washington and Saigon, the extradition order of the Interior Ministry was rescinded.

If the story had stopped there, it could have been dismissed as one of limited significance. Cases are numerous the world over of journalists being extradited, who finally are permitted to stay upon the recommendation of some influential quarters. But in this particular instance, the central character and what he is supposed to represent transcend his reported deeds or misdeeds and deserve a closer study.

From Friend...

A dozen years ago, a young man of good will by the name of Don Luce came to South Vietnam, fell in love with the Vietnamese, and decided to conquer their hearts. Born in a highly affluent environment, he chose the International Voluntary Services (IVS) and its humanitarian traditions to channel his sympathy, which he wanted productive, for the long suffering

people of a country he had come to love and respect.

According to Luce himself, the Vietnamese "are strong. They are hardworking. They endure. And they have proven over and over their ability to deal with foreign interference. But they suffer in the process, a suffering greatly intensified by today's American presence." It is such qualities as were mentioned by Luce and his IVS friends in an open letter to former President Lyndon B. Johnson in September 1967 which prompted Luce to spend most of his adult years in this land of continual strife.

A couple of months before the Viet Cong Tet offensive of 1968, however, Luce decided that his country had done the Vietnamese such enormous disservices as to negate the very *raison d'être* of its commitment here. And he went home with a complex of culpability—but not for long. Less than a year later, Luce was seen in Saigon again, deriving a living as a stringer for various newspapers and getting more and more involved in the struggle for Vietnam.

Upon his return here and in choosing his new occupation, the former IVS official's position in the large context of the war had changed drastically. From a participant, legitimately concerned about the turn of events to which he was contributing in his own small way, he had chosen the position of a reporter, who should restrict himself to reporting history-making events without trying to shape them.

Luce, however, was not trained as a journalist. Instead of merely witnessing developments and writing about them, he, who has always claimed to be a friend of the Vietnamese people, began taking side with one Vietnamese faction against another. Readers of the social worker-turned-newsmen cannot escape the impression that in Luce's eyes, the Viet Cong are the true custodians of the nation's revolutionary traditions while the Saigon regime has no popular support whatsoever.

Of course, in this Land of the Free — which South Vietnam is, especially in comparison with the Hanoi regime — Luce is entitled

Story of Don Luce

The Friend Who Suddenly Took Sides

By NGUYEN NGOC PHACH

He sailed into storm of controversy

to think the way he pleases. But with a complex of culpability traceable to his IVS days, Luce started trying to shape the form of local events. He joined anti-war and anti-Government forces and became a celebrity of sorts by uncovering the so-called Tiger cages on the penitentiary island of Con-Son.

Saigon was understandably irked. Government officials looked at Luce with suspicious eyes and when his visa was due to expire early this year, the man was told to get ready to go. As is known, only the intervention of the U.S. State Department with the highest Vietnamese authorities resulted in an extension of Luce's permit of residence.

The man did not learn the lesson, however. Instead of doing his journalistic duties more carefully, he began sending articles to the principal publication of the Viet Cong movement. At least three articles bearing his byline can be found in *South Vietnam In Struggle*, a tabloid sheet published by the « South Vietnam National Liberation Front Information Commission » in Hanoi.

The case, thus, has grown more dramatic. Because, for all their claims to controlling 90 per cent of the nation's territory, the Viet Cong have yet to prove in an unmistakably clear manner they had somebody openly working for them throughout the 65,000 square miles of the southern Republic. By writing for *South Vietnam In Struggle*, Luce just helped them to substantiate that claim — to some extent.

...To Foe

In the eyes of most Vietnamese, including those not clearly supporting the present constitutional arrangement, Luce's deeds are morally unacceptable. After over a decade in Vietnam, he should have known better, as aware as he is that the conflict here is basically a political contest in which claims are sometimes more important than verities.

In directing nothing but violent criticisms of the Saigon administration — and indirectly at the millions who support it, at least in its anti-Communist role — Luce can be charged with sapping the will to resist of the South Vietnamese nation in its fight against an enemy it has been combatting for two and a half decades. To quote a Vietnamese journalist, "Luce, possibly without knowing it, has become a foe to those he has always claimed to love and respect."

This is not to say that Luce's motives are totally wrong. Through his many writings, especially his Open Letter to President Johnson, Luce shows an acute awareness for the need for normalcy in Vietnam. "There is no alternative to ending the war," he also advised Johnson, "and America can contribute to it by de-escalating the conflict, refraining from using herbicides, stopping the aerial war, recognizing the Viet Cong, and letting the Vietnamese settle their own affairs under the supervision of an international peace commission."

Most of these recommendations have, since they were made, been implemented. From 540,000 men, the U.S. contingent has dropped to 230,000, forcing a drastically reduced role for U.S. fighting men on Indochinese frontlines. The defoliation practice has been terminated. The air war over North Vietnam has been brought to an end. The Viet Cong are now fully represented at the Paris talks. And both Washington and Saigon have proposed solutions with some form of international control and supervision.

Still, the war is pretty much in evidence. It has even engulfed Cambodia, not through the "imperialistic" design of America but because the Communists, after failing to occupy South Vietnam during their Tet offensive of 1968, have been not only kept at bay from population centers but also driven farther and farther away from the nation's borders.

Luce appears to be blind to these developments, however. The IVS worker, who turned journalist and revolutionary fighter, has fallen into a deep well and, as the Vietnamese are fond of saying, "like a frog, he cannot conceive the sky to be larger than the well's lid." Caught in a pitfall of his own making, Luce will not be able to get out of it — even after the U.S. commitment here will have been reduced to a mere fraction of what it used to be.

To quote a Vietnamese always more attracted by *la forme* (form) than *le fonds* (contents), "Luce should have stayed in America after resigning from IVS. He started his Vietnam career with a beautiful gesture, that of deciding to come and help the people of a war-torn land without bothering himself with their political thinking. He should have kept his Vietnam experience free of all seeds of controversy. When he came back here in 1968, he unwittingly spoiled it altogether."

Victim

For the author of these lines, Luce is only a victim. He is the victim of the incredibly complicated Vietnam crisis of which nobody has been able to draw an accurate enough picture. Like any of the oracles of Dr. Trinh, the Vietnamese Nostradamus, Vietnamese developments do not make sense until they have unrolled themselves altogether. In the line of so very many so-called knowledgeable observers of the local scene, Luce tried to foresee the next developments but unlike them he also tried to act accordingly.

But caught in many an act journalists are not supposed to do, Luce was declared *persona non grata*. The punishment — extradition — was only commensurate with the crime. Luce really has no ground for complaint. As the Vietnamese would say, "he who has the courage to plunder must be ready for the bastinado upon being caught"

Early this year, an American journalist was told to leave South Vietnam within a week's time. In this country, where journalists are kings, the measure immediately created a big storm as most correspondents, setting aside their prime responsibility of war coverage, began writing instead on an alleged "systematic" effort on the part of the Government to hide the truth from the scrutinizing eyes of Pressmen.

Government spokesmen were asked to explain the reasons behind the unpopular measure. Thousands and thousands of words were dispatched abroad on what correspondents thought to be the true story of a "shameful" case. Some of the leading U.S. publications even went so far as to question the advisability of continued U.S. assistance for a regime that dared to antagonize the all powerful members of America's Fourth Estate.

The correspondents' ire, of course, was viewed with concern in the United States and soon was translated into intervention by the U.S. State Department on behalf of the ousted man. Ambassador

Ellsworth Bunker called on President Nguyen Van Thieu and it can be assumed that for the sake of harmony between Washington and Saigon, the extradition order of the Interior Ministry was rescinded.

If the story had stopped there, it could have been dismissed as one of limited significance. Cases are numerous the world over of journalists being extradited, who finally are permitted to stay upon the recommendation of some influential quarters. But in this particular instance, the central character and what he is supposed to represent transcend his reported deeds or misdeeds and deserve a closer study.

From Friend...

A dozen years ago, a young man of good will by the name of Don Luce came to South Vietnam, fell in love with the Vietnamese, and decided to conquer their hearts. Born in a highly affluent environment, he chose the International Voluntary Services (IVS) and its humanitarian traditions to channel his sympathy, which he wanted productive, for the long suffering

people of a country that he had come to love and respect.

According to a source in the Vietnamese press, Luce was a hardworking, dedicated man who they have proved their ability to do without interference. But in the process, a suffering was inflicted by today's American "policy." It is such qualities mentioned by Luce and his friends in an open letter to President Lyndon B. Johnson in September 1967 which prompted Luce to spend most of his life's years in this land of continuing strife.

A couple of months before the Viet Cong Tet offensive of 1968, however, Luce decided that his country had done the Vietnamese such enormous disservices as to negate the very *raison d'être* of its commitment here. And he went home with a complex of culpability—but not for long. Less than a year later, Luce was seen in Saigon again, deriving a living as a stringer for various newspapers and getting more and more involved in the struggle for Vietnam.

Upon his return here and in choosing his new occupation, the former IVS official's position in the large context of the war had changed drastically. From a participant, legitimately concerned about the turn of events to which he was contributing in his own small way, he had chosen the position of a reporter, who should restrict himself to reporting history-making events without trying to shape them.

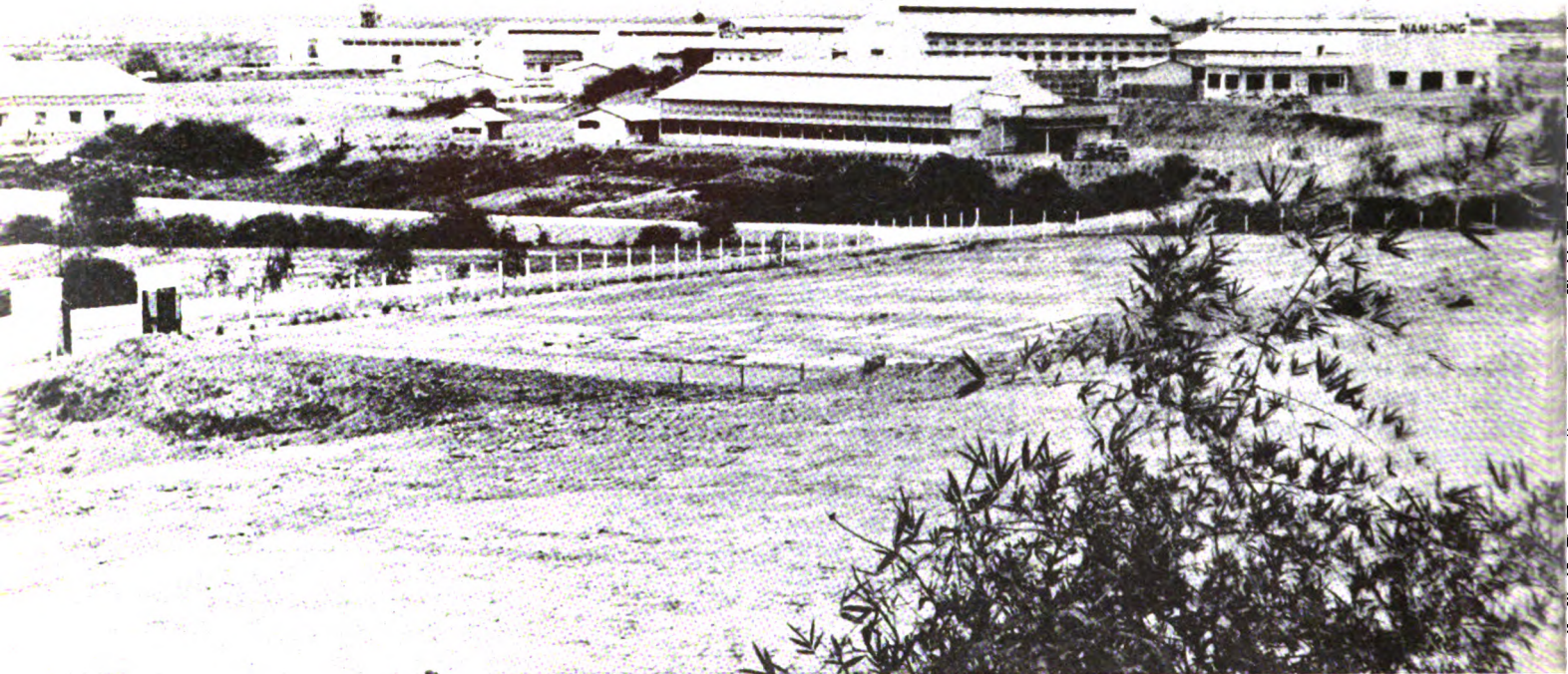
Luce, however, was not trained as a journalist. Instead of merely witnessing developments and writing about them, he, who had always claimed to be a friend of the Vietnamese people, began in 1968 with one Vietnamese woman. He turned the page of the Vietnamese press, the Viet

Story of Don Luce

The Friend Who Suddenly Took Sides

By NGUYEN NGOC PHAC

INDUSTRIAL PARK



New plants at the Bien Hoa Industrial Estates. Many were erected through liberal loans sponsored by SONADEZI.

At the Bien Hoa Industrial Park, a half-hour's drive northeast of Saigon, on National Route 1A, twenty-three industrial enterprises are in operation. They range in size from a government-owned sugar and alcohol plant employing over a thousand people, and the privately owned VICASA steel rolling mill, Vietnam's first, to brick and ice-making facilities with half a dozen employees. Employment in the park today tops three thousand.

Another four factories, completed and equipped, are standing idle in the industrial park as a result of raw materials shortages. But promising for the estate's and Vietnam's industrial future, is the fact that fourteen more manufacturing and assembly plants, including motorcycle and radio-television assembly works, knitting mills and building materials companies have

completed construction and will go into operation as soon as equipment on order has been installed.

The plants and equipment operating in the Bien Hoa park today represent an investment equivalent of U.S.\$20,000,000. It will increase to \$37,000,000 when the plants awaiting their machinery are fully equipped.

SONADEZI, the government corporation which developed the industrial park, has allocated space to ten more factories whose construction is underway. Sites for six more plants are being levelled, and seven other requests for locations have been approved.

Despite the many difficulties inherent in an agricultural society's establishing industrial bridgeheads, particularly when resources and manpower have been preempted for a bitter, defensive war, Bien

Hoa highway, the industrial park and the suburban-industrial sprawl on a semi-circle north of Saigon demonstrate the determination of the Vietnamese government to lay a basis now for fuller utilization of the country's resources and manpower in the future.

Speaking in Saigon recently Mr. Pham Minh Duong, Vice Minister of Economy said, "To rely purely on agriculture is... the stamp of economic dependency, to remain backward and perhaps to ask for social disturbances. It is fairly obvious by now that a purely agricultural economy could not make much progress — even in agriculture... We must industrialize agriculture — must mechanize and apply the advances of technology, of manufacturing processes and management methods to all phases of development activities. Industrialization now appears to be the

shortest and most effective path out of economic subsistency onto new hopes for a better and more meaningful life."

Estimates of the number of manufacturing and fabricating businesses in Vietnam range from 1300 to 1750, excluding repair shops but including single-family artisanal and craft shops. While small businesses, requiring minimal capitalization, will predominate in Vietnam for a long time, the Government is encouraging the creation of larger, more productive businesses. SONADEZI, so far as its own capitalization permits, will lend qualified new industries up to 75 per cent of their initial capital requirements. U.S. agencies in Vietnam, the military, as well as the USAID mission, are helping too. In 1969 about \$35,000,000 worth of American military procurement was transferred to Vietnamese suppliers.

Behind SONADEZI is the Vietnamese Ministry of Economy, and the Industrial Development Center. IDC, created in 1957, has gathered teams of engineers, technicians and planners, and managed government funds to encourage industrialization. In 1963 it launched SONADEZI which cleared the land at Bien Hoa and manages the industrial park. IDC is the USAID Mission's point of contact with Vietnamese organizations which seek a variety of American industrial expertise in getting new enterprises into operation.

USAID's continuing Commercial Import Program has made dollars available to new industries using American equipment and machinery imported from developing countries which qualify for USAID assistance. The local industrialist pays for his equipment in piasters. USAID pays the supplier in dollars. The piasters go into a counterpart fund which is used for purposes mutually agreed by USAID and the Vietnamese Government. Most plants in the Bien Hoa park, except the very smallest, have received some USAID assistance, either directly or through IDC.

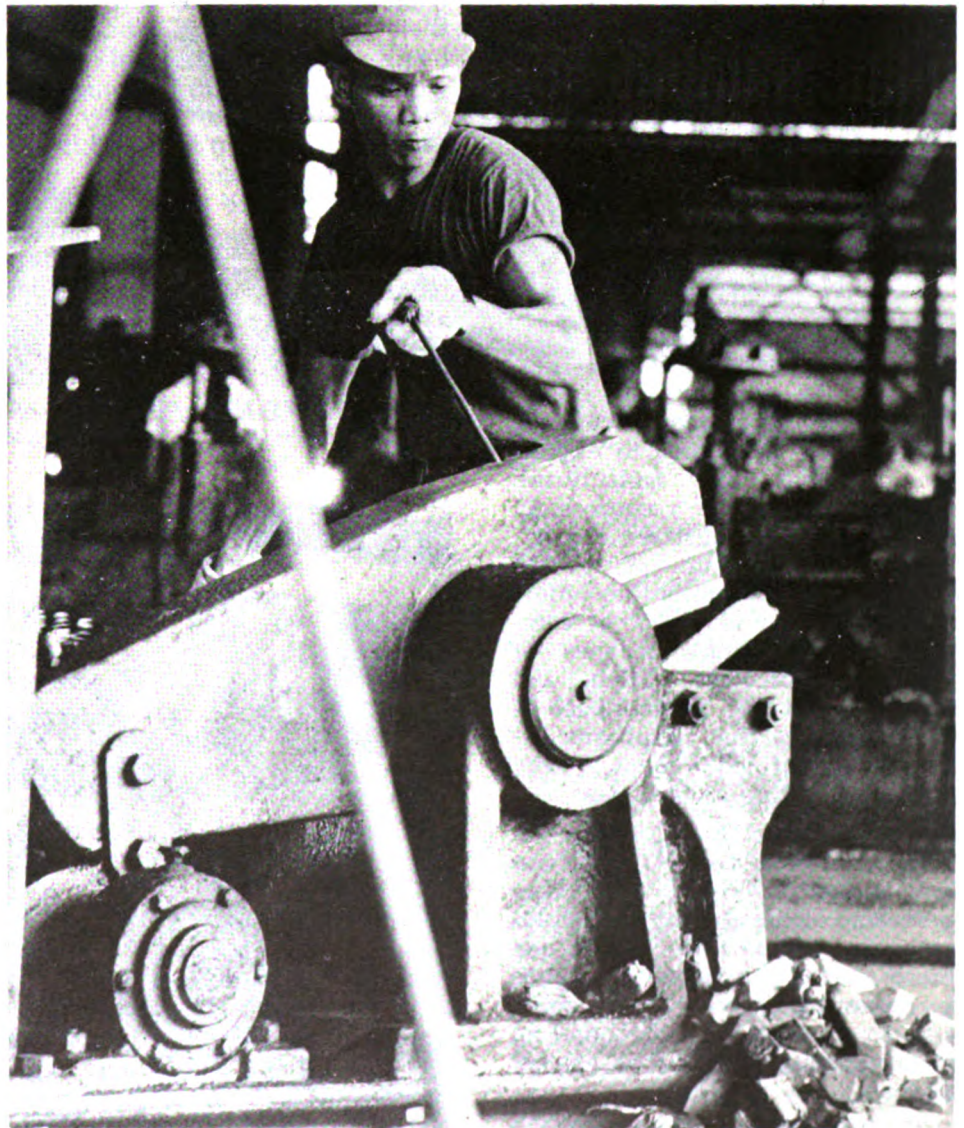
This area, along with the older manufacturing and food processing centers in Saigon-Cholon, and the newer Gia Dinh industrial com-

23 enterprises now operate, more due

plex, with its large textile mills (many of them set up by refugees from the North in 1954-55) should be a key growth point for a diversified Vietnamese economy. As pacification succeeds, more investors, Vietnamese and foreign, may calculate that they can risk building a plant without setting up a target for Viet Cong mortar shells and sapper attacks. Some, at least, of the refugee-expanded population of Saigon-Cholon-Gia Dinh-

Bien Hoa-Thu Duc-Long Binh, which may have 20 per cent of the population of Vietnam, should find in manufacturing and its spin-offs permanent residence and livelihood. "Villages" in Gia Dinh and Bien Hoa in the Saigon megalopolis now have over 150,000 populations.

But, IDC realizes, industrialization must not be limited to the Greater Saigon megalopolis. Already dredges are filling land



His muscles straining, a Vietnamese worker at the Bien Hoa steel plant uses a hydraulic clipper to remove inferior steel from the end of each ingot.

along the Bassac River for a 50-site industrial park just north of Can Tho in the Mekong Delta, where improved rice culture will one day create a surplus of agricultural labor and a more prosperous and machinery demanding farming population. Can Tho, a market town of less than 50,000 people a decade ago has a population of about 120,000 today.

In the Da Nang area, where hundreds of recently subsistence farming workers have been receiving cash payments and training in non-agricultural work from defense employment, IDC has a team of planners and technical experts assessing the possibilities for a third industrial park. Da Nang's population of 360,000 has more than trebled in the past few years. Nha Trang, Qui Nhon, Cam Ranh and Pleiku have experienced staggering population growths too. They have also been mentioned as locations for industrial parks. None of these cities has yet enough industries to meet the post-war employment needs of those migrants who will remain there despite resettlement programs.

No Easy Task

IDC leadership knows that Vietnamese industrialization is not going to be accomplished easily. Attuned to government economic thinking, it seeks first to exploit the country's own agricultural, fisheries and timber resources by labor-intensive industries, importing but a minimum of foreign equipment. The goal is that industrialization should ease, not compound, the nation's balance of payment difficulties. Then, and only then, as IDC planners see it, can they hope for significant development of equipment heavy import substitution factories.

Vice Minister Duong, in his address, said that a new investment law is needed "and is now being processed. The guiding principles embodied in the new law include more liberal privileges, allowance to repatriate at any time, permission to transfer all profits, and no discrimination of any kind against anyone."

The industrial labor force in the Saigon-Bien Hoa-Gia Dinh area is a heterogeneous one. There are

1954-55 refugees from North Vietnam, and others from all over agricultural South Vietnam who sought more security than they knew in their own villages during the present war. Adding to this "push" was the "pull" of U.S. construction projects like the Bien Hoa airbase, the U.S. Army III Corps headquarters and supply base at Long Binh, and USAID-sponsored Saigon Water Purification Plant at Thu Duc. The high level of Vietnamese employment at the air base and supply depot, at relatively high wages, forces new industrial employers to compete for their labor force, and skilled workers particularly are in short supply locally.

At least one important plant in the industrial park is employing Taiwanese technicians and skilled workers who are training the Vietnamese workers who will succeed them in the better jobs. Buses bring skilled and semi-skilled workers and clerical personnel out the Bien Hoa highway daily from Cholon and Saigon for work in the park. Less skilled workers, men and women, are recruited from among the local villagers and the war-refugee population. Vietnamese government labor codes apply, and any employer of fifty or more workers must deal with the three labor representatives the law says they shall elect. Few of

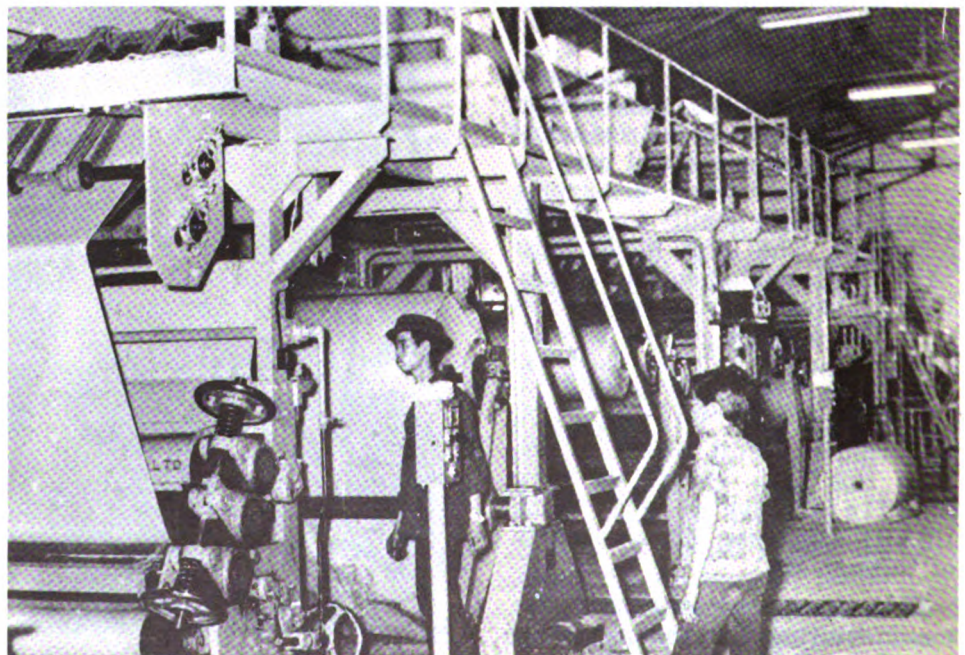
the local works councils, however, have as yet any connection with national labor organizations.

At the Bien Hoa industrial Park today, which is served by the 1964 USAID financed National Route 1, and the Dong Nai river, are a number of plants that can make real contributions to the economy.

One of the first Bien Hoa Industrial Park plants to become operational is the government owned COGIDO paper mill which had located on the river before the estate was laid out. A large portion of its machinery was imported under USAID's Commercial Import Program. Another government-owned firm is Cong Ty Duong VN — the Vietnam Sugar Company — which is turning out good grade white sugar and alcohol as a by-product. While most of its raw sugar is imported today its plan is to utilize Vietnam's own sugar cane as improved internal security permits more to be marketed. Over a thousand workers are employed by Cong Ty Duong VN, the largest employer in the park.

The other major plants currently operating in the park are privately owned, all but one of them are Vietnamese owned.

Business taxes, while not steep, are too numerous, IDC men think. This will also be corrected by the government, they say. A commis-



Newsprint rolls at the COGIDO paper plant at Bien Hoa Industrial park.



Silhouetted by smoke and steam, a worker guides a giant bucket as it dips molten steel from a pit beneath one of VICASA's two electric arc furnaces. So far VICASA, near Bien Hoa, is Vietnam's only plant making basic steel.

sion is studying how to simplify the tax structure without sacrificing badly needed government revenue. A war-risk insurance scheme is also being urgently studied, to supplement the Vietnamese government's and USAID's existing program of low-interest loans for war damage repairs.

Meanwhile, one foreign-owned firm is successfully operating in the Bien Hoa park — Eternit — which produces roofing materials, and piping for water and drainage systems.

Nearby are two Vietnamese private companies turning out products under license from American patent holders. VABCO manufactures wet batteries and lead plates, patented by the U.S. Electric Storage & Battery Co. VN Tan Hoa Pham under a Monsanto Che-

mical Co. license, makes the detergent Net increasingly seen in Saigon stores.

NAMYCO, with 90 employees and VICACO with 96, are chemical companies successfully producing caustic soda and hydrochloric acid.

First Steel Rolling Mill

In October, 1969, production began at the Republic of Vietnam's first steel rolling mill, in the Bien Hoa part. VICASA, a Vietnamese owned private company, has capitalized its plant at the equivalent of about \$2,500,000. Utilizing U.S. and ARVN war scrap iron, which was formerly exported, VICASA has an annual production capacity of about 25,000 metric tons of round steel reinforcing rods and I beams. That is equal to about one third

the annual imports of simple steel shapes into Vietnam. The company's own German-made power plant can generate enough electricity to permit the mill to double its capacity. The installation of another rolling line is planned.

VICASA's rolling equipment and furnaces come from Taiwan. So do several technicians and a handful of skilled workers who live on the estate in company-provided housing. The bulk of the 150-man plus work force is Vietnamese, and they are being trained to take over jobs currently held by the Taiwanese steelworkers. The plant is working in three shifts around the clock. Its manager told USAID officials recently that all of its output is instantly marketed through two distributing agents, one in Saigon, one in Cholon.

Among the firms whose plants are waiting to be equipped are companies which will manufacture detergents, flat glass, floor tiles, household aluminum wares, galvanized roofing sheets, and watch, motorcycle and electric fan assembly works. Buildings for two wool knitting mills and a machine shop have also been readied.

Under construction are buildings for companies which will make machine tools, agricultural machinery, animal feeds and prefabricated houses, as well as potential competitors to plants already in Bien Hoa.

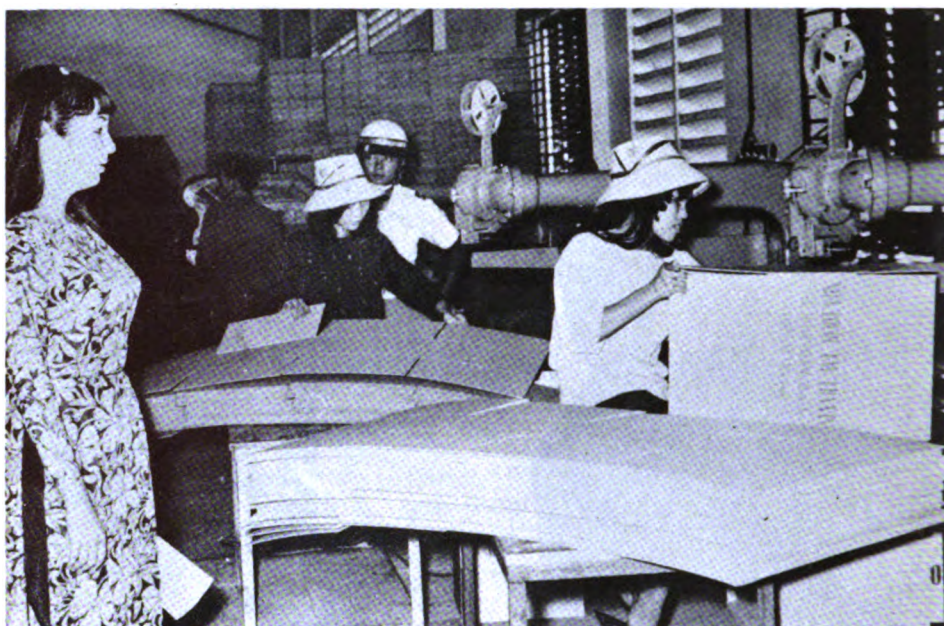
Sited too are locations for the Vietnamese Bureau of Standards, an oxygen-acetylene company, and VINAPPRO-YANMAR a joint Vietnamese-Japanese enterprise which will make diesel engines for small craft, and for power tillers.

Still another seven companies have been admitted to Bien Hoa Industrial Park by SONADEZI. They include AVUSCO, which will put up another small steel rolling mill, a glass bottle-making company, and several plastic goods manufacturers.

Thu Duc "Village"

Between Saigon and the Bien Hoa estate, spreading across Route 1, is the sprawling "village" of Thu Duc. Actually, the precise boundaries between the southwestern portion of Gia Dinh province and the eastern part of Bien Hoa province and their industrial enclaves are not readily apparent to anyone concerned principally with the development of industry in the area. Thu Duc, on the banks of the Dong Nai River, has its own power plant and so is identifiable as a growth point. It is also the site of the USAID and American contractor constructed Saigon Water Purification plant, and of a U.S.-built storage facility to which heavy cargo is barged from the Port of Saigon.

On the left side of Route 1 going north from Saigon is the Thu Duc works of the Ha Tien cement company, the only cement grinding works currently operating in Vietnam. Before 1963 all cement used in Vietnam was imported. Ha Tien's cement clinker plant is



Cardboard boxes for varied Vietnamese products are made by COGIDO.

located in Ha Tien, Kien Giang province. The Thu Duc plant is meeting about 25 per cent of the country's cement needs, and expansion of its capacity may enable it to double output in the next year or two.

Off to the right of Route 1, some distance from it, is COTYBLOC a privately owned company with the capacity to turn out 6,000 concrete blocks in a two-shift day. Its modern, American equipment, which includes brick-making facilities, was installed with the help of U.S. technicians.

It was the textile industry which first appeared in the Thu Duc area. Some of the privately owned mills like VIMYTEX with 2400 employees, VISYFASA with 500 employees, and the government-owned SICOVINA which employs 2700 workers, are efficient units producing cotton and synthetic blend textiles.

More recently there has been some diversification. ANH TOX is making insecticides and DIEM PHAT, paper.

VINATON, which started operations in 1968, is the only plant in Vietnam galvanizing steel from imported uncoated sheets. Currently, with 140 employees, it is sending out 20,000 metric tons of

galvanized sheets a year. The GVN has approved the installation of additional equipment to enable it to double that output.

Hyland's Toan Phat, an Australian-Vietnamese joint venture in plywood manufacturing, has attracted much interest. Taking over a government-owned veneer plywood plant, Hyland rehabilitated it in 1967 to meet the domestic plywood demand. It can produce 75,000 sheets a month of various sizes of plywood and fibreboard.

Private Entrepreneurs

The Government of Vietnam, "would very much prefer to see private entrepreneurs, both local and foreign, go into lines of industry which consolidate our national economy and foster a healthy development," said Vice Minister Duong. "But," he continued, "should no private investors be willing to engage in these activities, the government may find it indispensable to undertake these investment itself."

Agriculture and fisheries modernization, "mechanization tools," fertilizers and seed production, building better storage facilities, more paper pulp production and the development of a farm equip-

Foreign capital attraction most likely

ment industry are high on his list of priorities. "The reality is," he pointed out, "that we might not enjoy an abundance of foreign exchange like we have in the past two or three years, and development must start with what we really possess — our resources."

Speaking bluntly to a largely businessmen's audience the Vice Minister declared: "The most difficult task now lies perhaps in the entrepreneurship. I myself consider that the main problem resides in the gap between different profit opportunities of the trade sector and the truly industrial sector. Profit motivation has channeled a lot of talents to commercial activities. Now, various forms of taxes have been levied on consumption. Whether this will discourage some go-between activities and encourage industrial efforts remains to be seen. On this will depend largely the intensity and success of the industrialization program. And how to convert and to direct resources to the task of industrialization remains a challenge to the government before it decides to intervene."

The government and the Vietnamese business community confront these problems this year. Meanwhile, the USAID Mission in Vietnam plans to prepare a series of detailed economic studies of the types of industrial investment most likely to increase exports or decrease imports rapidly. It will help the government disseminate the studies to foreign and domestic possible sources of capital, and will continue to assist IDC's management training program.

USAID experience in assisting other developing nations increase their industrial output, and enter export markets, indicates that the GVN's thinking is sound. The criteria for product development in early stages of industrialization and foreign market entry include: high labor content, production for which labor can be quickly trained, small capital investment, priority to products utilizing native raw materials, and the actual availability of international markets.

Market research, which USAID Vietnam is to make available, and technical assistance are also crucial.

So is a government's willingness to eliminate paperwork bottlenecks and rationalize tax structures, a fact which the Vietnamese government understands. No amount of external assistance can do the development job unless internal policies mobilize a nation's

resources. Foreign capital is most likely to become significantly available, now that the era of colonialism is over, when a nation demonstrates its own willingness to take investment risks and modernize its economy. The government's thinking, revealed in Vice Minister Duong's speech and the conscientious work of IDC's small but effective staff, indicate that it has that will.



Workers at SICOVINA plant in Khanh Hoi make burlap bags from jute yarn. Shoppers (below) browse through store looking at VN textiles.



Letter from a Massacre

By TRAN QUOC



FATHER BUU-DONG

The body of Father Buu-Dong, age 57, was found on November 8, 1969, at Luong Vien which is about 30 kilometers northeast of Hue. The bodies of two other Catholic priests were in the same graves. This location contained a series of graves with a total of 20 bodies.

Such discoveries near Hue have not been unusual. What was unique in this case is the fact that a letter was found in the pocket of Father Buu-Dong. It is the first known letter recovered from a victim of the Communist massacres during the 1968 winter-spring offensives.

Father Buu-Dong was a popular man in charge of the Su-Lo An-Truyen Parish in Phu-Vang District. This combination of being very popular, respected and non-Communist apparently brought him into conflict with the Viet Cong. He was killed in Luong Vien, a village of Hue's Phu Thu district.

The letter he left is written on one sheet of paper folded three times. Circumstantial evidence clearly indicates that it was composed during the period of his captivity. It is a testament written to his family. He had no hope of ever seeing them again on Earth, "but I hope to meet you in God's country, my dear parents."

He had entrusted a friar to carry back to them "all my belongings to be divided among you." He had also decided on "the recipients of the three sewing machines."

A boy who tends buffaloes led authorities to the graves of Father Buu-Dong and the others. The boy said he witnessed the executions five months earlier. He did not report it before because VC strength in the area was still too intimidating. The boy said that Father Buu-Dong was shot and that the two other priests were killed by clubbing their heads with the stock of a rifle.

The buffalo boy also said that Father Buu-Dong had asked his captors to permit him to see the VC District Commissioner because he was innocent. Permission was not granted.

Intelligence sources have released a captured VC battle plan for the 1968 Tet Offensive against Hue. Part of paragraph 11, sub-headed *Religion*, provides background on events that doomed Father Buu-Dong and others. Section "a" deals with Catholics:

"We must encircle churches and schools. In case the enemy hides in the churches, we must pursue him and capture him. Priests and vicars who protect

and conceal the enemy should be arrested immediately.

"We must explain to the people our reasons, at the same time, force them to give us their weapons. We should carefully judge criminals in order to determine their punishment (death or imprisonment)".

The transcript of Father Buu-Dong's letter has been translated into English. Below is the complete texts :

FATHER BUU-DONG'S TESTAMENT FOUND ON HIS BODY UNCOVERED ON 08-11-1969 AT LUONG VIEN.

I humbly bow myself to you, my dear parents.

You will be very sad to lose a child. Though I am not fortunate enough to attend on you in your old age, I think you would find comfort in and be pleased with learning that through love for God and for men I have bravely discharged my duty as a Catholic priest and a believer.

I beg you to forgive me for all that may have displeased you during the past 57 years.

I hope to meet you in God's country, my dear parents, please pray for me.

(an illegible line).

Younger brothers Claudia, Hiep, An Xuyen, Thieu Tuong Anh, Xuan Raphael, Linh, Khue, Nhu, Sao Khoi, Chinh Duan, Nghi Dien and my near and far paternal and maternal relatives.

(2 lines illegible).

Life and death depend on God and Maria. My younger brothers and sisters please replace me to wait on our parents in their old ages.

May God bless you and our relatives.

I hope to see you all in Paradise.

Please pray for me whether I am alive or dead. Your elder brother.

I entrusted friar XH with arranging with you to carry back all my belongings and to be divided among you. I have decided on the recipients of the three sewing machines.

Dear Children of Christ!

This is my last writing to remind you of Peter's blessing on a boat in the storm... (3 illegible words).

Please remember my blessings at the beginning of spring on my religious mission and pray for me when my life ends in accordance with God's will.

(Love Maria, and forgive all errors (1 word illegible)).

Let me thank you... (4 illegible words) Pray to God to forgive me. Sincerely pray for me so that I may live in love, austerity to establish peace for Christ, to spiritually serve God and Maria's spiritual children.

Pray for me so that I may peacefully and bravely endure all spiritual and physical sufferings and that I may confide my body to God through Maria.

I hope we shall meet in God's country.

God bless you.



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Traditionally a food deficit area, North Vietnam has dearth of rice crops.

Finally, the dangerous cycle of cause and effect is intensified by widespread war damage, dwindling manpower resources, unmotivated workers and industrial inefficiency which has also seriously hampered agricultural production.

North Vietnam traditionally has been a food-deficit area. Prior to the 1954 partition it had to import 250,000 tons of rice annually from the South. Immediately after partition, the Soviet Union paid for the emergency importation of 150,000 tons of Burmese rice to avoid actual famine in the North.

Peking Rice Aid

Today, Peking is shipping about 700,000 tons of rice annually to North Vietnam under an agreement which represents a major sacrifice for the hard-pressed Chinese. Nor is this enough to meet the current deficit. Moscow Radio has revealed it dispatched an

BLEAK ALTERNATIVES

Stagnant economy is thorn to Hanoi war

By TCHANG KAM WANG

HONG KONG (MF) — For the leaders of North Vietnam this year poses bleak alternatives in their effort to sustain the strength and will of their 20 million war-weary subjects.

On the basis of accumulating evidence from internal and external sources it is clear that Hanoi finds itself in desperate trouble trying to fulfill its war requirements from a stagnant economy.

The near-paranoid secrecy of the ruling bureaucracy deprives observers of most of the normal indices by which the achievements and failures of open societies are measured. But enough important

clues have emerged to justify a plausible 1971 analysis.

First of all, it is now apparent that aggressive military operations must be scaled down at least in terms of large concentrations of firepower. Any other course risks total bankruptcy.

The Hanoi regime must also decide whether increased collectivization can boost its production of goods and services or whether more liberal measures are required to create incentives for its farmers. This, in turn, will sharpen existing animosities between competing factions of leadership.

additional 600,000 tons via Vladivostok and Haiphong during 1970.

Even the so-called "miracle rice", which is proving such a boon for much of Asia, has failed to help much, in part because the yield is mixed with wheat flour to make it go further. It may keep the consumer alive but the stuff is barely palatable.

Only now is the full story of the rice crisis emerging. It was Le Duan who revealed it — by accident: The First Secretary of the ruling Communist Lao Dong or Workers' Party, boasted recently that agricultural output (primarily rice production) increased more than 60 per cent in the 10 years following the defeat of the French in 1954. Since then, he added, "our agricultural production on the whole has remained stable."

This means rice yields in the north have been running about 4.2 million tons annually since 1964 — a projection derived from the last known production figures in 1954.

Even this stabilized production might have been marginally acceptable were it not for the fact that North Vietnam's population is rising at a known rate of 600,000 annually. Making allowances for civilian deaths and war losses this means that Hanoi has gained 2 1/2 million more mouths since 1964 while basic food production barely held its own.

A gap of such proportions is a ticking time bomb by any standard — both nutritionally and politically.

Industrial Picture

Nor is the industrial production picture any brighter. Moscow Radio broadcasts to French Africa revealed that total Soviet aid to Hanoi in 1970, including machinery and other industrial equipment, increased by 50 per cent.

Obviously to remain viable the Hanoi apparatus must nurture both Chinese and Russian friendship — a juggling act fraught with political peril. But the question of how much real benefit results must also be asked?

By fielding half a million productive young men for military service in the past four years alone Hanoi has robbed both its farms and its factories of the best workers. And few return.

Military Phase-Down

Which is one major reason why the North Vietnamese military effort is being phased down to smaller scale tactics in a desperate bid for time to gird its faltering economy. Already foreign visitors have noted farmers cultivating private land — a possible indication that limited private ownership is now being encouraged. But this involves difficult and dangerous policy decisions, too, in a country where the peasant revolts against land reform in the early years of the regime are still vivid memories.

On one count the North Vietnamese have been candid: in assessing their progress on the country's 25th anniversary Hanoi conceded the war has heavily damaged an economy that "has always been poor and backward"

But a recent confidential British study put only part of the blame for formidable economic difficulties on the war. "Much of the problem lies in poorly skilled and unmotivated workers," it said. Over and over again productions goals have fallen disastrously short. It found, for example, that some machines in light industry were being used only two and three hours a day while some workers were leaving factories for homes after only four to six hours on the job. Bad management is another factor.

It Isn't Happening

The weaknesses of industrial development are closely related to failures of agrarian productivity because, as Ho Chi Minh preached over and again, "the two sectors of the economy must support each other." But it just isn't happening that way in North Vietnam.

Today the situation is now such that Hanoi's leaders have been forced to reconsider the degree of their commitment to the war in the South.

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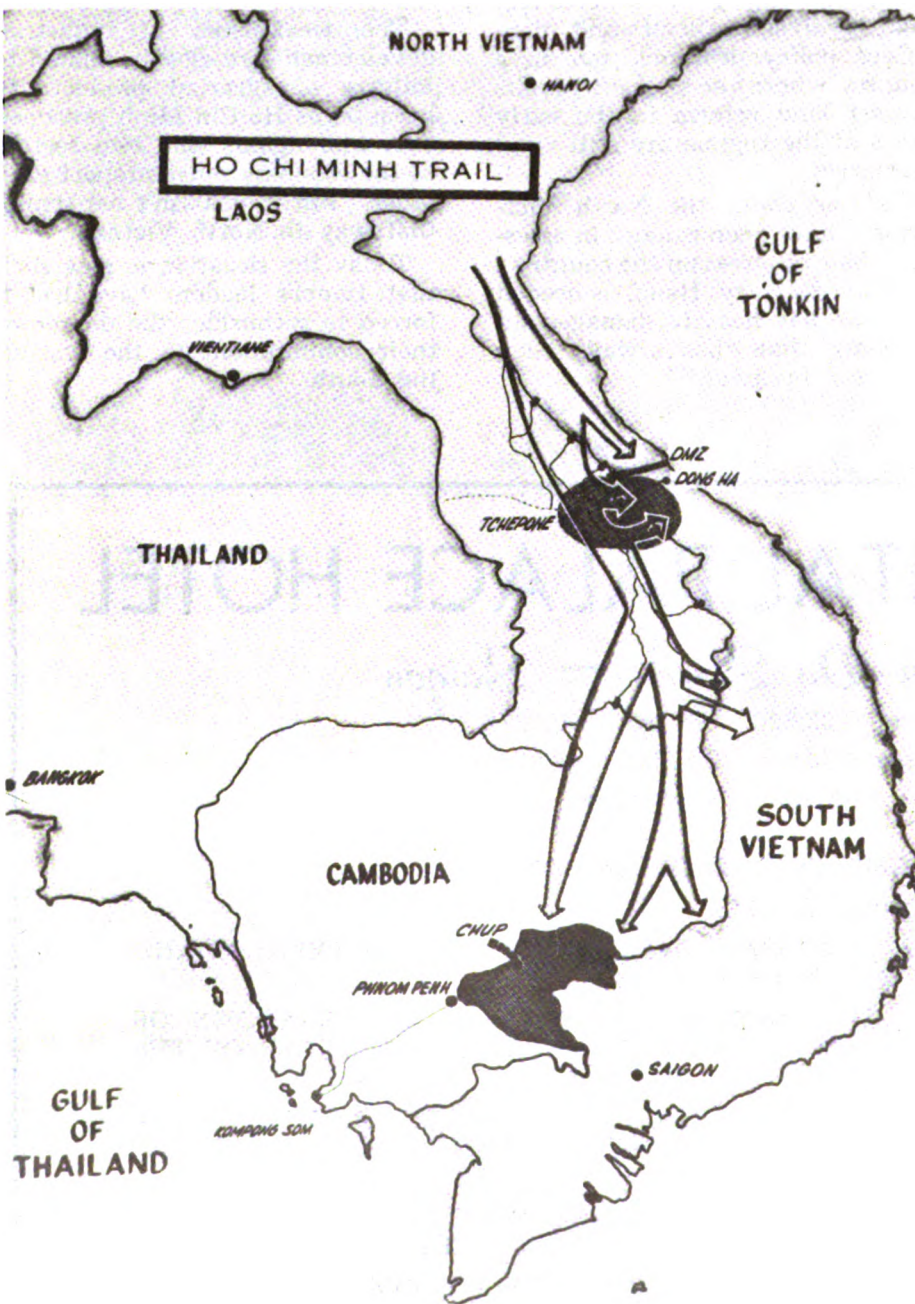
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- LARGE BANQUET ROOM FOR CONFERENCES, COCKTAILS, ANNIVERSARIES, BIRTHDAY PARTIES, WEDDINGS, RECEPTIONS AND OTHER IMPORTANT FUNCTIONS.
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New Face of War

Change of tactics wreaks hardships on Hanoi

By NGUYEN NAM PHONG



THERE was a time, not too long ago, when Communist troops moved about by foot and carried their supplies aboard bicycles they pushed up and down jungle trails.

Mobility and distance were then measured by the amount of sweat and tears the seemingly indefatigable non-combat soldiers of the Revolution shed to bring arms and ammunition to their frontline comrades.

French generals serving in Indochina in the early fifties had a look at Communist propaganda pictures and shook their head in a mixture of disbelief and compassion. "How can these Middle Age tactics prevail over the modern logistical system of the French Expeditionary Corps?" more than one of them reportedly exclaimed.

In mid-1954, the battle of Dien-bien-phu opened the eyes of French military leaders. With nothing but human labor and resourcefulness, Communist-led resistance forces had the biggest field guns brought to bear on the isolated garrison, which soon surrendered.

Logistically, Dien-bien-phu was a contest between David and Goliath, which David won. It was also a race between a hare and a turtle, in which the turtle arrived first.

Elders' Path

When the Second Indochina War was rekindled six years later, the Viet Cong again chose to walk on their elders' path. For another decade, Communist feats-of-arms eloquently illustrated one of Vo Nguyen Giap's most cherished tenets that logistical preparations for a battle constitute the most important aspect of a military encounter.

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Map of mainland Southeast Asia shows outline of Ho Chi Minh trail which North Vietnam has used for years to send supplies to red forces in South.

Indeed, since he started leading tribesmen against the Japanese and French occupants in the final years of World War II, Giap had often managed to surprise his foes. In this reckoning, this was only made possible by the practically unlimited freedom of movement of his troops, which Giap boastfully called their "strategic mobility."

Thus, prior to a battle, Communist combatants would amass enough weapons and ammunition near their target area and when the moment for a strike came all that they needed was to pick up their hidden war materiel and assault an unprepared enemy.

The North Vietnamese commander-in-chief's logistical approach is most evident in his Tet attacks of 1968, when Communist troops followed their supplies into the cities and launched the most dramatic offensive of the war. They were to be driven back into the jungle but the world had been given an idea of the effectiveness of Giap's strategy.

"Tet" and Cambodia

Until Tet, the Viet Cong' had been more or less successful with this approach. From the dozen base areas in neighboring Cambodia and Laos and from an equal number of "war zones" within South Vietnam, the Communists could, with the help of a complex network of agents, bring as many weapons as they wanted to wherever they pleased.

The Viet Cong Tet offensive and the Cambodian operations were to change all this. Defeated in their attempt at "liberating the countryside by keeping the foe locked inside the cities" — the reverse of Mao Tsetung's and Lin Piao's notion of "encirclement of the townships by the countryside" — Giap and his lieutenants in the South soon found they had instead created a vacuum in the countryside without accomplishing much in the cities.

Six months after Tet 1968 and thanks to the Viet Cong's many faults¹ during these troubled times, the Communists were on the defensive all over South Viet-

¹ In the former imperial capital of Hue alone, the Communists killed 5,000 men, women, and children in their month-long occupation of that city of 100,000.

nam. The Government decision to create the Popular Self-Defense Corps, which groups all able-bodied men between 16 and 60 into home-guard units also drastically reduced the freedom of movement of Giap's troops and rendered his logistical approach less effective.

Then came the fall of Cambodia's Norodom Sihanouk, which was to aggravate Giap's problems. Sihanoukville, rebaptized Kompong Som, was closed to Communist traffic. But even before this, South Vietnamese troops had stormed into all base camps the Communists were known to maintain in the neighboring country. The Viet Cong and their North Vietnamese allies were practically cut off from their main source of supplies.

Communist efforts in the past 15 months indicate a desperate attempt at finding an alternative to their erstwhile border sanctuary system. In the past five months only, there have been nearly 20 attempts at bringing supplies to the hard pressed Viet Cong by sea and a systematic effort to make greater use of the Ho Chi Minh trail.

But in the face of the incomparable allied Navy power, the North Vietnamese can be said to have not been successful in infiltrating by the sea. Three Communist trawlers, carrying each over 100 tons of arms, were sunk between November 1970 and April 1971 while the other Communist vessels had to return to Haiphong upon being detected.

The Ho Chi Minh Trail

Prior to the recent Laotian foray in February-March 1971, only in evidence were Hanoi's ant-like activities along the Ho Chi Minh trail, dubbed by an observer "the invasion road." According to intelligence estimates late last year, up to 4,000 tons of war materiel can be found at any time moving along this 6,000-mile network of roads and lanes.

To undertake such a big scheme, Hanoi reportedly had thousands of trucks deployed in 15 battalions that make up Transportation Group 559, a division-sized unit operating along the Laotian and Cambodian borders. In addition to the 10,000 men of Group 559, the enemy high command also deploy-

ed an estimated 2,000 anti-aircraft sites and some 20,000 ground troops to ensure the security of this logistical system and a regular flow of war materiel to the frontlines.

This formidable concentration of fire power, the South Vietnamese learned of the hard way when a 200-man force tried in mid-September 1970 to locate and destroy some big arms depots the enemy had installed in the Laotian province of Saravane. A week-long operation, the push was cut short after a dozen raiders were killed and nearly 100 wounded. Flying support for the ground troops, about a dozen helicopters were also damaged or destroyed.

Hanoi and the Pathet Lao were to denounce this attempt as "an invasion of major proportions" but even Communist mouthpieces refrained from going too far. It was only a long range reconnaissance patrol, slightly more important than those the South Vietnamese were known to have undertaken along the Ho Chi Minh trail for quite a few years.

Air Force Monopoly

Following this abortive attempt at disturbing Hanoi's remaining logistics channel, the task of interdicting the flow of enemy arms and men into Southern Indochina was made the exclusive responsibility of the United States Air Force.

But however effective the aerial interdiction, the Ho Chi Minh trail remained open by and large. And when monsoon rains stopped falling in October last year, indications were many pointing to a determined North Vietnamese effort to make even greater use of Laotian territory.

Indeed, in only one area just south of the 17th Parallel, where sensory devices had been installed, over 2100 trucks were found going in a southern direction during a ten-day period at the start of the dry season. Considering the many tentacles of the Trail, the tonnage of Communist supplies going South must have been many times greater.

To counter this threat, allied pilots had to drop on certain days up to 3,500 tons of bombs on sen-

Gen. Giap, lieutenant commit 'bad mistake'

sitive sections of the invasion road but aerial photography was to disclose an intense degree of military traffic, especially through the Mugia, Bankarai, and Banachoc passes. Air power had been proven inadequate to interdict the flow of Communist infiltration into Southern Indochina.

Laotian Foray

It is in this context that one has to view the decision of President Nguyen Van Thieu to dispatch tens of thousands of his best troops into Laos early this year. Codenamed Lam Son 719, the operation engendered quite a big controversy as the Government maintained it had gone "according to plan" and anti-war elements inside and outside the country claimed it had not.

Although it might still be too early to assess its impact on the course of events in Southern Indochina, Lam Son 719 seems neither an unmitigated success nor an unqualified debacle. By simply being in the area of Tchepone, South Vietnamese troops disrupted for two months the flow of North Vietnamese arms and men into southern battlefields and forced the enemy to expend an important amount of war materiel he had been able to stock there while also sowing a feeling of insecurity on the North Vietnamese troops thus far untroubled by the prospects of being hit in their backgardens.

On the other hand, however, the official Saigon claims of 16,000 enemy killed, 8,000 weapons captured, and 170,000 tons of ammunition destroyed could not hide the fact that the achievements, even if totally substantiated, had dented little the North Vietnamese capability of waging the war on a large scale on Southern Indochinese battlefields. The intense fighting in the triborder area and in Cambodia are definite proofs that Lam Son 719 has not been the decisive blow President Thieu and his military commanders had contemplated for the enemy's expeditionary forces.

Still, the Laotian campaign probably will be remembered as an important landmark in the history of the Indochina conflict. It now has been established that Communist Chinese troops were brought into North Vietnam during the Laotian fighting and that Hanoi had to make an unprecedented recruiting effort to fill up her depleted ranks.

In the awareness of the continued lull inside South Vietnam and heavy fighting in neighboring Laos and Cambodia, especially in border areas, one understands more easily the remarks of a high-ranking general at the headquarters of the South Vietnamese Army sometime before the Laotian foray.

New Face of War

Speaking of Communist traffic along the Ho Chi Minh trail, he said: "The bigger it is, the better it is for us. For it will be easier for us to choke the enemy to death — logistically." The man's remarks might sound unduly optimistic but there is a more than a grain of truth in it. The war in Southern Indochina has grown into a conflict in which the enemy must keep his logistical channels open at any cost, even fighting on a massive scale when and where it is not his option to do so.

Defeated in the third stage of their revolutionary struggle, Hanoi's Vo Nguyen Giap and his lieutenants should have reverted to guerrilla warfare to "nurture the revolution" as the Communists would say. But they did not. In spite of such policy documents as the Central Office for South Vietnam's (COSVN) Resolution Number Nine, which ordered all Communist forces to get back to hit-and-run tactics for an "economy of force" strategy, the North Vietnamese expanded the war to Cambodia and Laos and fought it in a growingly conventional manner.

The new direction of Hanoi's strategy can be said to have not been knowingly decided upon,

however. In a way, it was made inevitable by problems of a strategic character the enemy high command has yet to solve satisfactorily.

Without Proper Means

Half a decade ago, when Communist methods were efficient enough to keep the people totally submissive, Viet Cong troops enjoyed practically unlimited "strategic mobility." They had sanctuaries to which they could withdraw after a battle and, in all tranquillity, prepare for the next move.

The lesser the people's participation in the insurgency — this became most noticeable after Tet — the more insecure the Viet Cong's in-country sanctuaries became. Giap and his lieutenants had to create "war zones" along the border. (Against this background the second Vietnam war has never been a genuine people's war.)

But with the Cambodian operations in 1970, Communist sanctuaries as we had known them stopped existing altogether. Denied the people's active support and the advantage of inviolable "war zones," the Communist armies of Vo Nguyen Giap could only turn to conventional warfare to pursue the struggle.

According to the South Vietnamese general quoted above, "Giap and his lieutenants made a bad mistake. By choosing to fight the war on a grand scale, they are now as dependents as the allies on logistics without having our means and without having made the necessary preparations for it."

The new face of war — a logistical conflict fought on a grand scale in border areas — is, thus, something brought about by the Communists themselves and for which they have not been properly prepared. Whatever tactical success they might achieve, it is a foregone conclusion the military conflict is reaching its end — and not the way Hanoi visualizes it.



Dreams of Love?

Mail Letters

c/o Newspaper

SAIGON (MF) — “Widow, twenty years old, no children, with a beautiful dimpled smile, very fashionable, likes picnics, poetry, music, and painting. Seeks a friend of similar interests. Must be over a 1.6 meters tall, healthy, handsome, and dynamic. Marriage en-visionable. Mail letter in care of this paper.” This letter, and many others proposing marriage or companionship, are typical of the dozens received daily by the “Confidential Letter” columns of Viet-nam’s daily and weekly newspapers. The columns originated in 1953, and through their great popularity are now regular features in most local newspapers. Going by different names, the columns all have the same purpose: to bring together “unknown loves” to be “confidential friends” and eventually marriage partners.

The radio networks have also started similiar programs to introduce « little sisters from the rear » to « brothers on the front » and vice versa. The letters and radio messages often pour out their appeals poetically: “Nineteen springs have passed in the heart of this lonely soldier without bringing him any blossoming flowers, only stunted boughs to weigh down his shculders. Full of

feelings of inferiority, favorite colours: white and violet, subject to moods of sadness on rainy afternoons. Those who understand his soul, please write to...” Although most of the letters are from younger readers, older men also seek companions through these columns. One man, for example, recently wrote:

« Businessman. 57 years old, widower, well established in business, two sons, sober by nature, but loves gambling, looking for woman between 35 and 45 with a knowledge of business. Marriage en-visionable if compatibility is reached. Although rather old for new ventures, still strong and dynamic. To the woman who contemplates marriage, write...”

Although no statistics are on hand, many of the relationships from these written introductions do not last long. Writing about themselves in glowing terms, the face-to-face meeting often proves disappointing and puts a quick end to the affair. One letter written to the newspaper by a disappointed girl, « I knew him only through correspondence. He told me that beauty did not matter to him. Only sincerity. After our first meeting, however, I never saw him again. He ignores my letters. Why did he

disappear? » Most of the letters written are completely genuine, but, alas, some make a joke of it. One young soldier stationed in Central Vietnam kept up a steady correspondence with a « little sister » in the mountain resort of Dalat. When he got leave, he went to visit his new love, only to find that « she » was a boy, a young high school practical joker. Another young man, on assignment in Cambodia, put an announcement in a daily Saigon paper, and a week later got a reply accompanied by a photograph of a beautiful girl. The love affair continued through the mail for many months with many letters and gifts exchanged. Finally, the young soldier returned home and went to see his new girlfriend. To his dismay, she turned out to be a fat elderly woman, old enough to be his mother who had sent him a photograph of a famous Vietnamese singer, available in any shop in Saigon.

Nevertheless, some of the pen pal relationships have ended up in long lasting and happy marriages. Even though many attempts fail, the popularity of these columns continues to grow, although strewing an occasional broken heart along the way.

Women of Vietnam

Film star Kieu Chinh has been a leading lady in Vietnamese cinema since 1957 and now ranks first among actresses in South Vietnam. She has participated in several international film festivals. In 1969 she won a presidential citation for "outstanding actress" for her role in "From Saigon to Dien Bien Phu." She has founded a film company.

The Dong Phuong trio specializes in modern and classical Vietnamese songs. Miss Thu Ha (left), a native of North Vietnam, is a veteran performer for Vietnamese radio and television in Saigon. Miss Hong Van (center) is a native of Central Vietnam and sings for Vietnam Radio and Army recreational programs. Miss Tuyet Hang (right) of South Vietnam is also a popular performer on radio, television.



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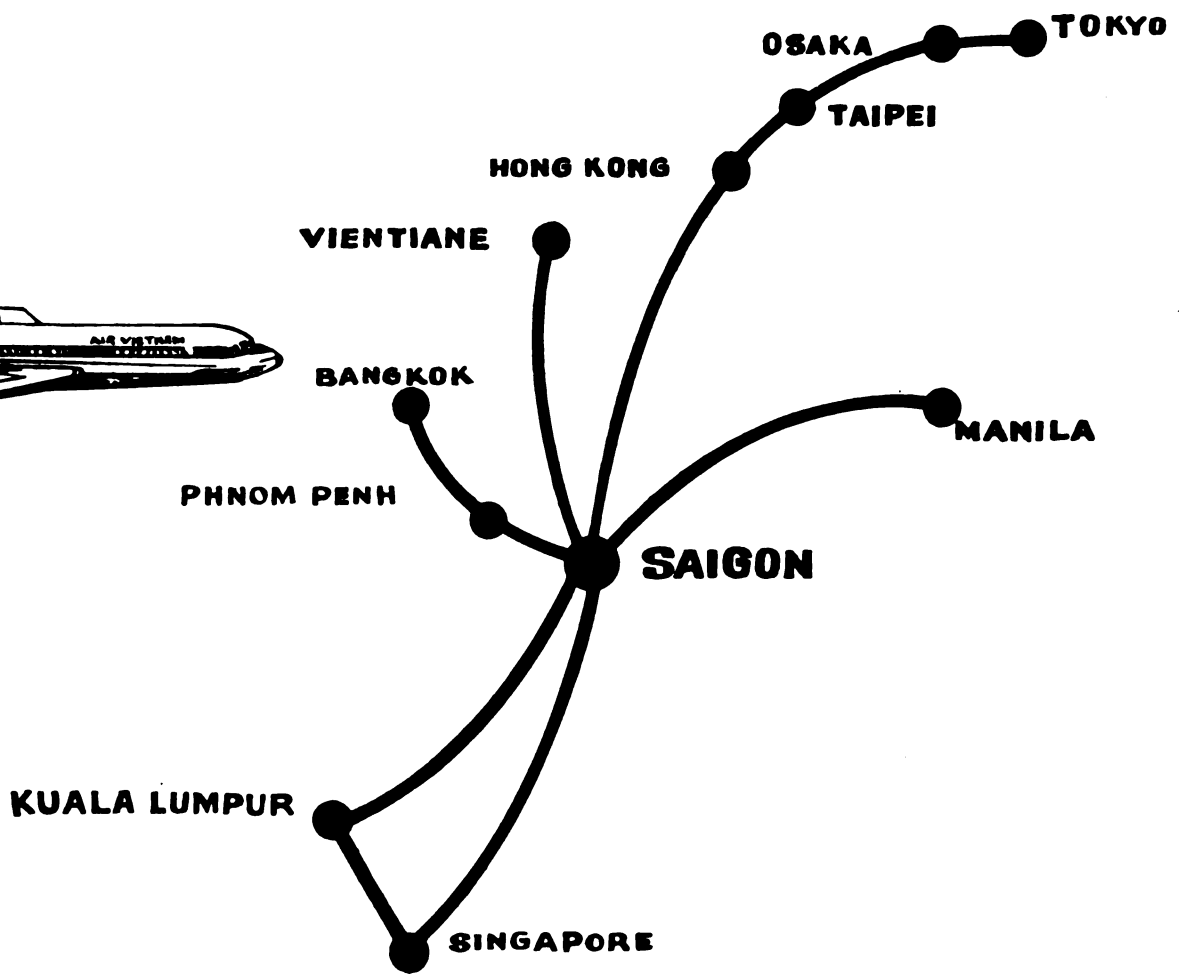
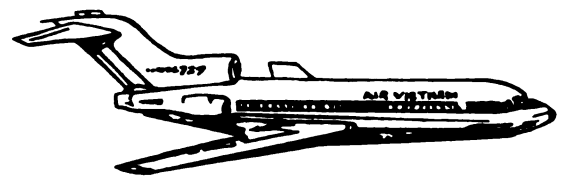
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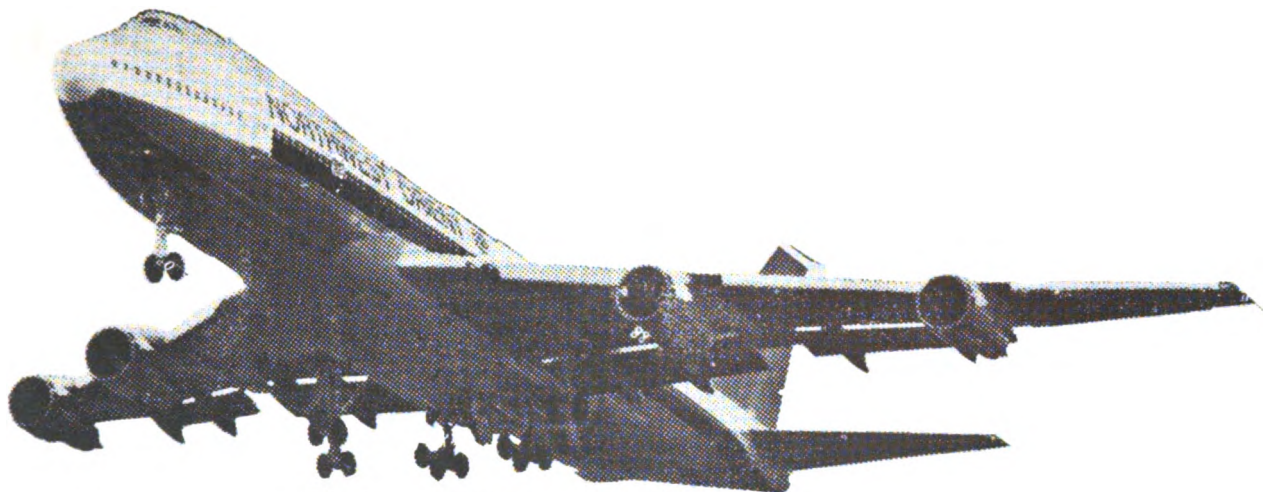
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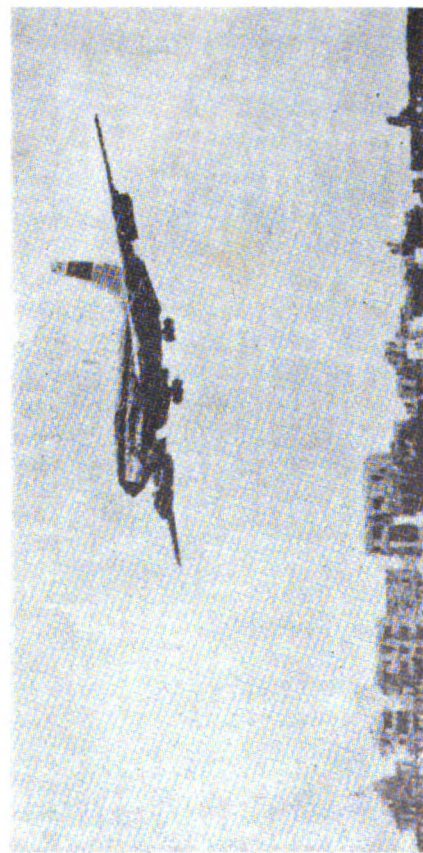
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