# THE BOSTON MANIFESTO:

## *A Statement by a Group of Vietnam Veterans Explaining their Outrage Over the Nomination of Senator John F. Kerry to be President of the United States*

**Prepared by**
**VIETNAM VETERANS TO CORRECT THE MYTHS**
**October 18, 2004**

## The Boston Manifesto: An Executive Summary

From July 26-29, 2004 a diverse group of Vietnam veterans, academics and experts met in Boston to discuss in depth the prevailing myths of that widely misunderstood and still misinterpreted conflict.[1] It quickly became evident that every man in the room—including Medal of Honor recipients, former prisoners of war, Special Forces and SOG warriors, and garden variety GIs who make no claim to being "heroes"—felt a strong sense of anger over the nomination of Senator John F. Kerry to be President of the United States. We decided that it was important to document some of the reasons for our anger, and the attached document has been prepared for that purpose.

This was not designed to be an "October surprise"—we wanted to do a serious job (our report is documented with nearly 500 footnotes), most of us have "day jobs," and it has taken us nearly four months to put our views on paper. This short summary will provide a brief overview of some of our concerns. Readers wishing to examine the factual basis and authority for our conclusion are urged to read the full report—which should be considered entirely on its own intrinsic merits.

Most of us learned about the Swift Boat Veterans for Truth campaign via media reports. We listened as they were attacked for accepting money from individuals who also contributed to President Bush and for allegedly seeking personal fame and fortune. We have not solicited or raised a nickel for this project, and none of us seeks "fame or fortune" for our efforts. We believe the report stands strongly on its own, but of course if Senator Kerry wishes to confront the witnesses against him in the public forum we will be more than happy to accommodate him. Our intention is to announce the release of the document, make it available to all on the Internet, and then rely upon the grass-roots efforts of others to bring it to the attention of the public in the next two weeks. We have no "public relations" skills or financial resources, and our

[1] For the proceedings of this conference, go to http://www.Viet-Myths.net.

contribution will be complete when the document is placed on the Web unless others take on the task of publicizing it.

One of the great ironies of the Vietnam War is that those of us who actually served there are more than twice as likely as non-veterans to view the war in favorable terms. Professional public opinion polls established long ago that three out of every four Vietnam veterans enjoyed their service and more than 90 percent are glad they served. We are more than twice as likely as the average American to take pride in what America tried to do in the war, and more than two-thirds of us believe we were "right to get involved" and would have gone back again even if we knew the final outcome. There are many "myths" about that war, including that we were defeated militarily on the battlefield. As the Manifesto documents, by the end of 1972 we had the war essentially won on the battlefield and in the air over North Vietnam—and this point was recognized as well by our enemies. Their only hope was that by working with the American "peace" movement they could persuade Congress to abandon a commitment championed by President John F. Kennedy and approved by a 99.5 percent majority of Congress and the overwhelming majority of the American people. John F. Kerry was instrumental in that hope.

None of us who gathered in Boston served with John Kerry in Vietnam or even knew he existed until he surfaced in 1971 as a leader of the anti-Vietnam War movement. We therefore defer to the men who did know him and served with him in the Swift Boats on the questions that have been raised about his conduct in country. Having followed that debate, however, it seems to us that the Swift Boat Veterans for Truth have established certain key facts *beyond reasonable doubt*: John Kerry has told numerous material falsehoods both during his short stay in Vietnam and since then in discussing his conduct there. Specifically:

* He has repeatedly lied about having been inside Cambodia engaging in combat with Cambodian and South Vietnamese forces on Christmas Day of 1968. On this issue, there is complete unanimity among the numerous knowledgeable parties, including every Swift Boat officer who served with

John Kerry and their subordinates and superiors in the chain of command who have addressed the issue. Not a *single* member of Lieutenant Kerry's own crew supports his claim, and Kerry's own personal records document that the story is false. And this was not just an embellished "war yarn" Kerry might have told to impress people in bars or at cocktail parties—he used this lie to try to persuade his fellow senators to undermine President Reagan's efforts to resist Communist aggression in Central America in 1985.

* At least two of John Kerry's Purple Heart awards were obtained on the basis of false reports prepared by Kerry himself. With respect to the incident on December 2, 1968, the senior officer in the boat (who went on to a distinguished career as an admiral in Navy JAG), the Navy physician who treated his superficial "wound," and Kerry's commanding officer at the time confirm that there was no exchange of fire with the Viet Cong that night and Kerry negligently wounded himself while in the process endangering everyone on the boat. Kerry's own records confirm that after this incident he wrote that he had not yet been shot at.

* Similarly, both John Kerry and Lieutenant James Rassmann (an active Kerry campaigner) admit that Kerry negligently injured himself on March 13, 1969, by failing to seek proper cover after throwing a hand grenade into a supply of Viet Cong rice while on land. Since no enemy contact took place during that incident, the superficial wound to his buttocks did not qualify for a Purple Heart. But several hours later, when a Viet Cong mine detonated under another Swift Boat across the river from Kerry's, Kerry falsely prepared a report claiming that the piece of shrapnel that had struck his buttocks hours earlier had instead been caused by the exploding mine. By pretending that the injury resulted from enemy action, Kerry obtained a third Purple Heart which—despite the lie he later told on the Dick Cavett Show—he immediately used to obtain reassignment back to American out of harm's way.

John Kerry's lies don't stop with falsifying official records to obtain unearned decorations. In other versions of the events of March 13, he has claimed that the mine exploded under his own boat, which is easily proven false by the absence of any damage to his boat and by the testimony of every other witness. Most of the Swift Boat officers who were present at the time also allege that Kerry obtained his Bronze Star that day on the basis of a false report, and serious doubts have also been raised about the incident in which he received his Silver Star. He also clearly lied when he asserted that he had thrown away his Vietnam medals. Some of these lies involve criminal behavior. American presidents have been driven from office or impeached for less.

But in our view, these are relatively trivial matters when compared to Kerry's behavior after he returned to America. At that time, he regularly and voluntarily associated himself with some of the most radical anti-America forces in the country, including the so-called "Vietnam Veterans Against the War" (VVAW) and the pro-Cuban Institute for Policy Studies. Like many of its members, the titular leader of the VVAW was an imposter. "Captain" Al Hubbard falsely claimed to have been seriously wounded during his second tour as an Air Force pilot in Vietnam. In reality, Hubbard was a militant Black Panther who had served as an Air Force sergeant and had never set foot anywhere in Indochina until sent to Hanoi to represent the VVAW in 1971 on a trip financed by the Communist Party, USA. Hubbard sad beside John Kerry during a Meet the Press interview in April 1971, and like Kerry and Jane Fonda (a principal financial backer of the VVAW) addressed various VVAW rallies. When some non-Communists within the VVAW complained about the radical Communist influence in the organization, Kerry rejected their efforts as a threat to the unity of the "peace" movement.

Presidential candidate Kerry now asserts that he never criticized U.S. *troops* during his anti-war years, only our government's policy. That is another lie. He told the Senators that between sixty and eighty percent of American forces in Vietnam were "stoned" twenty-four hours a day, and that we routinely engaged in rape, murder, and numerous other war crimes. When his VVAW com-

rades conducted a march through New Jersey to Valley Forge, Pennsylvania, on September 7, 1970, to listen to speeches by John Kerry, Jane Fonda, and other anti-war leaders, they distributed leaflets telling the people they encountered that U.S. infantry soldiers in Vietnam were "butchers" who routinely raped and murdered innocent civilians.

In January and February 1971, John Kerry took part in a Jane Fonda-funded "Winter Soldiers Investigation" in Detroit where alleged Vietnam veterans (many of them later shown to have been imposters) testified to both committing heinous war crimes and witnessing similar actions by other American soldiers. Kerry now claims that he didn't realize that some of the stories were blatant lies. But one of the witnesses, Steven Pitkin, has recently come forward and signed a sworn statement that he personally told Kerry he had no knowledge of any war crimes in Vietnam and the Kerry and others pressured him to make up stories—suggesting that if he did not testify he might have to find his own way back to Baltimore. This shows that John Kerry was not simply "duped" by the Communists with whom he willingly associated, but that he was actively involved in perpetrating a fraud on the American people and the U.S. Congress.

Some of Kerry's radical VVAW comrades later joined with cashiered CIA operative Philip Agee—who after the fall of the Soviet empire was identified as a KGB and Cuban DGI intelligence agent—in starting the publication *CounterSpy* for the purpose of exposing the identities of American and allied intelligence officers. Agee's efforts led directly to the murders of several exposed intelligence officers. After a British intelligence officer identified by Agee was murdered, Kerry's friends at the Institute for Policy Studies played a key role in helping Agee find a new base of operations in the Netherlands. When Agee's efforts resulted in the murder of Richard Welch, the CIA station chief in Athens, Congress passed a statute making it a felony to reveal the identity of a covert U.S. intelligence officer. John Kerry's well-documented hostility to the CIA dates back to his war protester days and has been reflected by his voting record on Intelligence Community funding as a Senator.

Representing the VVAW and pretending to speak for *all* Vietnam war veterans, on April 22, 1971, John Kerry told numerous lies to the Senate Foreign Relations Committee that were broadcast across the nation and helped persuade Congress to pass a law two years later that made it *unlawful* for the United States to continue carrying out the solemn pledge made by President John F. Kennedy in his 1961 inaugural address. By following John Kerry's advice and legislating a surrender in Indochina, Congress paved the way for the Communists to conquer their neighbors behind columns of Soviet-made tanks and then to slaughter an estimated three million human beings—more people than were killed in combat during the previous fourteen years. And tens of millions of other people who had relied upon John Kennedy's pledge of support were consigned to a Communist gulag that continues to be ranked among the "worst of the worst" human rights violators. Recent efforts by Congress to tie American assistance to Vietnam to improvements in their human rights policies have been blocked by Senator Kerry.

John Kerry's 1971 Senate Foreign Relations Committee testimony shocks the conscience of us all. He didn't just argue that the war was a mistake, he portrayed the United States as the villain and repeatedly parroted Hanoi's official Communist Party line while demanding that America abandon its commitment, pay "reparations" to the Communists, and stop complaining about the torture of our POWs and demanding their return as a part of any settlement. After meeting secretly with North Vietnamese and Viet Cong officials in Paris, Kerry returned to the United States and became personally involved in the exploitation of POW wives and families by Hanoi. The *New York Times* reported on July 23, 1971, that at one press conference at which John Kerry was presenting the wives of two POWs who had agreed to denounce the war (in return for promises of more mail and better treatment for their husbands in Hanoi), other POW wives showed up and shouted to Kerry "What office are you going to run for next?" The *Times* reported: "One of the women accused Mr. Kerry of 'constantly using our suffering and grief' for his political ambitions."

Appearing on Meet the Press on May 6, 2001, Senator John Kerry asserted: "I think our soldiers [in Vietnam] served as nobly, on the

whole, as in any war." But three decades earlier, he had accused American troops of routinely committing war crimes, murdering POWs, and behaving in a fashion "reminiscent of Genghis Khan." Such lies misled Congress and the American public and betrayed the sacrifice of every man, living or dead, who served honorably in an effort to prevent the Communists from conquering South Vietnam.

After returning from his captivity as a POW in Hanoi, John McCain said he thanked God President of the United States had demanded that Hanoi comply with its obligations under the 1949 Geneva Conventions and end the torture of American POWs, "because if it hadn't been for that a lot of us would never have returned." But less than two years earlier, John Kerry had falsely alleged America was the greatest violator of the Geneva Convention in history and denounced to the Senate "the hypocrisy in our taking umbrage in the Geneva Conventions." In reality, the International Committee of the Red Cross had praised the United States for having gone "far beyond the requirements of the Geneva Convention" by voluntarily extending the Geneva Convention to cover Viet Cong detainees (other than those apprehended in connection with acts of "terrorism"). The ICRC called the American regulation one of the important documents "in the history of the humanitarian law."

In his Senate testimony John Kerry implied that democracy was not really a better system of government than Communism, and asserted that what really mattered was whether a government could meet the needs of its people. He focused his strongest criticism upon America's policy of resisting international Communism, telling the Senators: ""There is no threat. The Communists are not about to take over our McDonald hamburger stands." Kerry accused America of being "paranoid about the Russians," and declared "we cannot fight communist all over the world, and I think we should have learned that by now." We thank God that President Reagan didn't believe that when he challenged Soviet President Gorbachev to tear down the Berlin Wall. Many of us who stayed in Vietnam for more than a few months saw first-hand the realities of Communism, which the *Black Book of Communism,* published by

Harvard University Press in 1999, estimates claimed between eighty and one hundred million lives during the twentieth century. But had John Kerry's advice been followed, America might well have *lost* the Cold War.

Then there are the humanitarian consequences of his actions. In demanding that the United States immediately abandon it commitment to Indochina, John Kerry told the Senate Foreign Relations Committee on April 22, 1971, that there would of course be "recriminations," and perhaps "several million" lives would ultimately "be on our conscience." But in Kerry's view, "the United States is not really in a position to consider the happiness of those people" who made the mistake of relying upon America's promise to help defend them. Approximately three million people were slaughtered by the new Communist regimes after Congress followed Kerry's advice, and tens of millions more were consigned to a Communist tyranny that continues to rank among the "worst of the worst" in terms of respect for human rights. Efforts by Congress to attach conditions to U.S. trade with Communist Vietnam in recent years have been blocked by Senator John Kerry.

Particularly horrible was the genocide carried out by the Communist Khmer Rouge in tiny Cambodia, where the *Black Book of Communism* and many other sources estimate that two million people were killed. No one fought harder to cover up this humanitarian catastrophe than D. Gareth Porter, a "scholar" with the pro-Cuban Institute for Policy Studies, who asserted that reports of widespread slaughter in Cambodia was the work of the evil CIA. Shortly after becoming a Senator, John Kerry hired Gareth Porter to be his legislative assistant.

One of the many myths about the Vietnam War spread by John Kerry and his peace movement comrades was that Ho Chi Minh was the "George Washington" of Vietnam. In reality, as the *Pentagon Papers* correctly noted and numerous North Vietnamese official biographies have confirmed, Ho was an old-line Stalinist who had co-founded the French Communist party in 1920 and traveled around the world on a Soviet passport working for the Communist International (Comintern) for thirty years before returning to Viet-

nam in 1941. Indeed, party histories acknowledge that when Ho Chi Minh showed up in Hong Kong for the founding meeting of the Indochina Communist Party, he was present not as a Vietnamese revolutionary but rather as the "official representative" of the Comintern.

Other myths that fueled the anti-war movement but are demonstrably false (and in many instances confirmed as false either by the *Pentagon Papers* or by admissions against interests out of Hanoi since the end of the war) were that the United States first became involved in Indochina to restore French colonialism, that we violated the 1954 Geneva Agreements and blocked free elections in 1956, that the "National Liberation Front" was independent of Hanoi's control, and that the war was unconstitutional and illegal under international law. We address all of these issues in the Manifesto.

In 1970 John Kerry said that he would not support sending U.S. troops outside the territorial limits of the United States without the approval of the United Nations. In those days, the Soviet Union had a veto on the Security Council—the primary organ of the UN for keeping the peace—so Kerry was in reality arguing that America should *never* resist international Communist aggression. But when the Cold War ended and the United Nations unanimously agreed to defend tiny Kuwait from the brutal aggression of Saddam Hussein's Iraq, John Kerry voted to undermine the United Nations and to rely on economic sanctions to stop the ongoing brutal rape of Kuwait.

One of the largely overlooked contributing factors to the terrorist attacks of September 11, 2001, was the appearance of American weakness resulting from decades of congressional usurpation of presidential power in the aftermath of Vietnam. Although Congress had formally authorized the President to use military force in Indochina in August 1964 with only two dissenting votes (by a 99.5 percent majority), when the war became unpopular it usurped presidential authority as Commander in Chief by enacting the War Powers Resolution, which, among other things, pretends to deny the President the power to defend American civilians abroad from

terrorist attacks until Congress first meets and passes a new law authorizing the response. Even Senator George Mitchell recognized in the end that the War Powers Resolution threatened "the delicate balance of power established by the Constitution" and "potentially undermines America's ability to effectively defend our national security." This statute was at the heart of the 1983 confrontation over the deployment of U.S. peacekeeping forces to Beirut, Lebanon, where frequent warnings of avoiding "another Vietnam" led all but two Senate Democrats to vote to undermine President Reagan's policies. Even when the deployment was narrowly approved, senators asserted that if there were any further casualties in Beirut they could "reconsider" their vote at any time, and this persuaded Islamic terrorists in Lebanon to inform their terrorists that if they could "kill 15 marines the rest will leave." That precipitated the truck bomb on the morning of October 23, 1983, that claimed 241 American lives and helped persuade Osama bin Laden that America had no stomach to resist his demands. Myths about the Vietnam War—many of them spread personally by Senator John Kerry—continue to undermine our nation and encourage our enemies.

The Fourteenth Amendment to the Constitution makes it unlawful for a citizen who has given "aid and comfort to the enemy" to hold either the office of Senator or President of the United States. We believe that a strong case can be made that John Kerry crossed that line on more than one occasion. We don't know for certain what was discussed during his secret meetings with our nation's enemies in Paris and Managua, but if he either encouraged them in their war effort or collaborated in any way with them in connection with his leadership role in the "peace" movement, he probably committed constitutional treason.

At minimum, it seems clear that he has committed no less than three serious felonies by meeting and negotiating with our nation's enemies. In 1799, Congress enacted the "Logan Act" to punish "an interference of individual citizens in the negotiations of our Executive with foreign Governments." Quaker pacifist Dr. George Logan had traveled to Paris to assure the French government that the American people wanted peace. House Republican leader Albert

Gallatin (a fellow Pennsylvanian and friend of Dr. Logan) acknowledged in the debate that to make such a trip during time of war would be "high treason," and in the setting of difficulties that currently characterized what has been termed the "quasi-war" with France would be a "high crime." Gallatin added that "it would be extremely improper for a member of this House [Congress] to enter into any correspondence with the French Republic, because this country is at present in a peculiar situation; for though, as we are not at war with France, an offence of this kind would not be high treason, yet it would be as criminal an act, as if we were at war."

In his 1971 testimony before Congress, John Kerry acknowledged that his visits to Paris to meet with Viet Cong and North Vietnamese leaders may have violated the Logan Act. But he didn't care, because others had done it too. Shortly after being elected to the Senate, he flew down to Nicaragua and actually sought to "negotiate" an agreement with that country's Communist president in an effort to undermine President Reagan's efforts to deter Nicaraguan aggression against its neighbors. America's relationship with Nicaragua at the time was at least as strained as it has been with France at the end of the eighteenth century, and we share Representative Gallantin's view that Senator Kerry's visit was "extremely improper." He not only usurped presidential power, but he did so as a member of another branch of government—creating a serious separation-of-powers crisis and violating his constitutional oath of office. At least by Gallatin's standard, Kerry's visits to Paris to meet with the Viet Cong and North Vietnamese were quite possibly "high treason."

The Manifesto documents the great importance that our enemies in Vietnam placed on their ability to exploit the American "peace" movement. North Vietnamese Army Colonel Bui Tin, who commanded the tank unit that crashed through the gates of the Saigon presidential palace and accepted South Vietnam's surrender on April 30, 1975, after the war was asked how important the American anti-war movement was to Hanoi's victory. He replied: "It was *essential* to our strategy. . . . Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement." Viet Cong leader Truong Nhu Tang

wrote after the war that none of them "had any illusions about our ability to gain a military decision against the immensely powerful American war machine," and that their hope from the start had been that America would be forced to give up under the pressures of the peace movement. He readily admitted the United States and its South Vietnamese ally were winning great victories on the battlefield, but worked hard to strengthen the American peace movement in the hope of a political victory. To suggest that John Kerry's efforts—especially his personal visits to Paris to actually meet with Viet Cong and North Vietnamese leaders—did not give "aid and comfort" to America's enemies is to ignore the entire nature of the conflict.

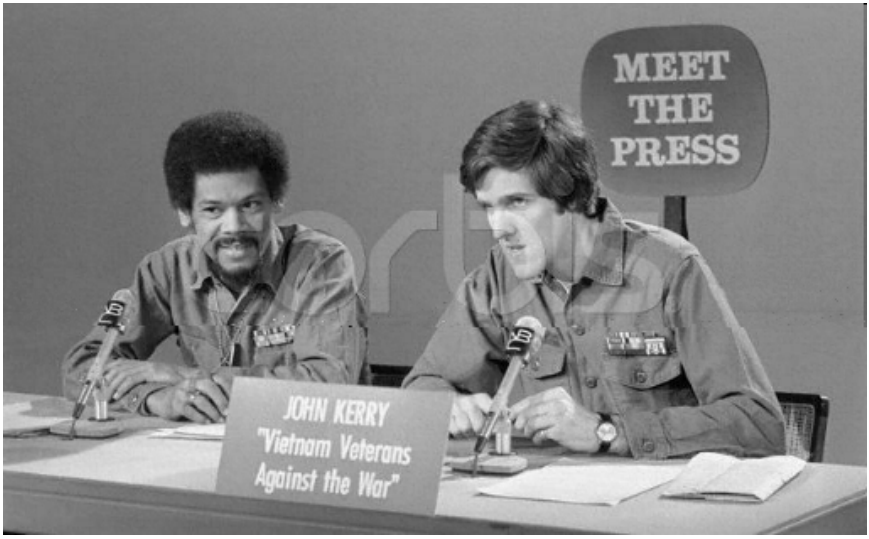
We believe it is imperative that the American people finally understand what really happened in Vietnam and start drawing the *real* lessons from that war. Those lessons have nothing to do with not sending troops into harm's way without the support of Congress and the public, as the initial deployments in Vietnam had overwhelming support from both. In the month during which Congress authorized President Johnson to use force in Indochina by a 99.5 percent majority, public approval of LBJ's conduct as President shot up 58 percent. And for several years, criticism of the war tended to come more from "hawks" who recognized that Robert McNamara was fighting a "no win" strategy and outweighed in numbers the the "doves" who wanted an immediate withdrawal. Even by 1968, a plurality of the McCarthy supporters in the New Hampshire Democratic primary went on to vote for super-hawks George Wallace and General Curtis LeMay in the November election. But as the war continued, more and more lies were spread by the "peace" movement and more and more Americans were deceived into believing the war was "unwinnable" in any event and the United States might well have been on the wrong side. And no single person did more to promote these lies than Vietnam "war hero" John F. Kerry.

We were not surprised when a recent polls suggested that by a margin of *three- or four-to-one* the men and women who make up today's professional military prefer George W. Bush as their Commander in Chief over combat veteran John Kerry, and two-

thirds of those responding attribute their hostility to Kerry to his betrayal of an earlier generation of fighting men after returning from Vietnam. His candidacy and nomination have rekindled a deep sense of anger and betrayal in each of us, and his election would be both a slap in the face to men and women who in the past have served honorably and an incentive to other opportunists that betraying one's country can be a viable avenue to the highest honor this nation can bestow upon a fellow citizen. But far more importantly, we fear that a Kerry election would further divide and weaken this country at a time when American and the world need to stand firm against the forces of international terror.

Unlike some in past elections who have threatened to renounce their citizenship and move to other countries if the majority rejected their view in a presidential election, our love for America will not diminish and we are prepared to accept the will of the majority. But the polls consistently show that the men and women who currently serve this country in uniform have an overwhelming preference for President Bush as their Commander in Chief than for John Kerry. Most of them are aware of Kerry's record as an anti-war protester, they believe he is dishonest, and fully half of those who know his record "strongly disapprove" of him.

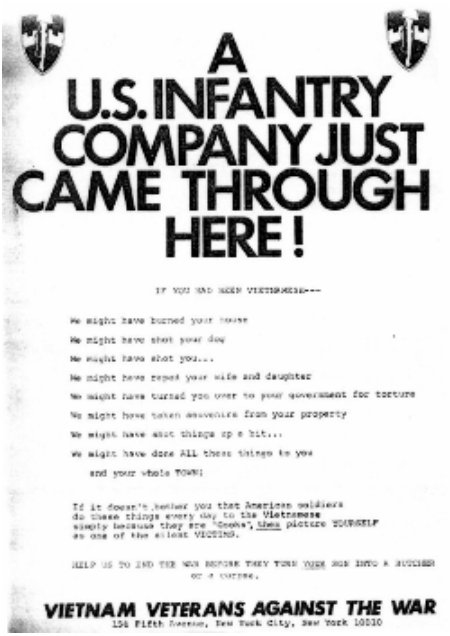
By falsely accusing President Bush of wanting to reinstate the draft, Kerry has persuaded most voters in the 18-29 age group that Bush prefers a draft. We don't think it likely that America will be unable to meet its military commitments in the foreseeable future with volunteers, but if a large number of current volunteers were to react to a Kerry victory next month by seeking other employment that situation might change. Obviously, given the polls, John Kerry would have more difficulty recruiting military personnel to voluntarily accept him as their Commander in Chief.




On April 18, 1971, John Kerry and VVAW Executive Secretary Al Hubbard appeared together on "Meet the Press" where they alleged U.S. forces were engaging in "genocide" in Vietnam. Hubbard was a Black Panther who pretended to be a veteran with two tours in Vietnam. (See page 12). The Communist Party USA took an active interest in Kerry's Vietnam Veterans Against the War and regularly ran stories about Kerry's anti-Vietnam actions. Al Hubbard represented VVAW on trips to meet with Communists in Paris and Hanoi. Once-classified FBI files reveal that Kerry knew Hubbard's travels were being funded by the Communist Party USA. Below, left, Al Hubbard, Ramsey Clark, Jane Fonda and John Kerry at a VVAW Rally. At right, Mao Tse Tung poster, NLF (Viet Cong) and anarchist flags at the U.S. Capitol.


Jane Fonda funded the "Winter Soldiers Investigation [WSI]," where many imposters told stories of murdering POWs, raping women, and the like. (See page 17). John Kerry now says that he was only reporting stories he had heard in Detroit and did not criticize our troops, only government policy. But Steven Pitkin (right, speaking at a Rally in Washington on September 12, 2004, and, insert, at WSI in 1971) has signed a sworn affidavit that he rode from Baltimore to Detroit with Kerry, and after he told Kerry he did not see any "war crimes" in Vietnam Kerry and others pressured him to make up stories. It was suggested that if he failed to testify that he had witnessed or committed war crimes he might have to find his own way back to Baltimore.

**Agitprop:** On September 7, 1970, "Vietnam Veterans Against the War" members marched across parts of New Jersey and Pennsylvania to attend a rally at Valley Forge where they were addressed by John Kerry, Jane Fonda, VVAW Executive Secretary Al Hubbard and other radicals. During their march, the group engaged in classic Leninist "agitprop" activity, frightening many of the citizens they passed by waiving plastic M-16 rifles and yelling things like "Kill him!" and "Cut his belly open!" They then passed out copies of this leaflet (left), telling Americans the young men our country had sent to war in Vietnam had become "butchers" who routinely raped and murdered innocent civilians. Many Americans believed these lies, and when servicemen who had really served in Vietnam returned home they were often treated like the "butchers" Kerry and his radical comrades alleged we were. (See page 19 and note 60). VVAW staged "guerrilla theater" or what the Communists called "agitprop" activities to misrepresent the behavior of enemy forces (in this instance, American forces.).



A
U.S. INFANTRY
COMPANY JUST
CAME THROUGH
HERE!

IF YOU HAD BEEN VIETNAMESE---

We might have burned your house
We might have shot your dog
We might have shot you...
We might have raped your wife and daughter
We might have turned you over to your government for torture
We might have taken souvenirs from your property
We might have shot things up a bit...
We might have done ALL these things to you
and your whole TOWN!

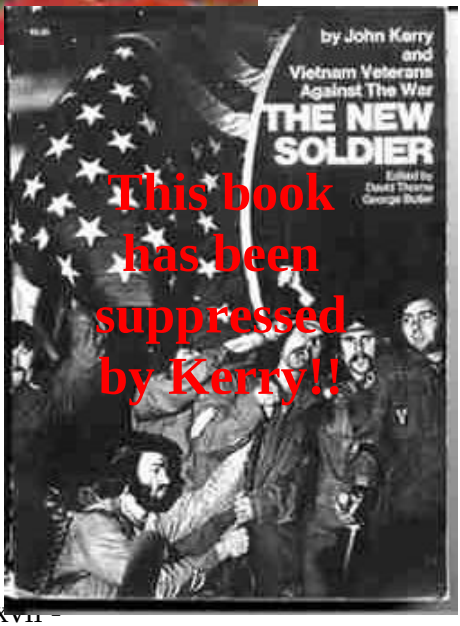
If it doesn't bother you that American soldiers do these things every day to the Vietnamese simply because they are "Gooks", then picture YOURSELF as one of the silent VICTIMS.

HELP US TO END THE WAR BEFORE THEY TURN YOUR SON INTO A BUTCHER OR A VICTIM.

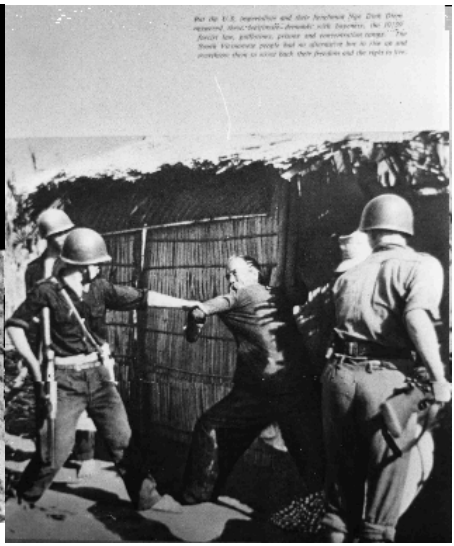
VIETNAM VETERANS AGAINST THE WAR
156 Fifth Avenue, New York City, New York 10010

At right are image from VVAW demonstrations portraying American soldiers as abusive of civilians. Shortly thereafter, Kerry told the Congress that U.S. forces in Vietnam were behaving like Genghis Khan. (See page 23)

At right is the cover of Kerry's 1971 book. The cover caricatured the Iwo Jima Memorial with the American Flag shown upside down. The book has been suppressed, reportedly by Kerry, though it is found on e-bay at very high prices and electronic copies can be found on the internet.



Below are photos of similar "agitprop" activities carried out by the Viet Cong in South Vietnam as published in a Communist propaganda book. Note that the Viet Cong soldiers dressed as South Vietnamese Army members didn't have complete uniforms but did the best they could with what they had. Also note the converging shadows in the photo on the left, indicating that this photo was staged with artificial lighting.



Like Communist elsewhere, the Viet Cong often put on performances and staged events for propaganda purposes to mislead "peace" groups in the United States and elsewhere. Below is a photograph of a "Catholic procession" that was distributed around the world as proof that the Viet Cong respected freedom of religion. Note the "priest" in the procession who is smoking a cigarette. His name is Bui Cong Tuong and he was Chief of Propaganda, Education, Culture, and Training in Ben Tre Province (what the South Vietnamese called Kien Hoa Province), and he defected about 1970. When shown this photograph he laughed and explained that he knew nothing about the Catholic religion and no one told him priests were not supposed to smoke during formal processions. (See page 20.)

John F. Kerry of Vietnam Veterans Against the War speaking at news conference. With him are Sheila Cronin, left, and Delia Alvarez, members of families of war prisoners.

WASHINGTON, July 22 (AP)—A number of wives of American prisoners of war lashed out today at John F. Kerry, the peace-group leader, accusing him of using the prisoner issue as a springboard to political office.

When Mr. Kerry, a spokesman for the Vietnam Veterans Against the War, attempted to introduce relatives of war prisoners at a news conference, four women shouted, "That's a lie," and "What office are you going to run for next?"

"This is a humane issue and should remain so," cried Mrs. Patricia Hardy of Los Angeles.

One of the women accused Mr. Kerry of "constantly using our own suffering and grief" for his political ambitions.

At the opening of the news conference, Mr. Kerry called on President Nixon to publicly set a date for withdrawal of all American troops from Vietnam so that prisoners of war could come home.

He said Mr. Nixon earlier refused to set a withdrawal date because of North Vietnam's refusal to guarantee the return of American prisoners. But the latest Vietnamese peace offer in Paris, which promises the release of prisoners as American troops are withdrawn, is being ignored by Mr. Nixon, Mr. Kerry charged.

Mr. Kerry, who is 27 years old, introduced wives, parents and sisters of prisoners to plead for support.

One parent, Richard Sigler of Lakewood, Colo., said the Administration told them July 3 in a private briefing not to make any public statements because they might upset secret negotiations. "They never say how or what they're doing," Mr. Sigler said. "They simply say you shouldn't upset the balance."

Mr. Kerry, when asked if he planned to run again for political office, said only that he was committed to political change and that he would use whatever forums allowed best at the time. He was a candidate in the 1970 Democratic Congressional primary in Massachusetts but withdrew in favor of another candidate.

In violation of the 1949 Geneva Convention, North Vietnam insisted that all mail between POWs and their families back in America be delivered through pro-Communist U.S. "peace" groups, which then promised more mail and better treatment for their POWs if wives or parents of POWS would publicly denounce the war. Many, like John McCain's wife, refused to cooperate at all with the radical "peace" groups and for their patriotism went years without a single letter. A small number, quite understandably, gave in to the pressures. After meeting secretly with Communist officials from North Vietnam and the Viet Cong, John Kerry returned to America and participated in the exploitation of POW families. The article above appeared in the *New York Times* on July 23, 1971. (See page 28). The picture below is from the Communist *Daily Worker*.

At joint press conference in Washington Thursday, Vietnam Veterans Against the War and POW families asked President Nixon to accept 7-point peace proposal of Vietnamese patriots. Left to right: John Kerry of VVAW, and Richard Sigler, Lakewood, Colo., Francis Ford, Wahala, Fla., and Mrs. Sigler, all relatives of POWs.

## The 10 point over-all solution of the SVNNLF to the South Vietnam problem helps restore Peace in V.N

1— To respect the Vietnamese people's fundamental national rights, namely independence, sovereignty, unity and territorial integrity as recognized by the 1954 Geneva Agreements on Vietnam.

2 — The U.S. government must withdraw from South Vietnam all U.S. troops, military personnel, arms and war material, and all troops, military personnel, arms and war material of other foreign countries of the U.S. camp, without posing any condition whatsoever; liquidate all U.S. military bases in South Vietnam; renounce all encroachments on the sovereignty, territory and security of South Vietnam and the D.R.V.N.

3 — The Vietnamese people's right to fight to defend their fatherland is the sacred inalienable right of self-defence of all peoples. The question of the Vietnamese armed forces in South Vietnam shall be resolved by the Vietnamese parties among themselves.

4 — The people of South Vietnam settle themselves their own affairs, without foreign interference. They decide themselves the political regime of South Vietnam by free and democratic general elections. Through free and democratic general elections, a Constituent Assembly will be set up, a Constitution worked out and a coalition government of South Vietnam installed, reflecting national concord and the broad union of all social strata.

5 — During the period of interval between the restoration of peace and the general elections, neither party shall impose its political regime on the people of South Vietnam. The political forces representing the various social strata and political tendencies in South Vietnam, that stand for peace, independence and equality, including those who have to live abroad for political reason, will enter into talks to set up a provisional coalition government, based on the principles of equality, democracy and mutual respect, with a view to achieving a peaceful, independent, democratic and neutral South Vietnam. The provisional coalition government is to have the following tasks:

a) To implement the agreements to be concluded on the withdrawal of the troops of the United States and the other foreign countries of the U.S. camp, etc...

b) To achieve national concord and a broad union of all social strata, political forces, nationalities, religious communities and all persons no matter what their political tendencies and their past may be, provided they stand for peace, independence and neutrality.

c) To achieve broad democratic freedoms: freedom of speech, freedom of the press, freedom of gathering, freedom of belief, freedom to establish political parties and organizations, freedom to demonstrate, etc. To set free those jailed on political grounds. To prohibit all acts of terror reprisals and discrimination against those who having collaborated with either side are now living at home or abroad, as provided for by the 1954 Geneva Agreements on VietNam.

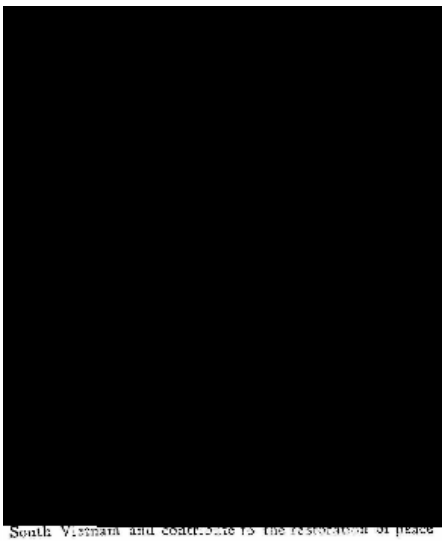
d) To heal the war wounds, to restore and develop economy, to restore the normal life of the people and to improve the living conditions of the labouring people.

When John Kerry testified before the Senate Foreign Relations Committee, he didn't just speak out against the war. He parroted Hanoi's Communist Party line, demanding that American pay "reparations" to the Communists and embracing numerous other points from the official Communist "peace program." See page 44.

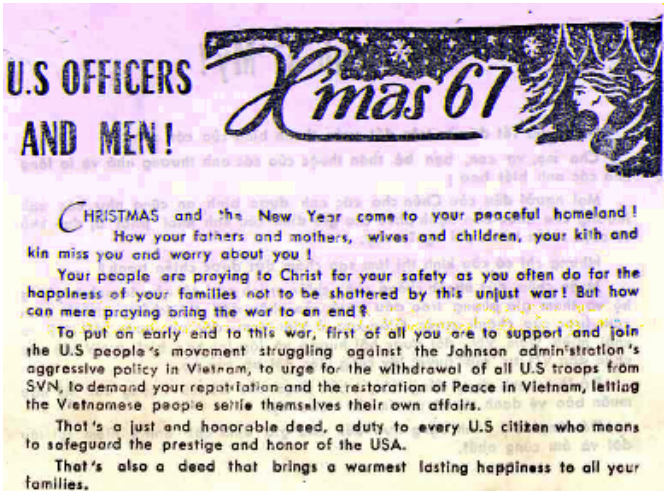
e) To hold free and democratic general elections the whole of South Vietnam, with a view to achiev the right for the people of South VietNam to se themselves their own affairs, in accordance with contents of Point 4 mentioned above.

6 — South VietNam will carry out a foreign pol of peace and neutrality. To carry out a policy of go neighbourly relations with the Kingdom of Cambodia the basis of respect for her independence, sovereign neutrality and territorial integrity within her pres borders. To carry out a policy of good-neighbourly r tions with the Kingdom of Laos on the basis of resp for the 1962 Geneva Agreements on Laos. To estab diplomatic, economic and cultural relations with countries, irrespective of political and social regin including the United States, in accordance with the f principles of peaceful co-existence, mutual respect the independence, sovereignty and territorial integri non-aggression, non-interference in the internal affa equality and mutual benefit, peaceful co-existence, accept economic and technical aid from any coun with no political conditions attached.

7 — The reunification of Vietnam will be achie step by step, by peaceful means, through discussion agreement between the two zones, without for interference. Pending the peaceful reunification Vietnam the two zones re-establish normal relations all fields, on the basis of mutual respect. The milit demarcation line between the two zones at the seventee parallel, as provided for by the 1954 Geneva Agreemer is a provisional line and does not constitute in any w a political or territorial boundary. The two zones rat agreement on the status of the demilitarized zone a work out modalities for movement across the provisio demarcation line.



South Vietnam and contribute to the restoration of peace in Vietnam.



U.S OFFICERS AND MEN!

Xmas 67

CHRISTMAS and the New Year come to your peaceful homeland! How your fathers and mothers, wives and children, your kith and kin miss you and worry about you!

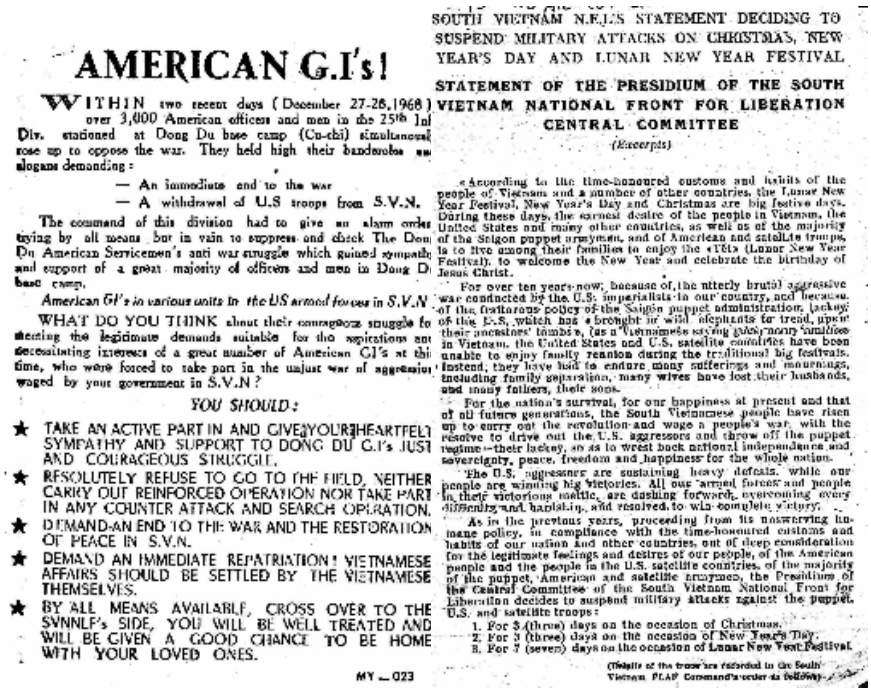
Your people are praying to Christ for your safety as you often do for the happiness of your families not to be shattered by this unjust war! But how can mere praying bring the war to an end?

To put an early end to this war, first of all you are to support and join the U.S people's movement struggling against the Johnson administration's aggressive policy in Vietnam, to urge for the withdrawal of all U.S troops from SVN, to demand your repatriation and the restoration of Peace in Vietnam, letting the Vietnamese people settle themselves their own affairs.

That's a just and honorable deed, a duty to every U.S citizen who means to safeguard the prestige and honor of the USA.

That's also a deed that brings a warmest lasting happiness to all your families.

Some of John Kerry's statements to the Senate made no sense at all. It was common knowledge that North Vietnam was trying to overthrow its neighbor to the south with vast contributions from China, the Soviet Union, and other Communist states. Yet Kerry told the Senators we should withdraw and "allow the South Vietnamese people to determine their own future." (See page 43.) How could they "determine their own future" if they could not resist the external aggression we had pledged to protect them from? Experts on North Vietnamese and Viet Cong propaganda noted that Kerry's silly assertion was one of Hanoi's most popular propaganda themes, as these leaflets illustrate.



AMERICAN G.I's!

WITHIN two recent days (December 27-28,1968) over 3,000 American officers and men in the 25th Inf Div. stationed at Dong Du base camp (Cu-chi) simultaneously rose up to oppose the war. They held high their banderoles and slogans demanding:

— An immediate end to the war
— A withdrawal of U.S troops from S.V.N.

The command of this division had to give an alarm order trying by all means but in vain to suppress and check The Dong Du American Servicemen's anti war struggle which gained sympathy and support of a great majority of officers and men in Dong Du base camp.

*American GI's in various units in the US armed forces in S.V.N*

WHAT DO YOU THINK about their courageous struggle to meeting the legitimate demands suitable for the aspirations and necessitating interests of a great number of American GI's at this time, who were forced to take part in the unjust war of aggression waged by your government in S.V.N?

*YOU SHOULD:*

★ TAKE AN ACTIVE PART IN AND GIVE YOUR HEARTFELT SYMPATHY AND SUPPORT TO DONG DU G.I's JUST AND COURAGEOUS STRUGGLE.
★ RESOLUTELY REFUSE TO GO TO THE FIELD, NEITHER CARRY OUT REINFORCED OPERATION NOR TAKE PART IN ANY COUNTER ATTACK AND SEARCH OPERATION.
★ DEMAND AN END TO THE WAR AND THE RESTORATION OF PEACE IN S.V.N.
★ DEMAND AN IMMEDIATE REPATRIATION! VIETNAMESE AFFAIRS SHOULD BE SETTLED BY THE VIETNAMESE THEMSELVES.
★ BY ALL MEANS AVAILABLE, CROSS OVER TO THE SVNLF's SIDE, YOU WILL BE WELL TREATED AND WILL BE GIVEN A GOOD CHANCE TO BE HOME WITH YOUR LOVED ONES.

MY — 023

SOUTH VIETNAM N.F.L.S STATEMENT DECIDING TO SUSPEND MILITARY ATTACKS ON CHRISTMAS, NEW YEAR'S DAY AND LUNAR NEW YEAR FESTIVAL

STATEMENT OF THE PRESIDIUM OF THE SOUTH VIETNAM NATIONAL FRONT FOR LIBERATION CENTRAL COMMITTEE

*(Excerpts)*

According to the time-honoured customs and habits of the people of Vietnam and a number of other countries, the Lunar New Year Festival, New Year's Day and Christmas are big festive days. During these days, the earnest desire of the people in Vietnam, the United States and many other countries, as well as of the majority of the Saigon puppet armymen, and of American and satellite troops, is to live among their families to enjoy the «Tết» (Lunar New Year Festival), to welcome the New Year and celebrate the birthday of Jesus Christ.

For over ten years now, because of the utterly brutal aggressive war conducted by the U.S. imperialists in our country, and because of the traitorous policy of the Saigon puppet administration, packed of the U.S. which has «brought in wild elephants to trod, upon their ancestors' tombs», (as a Vietnamese saying goes) many families in Vietnam, the United States and U.S. satellite countries have been unable to enjoy family reunion during the traditional big festivals. Instead, they have had to endure many sufferings and mournings, including family separation, many wives have lost their husbands, and many fathers, their sons.

For the nation's survival, for our happiness at present and that of all future generations, the South Vietnamese people have risen up to carry out the revolution and wage a people's war, with the resolve to drive out the U.S. aggressors and throw off the puppet regime—their lackey, so as to wrest back national independence and sovereignty, peace, freedom and happiness for the whole nation.

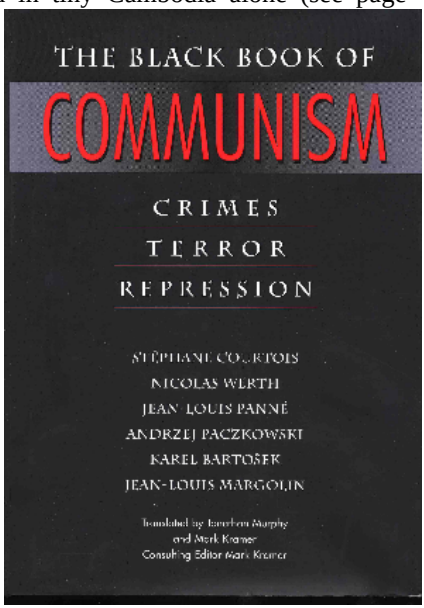
The U.S. aggressors are sustaining heavy defeats, while our people are winning big victories. All our armed forces and people in their victorious battle, are dashing forward, overcoming every difficulty and hardship, and resolved to win complete victory.

As in the previous years, proceeding from its unswerving humane policy, in compliance with the time-honoured customs and habits of our nation and other countries, out of deep consideration for the legitimate feelings and desires of our people, of the American people and the people in the U.S. satellite countries, of the majority of the puppet, American and satellite armymen, the Presidium of the Central Committee of the South Vietnam National Front for Liberation decides to suspend military attacks against the puppet, U.S. and satellite troops:

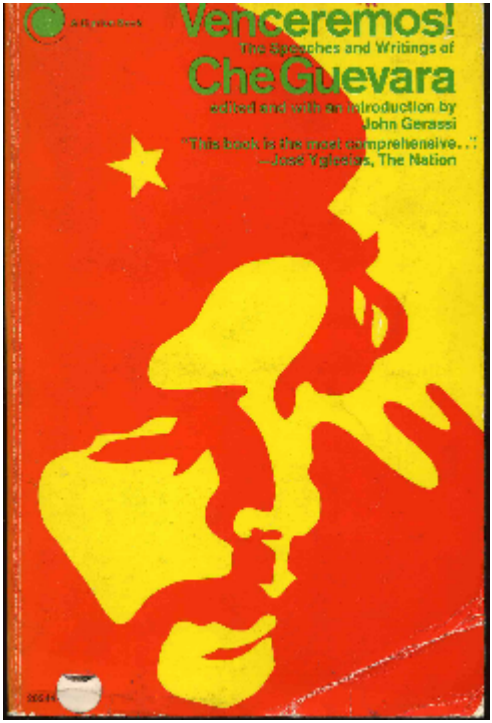
1. For 3 (three) days on the occasion of Christmas.
2. For 3 (three) days on the occasion of New Year's Day.
3. For 7 (seven) days on the occasion of Lunar New Year Festival.

(Details of the truce are recorded in the South Vietnam PLAF Command's order as follows)

BLOODBATH -- Among the most common arguments used by opponents of the war were that we had to "stop the killing" and promote "human rights." John Kerry admitted that if Congress followed his advice and cut off funds for the war perhaps "several million" people would be killed in recriminations by the Communists (see page 51). After Congress made it unlawful for the United States military to continue protecting the people of Indochina, an estimated two million innocent people were slaughtered in tiny Cambodia alone (see page 136). On a *per capita* basis, this was the greatest genocide of the twentieth century, claiming more than twenty percent of the population in that tiny country in only three years.

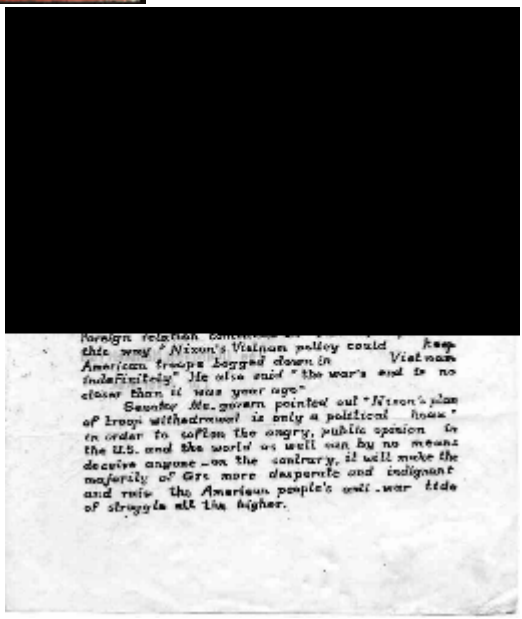



BLACK BOOK OF COMMUNISM -- Following the collapse of the Soviet Union, several prominent European left-of-center intellectuals produced a damning indictment of international Communism, documenting that between 85 and 100 million people were slaughtered by Communists during the twentieth century. They estimated that two million were killed in Cambodia and another million in Vietnam. In 1999, Harvard University Press published an English-language edition of the book. (see page 53.)




Helping the people of Indochina defend themselves was important to U.S. national interest. Key Communist leaders around the world announced that Vietnam was a "test case" and that once they defeated the United States there, it would show revolutionaries around the world that they could take up arms and seize power. For example, in 1963 Cuba's Che Guevara asserted that Vietnam was "most important" to the future of revolution in America. See page 71-72.

John McCain and other American POWs in North Vietnam later said that the most painful propaganda they were subjected to involved quotations from prominent Americans and even U.S. Senators. Imagine the pain they felt when they learned that a former comrade in arms, John Kerry, was giving Hanoi for free the kinds of false statements about U.S. "war crimes" that our POWs had repeatedly been tortured because they would not tell such lies. See pages 95-96 and footnote 100 pg. 35



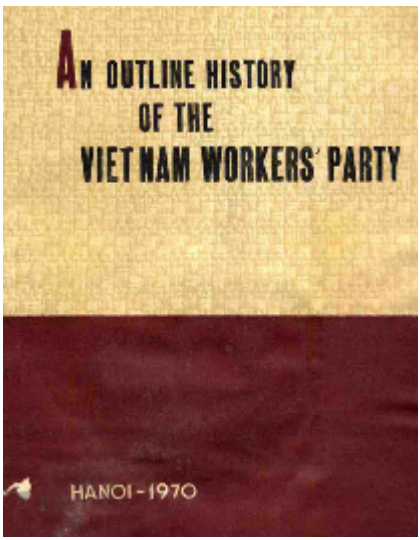
For 20 years, Pham
Xuan An was a valued reporter
for Time magazine in Saigon.
What his editors didn't know was
that all along he was

# SPYING FOR HANOI

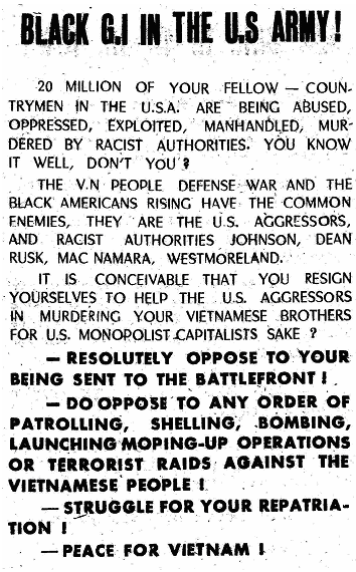
By Marlise Simons

An irresponsible press contributed to undermining the strong public support that had existed when the United States first decided to go to war in Indochina. By focusing upon the shortcomings of our allies and misrepresenting such events as the 1968 Tet Offensive as great Communist military victories (a contention Communist leaders now readily admit was false), they misled the public about the realities of the war. After the war it was established that many American media offices in Saigon unwittingly employed senior Communist officers on their staff and relied upon these individuals to help them understand the war. See page 106.

John Kerry was one of many anti-war leaders to portray Communist leader Ho Chi Minh as a nationalist and "the George Washington of Vietnam." In reality, Ho's background as a dedicated Stalinist who had co-founded the French Communist Party in 1920, been trained in Moscow, and traveled around the world for nearly 30 years as a paid agent of the Communist International was openly admitted by official party histories published in English by Hanoi. (See page 111.) It was also confirmed by the *Pentagon Papers*.



Hanoi has now admitted that its boats did attack the U.S. Maddox on the night of April 2, 1964, as reported by President Johnson at the time. But it is important to keep in mind that the Gulf of Tonkin incident was a relatively trivial matter in terms of the big picture in Vietnam. Hanoi has admitted that it made a decision in May 1959 to "liberate" South Vietnam and began sending troops south later that year – five years before the United States made a decision to go to war. Had the Tonkin attack not occurred, there were numerous other incidents that would have provided a justification for American intervention, including the terrorist bombing four months later of the Brinks BOQ in Saigon. (See page 126.)



**BLACK G.I IN THE U.S ARMY!**

20 MILLION OF YOUR FELLOW — COUNTRYMEN IN THE U.S.A. ARE BEING ABUSED, OPPRESSED, EXPLOITED, MANHANDLED, MURDERED BY RACIST AUTHORITIES. YOU KNOW IT WELL, DON'T YOU ?

THE V.N PEOPLE DEFENSE WAR AND THE BLACK AMERICANS RISING HAVE THE COMMON ENEMIES, THEY ARE THE U.S. AGGRESSORS, AND RACIST AUTHORITIES JOHNSON, DEAN RUSK, MAC NAMARA, WESTMORELAND.

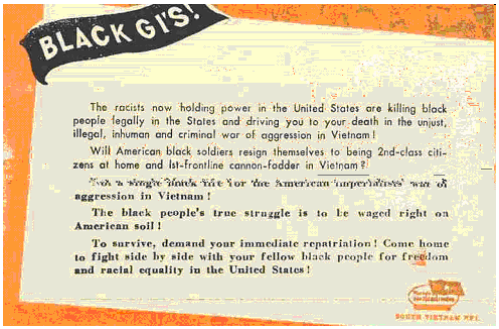
IT IS CONCEIVABLE THAT YOU RESIGN YOURSELVES TO HELP THE U.S. AGGRESSORS IN MURDERING YOUR VIETNAMESE BROTHERS FOR U.S. MONOPOLIST CAPITALISTS SAKE ?

**— RESOLUTELY OPPOSE TO YOUR BEING SENT TO THE BATTLEFRONT !**

**— DO OPPOSE TO ANY ORDER OF PATROLLING, SHELLING, BOMBING, LAUNCHING MOPING-UP OPERATIONS OR TERRORIST RAIDS AGAINST THE VIETNAMESE PEOPLE !**

**— STRUGGLE FOR YOUR REPATRIATION !**

**— PEACE FOR VIETNAM !**



BLACK GI'S!

The racists now holding power in the United States are killing black people legally in the States and driving you to your death in the unjust, illegal, inhuman and criminal war of aggression in Vietnam!

Will American black soldiers resign themselves to being 2nd-class citizens at home and 1st-frontline cannon-fodder in Vietnam?

Not a single black life for the American imperialists' war of aggression in Vietnam!

The black people's true struggle is to be waged right on American soil!

To survive, demand your immediate repatriation! Come home to fight side by side with your fellow black people for freedom and racial equality in the United States!

Following classic Leninist strategy, the Communists sought to divide the American people and their soldiers in Vietnam along class and race lines. John Kerry's VVAW repeated the popular myth, also featured in numerous Viet Cong leaflets, that African-American GIs were serving and dying in Vietnam in disproportionate numbers. (See page 127.)

When John Kerry testified before the Senate on April 22, 1971, he expressed his greatest outrage over the fact that America was resisting Communist aggression. He said Communist was no threat to us, and "we cannot fight communism all over the world." (See page 136.) Fortunately, President Ronald Reagan didn't share that view, and during his administration the United States began seriously to confront the Soviet Union all over the world and paved the way for the demise of the Soviet Empire. This photo shows Reagan's June 12, 1987, speech at the Brandenburg Gate in Berlin where he challenged the Soviet leader: "Mr. Gorbachev, tear down this wall!" If John Kerry had had his way, America would not have resisted Communist aggression in the Cold War.

One of the reasons Osama bin Laden attacked the United States is that he had concluded from the way we abandoned our commitment in Lebanon following the bombing of the Marine headquarters in Beirut on October 23, 1983, that we lacked the *will* to defend our interests. A major contributing factor to that bombing was the highly-partisan congressional debate that September in which many references were made to avoiding "another Vietnam" and only two Democratic senators supported President Reagan. Given the close vote and statements by key legislators that they could 'reconsider" the vote if there were further casualties, Islamic terrorists told their friends in Beirut that if they killed fifteen Marines the rest would leave. (See page 161.)

# NOTE

*For four days beginning on July 26, 2004, a group of Vietnam veterans, scholars, and experts—including recipients of the Congressional Medal of Honor, several former Special Forces officers and enlisted men, and veterans who have taught about the war at the high school, college, and graduate school levels —gathered at a small college in Boston to examine the "Myths of the Vietnam War."[*] Their hope was to take advantage of the renewed interest in the war resulting from the expected nomination of Senator John F. Kerry as the Democratic Party candidate for President of the United States to promote a national dialogue about Vietnam, its myths, and legitimate lessons. After the conference formally adjourned, several of the participants expressed a strong sense of betrayal over the conduct of John Kerry after his return to the United States following brief service in Vietnam and voiced outrage over his nomination. Soon others joined the conversation, and a consensus was reached to set forth some of the reasons for this widespread outrage. The statement that follows is the result of that effort. It is a consensus effort, and not every veteran who was in the room necessarily agrees with every point made. We do agree that the election of John Forbes Kerry as President of the United States would be yet another betrayal of those who served honorably in Vietnam and remain proud of that service, which public opinion polls tell us includes more than 90 percent of all Vietnam veterans. For the purpose of preparing and releasing this document we have informally organized ourselves as the "Vietnam Veterans to Correct the Myths" (VVCM), an unincorporated voluntary association. No funds have been raised or expended in the name of VVCM, which does not endorse any specific candidate for public office All views expressed are those of the individuals involved. We release this Manifesto on the Internet to be considered on its own merits. Others may distribute it, endorse it, ignore it, or attempt to refute it at their pleasure. Should Mr. Kerry wish to debate our facts or conclusions, we will be most happy to accommodate him.*

For further information, contact: Stephen Sherman,
VIETNAM VETERANS TO CORRECT THE MYTHS
PO Box 926032, Houston, TX 77292-6032
Phone: 713-683-9076 Email: Sherman1@flash.net

[*] For the proceedings of this conference, see *http://www.Viet-Myths.net*.

## Introduction

On April 22, 1971, an articulate young anti-war activist named John Forbes Kerry told the Senate Committee on Foreign Relations that American veterans of the Vietnam War had "a sense of anger and a sense of betrayal which no one has yet grasped."[1] He informed the Senators that he was not appearing to express his own personal views, but rather claimed that his presentation represented the views of *all* Vietnam veterans[2] and declared that "[w]e wish that a merciful God could wipe away our own memories of that service. . . ."[3]

In reality, a 1980 Harris Poll commissioned by the Veteran's Administration found that 74 percent of Vietnam veterans "enjoyed their time in the service" and more than 90 percent said they were "glad they served their country." Four out of five denied believing that the government had "taken advantage" of them, and nearly two-out-of-three would "go back again *even if they knew how the war would end*."[4]

Five years later, a *Time* magazine poll showed that two-thirds of

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[1] United States Senate, Committee on Foreign Relations, *Legislative Proposals Relating to the War in Southeast Asia*, Apr. 22, 1971, p. 181 (statement of John Kerry) (hereinafter cited as "John Kerry, SFRC Testimony"). An unpaginated version of this testimony is available on line at: http://www.c-span.org/vote2004/jkerrytestimony.asp.

[2] "I am not here as John Kerry. I am here as one member of the [VVAW] group of 1,000, which is a small representation of the very much larger group of veterans in this country, and were it possible for *all* of them to sit at this table they would be here and have the same kind of testimony." JOHN KERRY, SFRC TESTIMONY p. 180 [emphasis added].

[3] *Id*. at 185.

[4] Quoted in James Webb, "The Media's War on Vietnam Veterans," *Wall Street Journal*, July 15, 1998 (emphasis added); Barry Sussman & Kenneth E. John, "Poll Finds Veterans Are at Home Again," *Washington Post*., Apr. 11, 1985, p. A-11, quoted in B. G. Burkett & Glenna Whitley, *Stolen Valor: How the Vietnam Generation Was Robbed of its Heroes and its History* (Dallas: Verity Press, 1998), p. 626 n 65.

Vietnam vets who expressed an opinion felt the United States had been *right* "to get involved in the Vietnam War"—twice the percentage of the public in general—and that by a margin of well over two-to-one Vietnam veterans said they were "proud of the role the U.S. played in Vietnam."[5] Thanks to the lies encouraged by Hanoi and spread across America by people like Jane Fonda and John Kerry, Americans who did not serve in Vietnam are less than half as likely as the nearly three million men who actually saw the war first-hand to take pride in what America tried to do in Indochina.[6]

Like those who came before us from Lexington and Concord, through the Civil War, to the Great War, World War II, and Korea, many of us do have some unpleasant memories—because war, by its very nature, is an unpleasant business. But we do not feel *shame* about what we did, and we do not wish to "erase the memories" of our service. However, the nomination of now-Senator John F. Kerry as a candidate for the presidency has indeed filled *many* Vietnam veterans with that sense of "anger" and "betrayal" that Kerry wrongly attributed to us thirty-three years ago, and a decent respect for both our fellow citizens and, more specifically, the men and women who currently serve in the military—who would be placed under the command of a "President Kerry" were he to be elected—moves us to set forth some of the reasons for our present outrage.

John Kerry *lied*. He intentionally deceived the American people, and in so doing he betrayed every American who had served in Vietnam or would later serve there. When in 1971 Kerry brought his ragtag, bearded, pony-tailed, unkempt, dirty, fatigue-clad "Vietnam veterans" to the Washington, DC, Mall, America saw for the first time, in a collective group, her "warriors" of the Vietnam War. It was a frightening sight. These men—many of whom were total imposters, and those who *had* served in the military often embellished their roles—would speak of the "war crimes" they had committed, the women they had raped, and the civilians they had murdered. Hollywood would quickly pick up this caricature of the

[5] "Vietnam Yesterday and Today," *Time*, April 30, 1990, p. 20.
[6] *Ibid.*

unemployed, unemployable, drug-addicted, psychologically-impaired, war criminal Vietnam vet. This negative image of the Vietnam veteran would find its way into hundreds of venues and endures to this day.

The truth about the Vietnam veteran shows he is the most socially successful veteran America had ever produced. When unemployment among males in the economy was 6%, the unemployment rate of all veterans was 5.5%. Among those who served during the Vietnam war, but did not go to Vietnam, it was 4.3%. Among Vietnam veterans, those who actually served in the war, it was 3.9%! In addition, the Vietnam veteran was the best educated in history—71% availed themselves of the GI Bill. Vietnam veterans had the highest per capita income and the highest home ownership rate of all American veterans, significantly above their peers who did not serve.

And in contradiction to the myth that Vietnam veterans were mostly "reluctant draftees," of the nine million who served during the war, only two million were drafted, a volunteer rate more than two-and-one-half times that of the World War II generation. John Kerry's lies have forever besmirched the reputation of nearly three million men and women, the overwhelming majority of whom served courageously, honorably and well in Vietnam.[7]

**The Swift Boat Veterans and John Kerry's Vietnam Service**

We are not connected with the Swift Boat veterans group that has been speaking out against Senator Kerry (although at least one of their group did attend our conference, which was open to all Vietnam veterans), and our primary complaint against Senator Kerry does not pertain to his behavior "in country" during his truncated tour in 1968-1969. This is not to suggest that their charges are not in our view relevant to Senator Kerry's fitness to serve as Commander in Chief.

There are several aspects of Lieutenant (j.g.) Kerry's service in

[7] For accurate information about the real Vietnam veteran population, *see* Burkett & Whitley, *Stolen Valor*, chapter three. Burkett spoke at our Boston conference.

South Vietnam that trouble many of us. Thomas Jefferson wrote in "The Rights of British America" that "The whole art of government consists in the art of being honest."[8] And if one message comes clear from Kerry's behavior in Vietnam and his portrayal of that behavior since returning home, it is that he is not an honest man. Not a single member of his crew, not a single Swift boat commander who served in Vietnam at the same time as John Kerry, and not a single member of his chain of command, supports his frequent claim to have been inside Cambodia on a secret mission on Christmas Day, 1968, being shot at by both friendly and enemy forces and remembering President Nixon's assertions that no American troops were in Cambodia. The story is also refuted by Kerry's own diaries, which place him fifty miles away from Cambodia that day. And this was not just a "little white lie" he might have used in a bar trying to pick up chicks – he made this claim as part of an official Senate debate while trying to persuade his colleagues to deny funds to President Reagan to oppose Communist aggression in Central America.

Both his commanding officer and the Navy physician who treated the miniscule "wound" for which Kerry received his first Purple Heart have confirmed that other men who were present at the time of the alleged "fire fight" asserted that no fire fight occurred, and that Kerry's "wound" was (unintentionally) self-inflicted when the inexperienced junior officer fired a round from an M-79 grenade launcher that exploded too close to his own boat, resulting in a single tiny splinter fragment imbedding itself about one-eighth of an inch into his arm (while recklessly endangering the safety of the other men in the boat). Kerry later asserted the engagement was "a half-assed action that hardly qualified as combat . . . ."[9] If the consistent account provided by his commanding officer and the Navy doctor is true, then Kerry's false allegation that his injury resulted from "combat"—a requirement for a Purple Heart—allowed him to evade two-thirds of his assigned Vietnam tour of duty.

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[8] Thomas Jefferson, "A Summary View of the Rights of British America, 1774," in Adrienne Koch & William Peden, *The Life and Selected Writings of Thomas Jefferson* (New York: Modern Library, 1944) p. 310.

[9] Douglas Brinkley, *Tour of Duty: John Kerry and the Vietnam War* 146 (2004).

More recently, a third officer—retired Rear Admiral William Schachte, who had been the senior officer in the small boat the night of the incident—has confirmed that there was no fire fight and that Kerry's very minor injury was self-inflicted.[10] Admiral Schachte had an outstanding reputation in the Navy for integrity and veracity, and was personally known to one member of the group that gathered in Boston. Furthermore, Kerry's own diary confirms that his allegation that he took part in a "fire fight" early on the morning of December 2, 1968, is a lie; as more than a week later he made reference to the fact that he had not yet been "shot at."[11]

Questions have also been raised about his third Purple Heart, in which Kerry is said to have misrepresented material facts. By this account, Kerry received a minor bruise as a result of enemy action, but he had several hours earlier received a slightly more serious injury to his buttocks area when he failed to seek cover while trying to destroy a supply of Viet Cong rice with a hand grenade. Under Navy regulations, he could not get a Purple Heart for the earlier injury because it did not involve contact with an armed enemy; and the second "injury" did not break the skin and thus did not qualify. But by writing up both injuries as a result of the second incident, Kerry managed to secure his third Purple Heart that permitted him to request that he be removed from harm's way, returned to America, and assigned to the less hazardous duty of an Admiral's aide. It is in our view significant that, not counting Kerry himself, three of the other four Swift boat officers present at the time have challenged Kerry's version of the facts, and both Kerry and one of his strongest supporters, Lieutenant Rassmann, admit that Kerry received a minor injury to his buttocks from a grenade during the earlier incident on land.

We note further that a (now-deceased) member of Kerry's Swift boat crew name Tommy Belodeau reportedly asserted years ago that Kerry received his Silver Star—the third-highest military decoration for heroism awarded by the United States—by "shoot-

[10] Admiral Schachte's August 27, 2004, interview with NBC reporter Lisa Myers is available on line at: http://www.msnbc.msn.com/id/5840657/.
[11] Brinkley, *Tour of Duty* p. 189.

ing a wounded, unarmed man in the back."[12] More recently, several Swift boat officers who commanded boats that took part in that operation have provided their accounts of what happened that day. One account supports Kerry's version, while three assert he is not telling the truth.

When Seaman Belodeau died in late 1997, Senator John Kerry delivered his eulogy and later inserted his warm remarks about his old shipmate in the *Congressional Record*. Unfortunately for Kerry, however, his account of the events of March 13, 1969, once again highly embellished, is in conflict with the testimony of every other witness, and is inconsistent with the physical evidence in the case. Thus, while Lieutenant Rassmann had stated that he was quietly eating a chocolate-chip cookie when he fell overboard, and every account and the physical evidence establishes that the mine exploded across the river from Kerry's boat under the "number three" boat, Kerry alleged in his eulogy that "a mine exploded under our boat sending it 2 feet into the air" and that the Green Beret who was thrown overboard (clearly Rassmann) had been "walking along the edge of the boat to get Tommy [Belodeau] another M-60" when "the boat made a high speed turn to starboard and the Green Beret kept going—straight into the river."[13]

Then there is the issue of lying to the American people, when in appearing on the Dick Cavett show on June 30, 1971, John Kerry asserted that he "deliberated for about two weeks" after receiving his third "wound" before deciding to request to be reassigned as an Admiral's aide in the States.[14] On the contrary, his request had already been made within four days of the incident in question.[15]

Viewed by itself, one might charitably assume that Kerry was merely embellishing the facts a bit to make his deceased friend

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[12] *Ibid*. p. 295.

[13] "Thomas M. Belodeau," *Congressional Record*, Jan. 28, 1998, p. S186 (inserted by Mr. Kerry).

[14] A transcript of the show in question can be found on line at: http://ice.he.net/~freepnet/kerry/staticpages/index.php?page=200405100834583 18.

[15] COMCOSRON ONE Msg DTG 170730Z Mar Thrice Wounded Reassignment from the Kerry Navy Records at http://www.JohnKerry.com.

look a little more heroic to his friends and family. But considered in the light of the other evidence of John Kerry embellishing his record and telling outright *lies* to receive military decorations he clearly did not earn, it is fair to wonder how much of a "war hero" he actually was.

However, none of us served with Kerry in Vietnam, and we are unlikely to ever know with certainty the full truth about any of his medals or alleged acts of heroism. Even if we were to accept Senator Kerry's characterization of his behavior—requesting to be removed from danger on the basis of three very minor injuries less than one-third of the way through his tour—we don't consider his conduct "heroic" or believe that four months in Vietnam qualifies him in any way to be President of the United States. Far more importantly, we think the allegation that Lieutenant (j.g.) Kerry may have received decorations by misrepresenting material facts and then removing himself from harm's way at the first opportunity is a relatively trivial matter when considered in the light of the issues that will be discussed below. The man he is running against, after all, did not serve in Vietnam at all.

While we were not with John Kerry during his brief period of service in Vietnam, we find it remarkable that most of the Swift boat officers pictured in the photograph Senator Kerry has used in his campaign ads have signed a letter expressing the judgment that he is "unfit" to serve as Commander in Chief of our armed forces[16] and that only three of the nineteen officers shown in the photograph—not counting Senator Kerry himself—have openly endorsed his candidacy.[17] Given the strong bonds that normally develop among combat veterans, trying to explain the fact that only fifteen percent of the officers who actually knew and worked with John Kerry in Vietnam now oppose him because of their "politics" simply fails to pass the straight-face test. Far more likely, like us they are motivated by their outrage at his behavior more than three decades ago. But we will defer the issues of whether Kerry was a genuine "war hero," and whether he displayed appropriate charac-

[16] Information on this issue may be found online at: http://www.swiftvets.com/ .
[17] *Ibid.*

ter traits to commend him for the high office to which he has long aspired, to those who actually served with him in Vietnam.[18] (Benedict Arnold fought courageously before betraying his country during the American Revolution.)

Our outrage concerns Kerry's behavior *after* his brief service in Vietnam. And in the interest of full disclosure, we share an intense anger towards the man that is as strong for many of us today as it was in 1971. We therefore realize that our views may be colored by that anger, and we have sought to document each of our factual assertions so readers may evaluate them and make up their own minds on the merits of the case. We would be *delighted* to debate Senator Kerry or any representative he might wish to designate about every one of these assertions if he believes any of them to be unfair or untrue.

## The More Serious Issue of John Kerry's Behavior After the War

On May 6, 2001, Senator John Kerry appeared on "Meet the Press" with Tim Russert, at which time he was asked whether he stood by the allegations he had made when he appeared on the same program on April 18, 1971, and accused American troops in Vietnam of engaging in genocide and routinely committing war crimes (allegations which will be examined in more detailed below). Kerry replied: "I don't stand by the [charge of] genocide. I think those were the words of an angry young man. We did not try to do that."[19] As for his allegation of "war crimes," Kerry replied "I don't even believe there is a purpose served in the word 'war criminal.' I really don't."[20] He went on to declare:

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[18] John E. O'Neill & Jerome R. Corsi, *Unfit for Command: Swift Boat Veterans Speak Out Against John Kerry* (Washington, DC: Regnery Publishing, Inc., 2004).

[19] John F. Kerry, Jr., "Meet the Press," May 6, 2001, available on line at: http://hnn.us/articles/3552.htmlV.

[20] *Ibid*. Once again, we beg to differ with the Senator. While John Kerry and his VVAW comrades were alleging that Lt. William Calley was a "scapegoat," we were *outraged* by the genuine "war crimes" Calley committed and believed he deserved serious punishment for his misconduct. The rule of law is important to us, and when Senator Kerry rejects the concept of "war criminal" he undermines that principle.

> I believe very deeply that it [the Vietnam War] was a noble effort to begin with. I signed up. I volunteered. I wanted to go over there and I wanted to win. It was a noble effort to try to make a country democratic; to try to carry our principles and values to another part of the world. . . .
>
> I think our soldiers served as nobly, on the whole, as in any war, and people need to understand that.[21]

This exchange soon followed:

> MR. RUSSERT: The folks who oversaw the war, Lyndon Johnson, Richard Nixon, Henry Kissinger, you do not now 30 years later consider them war criminals?
>
> SEN. KERRY: No. I think we did things that were tantamount that certainly violated the laws of war, but I think it was the natural consequence of the Cold War itself. People made decisions based on their perceptions of the world at that time. They were in error. . . . I think, you know, the rhetoric of youth and of anger can be redeemed by the acts that we put in place after time to try to move us beyond that.[22]

Well we certainly agree with Senator Kerry that those of us who served in Vietnam—with a small number of exceptions (as in all wars)—served as "nobly" as our predecessors in earlier wars and that the war itself was "a noble effort." But we don't think a twenty-seven year old graduate of Yale University, military officer, and war veteran gets to masquerade as an angry child. We think he understood the difference between right and wrong, but he simply found it politically expedient to form an alliance with the most radical anti-American elements in this country and around the world and to use his status as a combat veteran to tell lies about what we were doing. We believe he betrayed not only his Vietnam veteran "brothers" but also his country, and we believe he deserves considerable responsibility for subverting a long-standing and bipartisan consensus perhaps most eloquently enunciated by Presi-

[21] *Ibid*.
[22] *Ibid*.

dent John F. Kennedy in his inaugural address when he pledged this nation would "pay any price . . . in order to assure the survival and the success of liberty."[23]

As a result of the changed policies that Congress adopted under pressure from militant war opponents like John Kerry and Jane Fonda, *millions* of innocent human beings were slaughtered by the victorious Communist regimes in Cambodia, Laos and South Vietnam and *tens of millions* of others were consigned to one of the most repressive dictatorships of the modern world. And the damage Kerry and his comrades did to America's foreign policy consensus has continued to undermine our security to this day and played no small part in signaling Osama bin Laden and his ilk that America would fold its hand and withdraw from the Middle East in response to the terror attacks of September 11, 2001.

We recognize that Kerry made some very serious charges against us, and for that reason we have decided to address the relevant facts in some detail and to copiously footnote our factual assertions. In the end, we ask the American people—the ultimate sovereign authority of this nation—to judge for themselves whether Senator John F. Kerry, Jr., is deserving of being elected President of the United States.

## John Kerry and the "Vietnam Veterans Against the War"

John Kerry first achieved national prominence as a spokesman for the so-called "Vietnam Veterans Against the War," or VVAW. We say "so-called" because it was later revealed that many of Kerry's VVAW colleagues—including men who testified in his presence at the Detroit "Winter Soldiers Investigation" to having committed and witnessed "war crimes" in Vietnam, had never been near Vietnam and in some cases never served in the military in any capacity. According to recently-released FBI files[24] from the era, from the start the VVAW was infiltrated by known Communists.

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[23] President Kennedy's noble pledge will be discussed in greater detail below.

[24] The entire collection of FBI files released under the Freedom of Information Act can be found on line at: http://ice.he.net/~freepnet/kerry/index.php?topic=VVAWFBI.

## Al Hubbard

Even the group's Executive Secretary, a member of the radical Black Panthers named Al Hubbard (who appointed Kerry to the VVAW Executive Committee[25] and appeared alongside Kerry on "Meet the Press" on April 18, 1971, and in many other public settings) was an imposter. Air Force records revealed Hubbard not only had not served the two Vietnam tours as an Air Force pilot and Captain as he claimed, he had been a sergeant and had never set foot in Vietnam.[26] According to his medical records, the "wound" that Hubbard claimed he had received from shrapnel while landing at Da Nang during his second Vietnam tour was actually a result of a 1961 soccer injury.[27]

Recently-declassified FBI files obtained under the Freedom of Information Act report that Hubbard admitted to Kerry and other VVAW leaders that his trip to visit Paris in late 1971 was being paid for by the Communist Party of the United States.[28] And based upon what we know of its activities—which parallel classic Communist Party "front" groups in other countries[29]—we think there is a good chance the VVAW was exactly that. This is not to suggest that John Kerry knew that (if, indeed, it is correct), any more than the average Viet Minh or Viet Cong recruit in South Vietnam understood that his organization had been established by and was controlled by the Communist party in North Vietnam.

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[25] "Vietnam Veterans Against the War Statement on John Kerry," available on line at: http://www.vvaw.org/commentary/?id=400.

[26] The Air Force could not be certain Hubbard had never been on a plane that might have landed somewhere in Vietnam for a brief stopover to refuel or deliver cargo, but had he done so he would have qualified for the Vietnam Service Ribbon which was not reflected in his personnel "jacket" (file).

[27] Douglas Brinkley, *Tour of Duty: John Kerry and the Vietnam War* p. 370 (New York, NY: HarperCollins 2004); Burkett & Whitley, *Stolen Valor* pp. 136-37.

[28] VVAW FBI Files, 100-HQ-448092 Section 13, pp.134 at http://ice.he.net/~freepnet/fbifiles/100-HQ-448092/Section%2013/Section%2013. pdf

[29] See for example Truong Chinh's call for French soldiers in 1946 to organize to oppose the war, below at text accompanying note 245. The fact that VVAW members later became involved with the periodical *CounterSpy* (which will be discussed below, text accompanying note 380 is also consistent with this speculation.

## The Winter Soldier Investigation

As the official head of VVAW, Hubbard wrote the preface to the organization's book, *The Winter Soldier Investigation: An Inquiry into American War Crimes*, in which he declared that America was "obsessed with communism" and asserted that the massacre of hundreds of innocent Vietnamese civilians at My Lai "was not an isolated incident" but instead "was only a minor step beyond the standard, official United States [policy?] in Indochina.[30] Hubbard asserted in his dedication of the book that, because of what was going on in Vietnam, "America" had become "Amerika"[31]—a comparison to Nazi Germany.

The Hubbard volume attempts to collect the most outrageous statements of the "veterans" who gathered in Detroit to prove the United States was as a matter of policy regularly engaging in "war crimes" in Vietnam. Some of the statements are so contrary to established facts as to be laughable. During the Tet Offensive, the reason it took the Marines a month to liberate Hue city was because they elected to go street-to-street, door-to-door, with ground troops in order to minimize civilian casualties and preserve the cultural treasures for which the city was famous. In the process, 142 American Marines and 75 soldiers gave their lives and countless more were seriously wounded. But one of the VVAW veterans asserted that in Hue during the Tet Offensive "I observed American fighters and bombers (Phantoms) dropping bombs and napalm into very crowded streets full of civilians."[32] An alleged pilot testified that "Anywhere in North Vietnam basically is a free drop zone. There were no forbidden targets."[33] (One of the biggest complaints from *real* pilots—aired in Senate hearings and numerous books and articles since the war—was that there were incredible restrictions even on bombing purely military targets in North Vietnam.[34])

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[30] Vietnam Veterans Against the War, *The Winter Soldier Investigation: An Inquiry into American War Crimes* (Boston: Beacon Press, 1971) pp. xiii-xiv.
[31] *Ibid*. p. v.
[32] *Ibid*. p. 41.
[33] *Ibid*. p. 49.
[34] See for example W. Hays Parks, "Rolling Thunder and the Law of War," *Air University Review* (January-February 1982).

Following a pattern first begun by the Communists during the Korean War, Hanoi had long been accusing the Americans of using "poison gas," and Jane Fonda picked up this lie in her own radio broadcasts to U.S. forces while she was in North Vietnam. It seems clear that the VVAW witnesses were also being pushed to document this particular "war crime," as several made reference to having witnessed the use of "gas" and then discussed the evils of "CS"—which one called "the most powerful gas that can be used that will not kill you."[35] Another confessed: "I've seen hootches CS'd to drive people out"[36]—as if this were right out of the Auschwitz Nazi death camp. In reality, of course, CS (*Orthochlorobenzamalononitrile*[37]) is a commonly used tear gas to which virtually all American soldiers were intentionally exposed as part of their training during the Vietnam period. We can all testify that being subjected to CS is not *fun*, but during Vietnam it was a lawful tool that saved many lives.[38]

Another of Kerry's powerful first-hand testimonials came from a witness who described the mixing of a large quantity of CS for use in a rescue attempt of Americans who had been taken prisoner by the Viet Cong. "While they were mixing them, a helicopter landed improperly behind the area where they were mixing and a large cloud of gas settled over the entire city of Tay Ninh, including us."[39] Indeed, many of the statements reprinted in the book of "war crimes" clearly involved either accidents[40] or alleged misconduct

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[35] *The Winter Soldier Investigation* p. 52.

[36] *Ibid*. p. 75.

[37] The name "CS" comes from the two scientists (Corson and Stoughton) who invented the gas.

[38] In a setting where enemy combatants and noncombatants were believed to be located in a structure, U.S. forces did not want to use fragmentation grenades or to expose themselves to close-range and often lethal gunfire. By tossing a CS grenade into the structure, the occupants were forced to evacuate and would fully recover in a matter of minutes without long-term effects. Those who emerged shooting were lawful targets. Combatants who emerged with their hands up would become POWs, while non-combatants would be released. Most of us felt it was far better to "cry" than to "die" in such a setting. CS is still in use around the world as a riot control agent.

[39] *The Winter Soldier Investigation* p. 80.

[40] *Ibid*. pp. 88, 94, 118,

by individual soldiers for which they were later admittedly punished.[41]

Many of Kerry's witnesses said things he and Jane Fonda clearly did *not* want to hear:

* "Actually, atrocities were not too prevalent . . . . The Army didn't want any atrocities around this area."[42]

* "If a man [VC/NVA], after a contact or during a contact, would raise his hand and say Chieu Hoi, the Americans were supposed to give that man treatment. He was supposed to be set aside. He was supposed to be given receipts for his weapons. None of his personal belongings were to be touched. This was the battalion SOP . . . ."[43]

* "MPs [military policemen] were present at all interrogation sessions, which is a rule in Vietnam. All interrogations are conducted in the presence of MPs, who are to make sure that we adhere to the Geneva Conventions."[44]

* "As an interrogator, I was subject to the Geneva Conventions and I was watched by MPs during the interrogation."[45]

* "I was taught in Ft. Sam Houston . . . that we were supposed to [medically] treat the enemy the same way we would, like, treat an American soldier."[46]

Another witness testified that "the worst thing I really saw over there was mistreatment of civilians . . . . Such things as tear gassing villages, throwing spent 50-caliber rounds at civilians."[47] Other witnesses just didn't seem to know what they were supposed to say. One alleged former Marine sergeant began his testimony by

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[41] *Ibid*., pp. 99.
[42] *Ibid*. p. 83.
[43] *Ibid*. p. 87.
[44] Ibid. p. 116.
[45] *Ibid*. p. 117.
[46] *Ibid*. p. 162.
[47] *Ibid*. p. 89.

saying "We took a lot of prisoners."[48] But a few sentences later, he asserted: "We didn't take prisoners."[49]

Several of the witnesses didn't testify to any "genocide" against the Vietnamese, but argued that the most objectionable aspect of the war was the disproportionate demands it was placing on minority soldiers. "The Chicano, the brown, the Puerto Rican suffers statistically more casualties than any other minority and the white,"[50] one man argued. A witness with a Japanese surname took the microphone to "rap about racism directed against Asians in the military and in Vietnam," and alleged that despite his ID card he had been denied admission into a PX ["Post Exchange" or military store] because he was "yellow."[51]

It seems clear that some of the witnesses were genuine veterans who had been drawn to the VVAW because of they were angry about the hostile reception they had received upon returning home from war. The VVAW offered them support and companionship—and Jane Fonda and some other really 'cute chicks" paid attention to them as well. When they told stories about their shame at what they had done in Vietnam, they were treated like heroes. And perhaps not surprisingly, given their anger and disillusionment, many were anxious to please their new friends.

When seen on video, some of the VVAW "witnesses" seem clearly to be dealing not only with anger but also with substance abuse problems. This may have led them to depart from their assigned script a bit. One former Army sergeant, with glazed-over eyes and a slurred delivery, testified that "my complete moral worth was completely destroyed" by the Army even before he was "sent on to advanced genocide training down at Ft. Polk, Louisiana." Continuing, he explains, "And this, this is where I got, you know, this is where I started to hate, hate anything that wasn't exactly like me. . . . By the time I had left Ft. Polk, Louisiana, I wanted to kill my

[48] *Ibid*. p. 105.
[49] *Ibid*. p. 106.
[50] *Ibid*. p. 156.
[51] *Ibid*. p. 153.

mother, you know."[52] But then he seems to forget his mission, and a deep-seated cause of his anger begins to slip out:

> And my father, my parents, had sent me clippings of these massive massacres that we had committed—my unit, the 198th [Infantry]— which weren't true; you know, simply weren't true. And, the same thing that's been brought up about the body count. Everything is a bunch of lies.
>
> And you get people sitting back here, you know, back here, and, and they believe this stuff and that's why we're got to get out. I really believe it. Like I've said before, you know, I think this is being a true American. I think it's, you know, sticking up for your country. Damn it, I love this country, and I can't see it being run by fascist pigs, you know.[53]

One of the real veterans who gave testimony at the Winter Soldier Investigation was a former Army specialist named Steve Pitkin. He too, seemed particularly angry at the hostile reception he had received upon returning home from the war:

> Most of you people know atrocities have been committed. The thing I sort of wanted to impress was that there are different sorts of atrocities being committed. It doesn't necessarily have to be in war thought those are the ones that get the most attention.
>
> Well, what I'm trying to say is one of the saddest experiences I had is when I returned from Southeast Asia and I was waiting to catch a plane from Frisco Airport to Baltimore. It's like two o'clock in the morning or something and four long-haired people came in. And, you know, it's okay with me, but they laughed at me, and in a sense I really had to fight back tears. I didn't say anything. I tried not to let it faze me that much. But we're not tin soldiers, we're people.[54]

But Steve Pitkin had not been asked to badmouth long-haired hip-

[52] *Ibid*. p. 157.
[53] *Ibid*. p. 159.
[54] *Ibid*. pp. 159-60.

pies, so he came up with the best argument he could: "The people they sent over to Vietnam are blacks; they sent a lot of college graduates and college students over there. I don't know if this is a form of genocide, but believe me, if you look up the definition, it sort of hints to it."[55]

Readers may wonder why we feel so confident in suggesting that Pitkin felt pressure to denounce the war and "confess" to atrocities and genocide; and that's a fair question. The answer is that on August 31, 2004, this same Steve Pitkin swore under oath to an affidavit that explained his role in John Kerry's "Winter Soldier Investigation." His affidavit is sufficiently important to quote at length:

> During my service in Vietnam, I neither witnessed nor participated in any American war crimes or atrocities against civilians, nor was I ever aware of any such actions. I did witness the results of Vietcong atrocities against Vietnamese civilians, including the murder of tribal leaders.
>
> Upon my return to the United States I encountered anti-war protesters who, at various times, threw feces, spit, and screamed obscenities.
>
> I met Scott Camil [the VVAW leader who later proposed assassinating U.S. Senators who supported the war], an organizer of Vietnam Veterans Against the War (VVAW), at Catonsville Community College in Baltimore in 1970, and joined that organization.
>
> In January of 1971, I rode in a van with Scott Camil, John Kerry, a national leader of the VVAW, and others from Washington D.C. to Detroit to attend the Winter Soldier Investigation, a conference intended to publicize alleged American war crimes in Vietnam. Having no knowledge of such war crimes, I did not intend to speak at the event.
>
> During the Winter Soldier Investigation, *John Kerry and other leaders of that event pressured me to testify about American war crimes, despite my repeated statements that I*

[55] *Ibid*. p. 160.

> *could not honestly do so.* One event leader strongly implied that I would not be provided transportation back to my home in Baltimore, Maryland, if I failed to comply. *Kerry* and other leaders of the event *instructed me to publicly state that I had witnessed incidents of rape, brutality, atrocities and racism, knowing that such statements would necessarily be untrue.* [Emphasis added.][56]

We find this affidavit to be both fully consistent with the known facts and highly credible. If it is true, it tells us a great deal about the character of John Forbes Kerry.

**Operation RAW**

On September 7, 1970, along with "Captain" Hubbard and actress Jane Fonda (a major VVAW financial backer[57]), Kerry addressed a gathering of VVAW radicals who had marched from Morristown, New Jersey, to Valley Forge, Pennsylvania, in an action called "Operation RAW" (for "Rapid American Withdrawal"). They passed out leaflets along the way asserting that U.S. infantry soldiers in Vietnam were "butchers" and alleging that "every day" we routinely murdered innocent farmers, raped their wives and daughters, burned their homes, shot their dogs, etc.[58]

As they passed confused citizens in the towns they marched through, VVAW members would waive their plastic rifles menacingly and scream things like "Kill him!" and "Cut his belly open!"[59] The entire performance had the ring of a classic Leninist

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[56] "Affidavit of Steven J. Pitkin," dated August 31, 2004, available on line at: http://ice.he.net/~freepnet/kerry/staticpages/index.php?page=PitkinAff.

[57] Fonda's support for the "investigation" was expressly acknowledged by the VVAW. *The Winter Soldier Investigation* p. xv. For a balanced assessment of Fonda's actions against the Vietnam war, see: http://www.snopes.com/military/fonda.asp. See also the discussion in the text below at notes 139-42, 321.

[58] Copies of documents related to this event may be accessed on line at: http://ice.he.net/~freepnet/kerry/index.php?topic=Documents. The leaflet alleging that American infantrymen in Vietnam were "butchers" who routinely raped and murdered innocent civilians can be found at: http://ice.he.net/~freepnet/kerry/graphics/VVAW06.jpg.

[59] Brinkley, *Tour of Duty* p. 344.

"agitprop"[60] operation by which Communists would dress up as their enemies and perform "entertainment" for the "masses" with a heavy propaganda message. (See photos on page xviii.) The presence of confirmed Communists and imposters throughout the ranks of the "veterans" and the waving of Viet Cong and North Vietnamese flags at some of their demonstrations add to our concerns about this organization, as do reports that at one VVAW meeting where John Kerry was present a plan to "assassinate" U.S. senators who supported the war was discussed.[61]

It is well-documented by admissions from former senior officials in Communist bloc intelligence services that many of the arguments embraced by the American "peace movement" were in fact originated and disseminated through Communist controlled magazines and newspapers in Europe and around the world. For example, General Ion Mihai Pacepa—once the national security adviser to the President of Romania and acting Chief of Romania's intelligence service prior to becoming the most senior Soviet bloc intelligence officer to defect to the west—discussed some of John Kerry's "war crimes" testimony in an article published in February 2004:

> [D]id Senator Kerry merely hear allegations of that sort as hearsay bandied about by members of antiwar groups (much of which has since been discredited)? To me, this assertion sounds exactly like the disinformation line that the Soviets were sowing worldwide through the Vietnam era. KGB priority number one at that time was to damage

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[60] The Agitation and Propaganda Department (*Otdel agitatsii i propagandy*) was established by the Central Committee of the Soviet Communist Party in 1920 to use actors and the arts to motivate the "people" to do the Party's will and to deceive or discredit Party enemies. See, e.g., http://dictionary.reference.com/wordoftheday/archive/2002/01/04.html. *See, also:* http://www.historytoday.com/dt_main_allatonce.asp?gid=9745&g9745=x&g9737=x&g30026=x&g20991=x&g21010=x&g19965=x&g19963=x&amid=9745.

[61] Thomas H. Lipscomb, "New Witness: Kerry Was Present at Dark Plot Meeting—Group Debated and Voted Down Plan To Assassinate Senators," *New York Sun*; March 15, 2004, p. 4, available on line at: http://daily.nysun.com/Repository/getFiles.asp?Style=OliveXLib:ArticleToMail&Type=text/html&Path=NYS/2004/03/15&ID=Ar00402.

> American power, judgment, and credibility. One of its favorite tools was the fabrication of such evidence as photographs and "news reports" about invented American war atrocities. These tales were purveyed in KGB-operated magazines that would then flack them to reputable news organizations. Often enough, they would be picked up. . . . All in all, it was amazingly easy for Soviet-bloc spy organizations to fake many such reports and spread them around the free world.
>
> As a spy chief and a general in the former Soviet satellite of Romania, I produced the very same vitriol repeated to the U.S. Congress almost word for word and planted it in leftist movements throughout Europe. KGB chairman Yuri Andropov managed our anti-Vietnam War operation. He often bragged about having damaged the U.S. foreign-policy consensus, poisoned domestic debate in the U.S. and built a credibility gap between America and European public opinion through our disinformation operations. . . . The quote from Senator Kerry is unmistakably Soviet-style sloganeering from this period. . . . Many "Ban-the-Bomb" and anti-nuclear movements were KGB-funded operations, too. . . .
>
> As far as I'm concerned, the KGB gave birth to the antiwar movement in America.[62]

Some people involved in disseminating these lies within the United States were hard-core Communists, but the large majority were presumably simply deceived by the lies. But whatever the motive, these performances and accusations were outrageous misrepresentations of the actual behavior of the overwhelming majority[63] of American military personnel in Vietnam, and we didn't

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[62] Ion Mihai Pacepa, "Kerry's Soviet Rhetoric," *National Review Online*, February 26, 2004, available on-line at: http://www.nationalreview.com/comment/pacepa200402260828.asp.

[63] This is not to say that no war crimes were ever committed in Vietnam. My Lai actually happened, as did some other aberrations. *See, e.g.*, Gary D. Solis, *Son Thang: An American War Crime* (Annapolis, MD: Naval Institute Press, 1997). But, unlike the case of our enemies—who routinely committed war crimes as a matter of official policy and intentionally blurred the distinction between com-

appreciate seeing our service denigrated by John Kerry's lies.[64]

Although his own brief service in Vietnam had been in the Navy, as a VVAW leader Kerry often wore parts of an Army uniform.[65] And when the time came for the veterans to toss their hero medals across a barbed-wire fence in front of the U.S. Capitol, without revealing it Kerry threw someone *else's* medals—presumably in case public attitudes changed and it again became fashionable to portray himself as a "war hero" and display his own medals.[66] Before long,

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batants and innocent civilians in the hope that American soldiers would inadvertently kill Vietnamese civilians and alienate their friends and relatives— the United States went to great efforts to avoid such behavior and usually sought to punish war criminals when they were discovered. *See, e.g.*, Guenter Lewy, *America in Vietnam* (N.Y.: Oxford University Press, 1978) pp. 311-31. Professor Lewy notes that most Americans accused of "serious offenses" against Vietnamese were tried by court martial. Of the nearly three million Americans who served in Vietnam, the Army convicted 201 (63 percent) and the Marines 90 (66 percent) of those charged with committing serious offenses against Vietnamese. Of the 27 Marines convicted of murdering a Vietnamese, more than half received a life sentence. *Ibid.* pp. 324-25, 456-58.

[64] Kerry's denigration of the professional military was even worse. When asked by one Senator how "servicemen in Vietnam" felt about "congressional opposition to the war," Kerry replied: "I do recognize there are some men who are in the military for life. The job in the military is to fight wars. When they have a war to fight, they are just as happy in a sense, and I am sure that these men feel they are being stabbed in the back." Kerry SFRC Testimony, p. 205. To suggest that those who make serving their country in the military a career are "happy" when they are called upon to risk and perhaps lose their lives in combat—or to watch as their friends are killed—reflects an outrageous ignorance of the nature and horrors of war and the character of career members of the armed services.

[65] Brinkley, *Tour of Duty* p. 345.

[66] Biographer Brinkley seeks to justify Kerry's deception in throwing the medal of other soldiers as if they were his own by quoting Kerry as saying: "The point of the exercise was to symbolically give something up. . . . I chose my ribbons . . . ." Brinkley, *Tour of Duty*, p. 375. But replacement *ribbons* could easily be purchased for a few cents each, whereas the actual medals were more difficult to replace. The incident brings to mind the old joke about several successful men trying to impress each other with their great wealth by throwing larger and larger denominations of paper currency into a fire, when the last man writes out a check for one million dollars and throws that into the burning flames. Throwing away a silver star was a genuine sacrifice and a poignant protest; but merely pretending to do so—or throwing away someone *else's* medals—was a shameful deception.

even comrades in the VVAW recognized that Kerry was using them to further his political ambitions and pressured him to resign, which he refused to do. His biographer notes that other VVAW leaders "were contemplating booting Kerry out for . . . using the veterans' movement as a 'political stepping-stone.'"[67]

In the years since the end of the Vietnam War, the VVAW appears to have split into two separation organizations, the more radical adding "Anti-Imperialist" after its name and being more openly sympathetic to Communism in its work. According to its web site: "In the 1970s, to be a Vietnam veteran was to be against the war. That proud legacy must be carried forward into the new millennium. As veterans, we have been to the edge and seen the viciousness of Amerikkka unmasked."[68] The more "moderate" group retains the name that John Kerry helped make famous in 1971. Its current focus is campaigning against the "war against terrorism," and its web site reasons: "Our military response to the attacks has caused more civilian deaths in Afghanistan than the hijackers caused in our country. This would suggest that the United States is also engaging in terrorism."[69]

## Alleging U.S. Forces in Vietnam Were Drug Addicts and War Criminals

Kerry testified before the Foreign Relations Committee on April 22, 1971, that between 60 and 80 percent of American soldiers in Vietnam were "stoned 24 hours a day"[70] and that U.S. troops in Vietnam were behaving "in [a] fashion reminiscent of Genghis Khan."[71] Although he later told his biographer various stories about his crew passing out C-rations and giving first aid to hungry and sick South Vietnamese civilians[72]—and refusing to shoot Viet Cong soldiers who had just fired upon them because "that was

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[67] Brinkley, *Tour of Duty* p. 380.
[68] The VVAW-AI web site is located at: http://www.oz.net/~vvawai/.
[69] VVAW National Office, "Vietnam Veterans Against the War Statement on the 'War Against Terrorism,'" March 2002, available on line at: http://www.vvaw.org/commentary/?id=8.
[70] Kerry SFRC Testimony, p. 205.
[71] *Ibid*. p. 180.
[72] Brinkley, *Tour of Duty* p. 288.

against the rules"[73]—Kerry gave the Senators a very different picture of American forces in Vietnam and our allegedly unconstrained rules of engagement. He asserted his VVAW comrades had "personally raped, cut off ears, cut off heads, taped wires from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, . . . poisoned food stocks, and generally ravaged the countryside of South Vietnam . . . ."[74] And these "war crimes" were "not isolated incidents but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command."[75] Like much of Kerry's testimony, that was an outrageous *lie*.

The real irony is that Kerry didn't seem particularly concerned that there were some real "war crimes" during the war, such as the infamous 1968 My Lai massacre. Early in his testimony he suggested that Lt. William Calley was being made a scapegoat—that the President was using the hundreds of bodies of Calley's victims "as evidence against a man who followed orders and who interpreted those orders no differently than hundreds of other men in Vietnam."[76] Even Senator Pell was a bit taken aback by that suggestion, and during the questioning later in the hearing this exchange occurred:

> SENATOR PELL. . . . Finally, in connection with Lieutenant Calley, which is a very emotional issue in this country, I was struck by your passing reference to that incident.

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[73] *Ibid*. p. 279 ("Just as they were about to give up [their search], they spotted two VC frozen onshore, refusing to move. . . . Kerry ordered the bow of PCF-94 to approach them—a truly dangerous proposition. 'We knew they were bad guys because we had been shot at,' Kerry recalled. 'So we weren't going to just ignore them and leave. We didn't want to shoot them, because that was *against -313 TD (a*

> Wouldn't you agree with me though that what he did in herding old men, women and children into a trench and then shooting them was a little bit beyond the perimeter of even what has been going on in this war and that that action should be discouraged. . . . .
>
> MR. KERRY. My feeling, senator, on Lieutenant Calley is what he did quite obviously was a horrible, horrible, horrible thing . . . . But I think that in this question you have to separate guilt from responsibility, and I think clear that responsibility for what has happened there lies elsewhere . . . .[77]

Apparently, Kerry believed that the primary responsibility for My Lai belonged to the American people, attributing the brutal slaughter of innocent civilians in part to TV violence and to a country "which glorifies the John Wayne syndrome" and "puts out fighting man comic books . . . ."[78] With all due respect (in this instances an admittedly low standard), the "John Wayne syndrome" concerns extraordinary courage and personal sacrifice by the strong to protect the weak and innocent, not the murder of innocent women and children.

**Undermining Efforts to Get Humane Treatment for American POWs**

There is more than a little irony in John Kerry's "No Man Left Behind" theme in his presidential campaign, premised upon his rescue of Green Beret Lieutenant James Rassmann on March 13, 1969. Because two years later, when the U.S. government was attempting to ensure that a U.S. withdrawal from Vietnam would be accompanied by a full accounting of our POWs and MIAs, John Kerry led the charge against the effort.

At a time when America's President was protesting the torture and abuse of American servicemen held as POWs in Hanoi, John Kerry *denounced* our government for demanding the protections to which our POWs were legally entitled under the Third Geneva Convention. Specifically, John Kerry referred to "the hypocrisy in our tak-

[77] *Ibid*. p. 193.
[78] Kerry SFRC Testimony, p. 193.

ing umbrage in the Geneva Conventions and using that as justification for a continuation of this war, when we are more guilty than any other body of violations of those Geneva Conventions . . . ."[79] In reality, MACV (Military Assistance Command, Vietnam) had gone to extraordinary steps not only to ensure full compliance with the Third Geneva Convention but had declared as a matter of *policy* that even Viet Cong detainees—who clearly were not entitled to POW status under the Convention because they did not wear a uniform or identifiable insignia and did not conduct their operations in accordance with the laws of war—would be given POW status. As the Judge Advocate General of the Army, Major General George S. Prugh, later recounted: "The MACV policy was that all combatants captured during military operations were to be accorded prisoner of war status, irrespective of the type of unit to which they belonged. Terrorists, spies, and saboteurs were excluded from consideration as prisoners of war."[80] In response to MACV Directive 381-11 promulgating this policy in 1966, the official representative of the International Committee of the Red Cross in Saigon asserted:

> The MACV instruction . . . is a brilliant expression of a liberal and realistic attitude. . . . This text could very well be a most important one in the history of the humanitarian law, for it is the first time. . . that a government goes far beyond the requirements of the Geneva Convention in an official instruction to its armed forces.[81]

But that was not Hanoi's line, and it was certainly not the view expressed by John Kerry to the United States Senate. Instead, Kerry falsely alleged that killing enemy POWs was "accepted policy by many units in South Vietnam."[82]

Kerry's lack of concern for America POWs seemed premised upon the idea that U.S. forces in Vietnam were so fundamentally evil

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[79] *Ibid*., p. 184.
[80] George S. Prugh, *Law & War: Vietnam 1964-1973* (Washington, DC: Department of the Army 1975) p. 65.
[81] *Ibid*. p. 66.
[82] Kerry, SFRC Testimony p. 185.

they deserved whatever Hanoi wished to do to them. Equally disturbing, he demanded not just that America abandon its commitment to protect the non-Communist peoples of Indochina, but that the withdrawal be *immediate* and *unilateral*[83]—precluding any delay for negotiating the release of our POWs or obtaining an accounting for Americans who were Missing in Action.

According to POW wives, Ms. Cora Weiss[84]—who has been identified as the daughter of a former Comintern and U.S. Communist Party member[85]—would often contact the wife or parents of a POW, inform them she had one or more letters from their loved one being held in North Vietnam, and then suggest that more letters would be forthcoming as soon as the family members denounced the war in public.[86] Suggestions that better treatment

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[83] *Ibid*. p. 186.

[84] An Internet biography of Cora Weiss states: "As Co-Chair and Director of the Committee of Liaison with Families of Prisoners Detained in Vietnam, she organized the exchange of mail between families and POW's in Vietnam . . . . " Available on line at: http://www.peace.ca/coraweissbio.htm. In fact, after the war she acknowledged her close association with senior leaders of the Vietnamese Communist movement and her numerous trips to North Vietnam during which she was welcomed by senior Party leaders and given escorted tours of the "liberated" areas of South Vietnam. (One of the most senior Viet Cong defectors in the war, Bui Cong Tuong, told one of our members that Australian "journalist" Wilfred Burchett was given similar treatment because he was a secret member of the Australian Communist Party, and that such tours of the liberated areas were normally reserved for visiting Party members.) Presumably because of her great service to their common cause, Cora Weiss was given the honor of writing an "Afterword" to the English-language edition of General Van Tien Dung's account of the final Communist victory in South Vietnam, in which the Chief of Staff of the North Vietnamese Army gave appropriate credit to "the sympathy and the strong support of the world's people" and emphasized the impact the dramatic U.S. reductions in financial support for South Vietnam (from more than $1.6 billion in 1972-73 to $700 million two years later) in furthering the Communist victory. General Van Tien Dung, *Our Great Spring Victory* (New York: Monthly Review Press, 1977) pp. 17, 19, 265-71.

[85] *See, e.g.*, John Train, "Invective from the Left," *Forbes*, August 3, 1981, p. 110 ("[S]hortly before the war, he [Samuel Rubin] surfaced as a member of the Communist Party from the Comintern underground. His daughter is Cora Weiss . . . ." )

[86] For other references to Cora Weiss' role in delivering POW mail, *see*: Michael Tremoglie, "Red Queen of 'Peace,'" FrontPageMagazine.com, December

might be obtained for their POW if they denounced the war were also sometimes made. Most wives and family members courageously refused to cooperate, but a few—perhaps understandably, given their grief—did speak out against the war.

Interestingly, in July 1971, after having met secretly with North Vietnamese and Viet Cong officials at least twice,[87] John F. Kerry staged a press conference in New York at which two wives of POWs made statements critical of the war. Other wives of American POWs were understandably *outraged* at Kerry's behavior. According to the Associated Press report of the event carried in the *New York Times*:

> A number of wives of American prisoners of war lashed out today at John F. Kerry, the peace-group leader, accusing him of using the prisoner issue as a springboard to political office. When Mr. Kerry, a spokesman for the Vietnam Veterans Against the War, attempted to introduce relatives of war prisoners at a news conference, four women shouted "That's a lie," and "What office are you going to run for next?" . . . One of the women accused Mr. Kerry of "constantly using our suffering and grief" for his political ambitions.[88]

The following day, the Communist Party publication *Daily World* ran a photograph of Kerry and three other individuals with a caption that began: "At joint news conference in Washington Thursday, Vietnam Veterans Against the War and POW families asked President Nixon to accept 7-point peace proposal of Vietnamese

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11, 2002 ("As Co-Director (with David Dellinger) of the Committee for Liaison with the Families (COLIAFAM), Weiss attempted to coerce POW families to make pro-communist propaganda by promising them contact with their loved ones in Hanoi."); *see* Vernon E. Davis, The Long Road Home: U.S. Prisoner of War Policy and Planning in Southeast Asia (Washington, D.C.: Office of the Secretary of Defense, 2000).

[87] Gerald Nicosia, "Veteran in Conflict," *Los Angeles Times*, May 23, 2004, available on-line at: www.latimes.com/features/printedition/magazine/la-tm-kerry21amay23,1,1273166.story?coll=la-headlines-magazine.

[88] "Anti-War Veteran Accused of Exploiting POW Issue," *New York Times*, July 23, 1971, p. 2.

patriots."[89] In fact, during 1971 alone, the *Daily World* ran nearly a dozen articles about John Kerry and his VVAW.[90] That, by itself, is not proof of anything. (They made even more references to Richard Nixon.) But given that we know Hanoi was trying hard to exploit POW families in the United States, and we know that John Kerry met secretly with Viet Cong and North Vietnamese officials before taking part in this program, some of us are at least troubled by the association and none of us think it strengthens his credentials to be elected President of the United States. In the best light, we think that the protesting POW wives were correct in their allegation that he was using their suffering and grief to further "his political ambitions."

There was other clear evidence that Hanoi and the "Viet Cong" guerrillas it controlled in South Vietnam were coordinating their handling of American POWs with so-called "peace" groups inside the United States. Even before our first pilots were shot down and became POWs in North Vietnam, Army Special Forces Major James "Nick" Rowe—a friend of some of the veterans who gathered with us in Boston—had been taken prisoner by the Communists in South Vietnam and was held in inhumane conditions for the next five years. Nick can't testify today, because in 1989 he was murdered by leftist terrorists in the Philippines.[91] But in his 1971 book, *Five Years to Freedom*, he recounts his betrayal by fellow Americans. At the time of his capture, Nick had cleverly deceived the Viet Cong into believing he was simply an engineer who knew little about the war or the military. But then one day an older man wearing a suit arrived in the camp and confronted him:

> "I am a representative of the Central Committee, having come to this camp to say a few words to you." His voice was easily identified as one accustomed to command. "It is fortunate for us that the peace- and justice-loving friends of the South Vietnam Front for National Liberation in Amer-

[89] *Daily World*, July 24, 1971, p. 3.

[90] Several of these articles are available on line at: http://ice.he.net/~freepnet/kerry/index.php?topic=Documents.

[91] Caryle Murphy, "Manila Ambush Victim Had Foiled Viet Cong, Come Home a Hero," *Washington Post*, Apr. 23, 1989, p. A26.

> ica have provided us with information which leads us to believe you have lied to us."
>
> My throat constricted. There was a violent wrenching in my stomach as the impact of his words slammed into me. . . .
>
> "According to what we know, you are not an Engineer. You are not assigned to the many universities which you have listed for us. You have much military training which you deny. The location of your family is known. You were an officer in the American Special Forces. Your father's name is Lee and your mother's name is Florence." I felt myself cringing inwardly as my carefully constructed cover story came crashing down around me. The words became a blur of sound. He was picking me to pieces. . . .
>
> I could understand opposition to a war and a strong desire for peace. There was nobody who wanted peace more than a soldier because it was his life that was sacrificed in war, his blood that was shed. There couldn't be a protester at home who matched a soldier's sincere desire for peace. Dissent was a part of American life, but to support the enemy at the expense of another American was inconceivable. There was no other place the VC could have gotten some of that information except from the United States and I suddenly felt very sick.[92]

As Nick Rowe noted elsewhere in his truly remarkable and well-written book, "The most devastating thing for a POW is to feel he has been betrayed by those for whom he is fighting."[93] This same view has been expressed repeatedly by other POWs, including Lieutenant Commander John S. McCain III, who wrote a lengthy article for *U.S. News & World Report* shortly after returning from

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[92] Major James N. Rowe, *Five Years to Freedom: A Young American's Own Story of Defiance, Survival and Courageous Escape from the Viet Cong After More Than Five Years as a Prisoner of War*, (Boston: Little, Brown & Co., 1971) pp. 399-403.
[93] *Ibid*. p. 235.

Hanoi.[94] McCain conveyed in graphic detail the torture and abuse to which U.S. POWs were routinely subjected during the early days of his captivity, with as many as ten guards beating and kicking him every two or three hours for days at a time. A major reason for torture was to compel POWs to meet with visiting "peace" delegations from the United States and around the world.

When Captain Dick Stratton refused to meet with American "peace groups" and confess (falsely) that he had bombed Hanoi, McCain wrote, they "peeled his thumbnails back, burned him with cigarettes," and "really wrung him out . . . ." Other POWs were "beaten to death" according to McCain, and any with serious injuries—save in his own case, because he was the son of a four-star admiral and thus had special propaganda value to the Communists—were simply not treated and permitted to die by the Communists. One of the POWs who attended our conference told of a missionary who was taken prisoner with him who was poisoned by the Communists when her illness slowed their progress.

But the treatment of POWs changed in Hanoi, according to McCain, when the Nixon Administration came to office and Secretary of Defense Melvin Laird confronted Hanoi, demanding that the Third Geneva Convention be observed. Noting that Nixon "gave the green light to publicizing" Hanoi's flagrant violations of the Geneva Convention, McCain adds: "I thank God for it, because if it hadn't been for that a lot of us would never have returned." This may add a little context to John Kerry's denunciation of the U.S. Government for demanding that Hanoi stop torturing our POWs.

[94] John S. McCain III, "Inside Story: How the POW's Fought Back," *U.S. News & World Report*, May 14, 1973, p. 46.

**The Views of Senator John McCain**

John McCain was a genuine war hero as a POW in North Vietnam, and it is perhaps to his credit that he has managed to put the past behind him and now holds no ill feelings towards Kerry, Fonda, and other leaders of the antiwar movement in America. But that was not his view when he first returned in 1973, and that is more than understandable when one reads his *U.S. News* account. Among the many treatments he recounts he received because he refused to meet with and tell lies to visiting American antiwar groups, he was confined in a six-by-two foot room "with no ventilation in it."

> [I]t was very, very hot. During the summer I suffered from heat prostration a couple or three times, and dysentery. I was very ill. Washing facilities were non-existent. My food was cut down to about half rations. Sometimes I'd go for a day or so without eating.
>
> All during this time I was taken out to interrogation and pressured to see the antiwar people. I refused.[95]

McCain also confirmed that U.S. "peace" groups were working directly with Communist North Vietnam to coordinate the delivery of mail between POWs and their families, and that pressure was placed on family members to turn against their government in return for more mail or other benefits. He writes:

> I'm proud of the part . . . my wife, Carol, played here at home. The temptation for the wives, as the years went by, was to say, "God, I want them home under any circumstances." When Carol was pressed to take this line, her answer was, "Just to get him home is not enough for me, and it's not enough for John—I want him to come home standing up."
>
> I received very few letters from Carol. I got three in the first four months after I was shot down. . . . [They] let me have only one during the last four years I was there.

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[95] *Ibid*. p. 112-13.

> The reason I got so little mail was that Carol insisted on using the channels provided by the Geneva Convention for treatment of prisoners of war. She refused to send things through the Committee for Liaison with Families run by the antiwar groups.[96]

We have no way of knowing whether John Kerry was intentionally collaborating with the Communists to exploit POW families, or whether by bizarre coincidence—after having gone to Paris and met with North Vietnamese and Viet Cong officials in violation of U.S. criminal law—he just *happened* to come up on his own with the idea of "assisting" POW family members to denounce the war. (His denunciation of our government for even raising the issue strongly suggests that he was not overly concerned about the welfare of the POWs or their families.) His unlawful meetings with the Communist leaders were held in secret, so we don't know what was said or agreed upon there. And for many of us, it doesn't much *matter* whether Kerry was knowingly working for Hanoi or just exploiting the grief of POW families to promote his own political ambitions; as *neither* act commends him to us as a potential American president.

**The McCain-Kerry Friendship**

When John McCain was first elected to the Senate, his feelings towards John Kerry were far from warm.[97] However, over the years

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[96] *Ibid*. pp. 111-12

[97] "For many years, McCain . . . held Kerry's actions against him because, while McCain was a POW in the Hanoi Hilton, Kerry was organizing veterans back home in the United States to protest the war. But . . . as the two senators flew to Kuwait to witness the aftermath of the Persian Gulf War, they sat next to each other on the airplane and, after a long—and, at times, emotional—conversation about Vietnam, they had finally put the past behind them. 'Our differences occurred when we were kids, or at least close to being kids, Kerry says. 'It was a long time ago . . . . What's important is: John and I both volunteered, both wanted to go to Vietnam, both wanted to win, and both were disappointed, though we came to the disappointment in different ways—and I played out that disappointment in different ways than John did. I played it out by actively opposing it, believing I was going to save lives in the process, and I believe to this day that I did." Paul Alexander, *Man of the People: The Life of John McCain* (Hoboken, NJ: John Wiley & Sons, 2003) pp. 148-49.

they have become close friends, and when some of the Swift boat sailors who served with Kerry in Vietnam released a video challenging the Massachusetts Senator's claim to be a war hero, McCain immediately denounced the effort as "dishonest and deplorable"[98] and apparently assumed it was some sort of "dirty trick" by the Bush campaign. That is far from our understanding, but we do understand Senator McCain believes (perhaps correctly, we have not investigated the matter) that four years earlier some Bush supporters engaged in "dirty tricks" to harm his own candidacy for the presidency.[99] That may help explain what we perceive to be his unfortunate attack on the Swift boat veterans.

As we seek to assess John Kerry's behavior in 1971, it is perhaps useful to recall what John McCain said two years later (upon returning to America) about a small number of his fellow POWs who "sang a different tune" and criticized the war:

> I ask myself if they should be prosecuted, and I don't find that easy to answer. It might destroy the very fine image that the great majority of us have brought back from that hellhole. Remember, a handful of turncoats after the Korean War made a great majority of Americans think that most of the POW's in that conflict were traitors.
>
> If these men are tried, it should not be because they took an antiwar stance, but because they collaborated with the Vietnamese to an extent, and that was harmful to the other American POW's. And there is this to consider: America will have other wars to fight until the Communists give up their doctrine of violent overthrow of our way of life. These

[98] Ron Fournier (AP), "McCain denounces anti-Kerry ad," *News Observer*, Aug. 6, 2004, available on line at: http://newsobserver.com/politics/story/1504725p-7666393c.html. For a similar story by Cox News Service, *see* Scott Shepard, "McCain denounces anti-Kerry ad," *Palm Beach Daily News*, Aug. 6, 2004, available on line at: http://www.palmbeachdailynews.com/news/content/shared/news/politics/stories/08/06kerry.html?urac=n&urvf=10919220391670.6232894097335463.

[99] Alexander, *Man of the People* pp. 250-51.

men should bear some censure so that in future wars there won't be a precedent for conduct that hurts this country.[100]

We think John McCain's 1973 standard is a good one. John Kerry ought not be censured simply for "taking an antiwar stance," and the key tests ought to be:

* Did Kerry "collaborate with the enemy to an extent . . . ?" The answer to that one seems obvious, since he traveled thousands of miles and met secretly with officials of both North Vietnam and the Viet Cong on more than one occasion.

* Was Kerry's conduct "harmful" to "American POWs"? McCain himself has confirmed that Hanoi's "most effective propaganda"[101] were the antiwar quotes from Americans, and several other POWs have commented about how particularly painful they found some of the quotes about committing "war crimes" from one of their fellow officers—John Kerry.

We are not asking that John Kerry "bear some censure" for his behavior more than three decades ago. The issue before the American people this November is not whether Kerry should be "censured," but whether he ought to be *rewarded* for his behavior by electing him President of the United States. What precedent would that set for young Americans in the future trying to decide whether it is in their self-interest to betray their country during a time of war? And what message would we send to the nearly three million American veterans who served honorably in Vietnam and still carry painful memories of the hostility that greeted them after returning home because of the lies told by people like John Kerry? Our current military is disproportionately composed of the sons and daughters of proud veterans from Vietnam and other conflicts; and as we face the serious threats of a global war on terrorism, what message will we send to them by honoring a man whose tapestry of lies betrayed their fathers?

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[100] McCain, "Inside Story: How the POW's Fought Back," p. 115.
[101] *Ibid*. p. 113.

For the record, most of us admire Senator John McCain a great deal. We do not question his reported belief that he was treated shabbily by supporters of President Bush in the 2000 South Carolina primary (we simply don't know the facts in that situation), and we recognize that he may honestly have assumed that the Swift boat campaign was some sort of partisan "dirty trick" that deserved to be criticized. Because our own anger towards John Kerry goes back more than three decades—long before any of us ever heard the name "George Bush"—we assume that the Swift boat officers have a similar motivation that is independent of any partisan political motivation in 2004. And if Senator McCain attempts to characterize *our* criticism of his friend as in any way dishonest, we submit that he should explain how Kerry's behavior is in any way misrepresented here and how it differs from the other radical antiwar activists who he admits were exploiting POW families in the early 1970s. The lawyers in our group would also like for him to explain how, consistent with his oath of office[102] and the Constitution,[103] he believes Congress has the power through "campaign reform" laws to censor the voices of American veterans who wish to apprise their fellow citizens about the shortcomings of a candidate for the presidency of the United States.

During the war, John McCain flew aircraft off a carrier in the Tonkin Gulf before he was shot down, and he spent the rest of the war listening to Hanoi's propaganda. He probably did not have the exposure many of us had to the actual consequences of Viet Cong and North Vietnamese atrocities in South Vietnam. We honestly don't know, but perhaps in their conversations Kerry persuaded him that some of Hanoi's lies were in fact true. That doesn't matter now. Whatever his reasons, if he elects to defend Kerry and attack *us* as "dishonest," we ask that he be willing to defend such charges in full and open debate so the American people can judge for themselves.

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[102] "The Senators and Representatives . . . shall be bound by Oath or Affirmation, to support this Constitution . . . . " U.S. Constitution, Article VI.

[103] Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." *Ibid*., First Amendment.

## Committing Felonies and Perhaps Treason by Going Abroad to meet with Communist Leaders

In knowing[104] violation of a felony criminal statute[105] that has been on the books for more than two hundred years, Kerry made trips[106] abroad where he met secretly with leaders of the North Vietnamese government and the Viet Cong. We have no record of those discussions, but given Kerry's role with the VVAW it is not difficult to envision any of a number of possible conversations that might easily have crossed the line to treason.[107]

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[104] "I realize that even my visits in Paris . . . are on the borderline of private individuals negotiating, et cetera. I understand these things." John Kerry, SFRC Testimony, p. 188.

[105] Section 953 of Title 18 of the U.S. Criminal Code (18 U.S.C. § 953), entitled "Private correspondence with foreign governments," provides: "Any citizen of the United States, wherever he may be, who, *without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof*, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or *to defeat the measures of the United States*, shall be fined under this title or imprisoned not more than three years, or both." (Emphasis added.) One might add that when Kerry as a U.S. Senator went to Nicaragua in April 1985 and negotiated an "agreement" with that country's Marxist President, Daniel Ortega, this was an even *greater* violation of this statute. This incident will be discussed below.

[106] During his April 22, 1971, testimony to the Senate Foreign Relations Committee, Kerry admitted "I have been to Paris. I have talked with both delegations at the peace talks, that is to say the Democratic Republic of [North] Vietnam and the [Viet Cong's] Provisional Revolutionary Government . . . ." SRCR p. 186. Declassified FBI files indicate that he returned for at least one additional meeting during the summer of 1971. Gerald Nicosia, "Veteran in Conflict," *Los Angeles Times*, May 23, 2004, available on-line at: www.latimes.com/features/printedition/magazine/la-tm-kerry21amay23,1,1273166.story?coll=la-headlines-magazine.

[107] "Treason against the United States, shall consist only in levying war against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court." U.S. Constitution, Art. III, Sect. 3. If during his meetings with North Vietnamese and Viet Cong officials Kerry agreed to put pressure on families of American POWs and/or to help them publicize their opposition to the war for the purpose of undermining the war effort, the press conference itself might constitute the "overt act" necessary to

Some brief background on the "Logan Act" (now codified as Section 953 of Title 18 of the United States Code) may be helpful. In June 1798, Dr. George Logan, a Pennsylvania Quaker and pacifist, was alarmed about deteriorating relations between the United States and France. At his own expense, Logan traveled to Paris to assure the French government of the peaceful disposition of the American people. In response to his visit, France freed some American sailors who had been detained after their ships had been seized on the high seas. President John Adams reacted by recommending that Congress act to stop the "temerity and impertinence of individuals affecting to interfere in public affairs between France and the United States."[108] Congress responded by passing a statute still widely referred to in its modern codification as the "Logan Act."

As recounted in the *Annals of Congress*, Representative Roger Griswold, of Connecticut, introduced a resolution calling for a bill "to punish a crime which goes to the destruction of the Executive power of the Government. He meant that description of crime which arises from an interference of individual citizens in the negotiations of our Executive with foreign Governments."[109]

As will be discussed below, after he became a Senator John Kerry continued this practice of running off to foreign countries to meet with Communist leaders as part of his effort to undermine American efforts to protect the victims of armed Communist aggression. Some seem to believe that, while it may have been a felony for John Kerry as a private citizen (and Naval reserve officer) to go to Paris and collaborate with Vietnamese Communist officials on un-

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sustain a charge of constitutional treason. The fact that his Senate testimony went far beyond simply opposing the war and demanded that America fulfill other Communist demands—including calling for the United States taxpayers to pay "reparations" to the Communists for our efforts to help the people of South Vietnam resist Hanoi's aggression—might strengthen the argument that Kerry was not just exercising First Amendment rights to oppose the war but had adhered to the enemy's cause.

[108] James D. Richardson ed. *A Compilation of the Messages and Papers of the Presidents*. vol. 1, (New York: Bureau of National Literature, 1897) p. 267.

[109] *Annals of Congress*, vol. 9, p. 2489 (1798).

dermining a war effort authorized by statute, as a *Senator* he is a part of our government and has every right to do so. But a strong case can be made that for a member of the U.S. Congress to "negotiate" with foreign leaders—particularly leaders of a country involved in unlawful international aggression against its neighbors at a time when the United States is seeking to pressure that country to cease and desist—is an even *more* serious offense. For it constitutes not only a usurpation of the President's "executive power" under the Constitution to negotiate,[110] but a usurpation of that power by another branch of the government, which compounds the normal felony with a flagrant constitutional separation of power violation.

In this regard, it is worth examining the comments of Representative Albert Gallatin, a leader of the opposition Jefferson Republicans in the 1798-99 debates on the Logan Act, as recounted in the *Annals of Congress*:

> He [Gallatin] believed, in certain situations such a correspondence would be highly improper. In our situation, for instance, said he, it would be extremely improper for a member of this House [Congress] to enter into any correspondence with the French Republic, because this country is at present in a peculiar situation; for though, as we are

[110] Before becoming Chief Justice of the United States, Representative John Marshall (Fed.-Va.) explained that "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." *Annals of Congress*, vol. 1, p. 613 (Joseph Gales ed., 1851). The Supreme Court quoted Marshall's comment in the landmark 1936 case of *United States v. Curtiss-Wright Export Corp.*, (299 U.S. 304 (1936) when it observed: "Not only . . . is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. *Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it*. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.'" (Emphasis added.)

> not at war with France, an offence of this kind would not be high treason, yet it would be as criminal an act, as if we were at war . . . . It might, therefore, be declared, that though a crime of this kind [in peacetime] cannot be considered as treason, it should nevertheless be considered as a high crime.[111]

In Gallatin's view, the decisive issue in determining whether the behavior constituted "high treason" or "a high crime" was whether Congress had authorized "war." And as will be discussed below, when John Kerry went to Paris and met with the Vietnamese Communist government leaders, Congress *had* authorized a war.[112]

Returning to the 1798 congressional debate, after Gallatin's remarks Representative Harper then argued that the practice of private citizens interfering in foreign policy "once admitted, must go to the utter subversion of Government . . . ."[113] During this entire debate—which occupied nearly 150 pages in the *Annals of Congress*—not a single member challenged the underlying premise of the statute that "the carrying on of all foreign intercourse is placed in the hands of the Executive, as fully as the Legislature is possessed of all legislative power, or the Judicial, of judiciary."[114]

On 16 January 1799, Representative Isaac Parker addressed the House on the pending Logan Act:

> This bill . . . is founded upon the principle that *the people of the United States have given to the Executive Department the power to negotiate with foreign Governments, and to carry on all foreign relations*, and that it is therefore an usurpation of that power for an individual to undertake to correspond with any foreign Power on any dispute between the two Governments, of for any State Government, or *any other department of the General Government*, to do it.[115]

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[111] *Annals of Congress*, vol. 9, p. 2498 (1798).
[112] See below, text accompanying note 206.
[113] *Annals of Congress, vol. 9,*. p. 2505.
[114] *Ibid* p. 2521.
[115] *Ibid* p,2677 (emphasis added).

There seemed to be a consensus in this lengthy debate that it would be improper for a member of Congress to make substantive communications to foreign governments without the authorization of the President. After weeks of deliberation and debate, the Logan Act was approved by the House on 17 January and by the Senate eight days later.[116] It was signed into law by President Adams on 30 January 1799.[117]

Imagine for a moment if a wannabe president who objected to assisting the people of Europe resist Fascist aggression during World War II had gone to another country and held secret meetings with senior representatives of Adolf Hitler. He then returned to America, denounced our government for demanding that U.S. pilots held as POWs be given the protections to which they were legally entitled under international law, and took part in activities exploiting the wives of U.S. pilots held prisoner in Germany—the same kinds of activities you had reason to believe were being promoted in the United States by the Nazi German government through pro-Nazi elements in this country. And he further testified to Congress that it should enact legislation that would guarantee Hitler would be able to conquer his neighbors without outside interference by the United States. Would you want such a person as your president?

In his Foreign Relations Committee testimony in April 1971, John Kerry asked the Congress to "cut off the funds" for the war, a step he clearly knew would lead quickly to a Communist victory. Under the leadership of many of the very Senators to whom he testified, his wishes were satisfied two years later with the enactment of an amendment to Public Law 93-52, prohibiting the expenditure of any treasury funds thereafter for "combat operations" anywhere in Indochina.[118] Thanks in no small part to Kerry's false testimony, in so do-

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[116] *Ibid* p. 2721

[117] *U.S. Statutes at Large*, Vol. 1, p. 613.

[118] The amendment to the FY 1974 continuing appropriations bill was variously described as the "Fulbright Amendment" or the "Cooper-Church Amendment" and provided that: "or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia."

ing Congress in our view betrayed everything we had fought for and for which 58,000 of our fellow soldiers, sailors, airmen and Marines had given their lives. As will be discussed, it also led to the slaughter of millions of innocent people and the consignment to Communist tyranny of tens of millions of others—many of them people who had relied upon President Kennedy's promise of protection.

**Kerry Did Not Just Oppose the War:**
**He Collaborated with the Enemy and**
**Parroted Hanoi's Communist Party Line**

As former POW Nick Rowe observed, dissent is part of the American tradition. It is at the core of the First Amendment's protections. But there is a difference between believing that a war is a "mistake" and that policy ought to be changed, and expressing that opinion, and actually taking up the enemy's cause during a period of congressionally-authorized war.

John Kerry didn't just want to bring American forces home from Indochina and abandon the people America had promised to protect. He demanded that we assist Hanoi in taking over its neighbors and then *pay reparations* to the Communists for our sin of trying to uphold the UN Charter, our SEATO treaty obligations, the rule of international law, and the solemn pledge of President John F. Kennedy. Time and again, Kerry virtually plagiarized Hanoi's official Communist Party propaganda line, not just demanding that America withdraw from Indochina "immediately and unilaterally,"[119] but also insisting that America pay "reparations" to the Vietnamese Communists,[120] referring to the democratically-elected government of South Vietnam a "dictatorial regime,"[121] and demanding that the United States impose a "coalition regime"[122] on the people of South Vietnam.

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[119] John Kerry, SFRC Testimony, p. 186.

[120] *Ibid*., p. 191. Although Kerry spoke of "a very definite obligation to make extensive reparations to the people of Indochina," it is obvious from his testimony that he realized that when we abandoned those "people" they would be conquered by the Communists.

[121] Kerry SFRC Testimony, p. 186.

[122] *Ibid*.

Another one of Kerry's themes that was right out of Hanoi's propaganda playbook was that we must "allow the South Vietnamese people to determine their own future"[123] and "let them solve their problems while we solve ours"[124]—by which he presumably meant we should abandon them so the North Vietnamese army, supported and supplied by China and the Soviet Union, could crush them in the name of "liberation." (Some of us wonder if a quarter-century earlier Kerry might have urged America to "allow the people of Europe to determine their own future" and opposed our efforts to stop Hitler?) This oxymoronic argument ("oppose the American effort to help South Vietnam strengthen its democracy and resist external armed intervention that was funded and supplied by China and the Soviet Union, so that the "South Vietnamese people" can "determine their own future"?) was one of the mainstays of the VC/North Vietnamese propaganda line. It was arguably the most important element in Ho Chi Minh's 1965 "Four Point Peace Program.[125] And when John Kerry appeared before the Foreign Relations Committee in April 1971, he demanded as what he characterized as an "important point" of his presentation "that we allow the South Vietnamese people to determine their own future . . . ."[126]

Anyone familiar with Hanoi's and the Viet Cong's official propaganda line would immediately spot these expressions as "party line" rhetoric. Indeed, one of the professors who addressed our Boston conference served twice with MACV on detail to the U.S. Embassy in Saigon as an expert on Vietnamese Communism and after leaving the Army accepted a position at a prestigious Stanford think tank writing the first major English-language history of Vietnamese Communist. After years of following the enemy's propaganda—serving as well as Asian editor of the *Yearbook on Inter-*

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[123] *Ibid*. p. 186.
[124] *Ibid*. p. 190.
[125] "The third and perhaps most important point provided that: '*The internal affairs of South Vietnam must be settled* by the South Vietnamese people themselves, *in accordance with the programme of the NFLSV*, without any foreign interference." Turner, *Vietnamese Communism* p. 261 (emphasis in original).
[126] Kerry SFRC Testimony, p. 186.

*national Communist Affairs*—he noted his "shock" upon reading the transcript of Kerry's Senate testimony that no less than half of the Viet Cong's "ten-point peace program" was repeated by Kerry—often using the same phraseology as the Communists. The professor's PowerPoint presentation included numerous images of Viet Cong leaflets echoing these themes, some of which are reproduced on pages xx and xxii.

A few excerpts (with emphasis added) from various key Communist Party documents that are reprinted in the back of the professor's 1975 book may prove illustrative:

> "[O]ur people are urgently demanding an end to the cruel *dictatorial* rule . . . ."
>
> —*Manifesto of the South Viet Nam National Front for Liberation*[127]

> "The aggressors and traitors have set up the most *dictatorial* and cruel rule in Viet Nam's history."
>
> *Program of the South Viet Nam National Front for Liberation* (Preface) [128]

> "I. To Overthrow . . . the *Dictatorial* Ngo Dinh Diem Administration . . . and to Form a National Democratic *Coalition* Administration."
>
> *Program of the South Viet Nam National Front for Liberation* (Point 1)

> "To abolish the current constitution of the Ngo Dinh Diem *dictatorial* administration—lackey of the United States."
>
> *Program of the South Viet Nam National Front for Liberation* (Point 2)

> "So long as the U.S. imperialists do not end their war of aggression, withdraw all U.S. and satellite troops from our country, and *let the South Vietnamese people settle themselves the internal affairs of South Viet Nam without for-*

[127] Turner, *Vietnamese Communism* p. 417.
[128] *Ibid*. p. 426.

*eign interference*, our people will resolutely fight on until total victory."

*Political Program of the South Viet Nam National Front for Liberation* (Point 4)

"We will overthrow the Ngo Dinh Diem government and form a national democratic coalition government."

*Platform of the People's Revolutionary Party*[129] (Point 1)

1—NATIONAL SALVATION: Unite all patriotic forces and individuals in resolutely opposing the aggressive war, overthrowing the lackey puppet regime, setting up a national *coalition government* and regaining independence, democracy and peace.

*Political Program of the Viet-Nam Alliance of National, Democratic, and Peace Forces*[130]

To lead all people and armed forces who are united and of the same mind . . . to force the U.S. Administration to *unconditionally withdraw* all U.S. troops . . . ."

*Action Program of the Provisional Revolutionary Government of the Republic of South Vietnam*[131] (Point 1)

"[T]he Provisional Revolutionary Government is ready to consult with the political forces representing the various people's strata and political tendencies in South Viet-Nam . . . for the formation of a provisional *coalition government* . . . ."

*Action Program of the Provisional Revolutionary Government of the Republic of South Vietnam* (Point 3)

Now John Kerry was a smart man. He had graduated from Yale, served as an officer in the Navy, and spent at least a brief period in Vietnam; and it is absolutely clear from his testimony that he knew as soon as he could persuade Congress to make it illegal for the

[129] *Ibid*. p. 443 (emphasis added).
[130] *Ibid*. p. 444(emphasis added).
[131] *Ibid*. p. 451.

United States military to continue defending the peoples of Indochina the Communists would quickly conquer their neighbors. And, obviously, he knew that China and the Soviet Union were bankrolling Hanoi's efforts to overthrow South Vietnam. So what was his motive in tossing out this silly Communist propaganda line as one of his "important points"? Just what "constituency" was this man who wanted to be our President seeking to satisfy?

Anyone at all familiar with Vietnamese Communist demands and goals during the war would have been well aware of the demand for "coalition" government. The very first of the "ten-point program" of the National Liberation Front called for the establishment of a "National Democratic Coalition Administration"[132] as a means of gaining power. When the "People's Revolutionary Party" was established on January 1, 1962—in clear implementation of the resolution of the Third Party Congress in Hanoi that the revolution in South Vietnam must be directed by a "front" under "the leadership of the Marxist-Leninist Party of the working class"[133]—it claimed to have been created following a "conference of Marxist-Leninists in South Vietnam"[134] and never really concealed its Communist character. After the war was over, a senior member of the PRG acknowledged that it was set up to give the American peace movement "additional ammunition"[135] in its campaign to undermine the war effort. And the very first point of the PRG "Platform" provided "We will overthrown the Ngo Dinh Diem government and form a national democratic *coalition* government [emphasis added]."[136] And when yet another Party "front" was established in 1968, called the "Viet-Nam Alliance of National, De-

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[132] *Ibid*. p. 421.
[133] *Ibid*. pp. 237-38.
[134] *Ibid*. p. 238.
[135] Tang, *A Viet Cong Memoir* p. 146-47 (Tang, who served as PRG "Minister of Justice," later wrote after the war: "We knew the creation of this government would be regarded by the Nixon administration as an exercise in propaganda. But this reaction was essentially irrelevant. Our goal was to influence public opinion . . . in the United States, where we would enhance our claim of representing the Southern people, giving the peace movement additional ammunition.")
[136] Turner, *Vietnamese Communism* p. 443.

mocratic, and Peace Forces," the very first point in *it's* "Political Program" provided:

> 1. National Salvation: Unite all patriotic forces and individuals in resolutely opposing the aggressive war, overthrowing the lackey puppet regime, setting up a national *coalition* government and regaining independence, democracy and peace. [Emphasis added.][137]

Communists around the world had a long history of enticing non-Communist political groups in various countries into such "coalition" regimes, in which the Party always seemed to wind up with control over the military, intelligence services, and finance ministry, while the nationalists were permitted to hold portfolios dealing with forestry, tourism, and other non-essential departments. Every time, after a brief period the Communists emerged in total control and a Communist state was established with the accompanying suppression of individual rights and civil liberties that was characteristic of Marxist-Leninist regimes. All of this was understood by most attentive observers.

We mention this, because one might expect an American war veteran who was disenchanted with John Kennedy's pledge to protect victims of Communist aggression around the world to exercise his constitutional right to petition Congress for a redress of grievances and demand that American troops be withdrawn and further appropriations for the war denied. We would disagree with that view—and if that veteran told the Senators that he was speaking for "all" Vietnam veterans, as Kerry clearly did, we would want it pointed out for the record that he was *lying* through his teeth and that we profoundly disagreed with his views. But simply opposing a continuation of the war was his constitutional right, just as other political radicals had opposed U.S. involvement in the two world wars, Korea, and later during Operation Desert Storm.

But what we find absolutely *bizarre* and difficult to explain is why John Kerry not only lied to Congress about who he represented and what was actually going on in Vietnam—echoing in the process

[137] *Ibid.* p. 444.

Hanoi's lies that Americans were routinely committing "war crimes" in Vietnam—but went on to parrot so many arguments that were *unrelated* to the issue of withdrawing American forces and terminating American funding for the war, but were strongly favored by the North Vietnamese and the Viet Cong to guarantee them a quick victory over the people three American presidents and an almost unanimous American Congress had pledged America would protect.

Judging only from the words that came out of his mouth when he testified on April 22, 1971, the simplest explanation for John Kerry's behavior is that he had become a partisan advocate for the Vietnamese Communists. For some reason, John Kerry seemed *determined* to ensure not just that America betrayed the peoples we had solemnly promised to protect, but that Hanoi got everything it wanted—complete with a "coalition government" and financial reparations from American taxpayers as an extra reward for their aggression.

Keep in mind that Hanoi had been engaged in blatant acts of international terrorism and that committing war crimes was a regular component of its behavior in South Vietnam. While John Kerry had made his brief visit to South Vietnam in 1968-69 credentialing himself to run for President someday, hundreds of American pilots were being tortured and abused in North Vietnamese POW camps. And in 1971, John Kerry expressed outrage that our Government was seeking to obtain the protections of the Third Geneva Convention to protect these men.[138] By then, a few POWs had come back from Hanoi and confirmed that torture was taking place.

One might suggest that it was "insensitive" of John Kerry to misrepresent the views of Vietnam veterans, to lie about what was happening in Vietnam, to oppose efforts to end the torture of our POWs, and to demand that Hanoi be rewarded financially for its —

of our nation's enemies? We wish we had a transcript of his actual conversations with the diplomatic representatives of North Vietnam and the Viet Cong; but even if they once existed such records would likely have been purged when Kerry's Senate friends, following the war, led an assault on the Intelligence Community—in the process demanding that the FBI stop monitoring the activities of groups and individuals it had reason to believe might be cooperating with foreign enemies or contemplating violent acts in this country—an issue that will be discussed below.

Many of us believe Jane Fonda committed treason when she traveled to Hanoi and met with our nation's enemies. Her radio broadcasts to American forces from Hanoi were filled with Communist cant about "imperialism" and "class struggle," and several seemed calculated to promote mutiny. Consider this excerpt from a Radio Hanoi broadcast on July 14, 1972:

> This is Jane Fonda speaking from Hanoi, and I'm speaking particularly to the U.S. servicemen who are stationed on the aircraft carriers in the Gulf of Tonkin . . . . I don't know what your officers tell you you are loading, those of you who load the bombs on the planes. But, one thing that you should know is that these [toxic chemical] weapons are illegal . . . . And the use of these bombs makes one a war criminal.
>
> The men who are ordering you to use these weapons are war criminals according to international law, and in the past, in Germany and in Japan, men who were guilty of these kind of crimes were tried and executed. . . .
>
> The women and the mothers in the United States are weeping for the damage and death and destruction that is being caused to the mothers of Vietnam. Very soon, very soon even the people in the United States who have not yet spoken out will be admitting that this war is the most terrible crime that has ever been created against humanity. . . .
>
> Why? Why do you do this? Why do you follow orders tell-

ing you to destroy a hospital or bomb the schools?[139]

Two weeks later, in a broadcast directed at Europe, Africa, and the Middle East, Fonda made "an urgent appeal for all people around the world." "There is only one way to stop Richard Nixon from committing mass genocide in the Democratic Republic of Vietnam, and that is for a mass protest all around the world of all peace-loving people to expose his crimes . . . ."[140] On July 19, 1972, Fonda made yet another Radio Hanoi propaganda broadcast, this time claiming to have met with "seven U.S. pilots" who "asked me to bring back to the American people their sense of disgust of the war and their shame for what they have been asked to do."[141] According to Fonda, the pilots "all assured me that they have been well cared for," and she added "I certainly felt from them a very sincere desire to explain to the American people that this war is a terrible crime and that it must be stopped . . . ."[142]

The lies Fonda told after visiting Hanoi did some damage, but not nearly as much as those told by John Kerry, as she was widely perceived as basically a Hollywood bimbo while Lt. Kerry was believed to be a genuine "war hero" and an "expert" with first-hand experience about the war in Vietnam.

If an American "peace activist" had gone to Paris in 1943 and illegally met with senior advisers to Adolf Hitler and then returned home and advocated the Nazi Party's war aims (including quitting the war and paying reparations to Hitler), would the American people have rewarded him (or her) with election to high office? In both the substantive content of his testimony (going *far* beyond simply ending U.S. support for the war and bringing U.S. forces

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[139] These broadcasts can be found in many libraries that receive the Asia & Pacific issues of the *Foreign Broadcast Information Service* (FBIS) transcriptions of North Vietnamese radio broadcasts, but are also readily available in the appendix of Henry Mark Holzer & Erika Holzer, *"Aid and Comfort": Jane Fonda in North Vietnam* (Jefferson, NC: McFarland & Co. 2002) pp. 173-97.

[140] Jane Fonda, Radio Hanoi, July 28, 1972, 2000 GMT, reprinted in Holzer & Holzer, *"Aid and Comfort,"* pp. 192-93.

[141] *Ibid*, August 15, 1972, reprinted in Holzer & Holzer, *"Aid and Comfort,"* pp. 195-96.

[142] *Ibid*. p. 106.

home) and his actual rhetoric (embracing half of Hanoi's so-called "peace program"), we believe John Kerry crossed the line of legitimate dissent. And whether his motive was actually to further the cause of Communist oppression or merely to promote his own political ambitions is in our view largely irrelevant.

**Kerry Predicted the Slaughter of Millions that Followed Our Betrayal of John Kennedy's Solemn Pledge**

One of the few things Kerry got *right* in his 1971 Senate testimony was that if we abandoned the people of Indochina—betraying in the process President John F. Kennedy's noble pledge that America would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty" around the world—there would be serious "recriminations." But in Kerry's view, the United States was "not really in a position to consider the happiness of those people." (Some of "those people" survived and have become American citizens. It will be interesting to see how *they* vote in November.) This issue is sufficiently important to warrant a quote from the official transcript of Kerry's testimony:

> You don't have a chance for peace when you arm the people of another country and tell them they can fight a war. That is not peace; that is fighting a war; that is continuing a war. That is even criminal in the sense that this country, if we are really worried about recrimination, is going to have to some day face up to the fact that we convinced a certain number of people, perhaps hundreds of thousands, *perhaps there will be several million*, that they could stand up to something which they couldn't and ultimately will face the recrimination of the fact that *their lives* in addition to all the lives at this point, *will be on our conscience*. [Emphasis added.][143]

[143] Kerry, SFRC Testimony, p. 194. It is sometimes alleged that as a Senator John Kerry has "flip-flopped" on many issues depending upon his audience. In his 1971 testimony, he seems to have taken several positions on the issue of recriminations, arguing at one point that perhaps 2,000 or 3,000 people "might face political assassination" when the Communists took over, but total recrimi-

Basically, John Kerry's knowledge of Vietnam was based upon a few months spent mostly on a boat on a few rivers and tributaries in the southern part of South Vietnam. Why was he so willing to write off "several million" human lives—did he really think that the victory of Communism was inevitable around the globe? Or was this something he had learned during his secret meetings with our countries enemies in Paris?

Presumably, the American Revolution was a grave mistake, because we certainly fought a "war" against Great Britain. One can't help but wonder if during World War II Kerry would have made the same argument that it was contrary to "peace" for the United States to help arm the people of Great Britain, France, and other countries threatened or occupied by Nazi Germany? Would he have told them he had decided they "couldn't stand up to" Hitler, and that America could "not concern ourselves" with their fate, and let them face an end similar to what he and his Senate supporters inflicted upon the people of Indochina? It is something to think about as we take measure of this man's moral character.

As will be discussed below, in the first three years after American permitted the Indochinese Communists to seize control by force of Laos, Cambodia, and South Vietnam, roughly three million people were slaughtered—more people than had died on all sides in the previous fourteen years of war. To be sure, the figures are not precise. The *Black Book of Communism*, published by Harvard University Press in 1999, estimates that two million Cambodians and one million Vietnamese were slaughtered by the Communists in Indochina.[144] Yale University's award-winning Cambodian Genocide Program conservatively estimates that only 1.7 million Cambodians were slaughtered—killing a little more than 20 per cent of

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nations "would be far, far less than the 200,000 a year who are *murdered* by the United States of America." *Ibid*. p. 190 (emphasis added). Today, of course, the Kerry campaign assures us that his criticism during the war was of U.S. leaders and not his fellow soldiers. But one wonders if a single person who heard his testimony or watched it on television did not understand that he was accusing American military personnel in Vietnam of *murdering* hundreds of thousands of people?

[144] See text accompanying notes 156, 362-66.

the country's population in a few short years.[145] (That would be equivalent to slaughtering about sixty million Americans in three years, by way of comparison as a percentage ofpopulation.)

Professor R. J. Rummel, Director of the Haiku Peace Research Center at the University of Hawaii, devotes nearly fifty pages to the Cambodian genocide in one of his superb books—volumes which collectively earned him a nomination by a Swedish government official for the Nobel Peace Prize—and concludes that 2.85 million human beings were killed in Cambodia following the Communist victory in 1975.[146] But whereas Hitler slaughtered about one percent of the German population in an average year, and the Soviet Union somewhat less of its people, Pol Pot's regime killed Cambodians at slightly more than 8 percent of the total population per year.[147]

Professor Rummel estimates that, over the years, about 1.67 million Vietnamese were slaughtered by the Communist government in North Vietnam and the united "Socialist Republic of Vietnam" that incorporated South Vietnam following its military conquest in 1975.[148] This figure includes those killed during the "land reform" and various purges in North Vietnam and the victims of some 24,756 recorded terrorist attacks against South Vietnamese civilians between 1965 and 1972,[149] as well as an estimated 528,000 killed by the government after 1975.[150] This does not include the hundreds of thousands of "boat people" who drowned, died of starvation or thirst, or were murdered by pirates after fleeing Vietnam in desperation in over-crowded small boats in the hope they might somehow find their way to land and a chance at human freedom. Perhaps half-a-million "boat people" managed to make it safely to land. Estimates of those who died range from a few hun-

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[145] Cambodian Genocide Program, available on line at: http://www.yale.edu/cgp/.
[146] R. J. Rummel, *Death By Government* (Transaction publishers, 1994) p. 282.
[147] *Ibid*. p. 195.
[148] *Ibid*. p. 241, 243.
[149] *Ibid*. p. 258.
[150] *Ibid*. p. 282.

dred thousand to half of those who fled.[151]

But these were only Cambodians and Vietnamese (what Kerry and his VVAW buddies liked to call "gooks," and heck, most of them couldn't even speak English, much less vote in an American presidential election. So John Kerry and most of the American media didn't pay a lot of attention to this consequence of our abandonment of the people of Indochina. Indeed, Kerry seems so confident Americans are ignorant of what really happened that he still claims to believe that his leadership role in betraying these people "saved lives."[152] And the American media—whether because of their own ignorance or out of sympathy for their candidate of choice—simply report his comment as fact.

Honorable people can argue whether the total human cost of America's abandonment of John Kennedy's pledge—in terms of human lives lost because of the brutality of the regimes that came to power when Congress made it unlawful for the American military to continue protecting victims of Communist aggression—is closer to two or to four million. But anyone who still denies that a "bloodbath" occurred after America abandoned the peoples of Indochina is either *lying* or totally out-of-touch with reality. To this tragic cost must be added the suffering of the many tens of millions who were consigned to Communist tyranny by our decision to abandon them.

**Kerry Now Admits His Charges Were False But Remains "Proud" of His Role in Bringing Communists to Power in Indochina**

Even Senator Kerry has acknowledged that some of his 1971 statements about American troops committing "genocide" and committing "war crimes" were a bit "over the top"[153] (by which we

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[151] Professor Rummel estimates 250,000. *Ibid*. But the UN High Commissioner for Refugees has reportedly estimate that as many as *half* of those who fled in small boats did not make it safely to shore.

[152] See text accompanying note 287.

[153] David Jackson, "Defining a Soldier's Story: Kerry's War Record in Vietnam is Providing Ammunition for Both Sides," *Dallas Morning News*, April 21, 2004 ("Mr Kerry has said he has no qualms about his anti-war activities. . . . Last weekend, Mr. Kerry said he regretted making references to war crimes in Viet-

gather he means clearly not factually accurate), and he has in the past explained his friendship with McCain despite their very different roles in the Vietnam War by asserting that their differences occurred when they were "kids"[154]—as if falsely accusing his fellow sailors, soldiers, and Marines of being war criminals and drug addicts, and secretly collaborating with leaders of a country with which America was at war, were merely childhood pranks most appropriately dealt with by a few minutes in "time out" or standing in the corner. And, despite the *millions* of human beings who were slaughtered following the war after Congress followed his policies, Kerry continues to pretend that his opposition to the war "save[d] lives."[155]

In the years following the war, as more and more information became public about the genocide in Cambodia and the gulags of Vietnam, several prominent anti-war leaders came forward, acknowledged they had been wrong, and made public apologies. Folk singer Joan Baez was among the first.[156] Peter Berger, a war protester involved with "Clergy and Laymen Concerned About Vietnam," acknowledged after the war: "I was wrong and so were

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nam, saying his words were 'a bit over the top' and reflected the anger that he and many others felt at the time.")

[154] Alexander, *Man of the People* p. 148.

[155] *Ibid*. p. 149.

[156] For a useful student paper summarizing Joan Baez's opposition to the Vietnam War and her principled denunciation of Vietnam's Communist government in 1979, see Mary Moss, "Joanie Wasn't 'Phoanie': Joan Baez and the Vietnam Anti-War Movement," *The Banyan Quarterly*, vol. 1, no. 1, Winter 2000, Clackamas Community College, Oregon City, Oregon, available on line at: http://depts.clackamas.cc.or.us/banyan/1.1/moss2.htm. ("All throughout the Vietnam War era, Joan Baez stayed true to her pacifist convictions. Surprisingly, five years after the American troops had left Vietnam, Baez once again rallied for the Southeast Asian people. But this time her quarrel was against the Communist government to which America had lost the war. This was a very difficult stance to take, especially for someone like Baez who so faithfully had fought against U.S. involvement in Vietnam. In 1979, America was trying hard to forget about the war. No one wanted to hear about the horrendous massacres that were taking place in Cambodia. Though the conscientious press reported Pol Pot's scorched earth policy, little protest was raised against it. It was at this time that Baez undertook an unpopular project that even many of her leftist friends from the past would not support.")

all those who thought as I did . . . Contrary to what most members (including myself) of the antiwar [movement] expected, the peoples of Indochina have, since 1975, been subjected to suffering far worse than anything that was inflicted on them by the United States and its allies."[157] Activist Peter Collier added: "It didn't take long for the utopia we of the Left had predicted for Southeast Asia—once the United States was defeated—to reveal itself as a nightmare of tiger cages, boat people, and political re-education camps."[158]

Writing in *Newsweek* in 1982, human rights advocate and former war protester Ginetta Sagan provided this account:

> Human rights in Vietnam is not a new concern to me. During the years before 1975 I met with representatives of the National Liberation Front who told me of their great concern for human rights in South Vietnam. Where are these leaders today, and where are my colleagues in the peace movement who had so strongly protested political repression by the Thieu regime? . . .
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> During the last three years friends and I have interviewed several hundred former prisoners, read newspaper articles on the camps as well as various reports of Amnesty International, and have studied official statements from the Vietnamese Government and its press on the resettlement camps. The picture that emerges is one of severe hardship, where prisoners are kept on a starvation diet, overworked and harshly punished for minor infractions of camp rules. We know of cases where prisoners have been beaten to death, confined to dark cells or in ditches dug around the perimeters of the camps and executed for attempting escape. A common form of punishment is confinement to the CONEX boxes—air freight containers that were left behind by the United States in 1975. The boxes vary in size; some are made of wood and others of metal. In a CONEX box 4

[157] Quoted in James M. Griffiths, *Vietnam Insights: Logic of Involvement and Unconventional Perspectives* ( New York: Vantage, 2000) p. 224.
[158] *Ibid*. p. 223.

> feet high and 4 feet wide, for example, several prisoners would be confined with their feet shackled, and allowed only one bowl of rice and water a day. "It reminded me of the pictures I saw of Nazi camp inmates after World War II," said a physician we interviewed who witnessed the release of four prisoners who had been confined to a CONEX box for one month. None of them survived. . . . Today there is no talk in Vietnam about human rights—only about the "dictatorship of the proletariat" and the need to suppress dissidents.[159]

Another antiwar crusader, Michael Medved, later wrote: "As events unfolded, and reports of widespread suffering and bloodshed became harder and harder to deny, I felt that those of us that had participated in the antiwar movement had a moral obligation to admit that we had been profoundly wrong concerning the postwar future of Southeast Asia and the nature of the Vietnamese and Cambodian Communists."[160] And a decade ago, Marxist historian Eugene Genovese asserted that many American radicals were, in effect, "accomplices to mass murder."[161]

If John Kerry had come out candidly in this campaign and acknowledged that much of what he said about the war—and about his fellow sailors, soldiers, and Marines—was false and that the efforts of his group and other so-called "peace" groups had catastrophic consequences in terms of human life and human freedom, some might have been willing to forgive him. But, on the contrary, he continues to brag that he is "proud" of his role in the anti-Vietnam struggle.[162] And this suggests either that his knowledge of the consequences of his behavior is nonexistent or that his values are deplorable. Unless, of course, the real explanation for such comments is that he sincerely believes the American people are ignorant fools.

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[159] Ginetta Sagan, "Vietnam's Postwar Hell," *Newsweek*, May 3, 1982, p. 13.
[160] Griffiths, *Vietnam Insights:* p. 224.
[161] *Ibid*. p. 225.
[162] *See, e.g.*, Noelle Straub, "Kerry defends his '70s anti-war activities," *Boston Herald*, August 7, 2004, available on line at: http://news.bostonherald.com/election/view.bg?articleid=38866.

## Kerry Did Not See a Big Difference Between Communism and Democracy

It seemed obvious from his Senate testimony that John Kerry didn't see much *difference* between "democracy" and "communism." He argued that what really mattered was whether a government could "meet the needs of the people," and not what it was called. He assured the Senators that "you can satisfy those needs with almost any kind of political structure, giving it one name or the other. In this name [country?] it is democracy; in others it is communism; in others it is benevolent dictatorship." John Kerry apparently saw no difference. He added that "the only threat that this country faces now" was a consequence of "these old cold-war precepts . . . ." Although Kerry pretended to speak for all Vietnam veterans, most of us understood the difference between Communism and democracy. Five years ago, Harvard University published an English translation of the *Black Book of Communism*, documenting that during the twentieth century Communists around the world slaughtered between 85 and 100 million human beings.[163] All political systems are not the same, and human freedom counts. And anyone who fails to understand that fundamental truth has no business being President of the United States. Ultimately, it was because Americans like President Ronald Reagan stood up to the Communists and demanded "Mr. Gorbochev, tear down this wall!," that we got to see the joyous faces of people who had existed under Communist tyranny for decades and finally achieved freedom. There *was* a difference between Communism and Democracy, we *could* resist the advances of Communism around the world, and—despite the best efforts of John Kerry—we ultimately did.

## Kerry Was Outraged that America was Resisting Communist Aggression in the Cold War

Our concern about John Kerry's motives is strengthened by yet another of the many alarming parts of his 1971 Senate testimony: his belief that America could not, and *should* not, resist Commu-

[163] Stéphane Courtois et al., eds., *The Black Book of Communism: Crimes, Terror, Repression* (Cambridge, MA: Harvard University Press, 1999) p. x.

nist aggression in the Cold War. Although 99.5 percent of the U.S. Congress had declared as a matter of law that the defense of Southeast Asia against Communist aggression was "vital"[164] to American national security and world peace, and three presidents representing both political parties had agreed, John Kerry assured the Senators: "There is no threat. The Communists are not about to take over our McDonald hamburger stands." He accused America of being "paranoid about the Russians," and declared "we cannot fight communist all over the world, and I think we should have learned that by now."[165] The "precepts" of the Cold War "are no longer applicable,"[166] Kerry informed the Senators.

Most Vietnam veterans who stuck around for more than a few months understood that Communism was an evil system and that America was right to help victims of armed aggression protect themselves. Acting collectively against acts of aggression and threats to the peace was the theory of the UN Charter. It was widely recognized that the world community's failure to enforce the legal prohibition against aggression embodied in the 1928 Kellogg-Briand Treaty when Japan invaded Manchuria in 1931, and Italy invaded Ethiopia five years later, played a role in Hitler's conclusion that the world lacked the *will* to resist his own aggression.

NATO was then established to protect Europe. A driving force behind the 1955 SEATO Treaty was a belief that our failure to make it clear that America would defend South Korea from aggression had been a factor in the start of the Korean War.

Many of us witnessed first-hand the Viet Cong's use of assassination and terror. During the time that American military personnel were in South Vietnam, the Viet Cong assassinated more than 35,000 South Vietnamese government officials, doctors, schoolteachers, and other people they feared might build good will for the

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[164] Section 2 of the "Southeast Asian Resolution" passed on August 7, 1964, by a combined vote of 504-2, began: "The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia."

[165] Kerry SFRC Testimony, p. 183.

[166] *Ibid*., p. 195.

government.[167] Nearly twice as many were abducted, many never to be seen again.[168] In terms of the percentage of South Vietnam's population at the time, that would be the equivalent of terrorists in this country assassinating more than *half-a-million* town mayors, police chiefs, school teachers, doctors, and the like in today's America.

Colonel William R. Corson, who resigned from the Marine Corps because of his opposition to U.S. policy in Vietnam, observed that "Viet Cong behavior is like that of the Capone mob in South Chicago in the 1920s." He explained: "if the people in the contested hamlets attempt to oppose or inform against the Viet Cong, retribution is swift. Murder, terrorism, kidnapping, extortion, and coercion are the techniques used by the Viet Cong to enforce compliance with their demands."[169]

Like our new foes in the war on terrorism, sometimes the Viet Cong would decapitate their victims. On other occasions, they would simply cut off the hands of villagers who had shown kindness to an American or disembowel the small child of a village chief as a "lesson" to others. Small children and old women were not spared the Party's vengeance. Many of their tactics were classic acts of "terrorism," and we felt it was important not to reward such behavior. Yet the compassionate John Kerry told the United States Senate in 1971 that trying to protect these people from Communist aggression was "the biggest nothing in history . . . ."[170]

Congress and presidents from both political parties made the decisions that sent us to Vietnam, we did not. A lot of our friends came back in body bags and our enemy's will was strengthened because of Robert McNamara's ignorance and incompetence and his refusal to listen either to America's senior military officers or the leaders of our Intelligence Community. But we kept faith and did our best. Overwhelmingly, Vietnam veterans remain proud of our

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[167] Lewy, *America in Vietnam* p. 454.
[168] *Ibid.*
[169] William R. Corson, *The Betrayal* (New York: Norton, 1968) p. 149.
[170] Kerry SFRC Testimony, p. 181. See also, *ibid.* p. 188 ("we are talking about men continuing to die for nothing . . .. ")

service, and we *profoundly* disagree with John Kerry's efforts to denigrate that service by pretending the sacrifices that we—and our comrades in arms who returned in body bags (if at all)—made in Vietnam were for no purpose. But since the conventional wisdom today is that Vietnam was all just a horrible mistake and served no real purpose, a short digression may be useful at this point to consider why Vietnam was important.

# Why the Vietnam War Was Important

This is not the occasion to get into a detailed discussion of the reasons our government, with the overwhelming support of the American people,[171] sent nearly three million American soldiers, sailors, airmen and Marines to help defend South Vietnam and its neighbors from Communist aggression. But we gathered in Boston to expose some of the many myths of Vietnam, and to understand the full extent of the harm John Kerry did to this country and the world one must understand some realities.

**World War II and the Dream of Collective Security**

During the 1930s, an unwise and isolationist Congress had passed a series of "war powers," "peace," and "neutrality" acts intended to keep the United States out of war in Europe but actually undermining the ability of President Roosevelt to contribute to the deterrence of aggression. Most of the leading isolationists had been defeated in their bids for reelection during the war, and by 1945 polls showed more than 80 percent of the American people wanted the United States to help created an international organization with the *power* to keep the peace.[172] The United States took the lead in establishing the United Nations at the 1945 San Francisco Conference, and the very first "purpose" set forth in Article 1 of the new Charter was: "To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace . . . ."

During the Senate debates on ratification of the Charter, the unanimous report of the Foreign Relations Committee asserted that

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[171] President Johnson's approval rating in the Gallup polls shot up 30 points, a 58 percent increase in his support, in the month in which he first sent U.S. aircraft to bomb North Vietnam. See Turner, *Repealing the War Powers Resolution* p. 19.

[172] Robert F. Turner, "Truman, Korea, and the Constitution: Debunking the 'Imperial President' Myth," *Harvard Journal of Law & Public Policy*, Winter 1996, vol. 19, p. 537. Article 42 of the Charter authorizes the Security Council to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."

the use of American troops pursuant to a decision of the Security Council "would not be an act of war but would be international action for the preservation of the peace and for the purpose of preventing war." Consequently, the Committee reasoned, "the provisions of the Charter do not affect the exclusive power of the Congress to declare war."[173] This language was quoted in the unanimous report of the House Foreign Affairs Committee later that year on the UN Participation Act, which also emphasized:

> The basic decision of the Senate in advising and consenting to ratification of the Charter resulted in the undertaking by this country of various obligations which will actually be carried out by and under the authority of the President as the Chief Executive, diplomatic, and military officer of the Government. Among such obligations is that of supplying armed forces to the Security Council . . . . [T]he ratification of the Charter resulted in the vesting in the executive branch of the power and obligation to fulfill the commitments assumed by the United States thereunder . . . .[174]

Shortly thereafter, when the Senate took up passage of this statute, an amendment was offered by Senator Burton Wheeler (R-Mont.), one of the few remaining isolationists, to prohibit the President from providing "any armed forces to enable the Security Council to take action under article 42 of said charter, unless the Congress has by appropriate act or joint resolution authorized the President to make such forces available . . . in the specific case in which the Council proposes to take action."[175] Senior senators of both parties lined up to denounce the Wheeler Amendment, which was then defeated by a margin of greater than seven-to-one, receiving the support of fewer than ten senators.[176] A few months later, the once-respected Montana Senator could not even get his own party's nomination to run for a fifth term in the Senate.

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[173] Quoted in *ibid*. p. 551.
[174] *Ibid*. pp. 547-48.
[175] *Ibid*. p. 554.
[176] *Ibid*. page 555.

Less than five years later, when North Korea invaded its southern neighbor, the Soviet Union was boycotting Security Council meetings in protest to the decision to allow the "Republic of China" on Taiwan to represent "China" as a permanent member of the Council after Mao Zedung had captured the Chinese mainland. Without the threat of a Soviet veto, the Security Council quickly authorized an American-led UN coalition to go to South Korea's defense. According to once top-secret memoranda of White House meetings, President Truman was anxious that in his desire to quickly respond to the blatant aggression he not even appear to be usurping congressional powers, and upon returning to Washington from Missouri the day after the invasion he instructed Secretary of State Dean Acheson to have a draft resolution of approval prepared and expressed a desire to quickly address a joint session of Congress.[177] The same State Department records assert that Truman told his advisers he would personally call Senate Foreign Relations Committee Chairman Tom Connally—who had played a key role on the U.S. delegation that drafted the UN Charter five years earlier as a delegate to the San Francisco conference and had led Senate debate on ratification of the Charter—and Connally's own autobiography confirms both that the call was made and that he advised the President that he had authority to defend South Korea under the Constitution and the UN Charter without additional authorization by Congress.[178] Truman met repeatedly during the next week with the bipartisan leaders of Congress and received total support for what he was doing. The following week, Congress took a ten-day Fourth-of-July recess.

During the recess, Truman met with the only congressional leader in town, Senate Majority Leader Scott Lucas, showed him the State Department's draft authorization statute and again expressed a desire to address a joint session of Congress. Lucas informed him that "[m]any members of Congress had suggested to him that the President should keep away from Congress and avoid debate,"

[177] *Ibid*. p. 565-67.
[178] *Ibid*. p. 567.

suggested that rather than addressing a joint session of Congress the President might make his remarks as a "fireside chat" to the country, and told the President he did not think that Congress was going to "stir things up." Truman responded "this depends on events in Korea," but decided not to push the resolution given the consistent advice he had received from Congress.[179] Politics being politics, however, when American troops became bogged down in a bloody war and hoards of Chinese "volunteers" swarmed into the conflict, congressional Republicans who had earlier asserted that no "declaration of war" was needed and voiced support for defending South Korea told voters that Truman had "violated the Constitution" and pronounced the entire struggle "Truman's War."[180]

**Bipartisan Commitment to "Containment"**

When President Truman approved NSC-68 (a strategy document authored primarily by Paul Nitze) in 1950, he committed the United States to a policy of "containment" of Communism. U.S. troops fought North Korean and Chinese forces to protect South Korea in the early 1950s as part of that strategy under the auspices of the United Nations, and even earlier NATO had been established to protect Europe. But the war in Korea and the fall of China showed that Southeast Asia was vulnerable, and neither Democrats nor Republicans wanted miscalculations about American intentions to promote yet another war in the region.

In 1955, with but a single dissenting vote, the U.S. Senate consented to the ratification of the Southeast Asian Treaty Organization Treaty, or "SEATO Treaty,"[181] noting in the accompanying report of the Foreign Relations Committee:

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[179] *Ibid*. pp. 574-75.

[180] *Ibid*. pp. 576-80.

[181] Article IV of the SEATO Treaty provided: "Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may thereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes." At the same meeting the parties designated South Vietnam, Laos, and Cambodia as "protocol states" covered by the treaty.

> The committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a full course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests. There are greater hazards in not advising a potential enemy of what he can expect of us, and in failing to disabuse him of assumptions which might lead to a miscalculation of our intentions.[182]

### Senators Kennedy, Mansfield, and Humphrey Initiate the "Save South Vietnam" Drive

The American campaign to save South Vietnam was initiated primarily by three U.S. Senators: Mike Mansfield, Hubert Humphrey, and (a few months later) John F. Kennedy.[183] Kennedy, who had personally met President Diem, argued passionately in a speech to the American Friends of Vietnam in 1956: "Vietnam represents the cornerstone of the Free World in Southeast Asia, the keystone to the arch, the finger in the dike. Burma, Thailand, India, Japan, the Philippines and, obviously, Laos and Cambodia are among those whose security would be threatened if the red tide of Communism overflowed into Vietnam."

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[182] Quoted in Robert F. Turner, *Repealing the War Powers Resolution: Restoring the Rule of Law in U.S. Foreign Policy (*Washington, DC: Brassey's/Macmillan, 1991) p. 13. See also, Lewy, *America in Vietnam*, p. 11 (quoting from the same report: "Since the end of World War II the threat to the free world has come more often in the form of indirect subversion than in direct aggression, and freedom lost by subversion may be as difficult to retrieve as that lost by force.").

[183] "As for Congress, in early 1955 two senators, Mike Mansfield and Hubert Humphrey, along with prominent public personages such as Francis Cardinal Spellman, initiated a save-South-Vietnam drive by supporting the Diem campaign. Mansfield said the United States had no choice but to support Diem. Humphrey accused U.S. policymakers [in the Eisenhower administration] of 'wavering," saying that this was no time for 'weakness,' and that the fall of the South would threaten the rest of Asia." Leslie H. Gelb with Richard K. Betts, *The Irony of Vietnam: The System Worked* (Washington, DC: Brookings Institution, 1979) p. 207.

## The Communist Struggle Over "Armed Struggle" in the Nuclear Era: Why Defending South Vietnam Was Critically Important

In the years which followed, Vietnam was to take on a strategic importance far greater than its geopolitical character might suggest. Both because he feared the American people would not willingly support large defense budgets in time of peace and because he thought it unwise to send American troops to engage in land warfare with Communist Chinese troops as had occurred in Korea, President Eisenhower devised a new doctrine: The "New Look." As explained by Secretary of State John Foster Dulles, in the event of future Communist aggression the United States would respond asymmetrically, "at places and with means of its own choosing," relying on the "deterrent of massive retaliatory power."[184]

In other words, Moscow was put on notice that the U.S. response to another Korean War might well involve nuclear weapons and be aimed at Moscow itself. And to make this threat credible, Eisenhower greatly increased the portion of the defense budget earmarked for strategic bombers while cutting back substantially the size of the standing Army. And at first it worked, because Soviet Premier Nikita Khrushchev took the threat seriously. Word went out throughout most of the Communist world that, for the present, the focus must not be on "armed struggle."

But in the years which followed, two dramatic changes occurred that were to make Vietnam a critical test. First, both the Soviet Union and to a much lesser extent China began developing atomic and later nuclear weapons of their own. While it was reasonable for Khrushchev to fear than an invasion of South Vietnam or Thailand might in 1956 have produced an American nuclear response against the Soviet Union, as the Soviet strategic arsenal increased in credibility it became less and less reasonable to assume that America would "go nuclear" to save Saigon or Bangkok with the knowledge that New York, Washington, Chicago, and Los Angeles

[184] A useful summary of this doctrine can be found in chapter five of John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy* (Oxford: Oxford University Press, 1982).

were in turn vulnerable to a Soviet nuclear response. So with each new Soviet missile, "massive retaliation" was losing its credibility as a deterrent to anything short of a major invasion of Western Europe or the United States. Few believed Washington would trade New York and Los Angeles to save Saigon or Phnom Penh. Historian John Spanier has observed: "Truman's experience with Korea had clearly shown that containment could not be successful without the willingness and capability to fight a limited war. Reliance upon strategic air power and an all-or-nothing strategy paralyzed American diplomacy."[185]

The other change was even more alarming. Moscow had lost its control over the international Communist movement, and both China and Cuba were rebelling against Khrushchev's view that "armed struggle" was no longer a viable option. Castro noted that he had come to power ninety miles off the coast of the United States by armed revolution without difficulty, and Mao was openly challenging Khrushchev for the support of Communist parties around the world. As a result, many such parties split apart—often with the long-term leader of the pro-Moscow party leaving to establish a Maoist or pro-Castro organization favoring immediate reliance on armed struggle while others continued to take orders from Moscow in the more traditional parties. The Vietnamese communists sided with Mao on the issue of "armed struggle,"[186] and a "war of national liberation" was also started in Thailand—although, since Thailand had never been under colonial control is was difficult to understand from whom the Thais were to be "liberated."[187]

Mao's argument was a clever one. He acknowledged that America had powerful nuclear weapons and he did not favor a nuclear war. But by shifting from Korea-style invasions to expand Communism to "people's wars" in which Communist guerrillas would live

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[185] John Spanier, *American Foreign Policy Since World War II* (New York: Holt, Rinehart and Wilson, 7th ed, 1977) p. 111.
[186] Turner, *Vietnamese Communism*, p. 205, 296-98.
[187] Leo Cherne, "Why We Can't Withdraw," *Saturday Review*, December 18, 1965, p. 20. (Cherne answers this last question by writing: "From the Thais, of course.")

among the people and conduct small military operations mostly at night, the Americans would not be able to use their nuclear weapons without killing far more friendly (what the Communists referred to as "puppet") forces and innocent civilians that guerrillas. As Mao explained his view:

> The atom bomb is a paper tiger which the U.S. reactionaries use to scare people. It looks terrible, but in fact it isn't. Of course, the atom bomb is a weapon of mass slaughter, but the outcome of a war is decided by the people, not by one or two new types of weapons.
>
> All reactionaries are paper tigers. In appearance, the reactionaries are terrifying, but in reality they are not so powerful. From a long-term point of view, it is not the reactionaries but the people who are really powerful.[188]

As early as 1938, Mao had argued that instead of attempting to spread Communist revolution in the cities and advancing into the countryside—the theory advanced by revolutionaries in the western "capitalist countries"—in China it was better "not to seize the big cities first and then occupy the countryside, but the reverse."[189] In 1965, Lin Biao, the Vice Chairman of the Central Committee of the Chinese Communist Party, applied Mao's strategy on a global scale to explain how the Communists could win the "world revolution":

> Taking the entire globe, if North America and Western Europe can be called "the cities of the world", then Asia, Africa and Latin America constitute "the rural areas of the world". Since World War II, the proletarian revolutionary movement has for various reasons been temporarily held back in the North American and West European capitalist countries, while the people's revolutionary movement in Asia, Africa and Latin America has been growing vigorously. In a sense, the contemporary world revolution also

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[188] *Comrade Mao Tse-tung on "Imperialism and All Reactionaries are Paper Tigers,"* (Peking: Foreign Languages Press, 1966) pp. 17-18.

[189] Mao Tse-tung, "Problems of War and Strategy," *Selected Military Writings of Mao Tse-tung* (Peking: Foreign Languages Press, 1966) p. 270.

> presents a picture of the encirclement of cities by the rural areas. In the final analysis, the whole cause of world revolution hinges on the revolutionary struggle of the Asian, African and Latin American peoples who make up the overwhelming majority of the world's population. The socialist countries should regard it as their internationalist duty to support the people's revolutionary struggles in Asia, Africa and Latin America.[190]

At that time, Communist China was actively engaged in this "internationalist duty," providing training, weapons, money, and other support to guerrilla movements in Indochina, Thailand, Indonesia, the Philippines, and as far away as Madagascar. But in Lin Biao's view, the struggle that mattered the most was the one taking place in Vietnam.

> Viet Nam is the most convincing current example of a victim of aggression defeating U.S. imperialism by a people's war. The United States has made South Viet Nam a testing ground for the suppression of people's war. . . . The more they escalate the war, the heavier will be their fall and the more disastrous their defeat. *The people in other parts of the world will see* still more clearly that U.S. imperialism can be defeated, and that *what the Vietnamese people can do, they can do too*. [Emphasis added.][191]

Put simply, Chairman Mao had challenged Khrushchev's cautious response to American nuclear power, and "Vietnam" had been declared by all sides to be the testing ground where the world would see whether the American "imperialists" would be able to prevent Communist subversion and "liberation" by "people's war." It thus was to take on a significance far more important than the geostrategic value of the territory involved might otherwise suggest.

The Vietnamese Communists clearly took the Chinese side in the dispute. The September 1963 issue of the VWP theoretical journal,

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[190] Lin Piao, *Long Live the Victory of People's War* (Peking: Foreign Languages Press, 1965) pp. 48-49.
[191] *Ibid*. p. 57-58.

*Hoc Tap* ("Studies"), featured an editorial attacking Khrushchev's repudiation of Lenin's thesis that war was inevitable:

> To renounce revolution by violence so as to reduce the proletarian revolution and the dictatorship of the proletariat to empty words—this is the main feature characteristic of the reformists ranging from Kautsky to the modern revisionists. . . .
>
> There are those who are trying to support their argument for the "theory" of "peaceful transition" by citing the fact that certain nations have achieved independence by peaceful means. But this is utterly wrong, because these nations remain within the orbit of capitalism after independence has been achieved, and so it cannot be said that they have reached the "peaceful transition to socialism."
>
> So far, there is not yet a single "precedent" of peaceful transition to socialism in the world working-class history of revolutionary struggle. . . .
>
> For all their destructive power, nuclear weapons cannot change the law of development of human society. . . . The revolutions of China, Viet-Nam and Cuba were all revolutions by violence and were all won after the presence of nuclear weapons. It is therefore utterly groundless to assert that the working class should not seize state power by violence following the existence of nuclear weapons.[192]

Three months later, Party First Secretary Le Duan told the ninth plenum of the VWP Central Committee that "It is precisely the Chinese Communist Party, headed by Comrade Mao Tse-tung, which has most brilliantly carried into effect the teachings of the great Lenin."[193]

On November 20, 1963, the Cuban revolutionary Ché Guevara endorsed the view that the struggle in Vietnam was critical to the future of revolution in the western hemisphere. The Vietnam battle-

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[192] Turner, *Vietnamese Communism* pp. 296-97.
[193] *Ibid*. pp. 297-98.

front, he said "is most important for the future of all America. . . . At this moment, Vietnam is the great laboratory of Yankee imperialism . . . . They know that the victorious end of this battle will also spell the end of North American imperialism."[194]

It was in this context that the American people had elected John F. Kennedy as President. Fortunately, Kennedy had followed the Vietnam situation closely, took a serious interest in unconventional warfare, and was determined to take effective action to deal with the growing new threat in the east of what would later be described as "low-intensity conflict."

### John F. Kennedy's Solemn "Pledge"

In his inaugural address, President Kennedy pledged the honor of the nation to defend freedom around the globe with these stirring words:

> Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.
>
> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.
>
> This much we pledge . . . .

[194] Ché Guavara, "On Solidarity with Vietnam," *Venceremos!: The Speeches and Writings of Ché Guevara* (New York: Clarion, 1968) p. 289.

## Hanoi's 1959 Decision to "Liberate" South Vietnam by Force and the Myth of the "Autonomous" National Liberation Front (NLF)

Even at the height of the anti-war movement, it was not hard to find "evidence" of the May 1959 decision by the *Dang Lao Dong Viet Nam* (Vietnam "Workers'" or Communist Party) in Hanoi to engineer the overthrow of the elected government of South Vietnam. At the Third Party Congress in 1960, after President Ho Chi Minh and First Secretary Le Duan had spoken of the need to liberate South Vietnam, the Congress passed a resolution which read in part: "To ensure the complete success of the revolutionary struggle in south Vietnam, our people there must strive to . . . . bring into being a broad National United Front." As if to make it easy for American scholars to understand what was going on, when Hanoi announced four months later that a "National Liberation Front" had been created in South Vietnam, the Foreign Languages Publishing House even translated the proceedings of the Third Party Congress into English and mailed them at no charge to any American who asked.[195]

If anyone compared the 1955 Program of the North Vietnamese "Fatherland Front" with the 1961 Program of the Viet Cong's "National Liberation Front" that was ostensibly formed independent of Hanoi by a bunch of "resistance fighters" in Ben Tre,[196] South Vietnam, the parallels could not be missed. Comparing Hanoi's own English-language translations of the two documents, entire paragraphs were verbatim.[197]

In September 1966, the VWP's theoretical journal, *Hoc Tap*, openly admitted that "the present NFLSV [National Liberation Front] policy of upholding the mottos of independence, democ-

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[195] Democratic Republic of Vietnam, *Third National Congress of the Viet Nam Workers' Party*, (Hanoi: Foreign Languages Publishing House, c. 1961).vol. 1, page 225.

[196] The town of Ben Tre was the capitol of Kien Hoa Province in the Meking Delta under the South Vietnamese government, but under the Viet Cong's administrative division it was the name of the entire province.

[197] See Turner, *Vietnamese Communism*, p. 234 and Appendices I & K.

racy, peace and neutrality" was an example "of the clever application" of Lenin's instruction to avoid making unnecessary enemies.[198] But it was not until after the war that Hanoi's leaders bragged about their May 1959 decision[199] to liberate South Vietnam and their control of the NLF from the start. As recounted in the London *Economist* in early 1983:

> Vietnam has at last come clean. In half a dozen sentences in a French television documentary, the North Vietnamese military commander, General Vo Nguyen Giap, and his colleague, General Vo Bam, have demolished some of the myths which helped to swell the anti-Vietnam-war movement from San Francisco to Stockholm.
>
> According to General Bam, the decision to unleash an armed revolt against the Saigon government was taken by a North Vietnamese communist party plenum in 1959. This was a year before the National Liberation Front was set up in South Vietnam. The aim, General Bam added, was "to reunite the country." So much for that myth that the Vietcong was an autonomous southern force which spontaneously decided to rise against the oppression of the Diem regime. And General Bam should know. As a result of the decision, he was given the job of opening up an infiltration trail in the south.[200]

After years of being deceived by Hanoi, after the war even the mainstream American media like the *Washington Post* acknowledged that the critics had in fact been wrong during the war. Consider this excerpt from a 1985 *Post* account of the "Ho Chi Minh Trail":

> According to an account published in Hanoi's monthly *Vietnam Courier* in May 1984, the project to build "a special military communication line to send supplies to the

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[198] *Ibid*. pp. 228-29.

[199] This is discussed in *ibid*., pp. 180-82. *See also*, Truong Nhu Tang, *A Viet Cong Memoir: An Inside Account of the Vietnam War and Its Aftermath* (New York: Vintage, 1986) p. 240.

[200] "We Lied to You," *The Economist*, Feb. 26, 1983.

> revolution in the south and create conditions for its development" was launched in strict secrecy on May 19, 1959—the 69th birthday of then-president Ho Chi Minh . . . . [T]he route was used to deliver the first northern arms shipment to guerrillas south of the 17th parallel in August 1959, five years before the Tonkin Gulf Resolution paved the way for U.S. entry into the Vietnam War.
>
> The postwar accounts thus make it clear that, contrary to Hanoi's persistent denials during the war, that it was infiltrating men and arms into the south, North Vietnam was doing just that, and well before the first American combat troops arrived in 1965. . . . From an estimated 10,000 North Vietnamese troops in 1964, the number of regulars sent south climbed to more than 100,000 a year by 1966.[201]

Yet another senior Communist official to confirm this fact was Colonel Bui Tin, the North Vietnamese Army officer who accepted the South Vietnamese surrender on April 30, 1975, at the Presidential Palace in Saigon and later served as editor of *Nhan Dan* ("The People"), the Party daily in Hanoi. When asked in 1995: "Was the National Liberation Front an independent political movement of South Vietnamese?," he replied: "No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one party."[202]

Two years ago, the University Press of Kansas published an English translation of a massive official North Vietnamese history of the war under the title *Victory in Vietnam*. In his forward to this volume, University of Pennsylvania Professor William Duiker notes that "one of the most pernicious myths about the Vietnam War—that the insurgent movement in South Vietnam was essentially an autonomous one that possessed only limited ties to the regime in the North—has been definitively dispelled."[203]

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[201] William Branigin, "Ho Chi Minh Trail Led to Saigon," *Washington Post,* April 23, 1985, p. A21.

[202] "How North Vietnam Won the War," *Wall Street Journal,* August 3, 1995, p. 8.

[203] William Duiker, "Foreword: The History of the People's Army," in *Victory in Vietnam: The Official History of the People's Army of Vietnam, 1954-1975*

So much for the lies that led "peace" activists to pressure Congress into abandoning America's commitment to protect the people of non-Communist Indochina. Let's return to the origins and development of that commitment.

### Congress Formally Authorizes the War

Lyndon Johnson had been Senate Majority Leader before being elected Vice President and believed President Truman had erred in not seeking formal legislative approval before going to the defense of South Korea in 1950.[204] Johnson was determined that he was not going to send U.S. combat troops into war without the clear sanction of Congress, which came in August 1964 when Congress enacted a joint resolution—the same kind of statute historically used to "declare war"—that provided in part:

> Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.[205]

The "protocol states" of the SEATO Treaty were [South] Vietnam, Laos, and Cambodia.

It is sometimes alleged that Congress had no idea that it was actually authorizing the President to go to *war* when they approved that resolution, because members repeated such assertions time and

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(Lawrence, Kansas: University Press of Kansas, 2002), p. xvi.

[204] As has already been observed, Truman repeatedly asked to address a joint session of Congress and had the State Department draft a resolution of approval before he was dissuaded from doing so by key congressional leaders, who assured him he had independent authority to act.

[205] Public Law 88-508, 78 Stat. 384 (1964) (emphasis added); repealed by Pub. L. 91-672 § 12 (1971)

again after the war became unpopular. Put candidly, the critics were not telling the truth. Consider, for example, this exchange between Senator Fulbright and the ranking Republican on the Foreign Relations Committee during the Senate debate prior to either the Senate or House voting to enact the resolution:

> MR. COOPER. Does the Senator consider that in enacting this resolution we are satisfying that requirement [the "constitutional processes" requirement] of Article IV of the Southeast Asia Collective Defense treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country [e.g., Cambodia] included in the treaty?
>
> MR. FULBRIGHT. I think that is correct.
>
> MR. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into *war*, we will give that authority by this resolution?
>
> MR. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. [Emphasis added.][206]

And with that clarification, the House passed the resolution unanimously and the Senate voted 88-2 (with both dissenting Senators being defeated in their next election attempts[207]). The ten Senators who were not present for the vote all expressed their support for the resolution.[208]

Some have argued that this resolution did not satisfy the constitutional requirement for authorization of "war," but the case is not persuasive. To begin with, the Supreme Court noted as early as 1800 and 1801 that Congress could authorize war by joint resolu-

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[206] *Congressional Record*, vol. 110, p. 18049 (1964).
[207] Ely, *War & Responsibility*(Princeton, NJ: Princeton University Press, 1993) p. 19.
[208] *Ibid.*

tion without formally "declaring war."[209] Furthermore, formal declarations of war were historically associated with offensive or what today would be called "aggressive" uses of force, which have been outlawed under international law.[210] No country has formally "declared war" in more than half-a-century, and a case can be made that the power of Congress "to declare War" has become as much an anachronism as the power given immediately thereafter in the same sentence[211] of the Constitution authorizing Congress to "grant Letters of Marque and Reprisal"[212]—a power to authorize civilian ships ("privateers") to engage in military action against enemy merchant ships that was outlawed in the nineteenth century.

The United States was in South Vietnam at the request of the sovereign government of that country. Our efforts to assist South Vietnam defend itself were fully legal under Article 51 of the UN Charter, which provides in part: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security council has taken measures necessary to maintain international peace and security."[213]

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[209] See *Bas v. Tingy*, 4 Dallas (4 US) 37 (1800); and *Talbot v. Seaman*, 5 U.S. (1 Cranch) 1 (1801).

[210] See Robert F. Turner, "War and the Forgotten Executive Power Clause of the Constitution," *Virginia Journal of International Law*, Summer 1994, vol. 34, pp. 906-10.

[211] "The Congress shall have Power . . . To Declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water . . . ." U.S. Constitution, Article I, Section 8.

[212] The 1856 Treaty of Paris outlawed privateers, but the United States did not become a party. However, the United States later accepted the new prohibition, which was also reflected in the 1907 Hague Conventions. See Michael Howard, *et al., The Laws of War: Constraints on Warfare in the Western World (*New Haven: Yale University Press, 1994) pp. 103-09. For an interesting discussion of the role of privateers in the American Revolution, see: http://www.usmm.org/revolution.html.

[213] UN Charter, Article 51. The fact that the Republic of Vietnam was not a UN member was no more relevant than the fact that South Korea was not a UN member when the UN went to its defense in 1950. The Charter did not *create* the right of self-defense, but instead acknowledged that it was an "inherent right" of all sovereign states. The UN could not take action in Vietnam because of the Soviet veto on the Security Council.

In the early days, when the war was popular with the American people, it was widely acknowledged in Congress that the war had been properly authorized. In March 1966, for example, when there were more than 100,000 U.S. troops in Vietnam and one of the two dissenting Senators in the 1964 vote sought to repeal the resolution, Senator Jacob Javits (R-NY), who later would be the primary sponsor of the 1973 War Powers Resolution, joined with a bipartisan majority in defeating the effort. In the process, Javits remarked: "It is a fact, whether we like it or not, that by virtue of having acted on the resolution of August 1964, we are a party to present policy."[214] Indeed, in mid-1970, when war opponents in the Congress were alleging that Vietnam was a "presidential" war in violation of the Constitution, several prominent members of the House (who would later join the war critics and try to blame the entire Vietnam mess on President Nixon) ridiculed the attempt to duck responsibility. Consider this exchange from the *Congressional Record* between Representative Chet Holifield of California and two of his Democratic colleagues—the chairman and future chairman of the House Foreign Affairs Committee:

> MR. HOLIFIELD. Now, I had no doubt in my mind what the Tonkin resolution meant. I have never seen a plainer declaration of purpose than was in the Tonkin resolution. How those now, who are confused by the Tonkin resolution and say they were confused and misled, how they can make that statement, men of maturity in the Senate of the United States, in senior positions, to me is incomprehensible, because if the language means anything in the world, and nonambiguous language means anything, the Tonkin resolution means exactly what it said. I voted for it under no illusion.
>
> Mr. ZABLOCKI. As a sponsor of that resolution, I must associate myself with your statement.
>
> MR. FASCELL. Let me add right here on the record, as a Member who voted for that resolution, I understood it. I

[214] *Congressional Record*, vol. 112, p. 4374 (1966).

was not duped or misled. There was no ambiguity. That resolution was a full grant of complete power to the President to conduct any action he wanted to in Southeast Asia.[215]

## Congressional Support for the War

Another measure of the early support for the war was the overwhelming majority votes for appropriations for the war. When President Johnson first sought a resolution authorizing the use of force to stop a Communist takeover in Indochina, he included a request for money. Congress did not approve that request—it more than *tripled* it. Indeed, an indication of the strong level of support for the war in the early years can be found by examining the margin by which massive appropriations for the war were approved in each house of Congress. In 1966, a $13 billion supplemental appropriation passed 389-3 in House and 87-2 in Senate. The following year—and by this time there were hundreds of thousands of American troops engaged in a major war in Vietnam— a $12 billion supplemental passed 385-11 in House and 77-3 in Senate. And a House amendment to prohibit the use of funds for combat operations over North Vietnam received only three votes.[216]

Another Senator who later became a strong critic of the war was Thomas Eagleton, yet as late as 1970 Eagleton told his Senate colleagues: "[T]he Gulf of Tonkin Resolution . . . was an authorization for this war and it was relied on by President Johnson, and its phraseology is broad enough to permit a war, even to permit an expanded war, as I read it . . . ."[217] The reality of the effect of the congressional action was summed up well by former Stanford Law School Dean John Hart Ely—who was personally an opponent of the war—when he observed: "[A]s the constitutional requirement of congressional authorization has historically been understood, Congress does indeed appear (years of denial and doubletalk not-

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[215] *Quoted in* Robert F. Turner, *The War Powers Resolution: Its Implementation in Theory and Practice* (Philadelphia: Foreign Policy Research Institute, 1983) p. 34 note 15.
[216] Turner, *Repealing the War Powers Resolution* p. 21.
[217] 116 CONG. REC. 20982 (1970).

withstanding) to have authorized each of these phases [including both the initial commitment in South Vietnam and the 1970 Cambodian incursion] of the war."[218] Professor Ely added: "Particularly disillusioning over the years was the performance of Senator J. William Fulbright,"[219] noting that Fulbright had been the Administration's floor leader during the key debate. The distinguished Stanford Law Dean continued:

> [T]he legislative history of the Resolution confirms that those members of Congress who had read it understood it at the time of the vote (though a number subsequently '"forgot"). . . . President Johnson's transmittal message was phrased in terms as broad as the Resolution itself, describing it as stating "the resolve and support of the Congress for action to deal appropriately with attacks against our Armed Forces and to defend freedom and preserve peace in southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty." On the first day of the debate, Senator Jacob Javits stated that "We who support the joint resolution do so with full knowledge of its seriousness and with the understanding that we are voting a resolution which means life or the loss of it for who knows how many hundreds or thousands. Who knows what destruction and despair this action may bring in the name of freedom?[220]

When Senator Fulbright was asked whether the Tonkin resolution "would authorize or recommend or approve the landing of large American armies in Vietnam or in China," he replied: "It would authorize whatever the Commander in Chief feels is necessary."[221]

But by later repeatedly distorting the facts, congressional war critics provided fuel for Hanoi's propaganda machine[222] and argu-

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[218] John Hart Ely, *War & Responsibility* p. 12.
[219] *Ibid*. p. 16.
[220] *Ibid*. p. 17.
[221] *Ibid.*
[222] Many of the most effective Viet Cong leaflets were written around anti-war statements by senators and other public figures in America. To know that you

ments for people like John Kerry. When asked during his Senate testimony whether "the fact Congress has never passed a declaration of war" had undermined the morale of U.S. servicemen in Vietnam, Kerry responded "Yes; it has clearly and to a great, great extent."[223] And even prior to this question, Kerry had told the Senators that America had "a constitutional crisis"[224] because of Executive usurpation of the power of Congress. That led Chairman Fulbright to mention that "Senator Javits has introduced a bill with regard to the war powers," and the Committee had "passed a commitments resolution."[225] These will each be discussed briefly below. But first, it might be useful to digress even further and examine what happened to the strong public support President Johnson had when he first sent American troops into combat in Vietnam.

## How John Kerry and the So-Called "Peace Movement" Betrayed Our Sacrifice

One of the most enduring myths of the Vietnam War is that Lyndon Johnson took the nation to war without the support of the American people. Even former POW John McCain has argued that one of the key lessons of the Vietnam War was never to find ourselves "in a conflict . . . that doesn't have the support of the majority of the people."[226] During a 1986 Senate floor debate on the Communist threat in Central America, Senator John Kerry repeatedly warned about the importance of avoiding "another Vietnam" and explained:

> I referred back to those years of Vietnam, Mr. President, because that taught us something about not having a consensus in our foreign policy. You cannot pursue policies of

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were risking your life for a cause that many of your own country's leaders—many of whom had participated in the decision to send you to war—thought was evil and unnecessary was a painful discovery for many soldiers. And for a fellow officer and Vietnam veteran to betray you was all the more painful—which explains some of the emotions that have surfaced towards Senator Kerry after the passage of more than a third of a century.

[223] Kerry SFRC Testimony, p. 205.

[224] *Ibid*., p. 201.

[225] *Ibid*.

[226] Alexander, *Man of the People* p. 75.

> war and conflict without bringing the American people behind you. While there are many lessons from that war and nobody knows all of them, one of them on which we can certainly agree as Americans is that never again should we pursue that kind of policy without having brought the American people into the process, without giving Americans an opportunity to be able to decide and understand why it is their sons and daughters may have to go off and die somewhere.[227]

### At First There Was Strong Public Support for the War

The fact is that before John Kerry and his fellow "peace" activists spread lies and misinformation about the war and turned the public against it, there was a *strong* consensus behind the commitment and public opinion polls registered very strong support for the war. Going to war in Indochina was seen as a continuation of the containment doctrine that had been supported overwhelmingly in Congress by both parties and by the American people; and the specific commitment to protect South Vietnam, Laos, and Cambodia had been debated and approved with but a single dissenting vote when the Senate consented to the ratification of the SEATO treaty in 1955. Indeed, in the month surrounding President Johnson's August 1964 decision to send American bombers against targets in North Vietnam, his favorable approval rating in the Harris polls shot up from 42 to 72 percent—an unprecedented increase of 58 percent.[228]

A year later, as U.S. troops joined in the fighting in Vietnam, "support for the war rose very considerably" according to Professor John Mueller, a leading authority on public opinion during times of war.[229] In November 1965, when there were roughly 200,000 American soldiers in Vietnam, a Gallup poll asked whether Americans would be more or less likely to vote for a con-

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[227] *Congressional Record*, vol. 132 p. S. 11175 (August 11, 1986).

[228] Cecil V. Crabb, Jr., *The Doctrines of American Foreign Policy* (Baton Rouge: LSU Press, 1982) p. 214.

[229] John E. Mueller, *War, Presidents and Public Opinion* (NY: Wiley, 1973) pp. 5, 54.

gressional candidate who favored "sending a great many more men to Vietnam." Of those expressing an opinion, sixty percent said they would be "more likely" to support such a candidate.[230]

In September of 1966, another Gallup poll asked a sampling of "prominent Americans" (selected from *Who's Who*) about Vietnam, and sixty percent of those expressing a view favored *escalating* the war.[231] Throughout the mid-1960s, there remained a broad consensus on the importance of containing Communism and a recognition that North Vietnamese efforts to take over South Vietnam by force was a serious threat. As will be discussed, while many students and some other Americans were taken in by false accusations that the United States was undermining democracy and human rights and was seeking to promote a "dictatorship" in Vietnam, even among critics of the war the "withdraw now" group was greatly outnumbered by the "super hawks" who were critical that the war was not being fought with sufficient vigor.

**Declining Support for the War**

Books have been written about why the United States ultimately failed in Vietnam, and no short answer would be complete. But the two most important factors in undermining public support for the war in our view were the incompetent mismanagement of the conduct of the war by the Johnson Administration, and more specifically by Secretary of Defense Robert McNamara, and a brilliant political warfare (propaganda) campaign by North Vietnam and its allies around the world. If there was one person who could unite both hawks and doves at the height of the war, it was Secretary of Defense Robert McNamara—who was *despised* by both sides. Much of the classified record has now become available, and it is clear that McNamara arrogantly ignored the consistent advice that he was receiving both from the Joint Chiefs of Staff and the Central Intelligence Agency and horribly underestimated his adversaries.

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[230] George Gallup, ed., *The Gallup Poll* (Wilmington, Del.: Scholarly Resources, 1972), volume 3, p. 1971.
[231] Gelb & Betts, *The Irony of Vietnam*, p. 226.

Time and again, the Joint Chiefs of Staff would complain that McNamara's policy of "gradualism"—trying to send the enemy "signals" by hitting him softly—and his belief that bombing pauses would promote negotiations, were unrealistic. In a now-declassified, once top-secret, 1966 memorandum, America's military leaders complained to the Defense Secretary:

> The Joint Chiefs of Staff do not concur with your proposal that as a carrot to induce negotiations, we should suspend or reduce our bombing campaign against North Vietnam. . . . Additionally, the Joint Chiefs of Staff believe that the likelihood of the war being settled in negotiation is small, and that, far from inducing negotiations, another bombing pause will be regarded by North Vietnamese leaders, and our allies, as renewed evidence of lack of U.S. determination to press the war to a successful conclusions.[232]

And, for the record, it is clear from documents captured from the Communist side that this judgment of the President's senior military advisers was totally accurate. A Party directive captured in 1968 explained the significance of the Paris talks to Communist soldiers:

> It is imperative to realize the necessity and objective of our diplomatic struggle, *which is intended to bolster the military and political struggles only and not to be a substitute for them.*
>
> Diplomatic struggles are primarily intended to obtain favorable world opinion, plead for our just cause and isolate the enemy. They are not intended to defeat the enemy by arguments. . . .
>
> *Thus, unless a major military victory is achieved, nothing can be expected from diplomatic struggles.* [Emphasis in original.][233]

The political micro-management of the war from Washington was

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[232] Moore & Turner, *The Real Lessons of the Vietnam War* p. 471.
[233] Turner, *Vietnamese Communism* pp. 265-66.

already evident in this 1965 account from *U.S. News & World Report*:

> Four U.S. fighter-bombers were assigned to bomb a bridge in North Vietnam. The orders specified that they were to use 750 pound bombs. The mission was flown as directed. The bridge was only damaged—not destroyed. Two U.S. aircraft were lost to ground fire. Before and after the mission U.S. pilots asked, "Why can't we use 3,000 pound bombs on this kind of mission and make sure we knock out the bridge?" "Orders from Washington" was the answer they got.[234]

In April 1965, Director of Central Intelligence John McCone met with President Johnson. Secretary McNamara, and other senior officials involved in planning the war:

> McCone told those present that the proposed level of bombing would stiffen Hanoi's determination and lead to heightened Viet Cong activity in the South. This, said McCone, "would present our ground forces with an increasingly difficult problem requiring more and more troops." Thus the United States would "drift into a combat situation where victory would be dubious and from which we could not extricate ourselves." He concluded that he was not against bombing the North, but that the commitment of US combat forces in the South must be accompanied by a more dynamic program of airstrikes against "industrial targets, power plants, POL centers, and the taking out of the MIGs."
>
> The President and the NSC adopted McNamara's proposals, not McCone's.[235]

The "no-win" strategy and general mismanagement of the war was a source of frustration for the military and civilians at home as well. President Johnson conducted much of his national security business at a regular "Tuesday Lunch Group," that included the

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[234] *U.S. News & World Report*, December 27, 1965, p. 21.
[235] Moore & Turner, *The Real Lessons of the Vietnam War* p. 475.

Secretaries of Defense and States, the National Security Adviser, Johnson's press secretary, and sometimes the Director of Central Intelligence. But it was rare for a uniformed military officer to be invited to these meetings where detailed decisions on the conduct of the war were being made. Not surprisingly, this process did not produce the most effective strategy and the unnecessary constraints imposed upon the military in Vietnam extracted an understandable cost in public support for the war.

Indeed, we now know that much of the opposition to the war by 1968 was in reality not "doves" who wanted to abandon our commitment and bring our troops home, but rather angry "hawks" who were furious that LBJ and McNamara were getting America's sons killed by a "no-win" strategy. This seldom understood element in the growing anti-war movement did not become clear until several years later, as Leslie Gelb and Richard Betts observed in their excellent study, *The Irony of Vietnam*:

> By 1968 a five-to-three majority of the American public saw the original decision to go to war as a mistake, but simultaneously the number of those who wanted to end the war by escalating, even to the point of invading the DRV, exceeded the number favoring complete withdrawal by a comparable margin. Support for the war, according to polls, exceeded confidence in the President's handling of it, and that confidence was declining. This account for the astonishing and rarely recognized phenomenon that Eugene McCarthy's total in New Hampshire [during the 1968 presidential primary] contained three hawkish anti-administration votes for every two pro-withdrawal votes; "of those who favored McCarthy before the Democratic Convention but who switched to some other candidate by November, a plurality had switched to Wallace."[236]

George Wallace, for those who may not remember, was the former Alabama governor who had denounced the no-win strategy of the Johnson Administration and has selected as his vice presidential

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[236] Leslie H. Gelb & Richard K. Betts, *The Irony of Vietnam: The System Worked* (Washington, DC: Brookings Institution, 1972) p. 226.

candidate Air Force General Curtis LeMay, former head of Strategic Air Command (SAC), who had suggested that we ought to bomb Hanoi "back to the stone age."

### Betraying the Civil-Military Relationship: McNamara Sets the Stage for a Communist Victory

While John Kerry was absolutely wrong in suggesting that most soldiers who were serving or had served in Vietnam were angry because America was trying to stop Communist aggression, there was a great deal of frustration and no small amount of *anger* over what we recognized as McNamara's incompetent efforts to micromanage the actual conduct of the war. Contrary to Kerry's claim that the United States waged unconstrained warfare "in the fashion of Genghas Khan," there were incredibly detailed "rules of engagement"[237] in the South that required elaborate bureaucratic clearance processes before many enemy units could be engaged, and in the North our pilots were prohibited even from attacking North Vietnamese MIGs and SAM missile sites in clear view unless they were first launched by the North Vietnamese.[238] Most of the primary military targets in North Vietnam that the Joint Chiefs of Staff had been seeking permission to attack were kept "off limits" by civilians in Washington through the Johnson Administration.[239]

Rather than trying to isolate the battlefield (a normal goal taught by our war colleges to professional military officers) by cutting enemy supply lines into and out of North Vietnam—such as the perfectly lawful options of bombing the rail line from China and

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[237] For the texts of the extensive U.S. rules of engagement in Vietnam for 1968 and 1971, see *Congressional Record*, June 6, 1971, pp. 17551-58 (inserted by Senator Barry Goldwater). A staff analysis entitled "Vietnam Rules of Engagement" was inserted in the *Congressional Record* on May 6, 1985, pp. 10553-55.

[238] J. Terry Emerson, "Making War Without Will: Vietnam Rules of Engagement," in John Norton Moore (ed.), *The Vietnam Debate: A Fresh Look at the Arguments* (Lanham, MD: University Press of America, 1990) p. 164.

[239] For a useful discussion of some of these problems, see W. Hays Parks, "Rolling Thunder and the Law of War," *Air University Review* (January-February 1982), pp. 1-23; Admiral U.S.G. Sharp, *Strategy for Defeat: Vietnam in Retrospect* (Novato, CA: Presidio Press, 1978).

mining or blockading Haiphong Harbor—McNamara focused our efforts on trying to destroy enemy targets by high-altitude bombing through triple-canopy jungle along the Ho Chi Minh Trail in Laos. With enough bombs we were bound to hit a target every now and then, but subsequent studies concluded that each truck destroyed along the trail cost America about $100,000 because the program was so inefficient.[240]

Typical of numerous once-highly-classified memoranda from the Joint Chiefs of Staff to Secretary of Defense McNamara during the period that have been declassified is one dated October 14, 1966:

> The Joint Chiefs of Staff do not concur in your recommendation that there should be no increase in the level of bombing effort and no modification in areas and targets subject to air attack. . . . Additionally, the Joint Chiefs of Staff believe that . . . another bombing pause will be regarded by North Vietnamese leaders . . . as renewed evidence of lack of U.S. determination to press the war to a successful conclusion.[241]

When the Joint Chiefs finally in exasperation insisted on speaking with President Johnson personally, President Johnson hurled profanities at them—using the "F-word" repeatedly—and threw them out of his office.[242] Successive Directors of Central Intelligence also cautioned President Johnson that McNamara's policy of "gradualism" would unnecessarily prolong the war and signal Hanoi America had lost its will.[243] But, to the great frustration of those of us both on the ground and in the air trying to fight the war,

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[240] Parks, "Rolling Thunder and the Law of War," p. 22, note 10.

[241] Reprinted in Sharp, *Strategy for Defeat* p. 120.

[242] Lt. Gen. Charles G. Cooper, "The Day It Became the Longest War," U.S. Naval Institute *Proceedings*, May 1996, pp. 79-80. General Cooper attended the meeting as an aide to Chief of Naval Operations David McDonald. The surviving members of the meeting when this article was published, Admiral McDonald and Marine Corps Commandant Wallace Greene, both confirmed the accuracy of this account. See John Norton Moore & Robert F. Turner, *The Real Lessons of the Vietnam War* p. 473.

[243] Some of these documents are quoted in Moore & Turner, *The Real Lessons of the Vietnam War* pp. 474-77.

Johnson and McNamara elected to ignore the consistent advice of their military and CIA advisers.

### Hanoi's Political Warfare Strategy and the Role of the "Peace" Movement

The second primary factor in turning the American people against the war was a result of Hanoi's "political warfare" offensive. This was classic Leninism, and the Vietnamese disciples of Lenin understood it well years before American combat forces arrived in Vietnam. Time after time during the war, Hanoi strategists would quote Lenin's famous booklet, *"Left-Wing" Communism: An Infantile Disorder*:

> [T]he whole history of Bolshevism, both before and after the October Revolution, is full of instances of maneuvering, making agreements, and compromising with other parties, bourgeois parties included!
>
> The more powerful enemy can be vanquished only be exerting the utmost effort, and without fail by most thoroughly, carefully, attentively and skillfully using every, even the smallest, "rift" among the enemies, of every antagonism of interest among the bourgeoisie of the various countries and among the various groups or types of bourgeoisie within the various countries, and also by taking advantage of every, even the smallest, opportunity of gaining a mass ally, even though this ally be temporary, vacillating, unstable, unreliable, and conditional. Those who fail to understand this, fail to understand even a particle of Marxism, or of scientific, modern Socialism in general
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> [F]rom all this follows the necessity, the absolute necessity, . . . for the Communist Party . . . to resort to manoeuvres, agreements, and compromises with the various groups of proletarians, with the various parties of the workers and small masters . . . To tie our hands beforehand, openly to tell the enemy, who is at present better armed than we are, whether we shall fight him, and when, is stupidity and not revolutionism. To accept battle at a time when it is obvi-

> ously advantageous to the enemy and not to us is a crime; and the political leader of the revolutionary class who is unable to "manoeuvre, agree, and compromise" in order to avoid an obviously disadvantageous battle, is absolutely worthless.[244]

In the first year of the French-Viet Minh war, Indochinese Communist Party Secretary General Truong Chinh explained:

> Concerning our foreign policy, what must our people do? We must isolate the enemy, win more friends. We must act in such a way that the French people . . . will actively support us . . . , that all peace-loving forces in the world will defend us and favour the aims of our resistance. . . .
>
> The French people and soldiers should oppose the war by every means: oppose the sending of troops to Indochina, oppose military expenditure for the reconquest of Vietnam . . . . [T]hey should demand from the French Government peaceful negotiations with the Ho-Chi-Minh Government. The French soldiers in Vietnam should demand repatriation, protest against the setting up of a puppet Govemment . . . .[245]

The strategy worked against the French, and they knew it could work against the Americans if the war lasted long enough. In December 1963, at the ninth plenum of the Vietnamese Workers' Party, a resolution was passed emphasizing that 'it is time for the North to increase aid to the South" but emphasizing the concept of a protracted war, "patiently fighting for a long time . . . ."[246] And, from the beginning, the Party emphasized that victory in the south was not likely to come from actually militarily defeating the American armed forces—which Hanoi knew it could never expect

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[244] V.I. Lenin, *"Left-Wing" Communism: An Infantile Disorder* (Moscow: 1920), pp. 64-65, 72

[245] Truong Chinh, *The Resistance Will Win* (Hanoi: Foreign Languages Publishing House, 3d ed., 1966) pp. 46-47.

[246] Turner, *Vietnamese Communism* p. 245.

to do[247]—but rather by tying down those forces with sporadic guerilla attacks while inflicting casualties. Critically important, the resolution explained, was the *political* element of the struggle:

> *Continue to intensify efforts for winning international sympathy and support:*
>
> . . . . We must make every effort to motivate various peace organizations . . . to take stronger action in asking the U.S. imperialists to end their aggressive war . . . and let the South Vietnamese people settle their own problems. . . .
>
> In our hard and complicated struggle against the U.S. imperialists, international support and solidarity are important factors in our victory. . . . [W]e must step up our diplomatic struggles for the purpose of isolating warmongers, gaining the sympathy of antiwar groups in the U.S. . . .[248]

The evidence that Hanoi was relying on "political warfare" as a major weapon in their struggle against the United States was overwhelming even early in the war. The Central Office for South Vietnam (COSVN), Hanoi's political control group located along the border of South Vietnam and Cambodia, produced an analysis at its Fourth Congress in March 1966 that explained how "the antiwar movement in the world and in the U.S."[249] was becoming stronger and would set the stage for victory, and another document captured about the same time explained: "Within the United States public opinion is fervently demanding the end of the aggressive warfare in South Vietnam. With this can develop into a special victory for us."[250]

Three years later, when COSVN held its Ninth Conference, it declared that "the greatest weak point of the Americans at this time" was the internal contradictions "between the U.S. rulers and . . . the

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[247] *See, e.g.*, Truong Nhu Tang, *A Viet Cong Memoir: An Inside Account of the Vietnam War and Its Aftermath* (New York: Vintage, 1986) p. 58 ("No one, as 1965 dawned, had any illusions about our ability to gain a military decision against the immensely powerful American war machine.")
[248] Turner, *Vietnamese Communism* pp. 247-48.
[249] *Ibid*. p. 248.
[250] *Ibid*. p. 249.

American people . . . ."[251] It was by working through the American "peace" movement to turn the people against their government and the war that Hanoi was hoping to win—just as they had defeated the French politically fifteen years earlier. And it was in large part to deceive the American people that Hanoi went to elaborate efforts to establish the "independent" and "autonomous" National Liberation Front and later the Provisional Revolutionary Government, the Alliance of National, Democratic, and Peace Forces, and other "front groups" in the classic Leninist tradition. (Indeed, it is perhaps an indictment of American education that this tactic was not immediately spotted as the same approach the Comintern had taken at the outbreak of World War II.[252])

The enemy's strategy was hardly a secret. As early as 1965 the *New York Times* correctly observed: "Communist hopes for victory [in Vietnam] . . . now turn more on American withdrawal through exhaustion or in response to the pressure of public opinion rather than on conventional military success."[253] Two months later, Stanley Karnow of the *Washington Post* added: "Viet Cong leaders still base their long-term strategy on the conviction that the United States lacks the ability and determination to wage a long-drawn-out war."[254] Sadly, a clueless Secretary of Defense Robert McNamara played right into their hands.

Even a cursory look at the formal "programs" and "platforms" of the various Communist "front" groups revealed the importance they placed on the "progressive forces" of the world and especially the American "peace" movement. When Hanoi established its "Fatherland Front" to replace the Lien Viet Front (that had in turn replaced the Viet Minh Front), its Manifesto pledged "[t]o do our utmost . . . to gain the sympathy and increasingly active support of peace-loving peoples throughout the world."[255] It appealed for support "to the peoples and governments of the world," and in particular "to the French people" and "to the American people and to

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[251] *Ibid*. p. 255.
[252] *Ibid*. pp. 23-26, 30-34, 55-57, 67-74.
[253] *New York Times*, 20 October 1965.
[254] *Washington Post*, December 22, 1965, p. A1.
[255] Turner, *Vietnamese Communism* p. 383.

all Americans who support peace and justice, to redouble their efforts in struggling against the American government's policy of ever-increasing intervention in Indo-China . . . ."[256]

When the National Liberation Front was established in South Vietnam in 1960, its Manifesto asserted that "Peace-loving and progressive people in the world are supporting us."[257] Its 1967 Political Program emphasized the importance of "crushing the enemy's *will* for aggression,"[258] and repeatedly noted that "the peoples of the socialist [Communist], newly-independent and other countries, including progressive people in the United States, are sternly condemning the U.S. imperialists' war of aggression, and are giving their approval, support and assistance to our people's struggle against U.S. aggression . . . ."[259] When the "Provisional Revolutionary Government" (PRG) was established by the Viet Cong in 1969, its "Action Program" emphasized the need to: "[s]truggle for the sympathy, support and aid of various countries and progressives worldwide, including the American people," and to "[p]ositively coordinate with American people's struggle against the U.S. imperialists' aggressive war in Viet-Nam."[260]

One of several accounts published after the war by disillusioned former officials of the North Vietnamese Army or the Viet Cong was Truong Nhu Tang's *A Viet Cong Memoir*, in which the former Minister of Justice of the PRG notes that none of them "had any illusions about our ability to gain a military decision against the immensely powerful American war machine," and thus 'the political front was primary."[261] Thus, while the 1968 Tet Offensive was a horrible military defeat for the Communists (essentially decimating the Viet Cong and leaving the rest of the war to be fought by North Vietnamese People's Army [PAVN] regulars), it was nevertheless viewed as a success:

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[256] *Ibid*. pp. 384-85.
[257] *Ibid*. p. 419.
[258] *Ibid*. p. 432 (emphasis added).
[259] *Ibid*. p. 430. See also, *ibid*. p. 427, 432.
[260] *Ibid*. p. 454.
[261] Tang, *A Viet Cong Memoir* p. 58.

> Tet and the related series of offensives in the spring and summer of 1968 had resulted in unexpectedly high casualties for both the NLF guerrillas and the Northern main-force troops. But these actions had also awakened what appeared to be a critical and growing divisiveness in American public opinion. On March 31, two months after Tet and while the battle for Khe Sanh was still under way, Lyndon Johnson announced that he would not run for reelection. There was little doubt in our minds that the domestic pressure stimulated by our persistent military action was largely responsible. As the Western antiwar movement flared, we felt hope that Americans might now be forced into a negotiated settlement that would include NLF representation in the Southern government.[262]

When the following year President Nixon began public discussion of withdrawing U.S. forces from South Vietnam, the Communists in Vietnam felt their strategy had paid off despite the great military setbacks they had suffered on the battlefields of Indochina:

> Our analysis that antiwar sentiment was having an increased impact on American staying power was thus confirmed at the source. It was evident that we had succeeded in opening what we now began to refer to as our fourth front—the first three being political, military, and diplomatic—and we started monitoring domestic developments in the United States even more attentively.[263]

It was as a part of this "fourth front" of struggle that the PRG was established in 1969. "Our goal was to influence public opinion . . . in the United States, where we would enhance our claim of representing the Southern people, *giving the peace movement additional ammunition*."[264]

We have as well the testimony of Colonel Bui Tin, who as already discussed commanded the victorious unit that accepted the surren-

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[262] *Ibid*. pp. 142-43.
[263] *Ibid*. p. 145.
[264] *Ibid*. pp. 146-47 (emphasis added).

der of South Vietnam in 1975. Consider these excerpts from a 1995 interview with Col. Tin:

> Q. Was the American antiwar movement important to Hanoi's victory?"
>
> A. "It was *essential* to our strategy. . . . Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda . . . gave us confidence that we should hold on in the face of battlefield reversals. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.
>
> . . . .
>
> Q. What about Gen. Westmoreland's strategy and tactics caused you concern?
>
> A. Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.
>
> In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. . . .
>
> Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce where few South Vietnamese troops would be on duty. . . .
>
> Q. What about the results?
>
> A. Our losses were staggering and a complete surprise. Giap later told me that Tet had been a military defeat, though we had gained the planned political advantage when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September [1968]

were, in retrospect, mistakes. *Our forces in the South were nearly wiped out by all the fighting in 1968.* It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. *If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely.* We suffered badly in 1969 and 1970 as it was.

. . . .

Q. What else?

A. We had the impression that *American commanders had their hands tied by political factors*. Your generals could never deploy a maximum force for greatest military effect.[265]

## We Had the War Won By 1972

It is widely recognized by experts who followed the military aspects of the war closely over the years that by the end of 1972 South Vietnam and the United States had essentially won the war. The Viet Cong guerrillas in South Vietnam had been destroyed and were no longer a serious consideration, and the North Vietnamese Army's "Spring Offensive" of 1972 had been driven back by the South Vietnamese Army (ARVN) with only American air support. After the war was over, Hanoi admitted that it had lost more than a million troops in the war—nearly *four times* the combined losses of South Vietnam, the United States, and their allies.[266] And yet the myth continues within the United States and around the world that the United States was defeated militarily on the battlefields of Vietnam.

Few Americans, if any, could rival the expertise of William E. Colby, who served as CIA Station Chief in Saigon starting in 1959 and spent most of the war either in various senior positions in country—including Deputy to the Commander, Military Assistance Command Vietnam (MACV) with rank of Ambassador—or

[265] "How North Vietnam Won the War," *Wall Street Journal*, August 3, 1995, pp. 1, 8 (emphasis added).
[266] "1.1 million troops died, Vietnam says," *Baltimore Sun*, April 4, 1995, p. 5.

heading the Far East Division at CIA headquarters. In part six ("Victory Won") of his superb 1989 book, *Lost Victory*, Colby notes the success of Vietnamization and the importance of the Communists' 1972 Easter Offensive:

> This was the test. And the South Vietnamese met it. The North Vietnamese units did not take Hue; they were repulsed in the highlands. The major attack against the Saigon area stalled before the heroism and strength of the South Vietnamese Army. A free Vietnam had proven that it had the will and the capability to defend itself with the assistance, but not the participation, of its American ally against the enemy to the north assisted by Soviet and Chinese allies. *On the ground in South Vietnam, the war had been won.*[267]

Another respected professional who had served in Vietnam through much of the war was Douglas Pike, whose 1966 classic volume, *Viet Cong*—the first of his six books on the war—had been one of those rare books on the controversial war that was praised across the political spectrum. After retiring from the government, Pike served as Director of Indochinese Studies at the University of California at Berkeley for many years before moving his extensive collection of documents and materials to Texas Tech University's new Vietnam Center in 1997, where he worked until his death in 2002.[268] Nearly fifteen years after the war ended, Professor Pike provided this account:

> I believe we could have won the war in Vietnam. I believe future historians will say that not only could the war have been won, but that *we had it won*. But in the end it was defeat we snatched out of the jaws, not victory. . . . Had American credibility been maintained this would never

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[267] William Colby, *Lost Victory: A Firsthand Account of America's Sixteen-Year Involvement in Vietnam* (Chicago: Contemporary Books, 1989) p. 321 (emphasis added).

[268] For a short biography of Douglas Pike, see: http://www.vietnam.ttu.edu/vietnamcenter/general/douglas_pike.htm.

have happened.[269]

The distinguished military historian Lewis Sorley, in his 1999 volume, *A Better War*, writes:

> There came a time when *the war was won*. The fighting wasn't over, but the war was won. This achievement can probably best be dated in late 1970, after the Cambodian incursion in the spring of that year. By then the South Vietnamese countryside had been widely pacified, so much so that the term 'pacification' was no longer even used. . . .
>
> Not only was the internal war against subversion and the guerrilla threat won, so was that against the external conventional threat—in the terms specified by the United States. Those terms were that South Vietnam should, without help from U.S. ground forces, be capable of resisting aggression so long as America continued to provide logistical and financial support and—of critical importance later, once a cease-fire agreement had been negotiated—renewed application of U.S. air and naval power should North Vietnam violate the terms of that agreement.
>
> The viability of such arrangements would be demonstrated in 1972, when the enemy's Easter Offensive was met and turned back after heavy fighting by just that combination of South Vietnamese and American forces and resources. So severely were the invading forces punished that it was three years before they could mount another major offensive, and that despite the complete withdrawal of all U.S. troops in the meantime. At that later fateful juncture, as will be seen, the United States defaulted on all three elements of its promised support and, unsurprisingly, the war was no longer won.[270]

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[269] Douglas Pike, "The Origins of the War: Competing Perceptions," in John Norton Moore, *The Vietnam Debate: A Fresh Look at the Arguments* (Lanham, Md.: University Press of America, 1990) p. 87 (emphasis added).

[270] Lewis Sorley, *A Better War: The Unexamined Victories and Final Tragedy of America's Last Years in Vietnam* (New York: Harcourt Brace & Co., 1999) pp. 217-19 (emphasis added).

As already noted, Robert Elegant was among the most respected journalists to cover the war year after year. In 1981, he provided this assessment:

> Looking back coolly, I believe it can be said (surprising as it may still sound) that *South Vietnamese and American forces actually won the limited military struggle.* They virtually crushed the Viet Cong in the South, the 'native' guerrillas who were directed, reinforced, and equipped from Hanoi; and thereafter they threw back the invasion by regular North Vietnamese divisions.[271]

American POWs in Hanoi provided a similar assessment based upon their observations during the December 1972 "Christmas bombing." Admiral James Stockdale, for example, recorded these observations:

> At dawn, the streets of Hanoi were absolutely silent. The usual patriotic wakeup music was missing, the familiar street sounds, the horns, all gone. [In prison,] [o]ur interrogators and guards would inquire about our needs solicitously. Unprecedented morning coffee was delivered to our cell blocks. One look at any Vietnamese officer's face . . . told the whole story. It telegraphed accommodation, hopelessness, remorse, fear. The shock was there; *our enemy's will was broken.*[272]

Sadly, thanks initially to the arrogant incompetence of Secretary of Defense Robert McNamara—who refused to consider the consistent advice of America's senior military leaders and the Intelligence Community and had subsequently alienated countless Americans with his "no-win" strategy—and then to the effects of a campaign of *lies* repeated time and again by people like John Kerry and Jane Fonda, *America's* will to fulfill the 1961 pledge of John F. Kennedy to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the

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[271] Robert Elegant, "How to Lose a War," *Encounter* (London), August 1981, pp. 73-74, available on line at: http://www.viet-myths.net/ . (emphasis added).

[272] Jim & Sybil Stockdale, *In Love and War* (Annapolis: United States Naval Institute Press, 1984) p. 432 (emphasis added).

survival and the success of liberty," had also been broken.

Ironically, neither the President nor the American military had lost *their* will. Most Vietnam veterans were proud of our service and wanted to see our commitment through, and we believed that President Nixon had been both correct and courageous in finally permitting the military to fight the war the way the unanimous Joint Chiefs of Staff had been urging from the start. Recently returned POW John McCain spoke for many of us when he wrote in May 1973:

> I admire President Nixon's courage. There may be criticism of him in certain areas—Watergate, for example. But he had to take the most unpopular decisions that I could imagine—the mining, the blockade, the bombing. I know it was very, very, difficult for him to do that, but that was the thing that ended the war.[273]

The perception that the United States was winning the military conflict was shared as well by our enemies, who knew from the start they would not be able to resist the American military if we ever took the gloves off. (We are not talking here about intentionally bombing civilian targets or other unlawful tactics, but rather permitting the military to fight the war lawfully without unnecessary constraints being imposed by Washington. By Hanoi's own figures, during the twelve-day bombing by B-52 bombers during Operation *Linebacker II* in December 1972, 1,318 people were killed in Hanoi and 305 in Haiphong[274]— figures that include PAVN soldiers at lawful targets and all those killed when the hundreds of large, Soviet-made SAM missiles fired at American bombers that missed their targets fell back to earth and exploded.) Viet Cong leader Truong Nhu Tang provides this assessment from his perspective in the "liberated areas" of South Vietnam:

> As they had in earlier years of conflict (in 1965 for example and 1968), American leaders in 1972 focused on the military dimension of their problem. To the extent that their

[273] McCain, "Inside Story: How the POW's Fought Back," p. 114.
[274] Stanley Karnow, *Vietnam: A History* (New York: Viking, 1983) p. 653.

> actions and memoirs reflect their understanding, the spring offensive was to them primarily a battlefield exercise, amenable to the disciplined and effective use of force. . . . Against the American military objectives of bracing the Saigon army, inflicting maximum tactical and strategic damage, and demonstrating determination, we were pursuing a mix of political and military objectives. Militarily, the ability of the Saigon army to withstand a major, protracted assault would be tested. At best, the offensive would cause the disintegration of enemy forces. More conservatively, we could hope to take and hold territory where adequate logistical support was available. . . . These were the military objectives. Far more important, though, were the political goals. The overriding aim was to get the United States out of Vietnam on the best basis possible and keep her out—thus isolating the Thieu regime. To do this it was necessary to weaken still further Nixon's and Kissinger's ability to make war, by bringing domestic opposition to their policies to a head. . . .
>
> For its part, the U.S. Congress had already prohibited funds for American operations in Cambodia and Laos, and the Senate would soon pass the Hatfield amendment, requiring the withdrawal of all troops in return for the release of POWs. The idea that continued American intervention was immoral was gaining widespread credence in the United States, according to our intelligence analysts, not only among the militant antiwar groups, but in the population generally. These were the signs that told us the offensive was a success, and at this stage of the war we received them with as much satisfaction as we received news of any military victory.[275]

It is widely recognized by all sides now—save, perhaps, for much of the American press—that both the Tet Offensive and the 1970 Cambodian incursion were decisive *military* defeats for the Communists. In many ways, both were comparable to the Battle of

[275] Tang, *A Viet Cong Memoir* pp. 209-10.

Dien Bien Phu in the spring of 1954, where Ho Chi Minh's Viet Minh forces suffered more than three times the deaths and nearly twice the total casualties[276] of the French but the political effects of the battle proved decisive in bringing down the French government. Wise Chinese political advisers had urged General Vo Nguyen Giap to delay the final assault from March to early May so it could have maximum impact upon the opening of the Geneva Conference—and when the delegates met for their first session on May 8, 1954, the morning papers heralded the fall of Dien Bien Phu the previous day. As the *Pentagon Papers* later observed, Dien Bien Phu "was to take on a political and psychological importance far out of proportion to its actual strategic value because of the upcoming Geneva Conference."[277]

Tang's *A Viet Cong Memoir* provides this assessment of Tet and the Cambodian offensive:

> Indeed, in strictly military terms it was increasingly evidence that American arms were again scoring victories, just as they had during Tet, in Cambodia, and in so many of the pitched battles in which they confronted Vietcong and North Vietnamese main forces. As the summer wore on, our losses had become prodigious, and we began to see that many of the territorial advances could not be sustained. . . . The paradox was that, despite this, the spring offensive was for us a decisive triumph. "You know," said an American negotiator to his North Vietnamese counterpart three years later in Hanoi, "you never defeated us on the battlefield."

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[276] Bernard B. Fall, *Hell in a Very Small Place* (Philadelphia: J.B. Lippincott, 1968) p. 329.

[277] *Pentagon Papers* vol. 1, p. 97. A Joint Chiefs of Staff memorandum dated March 29, 1954, noted that French General Paul Ely "recognized the great political and psychological importance of the outcome both in Indochina and in France, but considered that Dien Bien Phu, even if lost, would be a *military* victory for the French because of the cost to the Viet Minh and the relatively greater loss to the Viet Minh combat forces. Politically and psychologically, the loss of Dien Bien Phu would be a very serious setback to the French Union cause, and might cause unpredictable repercussions both in France and in Indochina." JCS, "Memorandum for the President's Special Committee on Indo-China," 29 March 1954, Document 26, *Pentagon Papers,* vol. 1, p. 457.

> "That may be so," came the answer, "but it is also irrelevant."
>
> It was irrelevant because the military battlefield upon which the Americans lavished their attention and resources was only one part of the whole board of confrontation. And it was not on this front that the primary struggle was being played out. . . .
>
> The American bombing and invasion of Cambodia largely accomplished its immediate goals (I barely survived it myself). Nixon and Kissinger justified it then and later as an operation that gained an essential year of time. Yet this "victory" arguably did more to undermine American unity than any other event in the war. The America leaders braced themselves to weather a storm of protest that would, they thought, eventually subside. But how does one judge the cumulative effects of one's own body politic of ingrained distrust and ill will? To achieve a year or so of dubious battlefield grace, Nixon and Kissinger incurred a propaganda defeat whose effects are still apparent (fifteen years later) and, to the extent that they have entered the American national psyche, may well be permanent.[278]

This is a remarkably insightful assessment of what happened in Vietnam. Even our enemies admit that America did *not* lose the war on the battlefield. Under McNamara's reign, our military was prohibited from pursuing victory. When President Nixon took off the self-imposed fetters, we won every battle. By the end of 1972, the Viet Cong had been destroyed, the North Vietnamese Army had suffered tremendous casualties and had been driven back away from cities and population centers, and Hanoi's will was broken. Hanoi had exhausted its supply of SAM (surface-to-air) missiles and was totally vulnerable to American B-52 bombers if it failed to observe the January 1973 Paris Peace Accords. *And then the U.S. Congress threw in the towel by enacting legislation that made it unlawful for the United States military to engage in combat opera-*

[278] *Ibid.* p. 211-12.

*tions anywhere in Indochina.* The military victory for which 58,000 of our brothers had given their lives had been won and then callously thrown away by Congress under pressure from John Kerry, Jane Fonda, and their allies in the "peace" movement.

The cause of this is clear. We lost the "political" or "propaganda" war. Moscow, Hanoi, and their Communist allies had coordinated a massive campaign of lies and disinformation to turn the world against America and to divide the American people—lies that continue to divide America and to turn natural allies against us. Within the United States, the campaign was driven initially by hard-core Communists and leftist radicals. But with "facts" and "evidence" provided by Hanoi and Soviet front groups around the world, they gradually persuaded patriotic Americans that their government was propping up a dictatorship, blocking free elections, subverting human rights, and generally—to quote one of their most effective spokesmen—fighting a war in a fashion "reminiscent of Genghis Khan . . . ."[279] Partisan liberal politicians like J. William Fulbright, Frank Church, Ted Kennedy, Robert Packwood, Claiborne Pell and Clifford Case deserve a good share of the blame for undermining John F. Kennedy's famous pledge, as did a remarkably ignorant and irresponsible press.[280]

## The Role of an Irresponsible Media

Many Vietnam veterans still have angry feelings towards much of the media over its irresponsible role in undermining public support for the war. As former Navy Secretary and Marine Vietnam veteran Jim Webb observed in 1998, when a 1980 Harris survey showed 91 percent of Vietnam veterans were "glad they served" and nearly two-out-of-three "would go to Vietnam again even if they knew how the war would end," the "only national media report on the survey's results was an Associated Press story head-

[279] Kerry SFRC Testimony, p. 180.

[280] For an excellent discussion of some of the problems with media coverage of the war, see Robert Elegant, "How to Lose a War," *Encounter* (London), August 1981, pp. 73-90.

lined "'One in three would not serve again if asked.'"[281]

After the war, it became clear that many of the senior Vietnamese "civilians" working for major American media organizations during the war had, in fact, been North Vietnamese agents who had been assigned to infiltrate the media just as others were sent to infiltrate intelligence organizations. Several American journalists learned this to their chagrin when, as North Vietnamese tanks rolled into Saigon on April 30, 1975, they were suddenly confronted by a trusted Vietnamese employee who identified his true position and assured them of their safety. In 1990, CBS News correspondent Morley Safer returned to Vietnam to do a "60 Minutes" story and decided to look up Pham Xuan An, who had worked for Reuters and then *Time* magazine in Saigon and "was among the best-connected journalists in the country." An was relied upon regularly by other American journalists. To his shock, Safer learned that his reliable source had been a North Vietnamese Colonel the entire time.[282]

Just as Hanoi had "worked" the American (and international) "peace movement" by providing faked evidence and false accusations, it worked hard to influence the western press. Bright, articulate, English-speaking Viet Cong and North Vietnamese agents would prowl the Continental and Caravelle hotels to strike up conversations and plant stories with gullible journalists who often seemed to prefer the safety of a nice hotel to the risks of covering the war in the field. Much of the world still believes that Viet Cong sappers occupied the American Embassy in Saigon in the early days of the 1968 Tet Offensive, because journalists who were unwilling to assume the risks inherent in going to the scene reported planted stories they heard in their hotels as fact.[283]

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[281] Webb, "The Media's War on Vietnam Vets," *Wall Street Journal*, July 15, 1988.

[282] Morley Safer, "Spying for Hanoi," *New York Times Magazine*, March 11, 1990, p. 34.

[283] For excellent discussions of press misreporting of the Tet Offensive, see Don Oberdorfer, Tet! (Garden City, NY: Doubleday, 1971); and Peter Braestrup, *Big Story: How the American Press and Television Reported and Interpreted the*

Marine Sergeant John Ashe (brother of the great tennis player) was assigned to dealing with the press in Da Nang. Most journalists did not often get that far from Saigon, and the few who did rarely went into the field and almost never spent the night when they did. If they happened to be present when shots were fired, they "would deport themselves as if they had never heard a shot fired with intent to kill before that moment—to their own and the Marines' peril; and then file stories that 'bore little or no relation' to what . . . [they] had seen.'"[284]

There were exceptions—truly outstanding exceptions—and many veteran journalists realized that the common characterization of Vietnam veterans and the war in which we served was unfair. Looking back in 1995, Phil McCombs of the *Washington Post* wrote of the bravery of an American Navy doctor and his staff during a dangerous operation to remove an M-79 grenade from the groin of a Vietnamese man—ultimately saving the man's life. McCombs observed that his own recollections about the war that had ended in defeat two decades earlier were about "the countless noble and magnificent grunts in the boonies who carried the terrible daily burden of combat." He wrote: "I'm remembering them and their million anonymous acts of bravery and devotion and love and caring that made Vietnam a memorable experience for me and that were, despite much of what you see on television and in the movies, the norm."[285] But that was not the attitude of most journalists, and by repeatedly writing "man bites dog" stories—on the theory that stories about American mistakes and misconduct were more "newsworthy" (and thus more likely to get on page one and earn the writer a Pulitzer and a promotion)—many journalists contributed to the false image of Vietnam veterans and what we sought to accomplish in that difficult war.

But no single individual within the United States did more to mislead the public and pressure Congress to legislate an end to the war

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*Crisis of Tet 1968 in Vietnam and Washington* (New Haven, Conn: Yale University Press, 1971).

[284] Quoted in Elegant, "How to Lose a War," p. 12.

[285] Phil McCombs, The Real Story of Vietnam," *Washington Post*, April 28, 1995, p. D5.

than John F. Kerry. Whether he knew he was lying (which most of us believe to be the case) or simply didn't care about the truth, his irresponsible behavior was instrumental in deceiving those who relied upon him and changing U.S. policy—leading directly to the slaughter of three million human beings, the consignment of tens of millions of others to a Stalinist tyranny, and long-term damage to U.S. national security policy that still haunts this nation and benefits our enemies.

Ironically, one of the Americans who clearly understood Hanoi's reliance upon political warfare was an American Navy Lieutenant Commander named John S. McCain III, who had been locked away in North Vietnamese POW camps since October 26, 1967. In his May 1973 *U.S. News and World Report* article, McCain wrote:

> This brings me to something that I want to discuss in more detail.
>
> As you may know, back in 1954, the North Vietnamese had a big hand in toppling the French Government in Paris because the French voters had no more stomach for the Vietnam war their Government was waging at the time. That was the way the North Vietnamese won in 1954—they didn't win in Vietnam.
>
> The French agreed to pull out of Indo-China with no question asked when they signed the agreement. As a result, they got back just one third of their POWs.
>
> I'm convinced that Hanoi hoped to win in our case by undermining morale among the people at home in America. They had to marshal world opinion on their side. I remember in 1968 or '69 [North Vietnam Premier] Pham Van Dong's speech to the National Assembly, because we were blasted with these things on the loud-speakers. The title of his address was, "The Whole World Supports Us," not "We Have Defeated the U.S. Aggressors," or anything like that.[286]

[286] McCain, "Inside Story: How the POW's Fought Back," p. 112.

We have no doubts that John Kerry fully understood the importance of political warfare to the Vietnamese Communists as well, and that he understood that the lies he was telling to the Senate and the American people were providing valuable service to Hanoi and the rest of the Communist world. It is unclear to most of us whether he truly shared the radical, anti-American political beliefs of most of the VVAW crowd or merely viewed his role as their "mouthpiece" as a necessary accommodation in his quest for the White House. There is, of course, a third explanation. Conceivably he was truly a fool who was duped into promoting the Communist cause by the intellectual lightweights with whom he surrounded himself. But his continued insistence that he remains "proud" of his service to the anti-Vietnam cause and believes his activities "saved lives"[287] are more consistent with a theory that he simply believes the American electorate is composed of fools. If he really was deceived and has still not realized that, he certainly lacks the requisites to be made President of the United States.

We are not suggesting that everyone who opposed the Vietnam War was "pro-Communist," unpatriotic, or unqualified to hold high public office. Some of the Americans who picked up and echoed Hanoi's propaganda line were dedicated Communists, but the *overwhelming* majority were simply "duped" or "conned" by the lies. Patriotic Americans—already frustrated by the apparent lack of progress in a war they didn't fully understand against an enemy they didn't expect to last two weeks against the far superior American firepower—would go to a church meeting and listen to a very sincere sounding "Vietnam veteran" talk about our troops routinely raping and murdering innocent people to prop up a "dictatorship" that incarcerated in "tiger cages" anyone who spoke out for "peace." College campuses were an easy target for pro-Hanoi disinformation, and few listeners either in church groups or on American campuses even considered that the contrite "former Green Beret" or "peace activist" who had just returned from Hanoi might not be what they pretended to be and might indeed be motivated by a hidden agenda. But John Kerry was no innocent rank-

[287] Alexander, *Man of the People* p. 149.

and-file follower misguided by others. He had been to Vietnam, and surely even his brief experience there should have set off alarm bells as the radicals of the VVAW told stories about the way the war was being fought. Thus far, not a single other former Swift boat officer has come forward to say he observed anything resembling Kerry's description of the war during what in several cases were more than a full one-year tour in country. Put simply, John Kerry lied to deceive the American people into undermining America's commitment to protect victims of Communist aggression in Indochina.

At first, hearing testimony about soldiers having received "advanced genocide training" and acting like "Genghis Khan" just didn't seem believable to most Americans. But after seeing pictures of Saigon police chief Nguyen Ngoc Loan on TV executing a young Viet Cong detainee (whose arms were bound) by shooting him in the head during the Tet 1968 Offensive, and the following year seeing photographs of some of the victims of the My Lai massacre published in *Life* magazine, the accounts being told by John Kerry and his friends started to ring true. After all, why would such a fine young officer—a genuine war hero—tell lies that would undermine his country? Something had clearly turned young American men who had been sent off to war into "butchers," "war criminals," and "drug addicts." An increasingly adversarial (and remarkably uninformed) press corps in Saigon contributed tremendously to the public discontent with the war.[288]

[288] See above, note 271.

## A Campaign of Disinformation and Lies: The "Peace Movement" Turned Out to Have Been Wrong

One of the greatest ironies of the Vietnam War was that so much of the factual case relied upon by critics of the war was demonstrably wrong at the time[289] and has been further confirmed to have been wrong even by Communist Vietnamese leaders since the war ended. Sadly, most Americans seem blissfully ignorant of these realities, and it is important to set the record straight. A summary of some of the core common arguments is therefore useful.

### Was Ho Chi Minh Vietnam's "George Washington" and a Potential Asian "Tito"?

In a June 14, 1971, speech in Philadelphia, John Kerry is reported to have stated that "Ho Chi Minh is the George Washington of Vietnam" and that Ho had studied the United States Constitution and wanted "to install the same provisions into the Government of Vietnam."[290] This oft-repeated assertion that Ho Chi Minh was merely a "nationalist" who would have at worst been an Asian "Tito" and prevented Communist expansion beyond his borders was totally unfounded. Numerous biographies of Ho written and translated into English by Vietnamese Communists—material that was readily available to any American who bothered to do a bit of research during the war—openly discussed Ho's role as a co-founder of the French Communist Party in 1920, his subsequent training in Moscow, and his three decades of employment outside Indochina as an agent of the Communist International (COMINTERN) promoting revolution around the world.[291] For

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[289] Even the Pentagon Papers refuted much of the factual case of the war critics. See, e.g., Robert F. Turner, *Myths of the Vietnam War: The Pentagon Papers Reconsidered* (New York: American Friends of Vietnam, a special issue of the quarterly *Southeast Asian Perspectives*, 1972), available on line at: www.virginia.edu/cnsl/pdf/Myths.pdf.

[290] From a summary of an FBI Surveillance Report, June 7, 1971, available on line at: http://ice.he.net/~freepnet/kerry/index.php?topic=VVAWFBI.

[291] Turner, *Vietnamese Communism*, chapter one. For a more recent look at Ho's life during his Comintern years based upon materials from French and the Soviet Communist Party archives, *see* Sophie Quinn-Judge, *Ho Chi Minh: The Missing Years (1919-1941)* (London: C. Hurst & Co., 2003).

example, in 1966 Hanoi published a glowing biography by former Party Secretary General Truong Chinh entitled *President Ho-Chi-Minh: Beloved Leader of the Vietnamese People*, which made no reference to the U.S. Constitution but did provide these details:

> The glorious success of the [Russian] October Revolution had a decisive influence on the militant life of Ho-Chi-Minh . . . . He endeavoured to study Marxism-Leninism . . . and decided to adopt the course followed by the Russian people.
>
> In Paris, he got in touch with Marxists and joined the French Socialist Party (the French Communist Party was then not yet founded). . . .
>
> In 1919, Lenin and Marxists who supported his stand held a congress in Moscow, to set up the Third International, i.e., the Communist International . . . . In 1920, the French Socialist Party held a congress in Tours, at which was discussed the question of whether or not it should join the Third International. The great majority of the delegates, among them Ho-Chi-Minh, voted for joining. Then members of the French Socialist Party who supported the Communist International founded the French Communist Party and Ho-Chi-Minh became the first Vietnamese Communist to be active in its ranks. . . .
>
> In 1924, he went to the Soviet Union to attend the Fifth Congress of the Communist International held in Moscow . . . .
>
> Conscious of this danger of division and sectarianism, the Communist International sent to Hongkong Comrade Ho-Chi-Minh who convened a Unification Conference (February 3, 1930) at which the three Communist organizations of Vietnam were amalgamated into a single Communist party, called the *Vietnam Communist Party*, a name changed later into *Indochinese Communist Party*.[292]

[292] Truong Chinh, *President Ho-Chi-Minh: Beloved Leader of the Vietnamese People* (Hanoi: Foreign Languages Publishing House, 1966) pp. 12-17.

Four years later, Hanoi published *An Outline History of the Vietnam Workers' Party*, which reaffirmed that when the Party was founded in Hong Kong in February, 1930, Ho Chi Minh was present "in his capacity as a representative of the Communist International"[293] and the following year the Party "was recognized as a cell of the Communist International."[294] Ho did not set foot inside Vietnam between 1911 and 1941, when he presided over the eighth session of the Party Central Committee where a decision was made to set up the "Viet Nam Independence League (Viet Minh),"[295] which American anti-war leaders were positive was a non-Communist "nationalist" group.

The *Pentagon Papers*, relied upon as authority by so many anti-Vietnam protesters who had never bothered to read them, provide this account of Ho's background: "Ho Chi Minh was an old Stalinist, trained in Russia in the early '20s, Comintern colleague of Borodin in Canton . . . [and a man who presumably] spoke with authority within the upper echelons of the Communist Party of the Soviet Union."[296]

The above-mentioned *Outline History of the Vietnam Workers' Party* tells us that in the early 1960s there was "serious disagreement between a number of communist and worker's parties" around the world, especially a struggle "between Marxism-Leninism and modern revisionism"—that was the standard code word for the Titoist view that rejected the necessity of world revolution and monolithic unity—which the Party history explains was "the main danger of the international communist and workers' movement."[297] Not only did Radio Hanoi continue to denounce the "Titoist clique" as a threat to international communist unity long after Khrushchev had visited Belgrade and embraced Tito, but, years after the personality cult of Josef Stalin had been purged in

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[293] *An Outline History of the Vietnam Workers' Party*, (Hanoi: Foreign Languages Publishing House, 1970), P. 14.
[294] *Ibid*. p. 20.
[295] *Ibid*. p. 32-33.
[296] *Pentagon Papers* (Boston: Beacon Press, Senator Gravel ed. 1971), vol. 1, p. 261.
[297] *An Outline History of the Vietnam Workers' Party* p. 100.

the Soviet Union and most of Eastern Europe, Stalin's photographs were still prominently displayed in government buildings in North Vietnam.[298]

Interestingly, because of his extensive exposure to enemy propaganda while a POW, John McCain understood the nature of Vietnamese Communism remarkably well (far better than most American college professors who addressed the issue). Shortly after returning home from his POW camp in Hanoi, McCain wrote:

> In May of 1968 I was interviewed by two North Vietnamese generals at separate times. Both of them said to me, in almost these words:
>
> "After we liberate South Vietnam we are going to liberate Cambodia. And after Cambodia we're going to liberate Laos, and after we liberate Laos we're going to liberate Thailand. And after we liberate Thailand we're going to liberate Malaysia, and then Burma. We're going to liberate all of Southeast Asia."
>
> . . . .
>
> They left no doubt in my mind that it was not a question of South Vietnam alone. Some people's favorite game is to refute the "domino theory," but the North Vietnamese themselves never tried to refute it. They believe it. Ho Chi Minh said many, many times, "We are proud to be in the front line of armed struggle between the socialist camp and the U.S. imperialist aggressors." Now this doesn't mean fighting for nationalism. It doesn't mean fighting for an independent South Vietnam. It means what he said. This is what Communism is all about—armed struggle to overthrow the capitalist countries.
>
> I read a lot of their history. They gave us propaganda books. I learned that Ho Chi Minh was a Stalinist. When Khrushchev denounced Stalin in the late 1950s, Ho Chi

[298] For a discussion of the Party's attitude towards Stalin and "revisionism," see Turner, *Vietnamese Communism* pp. 147-67, 279-304.

> Minh did not go along with it. He was not a "peaceful co-existence" Communist.[299]

One did not have to be a prisoner of war to understand this. Hanoi published a wealth of material in English that repeatedly made these same points. The 1951 Platform of the *Lao Dong* Party proudly spoke not only of freeing Vietnam but "the complete liberation of Indo-China and the defence of world peace." Arguing that "[t]o fight for the defence of world peace and democracy is an international task of the people of Viet-Nam," the Party called for the people of Vietnam to "co-ordinate their War of Resistance with the struggles of other peoples of the world . . . ."[300] And the Party's Constitution provided: "The Vietnam Workers' Party recognizes that the Vietnamese Revolution is an 'integral part of the world's movement for peace, democracy and socialism,' under the leadership of the Soviet Union."[301] Even those Americans who did not understand that "peace, democracy and socialism" had a special meaning to international Communists should have been able to break the code from the admission that the Party was following "the leadership of the Soviet Union."

Some will claim they were deceived or "tricked" by the establishment of the National Liberation Front, which is at minimum an admission that they knew little about modern world history. Lenin had spoken openly about the need to establish united fronts, and the Vietnamese Communists had established several before the Party's decision to create a new front in South Vietnam.[302] And the Program of the NLF—which like all previous Party fronts hid its totalitarian Communist intentions behind promises of civil liberties, democracy, and land reform—did not conceal the objective "[t]o support the national-liberation struggles of peoples in other countries."[303] When the NLF issued its 1967 Political Program it pledged "[t]o actively support the national-liberation movement of the peoples of Asia, Africa and Latin America against imperialism,

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[299] McCain, "Inside Story: How the POW's Fought Back," p. 114.
[300] Turner, *Vietnamese Communism* p. 349.
[301] *Ibid*., p. 351.
[302] *Ibid*. pp. 13, 26, 29-31, 56-57, 73-74, 129, 237.
[303] *Ibid*. p. 425.

colonialism, and neo-colonialism."[304] It was well-established by the early 1960s that "national liberation movements" was a term-of-art in the lexicon of international Communism.

It is true that prior to 1954 Ho and his Viet Minh were genuinely popular with many Vietnamese nationalists because of their promises of "land-to-the-tiller," religious freedom, human rights, and national independence—and also because of their leading role in the struggle against the hated French colonialists. But in reality the French returned to Indochina following World War II at the *invitation* of Ho Chi Minh, who on March 6, 1946, signed a *modus vivendi* to that end. As the *Pentagon Papers* note:

> This Accord taxed Ho's popularity to the utmost, and it took all Ho's prestige to prevent open rebellion. . . . [I]n mid-June, the Viet Minh, supported by French troops, attacked the Dong Minh Hoi and the VNQDD [two nationalist groups], as "enemies of the peace," effectively suppressed organized opposition, and asserted Viet Minh control throughout North Vietnam.[305]

As history has sadly demonstrated and most serious observers recognized at the time, the promises of civil liberties and respect for the individual in the programs of Communist fronts in Vietnam were but deceptive tactics to secure the support of the peasants (and any foreigners who might be paying attention) until a Communist dictatorship could be established.[306]

### Did the United States Seek to Reimpose French Colonialism?

Among the many "myths" about Vietnam that were exposed during our Boston Conference were the ideas that the United States first became involved in Indochina to reimpose French colonial rule (a myth alluded to during Kerry's Senate testimony[307]) and

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[304] *Ibid*. p. 441.

[305] *Pentagon Papers*, vol. 1, p. 46. See also, Turner, *Vietnamese Communism* pp. 51-72.

[306] Turner, *Vietnamese Communist* p. 113.

[307] During Kerry's 1971 testimony before the Senate Foreign Relations Committee, Chairman Fulbright remarked: "It has seemed to me that its [the war's] ori-

that we violated the 1954 Geneva agreements by working with South Vietnamese President Ngo Dinh Diem to prevent "free elections" to unite Vietnam scheduled for July 1956. Both of these are readily refuted by the *Pentagon Papers*, which regarding the first claim note:

> [T]he rationale for the decision to aid the French was to avert Indochina's sliding into the communist camp, rather than aid for France as a colonial power or a NATO ally. . . . A reading of the NSC memorandum and the Franco-American diplomatic dialogue of the time indicates that Washington kept its eyes on the ultimate goal of the decolonialization of Indochina. Indeed, it was uncomfortable in finding itself—forced by the greater necessity of resisting Viet Minh communism—in the same bed as the French.[308]

The *Pentagon Papers* document that in January 1947 the United States approved arms sales to France "except in cases which appear to relate to Indochina."[309] As the situation in Indochina deteriorated, France urged the United States to intervene militarily to prevent a Communist victory. Eisenhower briefly considered this, setting several conditions for any American military involvement. These included that the intervention be multinational involving at least the British (who killed the idea by refusing to take part), and also that France must agree in advance to provide "[a] French guarantee of complete independence to the Associated States [South Vietnam, Laos, and Cambodia], 'including unqualified option to withdraw from French Union at any time.'"[310]

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gin was essentially a mistake in judgment, beginning with our support of the French as a colonial power . . . ." Kerry SFRC Testimony, p. 196.

[308] Quoted in Turner, *Repealing the War Powers Resolution* p. 11. For a general discussion of how effectively the *Pentagon Papers* refuted most of the factual arguments of the anti-war movement, see Robert F. Turner, *Myths of the Vietnam War: The Pentagon Papers Reconsidered.*

[309] *Pentagon Papers*, vol. 1, p. 30.

[310] *Ibid*. p. 124.

## Did the United States Violate the Geneva Agreements by Blocking Free Elections?

Nor is it true that the United States violated the 1954 Geneva Accords. The only legal "agreement" signed in Geneva in July 1954 concerning Vietnam was a cease-fire between Ho Chi Minh's Viet Minh front and the French military high command—but France had six weeks earlier recognized the "State of Vietnam" (what became "South Vietnam" and later the Republic of Vietnam) to be "a fully independent and sovereign state in possession of all qualifications and powers known in international law."[311] Paris thus clearly lacked the legal capacity to bind the south, which was totally excluded from the negotiations. To be sure, there was an unsigned "Final Declaration" of the Geneva Conference that did talk about future reunification elections, but both South Vietnam and the United States expressly disassociated themselves from that document and demanded that any reunification elections be supervised by the United Nations "to be sure they are conducted fairly."[312] Since the Communist delegations at Geneva had vetoed the idea of effective international supervision of elections,[313] North Vietnam had a larger population, and in their sham "elections" Ho Chi Minh never received less than 99.9% of the vote,[314] both the *New York Times*[315] and the *Pentagon Papers*[316] argued that South Vietnam

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[311] Turner, *Vietnamese Communism* p. 93

[312] *Ibid*. p. 100; *Pentagon Papers*, vol. 1, p. 571.

[313] As the *Pentagon Papers* record, Viet Minh representative Pham Van Dong proposed that reunification elections be supervised by "local commissions," and Soviet delegate Molotov had demanded that each side be permitted to count the votes in its own territory—and demands for UN supervision were denounced as foreign interference in the "internal affairs" of Vietnam. 1 *Pentagon Papers*, vol. 1, pp. 119, 140.

[314] Turner, *Vietnamese Communism* pp. 192-94, 202-03.

[315] A March 5, 1956, *New York Times* editorial declared: "To attempt to settle the fate of the free Vietnamese without even consulting them is monstrous. To suggest a 'free' election in a Communist territory is to presume the possible existence of conditions and safeguards for which there is neither assurance nor precedent." "Election in Vietnam," *New York Times*, March 5, 1956, p. 22. A month later, on April 6, 1956, another *Times* editorial added: "Premier Diem is right and duty-bound to reject the proposed elections until the necessary condi-

and the United States were correct in not agreeing to the unsupervised[317] elections.

Senator John F. Kennedy was among many American critics of the idea that a free election could be held in North Vietnam in 1956 or that either the United States or South Vietnam was legally bound by such terms:

> Neither the United States nor Free Vietnam was a party to that [Geneva] agreement—and neither the United States nor Free Vietnam is ever going to be a party to an election obviously stacked and subverted in advance, urged upon us by those who have already broken their own pledges under the agreement they now seek to enforce.[318]

Great Britain, as co-chair (along with the Soviet Union) of the 1954 Geneva Conference issued a statement in 1956 expressing its view that South Vietnam "was not legally bound by the armistice agreements since it had not signed them and had protested against them at the Geneva Conference."[319]

**The Eisenhower Quote on Elections**

When Jane Fonda (the primary financial backer of John Kerry's "Vietnam Veterans Against the War") visited Hanoi in mid-1972, she made a series of radio broadcasts designed to persuade American military forces in Vietnam to refuse to carry out their orders.[320]

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tions for freedom have been established in the North." "Conference on Vietnam," *New York Times*, April 6, 1954, p. 24.

[316] "{T]he basis for the policy of both nations [United States and South Vietnam] in rejecting the Geneva elections was . . . convictions that Hanoi would not permit 'free general elections by secret ballot,' and that the ICC would be impotent in supervising the elections in any case." *Pentagon Papers*, vol. I, p. 247.

[317] Hanoi would likely have agreed to permit the elections to be "supervised" by the "International Control Commission" established at Geneva, chaired by India and including Canada and Poland as members. But that was because the ICC required unanimity for substantive decisions, and thus Communist Poland had (and regularly exercised) a veto to protect Hanoi's interests. See Turner, *Vietnamese Communism*, p. 97.

[318] Quoted in Lewy, *America in Vietnam* p. 13.

[319] *New York Times*, 11 April 1956.

[320] See for example the excerpt above in the text accompanying note 139.

On July 20, 1972, Radio Hanoi carried a Fonda address that said in part:

> This is Jane Fonda speaking from Hanoi on the occasion of the 18th anniversary of the signing of the Geneva accords. And once again I'm addressing myself to the U.S. men who are—who have been sent here to fight . . . , because I think that we, we have to remind ourselves a little bit about the history of the U.S. involvement in the war. It's, it's, um, something that's been kept from us, and its really important that we understand, uhh, what our history here has been....
>
> In 1954, the liberation forces of Vietnam defeated the French colonial army at Dien Bien Phu in an historical battle. Following this victory, there was the Geneva conference and the accords were drawn up, the Geneva accords. The two principle points of the accords called for a temporary division of Vietnam into two military regroupment zones, two regroupment zones, separating Vietnam into, temporarily into, a northern part and a southern part. Two years after the Geneva accords, that is to say in 1956, there was to be a general election. It was to be a general election held in which the people of Vietnam, from the north and the south, would elect their president and reunify their country.
>
> However, in 1956 Eisenhower noted publicly that if the elections were held, Ho Chi Minh would have been elected president of Vietnam by 80 percent of the votes, by 80 percent of the people in Vietnam. And this was something that the United States didn't want. And so, a man by the name of Ngo Dinh Diem was installed as president of South Vietnam. Now, this act, which has been very thoroughly documented in the Pentagon papers—and I think we should all read those papers, at least the condensed version of them, very attentively—it clearly shows that this was an act caused by the United States.[321]

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[321] Jane Fonda, "Talk on Geneva Accords," Radio Hanoi, July 20, 1972, 1300 GMT, reprinted in U.S. Department of Commerce, *Foreign Broadcast Informa-*

This alleged statement by President Eisenhower was one of the most commonly heard arguments used by opponents of the war. But, as usual, the critics were wrong. Ike's comment (made not in 1956 but in his 1963 autobiography) was that the experts with whom he had spoken agreed that "had elections been held *as of the time of the fighting*, possibly eighty percent of the population would have voted for the Communist Ho Chi Minh as their leader *rather than Chief of State Bao Dai*."[322] He went on to explain in the very next sentence that "the lack of leadership on the part of Bao Dai was a factor in the feeling prevalent among Vietnamese that they had nothing to fight for."[323]

In other words, Ike was talking about the period before the 1954 Geneva Conference and a race between the Communist Ho Chi Minh (still masquerading behind quotations about "inalienable" human liberties from Thomas Jefferson[324] and the promise of independence from the French), and the corrupt French puppet Bao Dai, who lived on the Riviera and was pampered by a bevy of French and Vietnamese concubines in return for signing whatever the French put on his desk. The observation was not that everyone wanted to fight (or vote) for Ho, but that given the choice between a corrupt French puppet and Ho, the people of Vietnam felt they had "nothing to fight for" but preferred independence from France to continued colonial rule. In 1955, after all, Diem defeated Bao Dai by far greater than 80 percent of the vote.

Some observers, like Senator Mike Mansfield, predicted that in a free and fair election, the highly respected nationalist Ngo Dinh Diem—who had refused to serve as a puppet for the French, the Japanese, and Ho Chi Minh's own government—would have de-

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*tion Service* (FBIS), Asia & Pacific, July 24, 1972, pp. K28-29.

[322] Dwight David Eisenhower, *The White House Years: Mandate for Change* (Garden City, NY: Doubleday & Co., 1963) p. 372.

[323] *Ibid.*

[324] Although a dedicated agent of the Communist International for more than three decades, Ho quoted Jefferson's famous "all men are created equal" passage in August 1945 when he declared Vietnam independent of French control. Turner, *Vietnamese Communism* p. 42 and Appendix E.

feated Ho.[325] The key issue would be whether the voters were able to learn about what was really happening in each country,[326] or whether the Viet Minh would (as in fact it did) control access to information in the north. The *Pentagon Papers* note:

> It is almost certain that by 1956 the proportion which might have voted for Ho—in a free election against Diem—would have been much smaller than eighty percent. Diem's success in the South had been far greater than anyone could have foreseen, while the North Vietnamese regime had been suffering from food scarcity, and low public morale stemming from inept imitation of Chinese communism.[327]

The "inept" imitation of Chinese communism was a "land reform" purge that betrayed the Viet Minh's promise of "land-to-the-tiller" and instead collectivized private property, brutally eliminating "class enemies" in the process. Experts estimate that between 50,000 and 500,000 people were killed by the Party during this purge, which so angered the people that there was an uprising in Ho's own home province of Nghe An and Party Secretary General Truong Chinh had to admit publicly that "mistakes" had been made.[328] But the fact that Hanoi intentionally emulated the Chinese campaign—which the *Black Book of Communism* estimates killed between two and five million people[329]—and Chinh had earlier written that "to be lenient with counterrevolutionaries is tantamount to committing suicide,"[330] suggested to many that the

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[325] Mansfield said in 1956 that if a free election were held in Vietnam, "it is likely to be Ngo Dinh Diem's picture that will go into the ballot box and Ho Chi Minh's that will be cast into the dust." Turner, *Repealing the War Powers Resolution* p. 14.

[326] Whatever the intentions of various participants in the 1954 Geneva Conference, it clearly created two sovereign countries in Vietnam just as earlier divisions of Germany and Korea had created two sovereign entities. *Pentagon Papers*, vol. 1, pp. 285-88; B.S.N. Murti, *Vietnam Divided: The Unfinished Struggle* (London: Asia Publishing House, 1964) pp. 176-77.

[327] *Pentagon Papers*, vol. 1, p. 246.

[328] Bernard B. Fall, *The Two Vietnams: A Political and Military Analysis*, p. 156; Turner, *Vietnamese Communism* pp. 130-46, 163.

[329] *Black Book of Communism* p. 479.

[330] *Pentagon Papers* vol. 1, p. 41.

slaughter of "class enemies" was hardly a "mistake."[331]

## Was South Vietnam a "Dictatorship"?

Like Hanoi's best propagandists, John Kerry denounced the government of the Republic of Vietnam as a "corrupt dictatorial regime."[332] Was there "corruption"? Of course there was. There was some "corruption" within our own P.X. system and service clubs in Vietnam, and more than one GI probably sold a jeep on the black market and then reported it destroyed in combat (knowing his supply sergeant would be unlikely to want to go into harm's way to investigate the incident). Even without war, corruption was a problem in many Third World countries at the time and in not a few First World countries as well. And one would be hard put to think of a major war that was not accompanied by a fair amount of corruption. But anyone who thinks cutting off aid and abandoning the people of Vietnam to Communism was a cure for "corruption" is at best naïve about the realities of the Socialist Republic of Vietnam.

But the charge that South Vietnam was a "dictatorship" simply fails to pass the straight-face test. Even in the early days of struggle for survival under President Ngo Dinh Diem, the *Pentagon Papers* noted that Diem's regime "compared favorably with other Asian governments of the same period in its respect for the person and property of citizens."[333] Long before John Kerry arrived in Vietnam, South Vietnam had a written constitution and an active political opposition that often did well in national elections.[334] America's most prominent elections expert during the twentieth century was Richard M. Scammon, who served as director of the Census Bureau under President Kennedy and chaired the President's Commission on Regulation and Voting Participation in 1963-1964. He served as an international observer to the 1967 elections in South Vietnam and declared them to be "reasonably efficient, reasonably free and reasonably honest." He added: "I

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[331] *Ibid*. p. 163-64.
[332] Kerry, SFRC Testimony p. 182.
[333] *Pentagon Papers*, vol. 1, p. 253.
[334] See generally, Howard R. Penniman, *Elections in South Vietnam* (Washington: American Enterprise Institute, 1972).

would use exactly the same words to describe elections in the US."[335]

One of the most respected American journalists in Vietnam during the early 1970s was the *Christian Science Monitor's* Daniel Sutherland, who observed the year before John Kerry alleged South Vietnam to be a "dictatorship":

> South Vietnam . . . has one of the freest presses in Southeast Asia, and the daily paper with the biggest circulation here happens to be sharply critical of President Thieu. . . . [S]ince the new press law was promulgated nine months ago, the government has not been able to close down *Tin Sang* or any other newspaper among the more than 30 now published in Saigon.[336]

In late 1974, as Congress was making further cuts in assistance to South Vietnam that paved the way for the Communist conquest, Representative Leo Ryan—a very liberal Democrat from northern California perhaps best known by some for his co-sponsorship of the "Hughes-Ryan Amendment"[337] requiring that Congress be informed about covert CIA operations—chaired a delegation to investigate human rights abuses in South Vietnam and South Korea. To the surprise of many, his report on South Vietnam undercut the "dictatorship" theory of the anti-war movement:

> In summary, although South Vietnam is no bastion of democratic principles, the worst charges of widespread repression of fundamental human rights are overblown. There is a vocal, operative political opposition and press. It is not doubted that there are some political prisoners, but neither the populace as a whole nor the opposition political leaders appear to be living in fear of government repression.[338]

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[335] *Time*, Sept. 15,1967, p.9.

[336] Daniel Sutherland, "Free-Swinging Press Keeps Saigon Ducking, *Christian Science Monitor*, September 18, 1970.

[337] See below, note 407 and accompanying text.

[338] U.S. House of Representatives, *Vietnam and Korea: Human Rights and U.S. Assistance, A Study Mission Report of the Committee on Foreign Affairs* (94th Cong., 1st Sess., February 9, 1975, p. 5.

## "Lying" About the Cause of the War

Another popular myth is that President Johnson "lied" about the Gulf of Tonkin incident in order to take the nation to war without the support of Congress or the American people. The debate over what happened in the Tonkin Gulf on the night of August 2, 1964, is particularly silly, first because Hanoi has widely admitted[339] that its boats attacked the *U.S.S. Maddox* and more importantly because that minor incident had little to do with America's decision to go to war. American troops were sent to Vietnam because Communist North Vietnam had made a decision in May 1959 to "liberate" South Vietnam by armed subversion and had opened the Ho Chi Minh Trail and begun sending troops and supplies south through Laos and Cambodia at an alarming rate. This was in violation of the most fundamental principles of international law, which recognized the legal right of states to defend each other in response to acts of aggression.[340] Nor, we might add, was the incident in the Tonkin Gulf the night of August 2, 1964, critical to the history of the war. There were numerous other attacks on Americans—such as the Christmas Eve 1964 terrorist car bombing of the Brinks Bachelor Officers' Quarters (BOQ) in Saigon, which killed two and injured 58 Americans—that would have warranted more decisive action against the Vietnamese Communists. (See photo on page xxiv.)

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[339] Vietnam now celebrates August 2 as their equivalent of "Navy Day," and displays artifacts of the engagement in a museum for visitors to see. The declassified documents and audio tapes make it clear that LBJ was not anxious to go to war in Indochina and felt pressured by Congress and the public to send U.S. troops. For an example of this pressure, see the quote from Representative Paul Findley, quoted in Turner, *Repealing the War Powers Resolution* pp. 15-16.

[340] *See, e.g.*, U.N. Charter, Arts. 2(4) & 51. A full discussion of the legal justification for the Indochina conflict is beyond the scope of this short document. Readers who have doubts about whether the war was lawful are encouraged to read the April 2000 "reenactment" of the old legal debates in the light of modern evidence, in John Norton Moore & Robert F. Turner, *The Real Lessons of the Vietnam War: Reflections Twenty-Five Years After the Fall of Saigon* (Durham, NC: Carolina Academic Press, 2002) pp. 99-146.

## The Myth that the War in Indochina Was "Unconstitutional"

The American people do not like to be lied to and they do not like for their presidents to do anything "illegal." Because of this, both in Korea and Vietnam, the false allegation that the war was "illegal" was a powerful argument that contributed to dissatisfaction with the conflict. But like most of the other allegations against the war voiced by Kerry, Fonda, and other anti-war leaders, the assertion that Congress had never authorized the nation to go to war to defend South Vietnam (and Cambodia) was patently false. As will be discussed below, even by the standards of the (unconstitutional) 1973 War Powers Resolution, the conflict in Vietnam was legally authorized by "specific statutory authorization"[341] enacted by a 99.5 percent majority of the Congress in August 1964.

### *The Indochina War*

Having served in the Senate during the Korean War, former Senate Majority Leader Lyndon B. Johnson was determined, upon becoming President, not to make the same mistake he felt Truman had by not getting Congress fully on board before committing American troops to combat. As already discussed, by 1964 Congress was pushing President Johnson to send combat troops to Vietnam and it authorized the war by a combined vote of 504-to-2. (The Supreme Court had recognized that Congress could authorize hostilities without formally "declaring war" as early as 1800.[342]) But as "peace activists" like Jane Fonda and John Kerry spread lies about propping up "dictators," blocking "free elections," committing "war crimes," and horrendous human rights abuses, supporting the war became a political liability and more and more members of Congress began looking for cover. When Richard Nixon became President and the My Lai atrocities became public—giving credence for the first time to some of the more outrageous allegations of the protesters—the safest policy for any Democrat[343] facing re-

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[341] Section 2(c)(2) of the War Powers Resolution will be discussed below.

[342] See note 209 for relevant Supreme Court cases on this point.

[343] This is not a partisan point, but rather a recognition that it is politically easier for Republicans to desert a Democratic president (as many did during Korea) and Democrats to desert a Republican president (like Nixon) that to abandon

election (and in the early 1970s the Democrats controlled both houses of Congress) was to disassociate themselves from "Nixon's War" and pretend that Congress had played no part in the commitment. Not a few Republicans found shelter in the same lie. And while John Kerry's allegations in his Foreign Relations Committee testimony that the illegal war had produced a "constitutional crisis"[344] was wrong, on this point he can probably not be greatly faulted. It had become the "conventional wisdom" in American at the time.

## Placing an Unfair Burden Upon Poor African-American Draftees

Our adversaries in Vietnam were good students of Lenin, and they worked hard to sew discord and create "rifts" between their adversaries. Nowhere was this more evident that their extensive campaign to turn black against white within the American military and to promote racial and class hatred.

A substantial percentage of Viet Cong propaganda leaflets pushed the theme that African-American soldiers were disproportionately represented in Vietnam and among those killed in action. One leaflet read:

> HOW "DEMOCRACY" OPERATES:
> 11 percent of the U.S. population are Negroes.
> 30 percent of the G.I.s in Vietnam are Negroes.
> 40 percent of G.I. deaths in Vietnam are Negroes.
> If you're reading this, you're one of the 30 percent.
> Stay out of the 40 percent column! GO HOME!

Another popular allegation was that the bulk of Vietnam casualties were "eighteen-year-old draftees." In fact, official military records reveal that of the more than 58,000 Americans killed during the war, 101 (less than 0.2 percent) were eighteen-year-old draftees;

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their own party's leader. Sadly, since Vietnam, partisanship in foreign policy has become a bipartisan enterprise.

[344] Kerry Foreign Relations Committee Testimony, p. 188.

and *seven* (about 7 percent) of those were African-Americans.[345]

During the Vietnam War, African-Americans made up 13.5 percent of the total population of draft age males. Blacks constituted 12.5 percent of American Vietnam War casualties.[346] And like their white brothers in arms, three-quarters of African-Americans who served in Vietnam were volunteers. Among servicemen who served in Vietnam before the age of twenty, 97 percent were volunteers.[347] But none of these facts stopped John Kerry from angrily telling the Senate that "blacks provided the highest percentage of casualties"[348] during his 1971 testimony.

Now we are not saying that because John Kerry was deceived by Hanoi's propaganda line that he ought not be considered for high public office. A lot of Americans were deceived. But John Kerry certainly should have known that much of what was said in the Detroit "Winter Soldiers" investigation was false, and even with his truncated tour in Vietnam he should have spotted some of the imposters with whom he readily surrounded himself. That John Kerry was involved in this campaign as a propaganda exercise rather than a search for the truth is evident from the sworn statement of Steven Pitkin (photos on page xvi), who rode with Kerry to Detroit in January 1971 and then was pressured by Kerry to fabricate stories of war crimes he had witnessed after he said he had no knowledge of any war crimes.[349] The press *ignores* his story.

**The *Phuong Hoang* (Phoenix) "Assassination" Program**

Appearing on "Meet the Press" on May 6, 2001, Senator John Kerry asserted:

> [T]he government of our country . . .ran an assassination program [in Vietnam]. I mean, Bill Colby has acknowledged it. We had the Phoenix Program, where they actually

[345] Burkett, "Stolen Valor: The 'History' that Never Was," in Moore & Turner, *The Real Lessons of the Vietnam War* p. 253.
[346] *Ibid.*
[347] *Ibid.*
[348] Kerry, SFRC Testimony p. 182.
[349] For a discussion of Steven Pitkin's affidavit, see note 56 and accompanying text.

> went into villages to eliminate the civilian infrastructure of the Vietcong. Now, you couldn't tell the difference in many cases who they were. And countless veterans testified 30 years ago to that reality. And I think—look, there's no excusing shooting children in cold blood, or women, and killing them in cold blood.[350]

First of all, DCI Colby did not "acknowledge" that the Phoenix Program was an "assassination" program—on the contrary, he vehemently denied it.[351] And the most extensive scholarly examination of the program since the war, a book written by Mark Moyar that won the 1993 prize for outstanding historical research at Harvard University, not only shows the charge is false but documents that many of the "experts" who have lectured widely across the nation about their personal involvement in assassinations and murders are total imposters.[352] In a lecture at a 2000 Vietnam conference at the University of Virginia, Moyer concluded: "the Phoenix program was not a campaign to murder or assassinate the leaders of the Viet Cong." He noted that "the killing of unarmed civilians was virtually nonexistent" in the Phoenix program, that the trials of suspects "were generally fair," and that "[r]oughly ninety percent of the detainees were not convicted and were promptly sent on their way."[353]

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[350] Kerry, "Meet the Press," May 6, 2001, available on line at: http://hnn.us/articles/3552.html.

[351] During 1971 congressional testimony, former Director of Central Intelligence William Colby expressly denied that the Phoenix program was an "assassination" program. See also, William Colby, *Lost Victory*, pp. 280, 331-34.

[352] Mark Moyar, *Phoenix and the Birds of Prey: The CIA's Secret Campaign to Destroy the Viet Cong* (Annapolis: Naval Institute Press, 1997).

[353] Mark Moyar, "The War Against the Viet Cong Shadow Government," in Moore & Turner, *The Real Lessons of the Vietnam War* pp. 158-59, 166.

## A Pledge Betrayed: Snatching Defeat from the Jaws of Victory

We still remember being inspired by President Kennedy's bold pledge that America would "support any friend" for the cause of freedom and wanting to do our patriotic duty in making that dream come true. And we find it ironic that Senator John Kerry likes to portray himself as "another JFK," because few Americans did more to *betray* President Kennedy's commitment than John Kerry himself. By 1971, when public opinion was very frustrated over the war, John Kerry decided that America neither could nor *should* attempt to resist Communist aggression around the world.

Senators Mansfield and Humphrey were among the war's strongest critics by the early 1970s, and few Americans today remember their key roles in making the initial commitment.[354] As noted, as the war became more unpopular it became convenient for Republican critics to blame the war on President Johnson and for Democrats to declare it "Nixon's War." (In fairness, Republicans had done the same thing to Truman in 1950.) Among the most vocal opponents of the war among House Republicans by 1973 was Representative Paul Findley (R-Ill.), who pretended that Congress has been totally ignored by President Johnson when the key decisions were made. But in May 1961, when then *Vice* President Johnson announced during a visit to South Vietnam that he was not going to recommend that President Kennedy send U.S. combat troops to Vietnam at that time, Findley was among many members of Congress to denounce the Vice President on the floor of the House of Representatives. After noting that the Korean War began because our adversaries did not believe the United States would defend South Korea, Representative Findley reasoned:

> U.S. combat forces are the most effective deterrent to aggression, and we should publicly offer such forces to South Vietnam without delay. . . . No patriotic American will ever criticize President Kennedy for committing combat forces to protect freedom-loving people from aggression. Every

[354] See above, note 183 and accompanying text.

> patriot has the right and duty to criticize ineptitude and the too-little, too-late policies which invite aggression.[355]

Congressional pressure on the president to "do something" increased in 1964—a year in which Hanoi now admits it sent 10,000 soldiers south along the Ho Chi Minh trail to overthrow the elected government in South Vietnam—as it became even more apparent that North Vietnam was gaining ground in its effort to subvert its southern neighbor and might well succeed. Public opinion polls registered displeasure with President Johnson's handling of the problem,[356] and members of Congress put more and more pressure on the President to commit American forces.

## Even in Defeat, Fighting in Vietnam Produced Important Benefits

We have noted the harm done by McNamara's "no-win" strategy during the early years of the war, and it is common knowledge that following John Kerry's powerful testimony about American soldiers being war criminals the Congress followed his advice and prohibited the use of appropriated funds for combat operations anywhere in Indochina. In the end, the Communists won. And from that fact it is commonly assumed that the entire investment of more than fifty-eight thousand lives, more than one-hundred-and-fifty-thousand wounded, more than $100 billion dollars, and other resources were for naught. As angry as we are about the intentional and unwarranted betrayal of our commitments by Congress in 1973, we do not share the view that nothing good came out of our sacrifices.

Consider what might have happened had the United States decided that it really lacked the stomach or the ability to fulfill its commit-

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[355] *Congressional Record*, May 23, 1961, p. 8587.

[356] "In early 1964, a majority of Americans expressed dissatisfaction with Johnson's handling of the war in Vietnam. However, after Johnson called for a resolution to permit him to respond to the alleged attacks on U.S. ships in the Gulf of Tonkin, his support zoomed to 85 percent." Jerold M. Starr, ed., *The Lessons of the Vietnam War* (Pittsburgh: Center for Social Studies Education 1991) p. 175-76. (See http://www.Viet-Myths.net/oSession13.htm for a discussion of Starr's work.)

ments under the SEATO treaty to defend South Vietnam from Communist aggression. Obviously, the immediate consequence would have been a confirmation of the militant Chinese-Cuban-Vietnamese line that "armed struggle" could be a viable tactic for seizing power irrespective of the existence of nuclear weapons. This would have weakened the hand of the relatively more cautious Khrushchev, who might well have been forced out by more militant Soviet leaders, and a major dispute in the Sino-Soviet rift could have been resolved. If that led the two Communist giants to settle their other differences, a monolithic international communist movement was not in America's interest. Even if the rift continued, both competitors would likely have felt a need to outdo the other in the struggle for the allegiance of revolutionary movements around the globe—which would hardly have been a positive development from the American perspective.

What about the impact of clear evidence the Americans could not (or lacked the *will* to) deal effectively with "people's warfare" on Third World countries and disenfranchised groups in those countries? Might even non-Communist groups have elected to accept Soviet, Chinese, or Vietnamese aid as a means of gaining power—assuming (and history demonstrates it would be a false assumption) that once power had been gained they could throw out the Communist elements and govern by themselves? And might not Third World governments faced with the risk of Soviet- or Chinese-supported revolution have sought to cut the best deal they could, perhaps accepting a "coalition government" that would soon likely bring to power allies of international Communism?

Externally-supported

While Americans were fighting and dying to stop Communist aggression in Indochina, dramatic changes were occurring to the north. China turned inwards with the "Great Proletarian Cultural Revolution" (1966-1969) and thereafter China was no longer in the business of actively promoting violent revolution around the world. That, by itself, dramatically altered the strategic picture with respect to Vietnam. Had the United States abandoned President Kennedy's commitment a decade before we did, China and a united Communist Vietnam would presumably have carried out their promises and actively supported revolutionary movements throughout the Third World. By delaying the abandonment of Indochina that extra decade, the threat had been greatly reduced.

Journalist Robert Elegant provided this summary of the consequences of Vietnam:

> It is . . . interesting to wonder whether Angola, Afghanistan, and Iran would have occurred if Saigon had not fallen amid nearly universal odium—that is to say, if the "Viet Nam Syndrome," for which the press (in my view) was largely responsible, had not affected the Carter Administration and paralyzed American will. On the credit side, largely despite the press, the People's Republic of China would almost certainly not have purged itself of the Maoist doctrine of "worldwide liberation through people's war" and, later, would not have come to blows with Hanoi if the defense of south Viet Nam had not been maintained for so long.[357]

By delaying the Communist victory in Indochina until 1975, the United States accomplished a valuable thing. In the interim both Thailand and Indonesia became far more viable, but even more importantly China turned inward during the Great Proletarian Cultural Revolution, Lin Biao was ultimately purged, and by the end of the war the new Chinese regime was no longer devoting serious attention to funding guerrilla movements around the world.

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[357] Robert Elegant, "How to Lose a War," *Encounter* (London), August 1981, p. 2, available on line at: http://www.viet-myths.net/oSession12.htm . (emphasis added).

Within a few months of America's final defeat in Vietnam, Soviet planes were ferrying Cuban troops into Angola, and before the end of the decade Moscow had instructed Communist movements in Latin America that it was permissible to resort to armed struggle.[358] By 1980, the united Socialist Republic of Vietnam was also fulfilling its "internationalist duty" to fraternal Communist Parties by supplying guns to the Farabundo Marti National Liberation Front (FMLN) in El Salvador via Cuba and Nicaragua.[359] (A single shipment of American weapons captured when Hanoi conquered its southern neighbor and sent to El Salvador in 1981 included 1,620 M-16 rifles, thirty-six M-60 machine guns, and 1,500,000 rounds of 5.56 mm ammunition for the M-16s.[360])

## The Human Cost When Congress Followed Kerry's Advice on the Indochina Problem: Genocide, Oppression, and Tyranny

When we gathered in Boston this July, several members of the audience wore buttons that read: "Kerry lied while others died." The charge sounds absolutely outrageous, and several of us urged them to soften their rhetoric a notch or two. But, upon reflection, the outrageous slogan is also an accurate one. And what was really outrageous was Kerry's behavior – he *did* tell falsehood after falsehood to the Senate and the American people, his pressure to abandon the commitments made by Presidents Kennedy and Johnson, and ratified by 99.5 percent of the Congress, was as influential as any opponent of the war and more so than all but a tiny few, and after Congress followed his advice the humanitarian consequences were absolutely horrendous.

While John Kerry was spreading lies about the war, hundreds of thousands of American servicemen were struggling under difficult circumstances to implement a policy endorsed by five presidents and approved almost unanimously by the Congress. By the end, 58,000 lost their lives in that conflict before John Kerry and his Liberal Democratic friends legislated an American defeat. Under

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[358] Robert F. Turner, *Nicaragua v. United States: A Look at the Facts* (Washington: Pergamon-Brassey's, 1987) pp. 25 note 16.
[359] *Ibid*. p. 53-56.
[360] *Ibid*. p. 56.

the circumstances, the slogan if anything *understates* the reality: Kerry *did* lie, and others did die. And had Congress not followed his policy preference, a different outcome was probable.

The 58,000 Americans whose sacrifice was betrayed by Kerry's lies are only a tiny part of the human cost of his actions. When John Kerry spoke to the Senators about the lives of "several million" people being on our conscience as a result of "recriminations" by the victorious Communists,[361] he was uncommonly prescient. Because the experts tell us that after Congress followed Kerry's advice and made it unlawful for the U.S. military to help protect these people whom President Kennedy had pledged America's honor to defend, Hanoi sent more than twenty divisions in a conventional military invasion behind columns of Soviet-made tanks—in flagrant violation of the UN Charter and other fundamental norms of international law—to conquer its neighbors. (Only the 325th Division was left behind to protect Hanoi—a move which itself speaks volumes about the extent to which Congress had undermined our ability to deter aggression.) And within three years after the 1975 "liberation" of South Vietnam, Laos, and Cambodia, more people had been slaughtered by the new Communist regimes than had died in combat during the previous fourteen years. In tiny Cambodia alone, it is estimated that between 1.7 and 2 *million* human beings were butchered out of a population of seven to eight million. A story in *National Geographic Today* captured the essence of what happened:

> From 1975 to 1979, Pol Pot and his Khmer Rouge soldiers killed 1.7 million Cambodians, or 21 percent of the population, according to Yale University's Cambodia Genocide Program.
>
> A soccer-field-sized area surrounded by farmland, the killing fields contain mass graves, slightly sunken, for perhaps 20,000 Cambodians, many of whom were tortured before being killed. The bordering trees held nooses for hangings. . . . [B]ullets were too precious to use for executions. Axes,

[361] See above, note 143 and accompanying text.

> knives and bamboo sticks were far more common. As for children, their murderers simply battered them against trees.[362]

The lead editor of the *Black Book of Communism* asserts that the Soviet Union killed about 20 million people, China 65 million, and Vietnam one million, and Cambodia and North Korea 2 million each. He adds: "Unquestionably, if we approach these figures in terms of relative weight, first place goes to Cambodia, where Pol Pot, in three and a half years, engaged in the most atrocious slaughter, through torture and widespread famine, of about one-fourth of the country's total population."[363] America could have prevented that, but John Kerry persuaded a majority of Congress that "we cannot fight communism all over the world,"[364]

The tragic and unnecessary loss of those lives certainly *ought* to be on our conscience, but one gets a sense that some of us feel a bit worse about it than does John Kerry, who told the Senate America's efforts to protect these people was "the biggest nothing in history . . . ."[365] Perhaps that is because we stayed in country longer than four months before demanding to be sent home to America to be assigned as an "admiral's aide." Some of us were Marines in

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[362] Zoltan Istvan, "'Killing Fields' Lure Tourists in Cambodia," *National Geographic Today*, Jan. 10, 2003, available on line at: http://news.national geographic.com/news/2003/01/0110_030110_tvcambodia.html. Many scholars believe the actual figure was higher than 1.7 million. See, e.g., Gregory H. Stanton, "Why the Khmer Rouge Murdered Two Million People," in Moore & Turner, *The Real Lessons of the Vietnam War* p. 449. For another poignant account of the killing fields, see: http://www.edwebproject.org/susanne/ phnompenh.html , from which the accompanying photographs were taken. Another study, funded by the U.S. and Dutch governments in cooperation with the British government, concluded that early estimates of as many as 3.3 million deaths were flawed because some individuals were identified more than once by different relatives and concluded that the most accurate figure of those killed in the Cambodian genocide is about two million. Craig Etcheson, *Mapping Project 1999: The Analysis* (Phnom Penh: Documentation Center of Cambodia, available on line at: http://www.mekong.net/cambodia/toll.htm.

[363] Stéphane Courtois, "Introduction: The Crimes of Communism," *The Black Book of Communism*, p. 4.

[364] Kerry SFRC Testimony p. 183.

[365] *Ibid*. p. 181.

Hue during the 1968 Tet Offensive, or later in 1971 when mass graves were uncovered containing the bodies of thousands of South Vietnamese civilians who had been murdered by the Viet Cong. We had no doubt about what would follow if America betrayed President Kennedy's promise to these fine people.

## Senator Kerry, Gareth Porter, the Institute for Policy Studies, and the Assault on the American Intelligence Community

Not everyone was willing to acknowledge that the new Pol Pot regime in Cambodia was brutally murdering a large percentage of the country's population. But few serious people were more indignant over the charge or more outspoken in defense of the new Cambodian regime than D. Gareth Porter,[366] who had made something of a name for himself by assuring people during the war that if Congress would by legislation direct the withdrawal of American forces from Indochina there would be no "bloodbath."[367]

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[366] George Hildebrand & Gareth Porter, *Cambodia: Starvation and Revolution* (New York: Monthly Review Press, 1976) ("[W]hile the U.S. government and news media commentary have contrived to avoid the subject of the death and devastation caused by the U.S. intervention in Cambodia, they have gone to great lengths to paint a picture of a country ruled by irrational revolutionaries, without human feelings, determined to reduce their country to barbarism. In shifting the issue from U.S. crimes in Cambodia to the alleged crimes of the Cambodian revolutionary government, the United States has offered its own version of the end of the Cambodian war and the beginning of the new government." The book included numerous photographs apparently provided by the Pol Pot regime.). See also, Stephen J. Morris, "Ho Chi Minh, Pol Pot and Cornell," *The National Interest*, Summer 1989, p. 54; and an article by *Boston Globe* columnist Jeff Jacoby, "Pol Pot's Cheerleader," *Capitalism Magazine*, April 30, 1998, available on line at: http://www.capmag.com/article.asp?ID=495. Further information on this issue can be found in a piece by a University of California at Berkeley Ph.D. candidate, "Sophal Ear, Romanticizing the Khmer Revolution," available on line at: http://216.239.41.104/search?q=cache:V2fobA009Y4J:www.csua.berkeley.edu/~sophal/romanticize.pdf+%22Gareth+Porter%22+%22Pol+Pot%22&hl=en.

[367] See, e.g., D. Gareth Porter & Len E. Ackland, "Vietnam: The Bloodbath Argument," *The Christian Century*, November 5, 1969, pp. 1414-1417; D. Gareth Porter, *The Myth of a Bloodbath: North Vietnam's Land Reform Reconsidered* , Interim Report 2, International Relations of East Asia Project, Cornell University, Ithaca, New York, 1972; D. Gareth Porter, "Bloodbath; Myth or Reality?" *Indochina Chronicle*, No. 19, September 15, 1973.

In 1998, *Boston Globe* staff writer Jeff Jacoby observed that the Pol Pot regime in Cambodia had committed "one of the 20th century's most horrific genocides, noting that "by some estimates as many as 2½ million" people "were murdered in an orgy of executions, torture, and starvation." Noting the irony that Pol Pot had died twenty-three years to the day after he seized power in 1975 and observing that the *New York Times* obituary accused the Khmer Rouge regime of turning "most of the people into slaves," Jacoby notes: "But nowhere in the *Times* story was there a reminder that the Khmer Rouge was able to seize power only after the US Congress in 1975 cut off all aid to the embattled pro-American government of Lon Nol—and that it did so despite frantic warnings of the bloodbath that would ensue."[368] After a jab at Jane Fonda, he notes some of the predictions by opponents of U.S. aid in the Congress:

> "The growing hysteria of the administration's posture on Cambodia," declared Senator George McGovern, "seems to me to reflect a determined refusal to consider what the fall of the existing government in Phnom Penh would actually mean. . . . We should be able to see that the kind of government which would succeed Lon Nol's forces would most likely be a government . . . run by some of the best-educated, most able intellectuals in Cambodia. . . .
>
> In Washington, then-Representative Christopher Dodd of Connecticut averred: "The greatest gift our country can give to the Cambodian people is peace, not guns. And the best way to accomplish that goal is by ending military aid now."[369]

Jacoby then discusses some of the misguided predictions by prominent journalists who opposed the war, such as Anthony Lewis, before concluding: "Amazing, the lies that were told as Cambodia's holocaust roared on. The 'scholars' were the worst. Gareth Porter and G. C. Hildebrand of the Indochina Resources

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[368] Jeff Jacoby, "American Leftists Were Pol Pot's Cheerleaders," *Boston Globe*, April 30, 1998, p. A17.
[369] *Ibid.*

Center insisted that Pol Pot's horrendous cruelties 'saved the lives of tens of thousands of people.'"[370]

Writing in the *Wall Street Journal* in 1984, an Australian expert on Indochinese Communism at the Institute of East Asian Studies at the University of California at Berkeley, referred to "Institute for Policy Studies associate D. Gareth Porter" as a "veteran pro-Hanoi researcher" and quoted Porter's 1977 congressional testimony alleging that the notion a bloodbath was taking place in Cambodia was "a myth." But he noted "the campaign of holocaust denial by . . . anti-war academics, including IPS associates, suddenly wound down in 1978."[371] After Vietnam and Cambodia began to openly quarrel, "[m]ost Western anti-war activists suddenly began to develop new perspectives on the Khmer Rouge. A mini-replay of the Sino-Soviet dispute had forced 'progressives' to choose sides."[372] When forced to choose between his valiant defense of Pol Pot's genocide in Cambodia and his longstanding loyalty to Hanoi, Porter stuck with Hanoi.

Perhaps not surprisingly, three months after taking office as a U.S. Senator, John Kerry *hired* Gareth Porter as a "legislative assistant"[373]—a senior position on any Senator's staff. Before being hired by Senator Kerry, Porter had worked for a radical Washington "think tank," the "Institute for Policy Studies" (IPS),[374] that had been heavily funded by Communist Party member Samuel Rubin[375] and was rumored to have ties to Soviet and Cuban intelligence.[376]

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[370] *Ibid*.
[371] Stephen Morris, "The Left's Selective Moral Outrage," *Wall Street Journal*, August 15, 1984.
[372] *Ibid*.
[373] U.S. Senate, *Report of the Secretary of the Senate from April 1, 1985, to September 30, 1985*, Sen. Doc. 99-18, Part I, p. 70.
[374] S. Steven Powell, *Covert Cadre: Inside the Institute for Policy Studies* (Ottawa, IL: Green Hill Publishers, Inc. 1987), pp. 22, 35.
[375] *Ibid*. p. 15. Samuel Rubin is discussed earlier at note 85 and accompanying text.
[376] *Ibid*. pp. 22, 35, 227, 262.

## The IPS, VVAW, Philip Agee, and Setting the Stage for Undermining the CIA

The IPS was actively involved in trying to protect a cashiered CIA case officer named Philip Agee, who was traveling around the world releasing the identities of covert CIA officers. Shortly after Agee had identified Richard Welch as the CIA station chief in Athens, Greece, Welch was assassinated.[377] Welch's murder was one of the events that led Congress in 1982 to enact the Intelligence Agent Identity Protection Act,[378] making it a felony to knowingly disclose the name of a covert intelligence operative.

Since the end of the Cold War, we have learned more about Phillip Agee. A 1999 book by a former KGB archivist has confirmed that about the time he left the CIA Agee had decided to go into business with the Soviet KGB (having destroyed his chances for advancement as an American intelligence officer by his excessive drinking and womanizing). He reportedly approached the Soviet Embassy in Mexico City and was turned away because the Soviets felt he was "too good to be true" and assumed he was an American plant. Agee then approached the Cubans, who readily put him on their payroll. When Moscow realized he was for real, they, too, began supporting him and his efforts to destroy the CIA by publicizing the names of its operatives around the world. Indeed, the KGB was actually the source for the names of many of the agents Agee compromised.[379]

To further his work, according to a book published in 1987, "Philip Agee and Victor Marchetti [another CIA renegade], *along with members of the Vietnam Veterans Against the War*, launched the journal *CounterSpy*."[380] We mention this not to suggest that John Kerry was personally involved in disclosing the identities of intel-

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[377] For general information on the Welch assassination, see: http://www.arlingtoncemetery.net/rwelch.htm.

[378] 50 U.S.C. § 421.

[379] Christopher Andrew & Vasill Mitrokhin, *The Sword and the Shield: The Mitrokhin Archive and the Secret History of the KGB* (New York: Basic Books, 2000) pp. 230-34.

[380] Powell, *Covert Cadre* 65 (emphasis added).

ligence agents, but rather to emphasize the radical nature of the people with whom he had surrounded himself as he tried to credential himself for political office in the early 1970s. Kerry and his VVAW group were not merely patriotic citizens who had decided that "war" was a bad thing—they were preaching the Communist Party line, some of them were taking money from the Party and proposing that U.S. Senators be assassinated, and others went on to engage in a major initiative that was obviously likely to get American intelligence agents killed. More than thirty issues of *CounterSpy* were published between 1974 and 1984, when the name was changed to The *National Reporter*. In a 1975 interview with the Marxist "Intercontinental Press," Agee explained that his goal was to "work for the eventual abolition of the CIA as part of the overall process of weakening and finally defeating the ruling capitalist minority in the United States."[381]

Over a period of years, *CounterSpy* published the names of numerous alleged CIA operatives, and Richard Welch was not the only one to be murdered. After two British intelligence officers were murdered in Poland after having been identified in *CounterSpy*, the British government decided to deport Agee. The Institute for Policy Studies reportedly then played a key role in arranging for Agee to find a new safe haven in Holland.[382] The United States withdrew his passport in 1979,[383] and after the Soviet empire collapsed and Agee's relationship to the KGB and Cuban DGI became public he settled in Havana with his wife, Angela, who had joined the Revolutionary Communist Party of Brazil in 1970.[384]

Not only was *CounterSpy* reportedly set up by a KGB and Cuban Intelligence agent and "members of the Vietnam Veterans Against the War," but Senator Kerry's staff member, "D. Gareth Porter," is reported to have been one of several IPS members who served as

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[381] *Intercontinental Press*, February 10, 1975, p. 177, quoted in Powell, *Covert Cadre* p. 65.
[382] Powell, *Covert Cadre* p. 68
[383] Agee sued to compel the State Department to return his passport on the theory that his publications were protected by the First Amendment, but the Supreme Court rejected his argument. *Haig v. Agee*, 453 U.S. 280 (1981).
[384] Powell, *Covert Cadre* p. 64.

"advisers and editors" of *CounterSpy*.[385] One IPS fellow responded to the assassination of Richard Welch by writing:

> It seems inevitable that the CIA's political murders should be followed by reprisals against its agents. It should come as no real surprise, nor cause for grief, when a CIA agent gets killed in the line of "duty." When you work for the CIA you make enemies. And when you make enemies you may get killed—it is as simple as that.[386]

## The Strategic Costs of Vietnam: Constitutional Crisis and Communist Adventurism

The harm caused by John Kerry and his allies in Congress did not stop with the bloodbaths in Indochina. To this day, it continues to haunt U.S. foreign policy and to undermine our ability to defend our interests abroad. In the aftermath of the Vietnam War, what might be called the "Church-McGovern-Kennedy-Kerry wing of the Democratic Party—including all of the Democratic Senators who had been present at John Kerry's testimony—took the lead in a direct assault on the U.S. Intelligence Community. They largely succeeded, in no small part because of public anger over Vietnam and Nixon's Watergate problems that had left the Executive branch in the hands of a caretaker President[387] who had not even been elected to the position of Vice President. Congressional radicals quickly moved to seize the reins of foreign policy, weaken the Intelligence Community, and undermine the President's constitutional power as Commander in Chief.

### The Assault on the Intelligence Community

John Kerry was not a senator when the early damage was done, but the record is clear that he supported it from the sidelines. A recent

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[385] *Ibid*. p. 371.

[386] Quoted in *ibid*., pp. 66-67.

[387] We intend no disrespect to President Gerald Ford by this observation. But he had been appointed Vice President upon the resignation of Spiro Agniew, and it is unlikely that anyone who in the political circumstances of late 1974 who succeeded Richard Nixon as President would have been able to resist the demands of an angry Congress.

issue of the *Harvard Crimson* noted that in 1970 John Kerry was openly far more "radical" than he sounds today: Kerry said he wanted "to almost eliminate CIA activity," and was particularly outraged over CIA involvements in U.S. efforts to prevent the Communist takeover of Laos.[388]

Many people attribute the start of this campaign to the so-called "Church-Pike" hearings—conducted by Senate (chaired by Senator Frank Church) and House (chaired by Representative Otis Pike) select committees charged with examining "abuses" by the Intelligence Community that had been disclosed in the press—especially the charge that the CIA had been "assassinating" foreign leaders and the FBI had kept files on private Americans who were active in the "peace" movement. But the original idea of a legislative assault on the Intelligence Community came from the Institute for Policy Studies several years before the select committees were established. Richard Barnett, a co-founder of the IPS, argued in a 1969 book:

> Congressmen should demand far greater access to information than they now have, and should regard it as their responsibility to pass information on to their constituents. Secrecy should be constantly challenged in Congress, for it is used more often to protect reputations than vital interests. There should be a standing congressional committee to review the classification system and to monitor secret activities of the government such as the CIA.[389]

Consistent with the general tone of IPS programs, this was indeed a "revolutionary" idea. Historically, Congress from the very beginning of the country had recognized that successful intelligence operations would require the utmost secrecy and that Congress itself was institutionally incapable of being trusted with sensitive national security secrets.

Indeed, the Founding Fathers were convinced both in theory and

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[388] Zachary M. Seward, "Old Crimson Interview Reveals A More Radical John Kerry," *Harvard Crimson*, February 11, 2004, available on line at: http://www.thecrimson.com/article.aspx?ref=357339.
[389] *Ibid*. p. 56.

from personal experience that large, deliberative assemblies like the House of Representatives lacked the institutional capacity for conducting the nation's foreign intercourse, because they lacked the ability to keep secrets, act with speed and dispatch, follow a uniform plan of action, or anticipate in advance all of the variations that might be encountered during negotiations or on a field of battle. Like all civilized governments of their era, they vested this business in the President save for certain important "checks" vested in the Senate and in Congress, such as the power of the Senate to block diplomatic appointments and treaties and the power of Congress to appropriate money and declare war.

The source of the President's general authority over foreign affairs was Article II, Section 1, of the Constitution, which provided that "the executive Power shall be vested in a President of the United States." Thomas Jefferson explained: "The transaction of business with foreign nations is Executive altogether. It belongs then to the head of that department, except as to such portions of it as are specially submitted to the Senate."[390] James Madison, [391] Alexander Hamilton,[392] George Washington,[393] John Jay,[394] and John Marshall[395] as well pointed to this clause as the source of the President's special responsibilities over the nation's external relations.

In explaining the Constitution to the American people, John Jay—America's first Chief Justice and by far its most experienced diplomat at the time the Constitution was written—wrote in *Federalist* No. 64:

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[390] Quoted in Turner, *Repealing the War Powers Resolution* p. 56.
[391] See Turner, "War and the Forgotten Executive Power Clause of the Constitution," p. 391.
[392] *Ibid.* p. 932-34 ("It deserves to be remarked, that as the participation of the Senate in the making of Treaties, and the power of the Legislature to declare war are exceptions out of the general 'Executive Power' vested in the President, they are to be construed strictly—and ought to be extended no further than is essential to their execution.")
[393] *Ibid.* p. 932.
[394] *Ibid.*
[395] *Ibid.* pp. 935-37.

> There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives, and there doubtless are many of both descriptions, who would rely on the secrecy of the president, but who would not confide in that of the senate, and still less in that of a large popular assembly. The convention have done well therefore in so disposing of the power of making treaties, that although *the president* must in forming them act by the advice and consent of the senate, yet *he will be able to manage the business of intelligence in such manner as prudence may suggest*.[396]

When the First Congress appropriated money for the President to use for foreign intercourse, it made no claim to access to national security secrets, providing by statute instead:

> [T]he President shall account specifically for all such expenditures of the said money *as in his judgment may be made public*, and also for the amount of such expenditures *as he may think it advisable not to specify*, and cause a regular statement and account thereof to be laid before Congress annually . . . .[397]

There was no talk here about the President submitting classified reports to Congress under an "injunction of secrecy." The authors of our Constitution understood that Congress could not keep secrets. As Benjamin Franklin and his unanimous colleagues on the Committee of Secret Correspondence observed about the Continental Congress in 1776, "We find by fatal experience that Congress consists of too many members to keep secrets."[398] In his clas-

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[396] Jacob E. Cooke ed., *The Federalist* No. 64 (Middletown, Conn.: Wesleyan University Press, 1961) pp. 434-35 (J. Jay) (emphasis added).

[397] 1 Stat. 129 (emphasis added).

[398] Quoted in Robert F. Turner, "Secret Funding and the `Statement and Account' Clause: Constitutional and Policy Implications of Public Disclosure of an Aggregate Budget for Intelligence and Intelligence-Related Activities," prepared statement before the House Permanent Select Committee on Intelligence, Febru-

sic 1929 study, *Executive Agents in American Foreign Relations*, Professor Henry Wriston—who would later serve as president of Brown University—observed that John Jay, who was charged with managing foreign affairs for the Continental Congress, complained: "Congress never could keep any matter strictly confidential; someone always babbled."[399]

In April of 1792, President George Washington approached the Senate about paying an annual tribute to Algiers as a means of redeeming captive American merchant seamen and keeping peace in the future. Secretary of State Thomas Jefferson recorded:

> The Senate were willing to approve this, but unwilling to have the lower House applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. . . . They said . . . that *if the particular sum was voted by the Representatives, it would not be a secret. The President had no confidence in the secrecy of the Senate,* and did not choose to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here.[400]

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ary 1994, available on line at: http://www.fas.org/irp/congress/1994_hr/turner.htm.

[399] *Ibid.*

[400] Paul Ford, ed., *The Writings of Thomas Jefferson*, volume 1, p. 191 (1892) [emphasis added]. Jefferson argued at the time that paying ransom or tribute to the Barbary Pirates was bad policy, recalling that within two weeks after the crew of the merchant brig *Betsy* had been freed in 1785 following a payment from the Continental Congress, the Barbary Pirates realized that they had a new source of income and the number of American hostages had doubled. Jefferson finally solved the problem when he became President, and at his first cabinet meeting a decision was made to send two-thirds of the new American navy across the Atlantic with orders to burn and sink pirate ships wherever they could be found. Interestingly, the operation was approved on March 15, 1801, and the squadron set sail in early June; but Congress was not formally informed of the operation until December 8. After the success of a covert paramilitary operation, the Barbary Pirates quickly sued for peace "without price," and when the European powers (who had been paying tribute for two centuries) saw the American success, they, too, refused to pay further tribute and the Barbary Pirates were soon put out of business. See Robert F. Turner, "State Responsibility and the

In 1818, a debate arose in the House of Representatives about reports that three Americans in South America who had not been confirmed as diplomats by the Senate were attempting to engage in negotiations on behalf of the United States. During this debate, Representative Henry Clay—one of the greatest champions of legislative power in American history—noted that from the press reports these individuals were not acting like secret agents, but if in fact that was their function the Congress had no right to inquire into the matter. He reasoned:

> There was a contingent fund of $50,000 allowed to the President by law, which he was authorized to expend without rendering to Congress any account of it—it was confided to his discretion, and, if the compensation of the Commissioners had been made from that fund, . . . it would not have been a proper subject for inquiry . . . .[401]

That, indeed, was the general understanding of all three branches of the government until the heated debate over the Vietnam War poisoned the relationship between the branches. In 1875, a unanimous Supreme Court upheld the President's constitutional power to hire secret agents and to pay them at his discretion out of his "contingent fund" to obtain information about the enemy during time of war or information relating to America's foreign relations. The Court noted that such a "secret service" would sometimes be "indispensable to the Government," and its success would be "impossible" if its work was subject to "publicity." Therefore, the Court would not entertain a claim by an alleged secret agent for unpaid wages promised by the President.[402]

Congress did not formally authorize intelligence activities until after World War II, and neither the National Security Act of 1947 nor the 1949 Central Intelligence Agency Act made any provision

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War on Terror: The Legacy of Thomas Jefferson and the Barbary Pirates," *Chicago Journal of International Law,* vol. 4, Spring 2003, pp. 121-40.

[401] *Annals of Congress,* vol. 32, p. 1466 (1818). Also relevant is the statement of Rep. Forsyth: "It was true the President might have taken it out of the secret service fund, and no inquiry would have been made about it . . . ." *Ibid*. at 1467.

[402] *Totten v. United States,* 92 U.S. 105, 106-07 (1875).

for legislative supervision or involvement in intelligence activities. After Vietnam that was portrayed as an "oversight" or a "dereliction of duty"—as if the drafters had simply forgotten to mention that Congress was to be in charge of intelligence operations. But in fact it was not an oversight at all. It was a continuation of an understanding first expressed by Jay in *Federalist* number sixty-four that the Constitution had left the President "able to manage the business of intelligence in such manner as prudence may suggest."[403]

In 1969, congressional "doves" (anti-Vietnam War leaders) learned that the President had authorized the CIA to participate in covert military activities against North Vietnam in Laos without informing Congress. Like Cambodia, Laos had been included in both the SEATO Treaty and the August 1964 joint resolution authorizing the use of force against the Vietnamese Communists. North Vietnamese forces were in Laos in violation of international agreements and their presence constituted a danger both to the freedom of South Vietnam and the lives of American military forces; but many in Congress were angry. And the situation worsened the following year when it became public that the government was "spying on Americans."

In early 1975, both the Senate and the House of Representatives established select committees to investigate intelligence activities. Both committees lived up to the expectations of the framers of our Constitution by being unable (or unwilling) to keep sensitive information confidential. Numerous sensitive details were leaked by both committees, but the House committee was such a sieve it was later criticized by the House Ethics Committee for its failure to safeguard secrets. Indeed, the final report of the House committee was never formally released. It was leaked to journalist Daniel Schorr who arranged for it to be published in the *Village Voice* three days before the House voted 246-124 to deny the committee permission to release certain especially sensitive information.

One of the most controversial allegations during the Senate hear-

[403] See above, note 396 and accompanying text.

ings was that the CIA had been involved in numerous "assassinations" around the world. After extensive hearings, the Church Committee issued a lengthy report admitting that it found no credible evidence that the CIA had ever "assassinated" *anyone* and noting that the two most recent Directors of Central Intelligence had on their own initiative issued regulations prohibiting CIA employees from engaging in or encouraging others to engage in assassinations.[404]

Another issue of great concern in both the House and Senate was the "watch list" used by the National Security Agency (NSA) to intercept communications to, from, or involving certain "U.S. Persons" (essentially citizens and permanent resident aliens). The subjects of the "watch list" included roughly 450 Americans believed to have been involved in illicit drug activities, 180 individuals believed by the Secret Service to be possible threats to the President, thirty individuals believed tied into terrorist activities, and twenty Americans who had traveled to North Vietnam during the war and were believed to have ties to hostile foreign govemments.[405]

We do not know whether John Kerry was included on any watch list, but Congress was outraged and made it clear that the Intelligence Community was not to "spy" on the activities of Americans or aliens lawfully in this country without a judicial warrant. Implicit in this philosophy, of course, was that al Qaeda terrorists who were lawfully in the United States as "students" or for other purposes were not to be spied upon or harassed by either the CIA or the FBI unless there was sufficient evidence of criminal behavior to justify a judicial warrant. In 1978, Congress created the Foreign Intelligence Surveillance Court to review government requests for electronic surveillance warrants for foreign intelligence purposes—surveillance that had previously been conducted on the sole authority of the President and senior officials of the Executive branch.

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[404] Robert F. Turner, "It's Not Really 'Assassination' Legal and Moral Implications of Intentionally Targeting Terrorists and Aggressor-State Regime Elites," *University of Richmond Law Review*, vol. 37, March 2003, pp. 791-98.
[405] Turner, *Repealing the War Powers Resolution*, p. 183.

This turned out to be more than just a hypothetical issue. When FBI agents discovered in 2001 that French national Zacarias Moussaoui had attempted to learn how to fly a commercial jet, they tried hard to find a legal way to examine Moussaoui's laptop computer to see if it might contain evidence linking him to international terrorism.[406] But since the FBI could not show that Moussaoui was an official or agent of a foreign government or terrorist group they could not complete their investigation. Congress in its wisdom had been more concerned about limiting the ability of the President and intelligence agencies to violate the rights of suspects that it was about worrying about "lone wolf" terrorists like Moussaoui who might possibly bear watching.

In an effort to deny the President his constitutional power to conduct covert activities abroad without telling Congress, in 1974 the Congress enacted the Hughes-Ryan Amendment prohibiting the use of appropriated funds for any CIA operations "other than activities intended solely for obtaining necessary intelligence" unless the president personally signed a "finding" stating that the operation was "important to the national security" and issued a timely report to eight congressional committees.[407]

The Hughes-Ryan Amendment reportedly endangered the lives of American diplomats when Iran seized the U.S. Embassy in Tehran in late 1979. Radical "students" in Iran had so little respect for American power in the immediate post-Vietnam era that they held our diplomats hostage for 444 days. They almost got more hostages, because several Americans who were outside the embassy compound when it was seized managed to make their way to the embassy of a friendly western country, which was only willing to

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[406] Dan Eggen, "Moussaoui Probe Pushed U.S. Limits," *Washington Post*, January 31, 2002, p. A1.

[407] "No funds appropriated under the authority of this chapter or any other Act may be extended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and report, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress . . . ." 22 U.S.C. § 2422 (1975).

assist us in getting them out of Iran if President Carter would provide assurance that Congress would *not* be told of the covert operation. They understood that if Congress learned of the operation it would likely be leaked to the media and their own embassy in Tehran might soon be attacked by the angry "students."

The attacks on the CIA continued well into the 1990s. In 1995, former Senate Select Committee on Intelligence Chairman Daniel Patrick Moynihan introduced "The Central Intelligence Agency Abolition Act of 1995," arguing that in a post-Cold War world the United States did not "need" a CIA.[408] That same year, Representative Robert Torricelli—a close friend and supporter of Senator Kerry's—leaked information to the *New York Times* asserting that a CIA asset in Guatemala had been involved in the torture and murder of the husband of an American lawyer. (The husband, it might be noted, was the leader of a Communist terrorist group.) Although both the House Permanent Select Committee on Intelligence and the CIA Inspector General did investigations of Torricelli's allegations and found them to be without merit, by threatening to enact new legislative constraints Torricelli was reportedly able to persuade the CIA to adopt new rules making it more difficult to work with foreign intelligence "sources" who had human rights problems in their background. (Obviously, such a rule would restrict CIA contact with members of al Qaeda and the Taliban.)

We must also not forget the role of Senator Kerry and other opponents of President Reagan's policy to pressure the Nicaraguan Sandinistas to cease their support for Communist insurgencies in Latin America. During the Iran-Contra inquiry, for example, congressional critics of the Intelligence Community went after individual CIA operatives whom they felt had been too enthusiastic in implementing the President's plans. Several experienced officers had their careers terminated in the process, and the message was not missed by others at the Agency. In July, the Senate Intelligence Committee released a unanimous report that concluded there was a

[408] The text of Senator Moynihan's remarks in introducing this bill are reprinted on line at: http://www.fas.org/irp/s126.htm.

"corporate culture averse to risk" at the CIA.[409] Congress bears some of the responsibility for that reality.

**A Post-Vietnam Wave of Soviet Adventurism**

In the immediate post-Vietnam era, American credibility hit a post-World War II low, and Communists around the world took advantage of the opportunity. A costly civil war broke out in Angola involving a Soviet-backed "national liberation movement," Communists came to power in Nicaragua (with the naïve help of the Carter Administration),[410] and the Soviet Union invaded Afghanistan. The new Sandinista regime in Nicaragua quickly began supporting both international terrorists and guerrilla movements in Costa Rica, El Salvador, Honduras, and Guatemala.[411]

Upon assuming office in January 1977, President Jimmy Carter was generally clueless to the existing threat. He declared in a commencement address at Notre Dame University on May 22, 1977, that America had had "an inordinate fear of Communism"; and he sought to befriend Communist leaders from Moscow to Central America. Reacting in part to the allegation of the Church and Pike Committees that the CIA was a "rogue elephant," Carter's Director of Central Intelligence shut down CIA stations in places like El Salvador as part of a general cutback in HUMINT (human intelligence or "spies") resources. The theory apparently was that clandestine agents were likely to have to deal with unsavory foreigners who often had very imperfect human rights records, and we could likely learn all we *really* needed to know from our high-tech overhead platforms (spy satellites).

President Carter was visibly shocked and personally offended when the Soviet Union saw a "target of opportunity" and invaded Afghanistan in December 1979, responding forcefully by prohibiting American athletes from competing in the 1980 Moscow Olympics (thus assuring Moscow of a larger share of the medals). This was perhaps the nadir of American power and influence in the

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[409] Michael Finnnegan, "Kerry Says He'll Double Intelligence Spending," *Los Angeles Times*, July 17, 2004, p. A1.
[410] Turner, *Nicaragua v. United States*, pp. 27-30.
[411] *Ibid*. pp. 43-45, 145.

Cold War era, and few intelligent people would have predicted that we would emerge victorious a decade later.

To his credit, in his final days in office, Carter began to take the Communism problem seriously and authorized a covert operation to support anti-Soviet guerrillas in Afghanistan and restored U.S. military aid to El Salvador (where he had earlier cut off military sales because of human rights concerns).

**The Reagan Factor**

Perhaps even more importantly, in November 1980 the American voters elected Ronald Reagan president, and he did not share John Kerry's premise that "we cannot fight communism all over the world, and . . . we should have learned that by now."[412] President Reagan ignored the widely-held conventional wisdom that our only option was to "contain" Communism or risk World War III. Taking a play from their own playbook, he continued President Carter's Afghanistan operation and challenged Communist regimes in Angola, Cambodia, and Nicaragua by funding anti-Communist guerrillas. Just as America had struggled fifteen years earlier to deal with Soviet and Chinese support for guerrillas in Indochina, Moscow learned that fighting guerrillas is a very expensive proposition—especially when they are confronting you in Asia, Africa, and Latin America at the same time.

When Reagan said he wanted serious arms reduction with effective verification rather than the traditional "feel good" but unverifiable arms control agreements that had, at best, merely redirected the arms race into other areas of military competition, the "experts" said that showed he was "not serious" about arms control. To the contrary, he achieved unprecedented success in arms control in strategic, theater, and conventional weapons. And he set the stage for the greatest growth of democracy in human history and the demise of the Soviet empire. But sadly, for the most part this had to be done over the resistance of a Congress that was paranoid about "avoiding another 'Vietnam'" and terrified that Reagan's bold initiatives were upsetting our traditional allies in Europe.

[412] Kerry, SFRC Testimony p. 183.

## Congress Learns the Wrong Lessons from Vietnam

Like John Kerry himself, the strong Democratic majorities in both houses of Congress at the end of the Vietnam War drew precisely the wrong lessons from that experience. Rather than recognizing that the original commitment had been both noble and wise, and that our failures came from incompetent civilian micro-management of the conduct of the war at first and then a failure to counter in a serious way the very effective Communist propaganda offensive that persuaded more and more Americans our soldiers were "butchers" who routinely committed "war crimes" in an effort to prevent free elections and prop up a "dictatorship," Congress concluded we needed to avoid any risk of U.S. casualties.

Some of the newer members may well have honestly believed that Vietnam was an "unconstitutional" war and that LBJ had dragged the nation kicking and screaming into war against the will of Congress. Many others, presumably, simply viewed that lie as a means of gaining partisan advantage over a Republican president and enhancing their own power as members of the Legislative Branch. Whether motivated by ignorance or avarice, the result was the same—Congress launched an attack on the President's constitutional powers and sought to weaken both the military and the Intelligence Community.

### Usurping Executive Power: Congress Passes the War Powers Resolution

As already noted,[413] in 1966 Senator Javits told his colleagues that by virtue of having enacted the August 1964 resolution, Congress was "a party to present policy" in Vietnam. And two years later, when the American Bar Association's House of Delegates approved a lengthy legal brief saying the war was fully lawful under both international and constitutional law, Javits inserted a major portion of the brief in the *Congressional Record* and announced "there can no longer be any doubt about the legality of our assistance to the people of South Vietnam in view of the report to be

[413] See above, note 214 and accompanying text.

distributed today by the American Bar Association. . . . I have never doubted the lawfulness of the U.S. assistance to the Republic of Vietnam."[414]

And as for the "National Commitments Resolution," the 1967 Foreign Relations Committee report on that (nonbinding) resolution acknowledged that the Vietnam War had indeed been properly authorized by Congress:

> The Committee does not believe that formal declarations of war are the only available means by which Congress can authorize the President to initiate limited or general hostilities. Joint resolutions such as those pertaining to Formosa, the Middle East, and the Gulf of Tonkin are a proper method of granting authority."[415]

But in those days, public support for the war was strong. After the public turned against the war, Javits introduced the War Powers Resolution and explained: "The War Powers Act would assure that any future decision to commit the United States to any warmaking must be shared in by the Congress to be lawful."[416]

The essence of the War Powers Resolution is that, in the absence of "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces," Congress must approve any commitment of U.S. armed forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," either by declaration of war or "specific statutory authorization.[417] It requires "consultation"[418] with Congress, a variety of types of "reports,"[419] and provides that Congress may compel the removal of U.S. forces from hostilities by concurrent resolution (a process specifically struck down by the

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[414] Quoted in Turner, *Repealing the War Powers Resolution* p. 87.
[415] Sen. Rep't 90-797, 90th Cong., 1st Sess., p. 25 (1967).
[416] Quoted in Turner, *Repealing the War Powers Resolution* p. 34.
[417] War Powers Resolution, Section 2(c), Public Law 93-148 (passed over presidential veto November 7, 1973).
[418] *Ibid.* Section 3.
[419] *Ibid.* Section 4.

Supreme Court a decade later as being unconstitutional[420]). If Congress can't make up its mind whether the President is right or wrong—for example, if the House votes to approve the President but the Senate simply ignores the issue—the statute after 60 days automatically assumes the President is wrong and he must withdraw the troops within 30 days.[421]

In reality, the War Powers Resolution was an exercise in deception to help Congress persuade angry voters that responsibility for the now unpopular war rested entirely with the President because Congress had been bypassed. Like other unconstitutional congressional initiatives that seized presidential power in the post-Vietnam era, the War Powers Resolution has done serious harm to the United States and to the cause of international peace around the globe.

Some of the problems would have been humorous had the stakes not involved human lives and human freedom. When President Ford found it desirable to evacuate Americans from Da Nang as the North Vietnamese Army approached in early April 1975, he found the congressional leaders he needed to "consult" with were spread around the globe, some in France, others in Bejing, and still others spread around the United States on Easter holiday.

On April 10, 1975, President Ford addressed a joint session of Congress seeking statutory "clarification" of his authority to rescue endangered Americans in Indochina along with some third-country nationals and Vietnamese whose lives would be endangered because of their association with the United States. Noting the urgency of the situation, he asked that Congress act by April 19. But there was still a great deal of anger and distrust on Capitol Hill, and Congress as usual took its time. The House approved one bill, the Senate another, and an effort to reconcile the differences in a conference committee produced a bill that was unacceptable. At that point, the House decided it was time for a scheduled "recess," and at the end of April President Ford had to order an evacuation on his own authority. Congress never did approve a bill as requested.

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[420] *I.N.S. v. Chadha*, 462 U.S. 919 (1983).
[421] *Ibid*. Section 5.

Perhaps not surprisingly, political expediency governed congressional reactions to use-of-force situations far more than constitutional principle. Shortly after the American evacuation from Cambodia and South Vietnam, Cambodian Communist forces seized an American merchant ship, the S.S. *Mayaguez*, on the high seas and threatened to kill its crew. Although a federal statute remained on the books prohibiting the President from spending any money "to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of . . . Cambodia,"[422] without prior consultation[423] President Ford ordered U.S. naval and Marine forces to rescue the *Mayaguez* crew. In the process, "combat activities" were engaged in by United States military forces "in or over or from off the shores of . . . Cambodia" in flagrant violation of the (almost certainly unconstitutional[424]) statute. Not only did President Ford violate the clear language of the (also unconstitutional) Fulbright Amendment, but he also violated the War Powers Resolution, which had refused to recognize an independent presidential constitutional power to rescue endangered American civilians abroad.[425] One might imagine that the authors of these various legislative restrictions on the Commander in Chief would have been livid and that impeachment hearings would have followed. And had the rescue operation not been perceived by the public as a success, that would no doubt have been the case. But because the public opinion polls showed strong approval of the President's action, the congressional response was less than harsh. When asked by a journalist whether the War Powers Resolution had been "to a slight extent, bent or violated" by the President,

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[422] See above, note 118.

[423] As the rescue operation was taking place, telephone calls were made to congressional leaders informing them of that fact, but this notification hardly constituted "consultation."

[424] In December 1984, even Senator Javits admitted that Congress lacked the constitutional power to deny the President power to rescue endangered American civilians abroad. Turner, *Repealing the War Powers Resolution* p. 110.

[425] Section 2(c) of the Resolution only permitted the President to respond to armed attacks "upon the United States, its territories or possessions, or its armed forces."

Senator Mansfield replied: "perhaps he didn't have the time."[426]

When Senator Frank Church was asked about the flagrant violation of the statute he had co-authored prohibiting the expenditure of funds for combat operations in Cambodia, he replied: "I don't want anyone saying that we liberals or doves would prevent the President from protecting American lives in a piracy attack."[427] Rather than defend their new laws in the face of strong public support for the President's action, the Senate Foreign Relations Committee unanimously passed a resolution praising the rescue and declaring: "We support the President in the exercise of his constitutional powers within the framework of the War Powers resolution to secure the release of the ship and its men."[428]

Five years later, when Iranian "students" were holding fifty-five American diplomats hostage in Tehran and President Jimmy Carter attempted a rescue operation that failed, one might have assumed that the Congress would have applied the same standard that resulted in its praise for President Ford during the *Mayaguez* rescue—after all, there was no statute prohibiting the expenditure of funds for combat operations in Iran, and the need for operational secrecy was clearly greater. But the Iran rescue failed when a collision occurred at a staging area between a helicopter and a cargo plane. So the chairman and ranking Republican on the Senate Foreign Relations Committee issued a joint statement denouncing the President for violating the War Powers Resolution, and other legislators called for impeachment hearings.[429]

By far the most tragic experience under the War Powers Resolution occurred when President Reagan sent a contingent of American Marines to Beirut, Lebanon, as part of an international peacekeeping operations endorsed by every country and political faction in the region.[430] The prior consultation was outstanding, and virtually no one in Congress criticized the deployment on the merits.

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[426] Turner, *Repealing the War Powers Resolution* p. 122.
[427] *Ibid.*
[428] *Ibid.*
[429] *Ibid.* p. 123.
[430] *Ibid.* p. 153 note 39.

But several Democratic Senators endorsed the view of Senator Alan Cranston that the President must tell Congress "exactly how and when we propose to extricate" the Marines and there were several references to avoiding "another Vietnam."[431]

When President Reagan elected to report under the provision of the War Powers Resolution governing deployments of troops "equipped for combat"—rather than informing Congress he was sending troops into probable hostilities—House Foreign Affairs Committee Chairman Clement Zablocki charged that Reagan was "eroding the integrity of the law" and threatening to precipitate a "constitutional crisis."[432] (As a factual matter, the mission clearly was not a combat operation and more than a year passed before even half-a-dozen Marines were killed.[433])

By the later half of 1983, it was obvious that the Democrats had concluded they could benefit by making the deployment a partisan political issue. As the *Washington Post* observed on September 18: "the fairly prominent involvement of Senate Democratic Campaign Chairman Lloyd Bentsen in the dispute . . . suggest[s] that the Democrats are doing push-ups for 1984."[434] This was reinforced when Foreign Relations Committee hearings on a resolution to authorized the continued deployment of the Marines included a section entitled "Minority Views of All Democratic Committee Members" and only two Senate Democrats voted in favor of the resolution when it reached the Senate floor. A shift in just four votes could have denied the President the authority to continue the deployment.[435]

During the partisan Senate hearings, Marine Corps Commandant General P. X. Kelley pleaded with the legislators that their partisan debate could endanger the lives of the Marines in Lebanon. And when an unnamed "White House official" repeated the argument, Democrats went ballistic. As reported in the *Washington Post*:

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[431] *Ibid*. pp. 139-40.
[432] *Ibid*. p. 139.
[433] *Ibid*. p. 140.
[434] Quoted in *ibid*., p. 141.
[435] *Ibid*. p. 141.

> The White House yesterday suggested that congressional Democrats' efforts to put some time limit on the deployment of U.S. Marines in Lebanon may be endangering the troops there.
>
> Senate Democrats who have been arguing with President Reagan over his legal authority to deploy the troops without congressional authorization blasted back angrily.
>
> "To suggest . . . that congressional insistence that the law be lived up to is somehow giving aid and comfort to the enemy is totally unacceptable," said Sen. Thomas F. Eagleton (D-Mo.).
>
> A White House official, speaking on the condition that he not be identified, had said that "The Syrians are watching everything we do here, including our discussions with Congress. They are mindful of any restrictions on the Marines." The White House official said that any time limits Congress might impose on the Marines' deployment would offer the Syrians a timetable telling them when it was safe to step up the shooting.
>
> "The administration has thrown out a red herring," Eagleton said, with "an attempt to intimidate the Congress and frighten the American people with this kind of ludicrous argument. . . ." When the anonymous White House comment implying danger for the Marines was reported on Capitol Hill, Democratic leaders were infuriated and, if anything, hardened their position.[436]

The partisan debate continued, and on September 22, the *Christian Science Monitor* noted that "Congressional hesitation, reservations, and fears are such, however, that should American troops suffer casualties in Beirut, many senators and congressmen would immediately reconsider their support."[437] A week later, when the joint resolution barely passed the Senate, even Republican Senators commented that they could "reconsider" the vote at any time if

[436] *Ibid*, p. 142-43.
[437] *Ibid*. p. 143.

there were further casualties. And as the unnamed White House source had earlier warned, the Foreign Minister of Syria announced that the Americans were "short of breath" and would give up and leave Beirut before Syria did.[438]

The consequences of this highly-partisan congressional debate over the War Powers Resolution are now clear. Not long after the resolution was enacted, American intelligence intercepted a message between two Moslem militia units: "If we kill 15 Marines, the rest will leave."[439] And on Sunday morning, October 23, 1983, a terrorist truck bomb entered the Marine compound in Beirut and murdered 241 sleeping Marines, sailors, and soldiers—more American military personnel than have died on any single day since the height of the Vietnam War. As predicted, shortly thereafter the rest of the Americans did leave Lebanon.

The saddest thing about the Beirut tragedy is that it was totally unnecessary. Virtually no one objected on the merits to the deployment of U.S. Marines in connection with peacekeeping forces from Great Britain, France, and Italy. Trying to establish a stable environment so that the various factions in Beirut could try to negotiate a lasting peace was a worthwhile goal, and prior to the partisan congressional debate the American casualties had been minimal. But in an effort to seek partisan gain from the President's decision, congressional Democrats had virtually placed a bounty on the lives of those Marines—repeatedly signaling the terrorists that if they would kill more Marines Congress would force the President to bring them home.

Almost exactly a decade later, concern that the move might anger congressional critics and result in another political battle over the War Powers Resolution, Defense Secretary Les Aspin turned down a request by General Colin Powell, Chairman of the Joint Chiefs of Staff, that Major General Thomas Montgomery in Somalia be given the Abrams main battle tanks he had requested in case some of his Rangers or Marines were cut off inside Mogadishu. Precisely that contingency occurred on October 3, 1993, and without

[438] *Ibid*. pp. 143-44.
[439] *Ibid*. p. 144.

the requested armor to rescue the trapped American forces they suffered 18 killed and another 84 wounded. Once again, the War Powers Resolution had claimed the lives of good American fighting men.

For many Americans, the events of Vietnam, Beirut and Somalia are ancient history and of little modern relevance. Today, we must deal with the threat of international terrorism. But a strong case can be made that America's behavior in Vietnam, Beirut and Somalia—and in particular the weakness in our policy that was driven by what in today's vernacular might fairly be called "Kerry Democrats"—played a major role in persuading Osama bin Laden that it was in his interest to attack the United States on September 11, 2001. Consider this report from Jeff Greenfield, broadcast on CNN on October 23 of last year:

> It began as a peacekeeping mission in March, 1983. U.S. Marines were sent to Lebanon to try to stop a bloody civil war. Seven months later, 20 years ago today, a massive truck bomb blew up the Marine barracks in Beirut, killing 241 U.S. servicemen -- the worst single-day loss of life for the American military since Korea. . . . And when President Reagan ordered the Marines to leave Lebanon in January, 1984, not many Americans paid attention.
>
> But by some accounts, others did pay attention. That terrorist act of 20 years ago may have helped to convince some of America's adversaries that the United States, for all of its might, was vulnerable, that heavy losses could be inflicted upon it at a relatively low price.
>
> After all, the reasoning went, the U.S. had lost a war in Vietnam, not because it was militarily weak, but because it did not have the political will to bear the costs. And over the years, these adversaries seemed to take heart from what they saw as American weakness, from what the U.S. did not do when it left Saddam Hussein in power after the first Gulf War, when it pulled troops out of Somalia in 1993 after 18 Americans were killed -- the Black Hawk down incident -- when it failed to strike hard after the 1996 Khobar

> Towers bombing or the 1998 embassy bombings in Africa that killed 19 Americans, or the attack in 2000 on the USS Cole that left 17 dead.
>
> That history may have been what Osama bin Laden had in mind when he said, three months after 9/11: "When people see a strong horse and a weak horse, by nature they will like the strong horse." Indeed, one of the principle arguments made for American military action in Afghanistan and in Iraq was that the U.S. had to prove by direct action that America was not a weak horse, that al Qaeda and its allies were misreading America's resolve. If that's true, that Beirut bombing of 20 years ago may have been where that miscalculation began.[440]

If this account is correct—and we think it is—then the "costs" fairly attributable to the Kerry Democrats only *begins* with the roughly three million Indochinese who died when Congress followed then-Reserve Lieutenant John Kerry's advice and abandoned John F. Kennedy's pledge that America would stand firm in defense of human freedom. To that sum we must add the tens of thousands who perished in Angola after Congress made it illegal for President Ford to defend the victims of Soviet and Cuban aggression there, the 241 Marines murdered in Beirut, the 17 Rangers lost needlessly in Somalia, the countless victims of Communist insurgencies in Central America (a situation where Senator John Kerry personally intervened to undercut President Reagan's attempts to dissuade Communist Nicaragua from subverting its neighbors), and the 3000 victims of September 11.

Books have been written about the constitutional and practical shortcomings of the War Powers Resolution,[441] but some of the most effective critiques came from John Kerry's fellow Senate Democrats on May 19, 1988, when they took to the floor of the

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[440] Jeff Greenfield, "Beirut Bombing 1983: America's Weakness Exposed?," *CNN*, Aired October 23, 2003 - 12:21 ET, available on line at: http://cnnstudentnews.cnn.com/TRANSCRIPTS/0310/23/nfcnn.04.html.

[441] See, e.g., Turner, *The War Powers Resolution in Theory and Practice*; Turner, *Repealing the War Powers Resolution.*

Senate and took turns denouncing the 1973 statute. Senate Majority Leader Robert Byrd noted: "from Central America to Iran to Lebanon, we have all seen the debilitating effects that lack of consensus has brought to the United States' credibility and for America's image as a leader." Noting that the Reagan Administration had complained that setting a withdrawal date or timetable in advance would merely encourage the enemy to hold on, Byrd said: "I can sympathize with this view, as the clause does telegraph intentions and provides potential adversaries with an advance timetable as to when American actions will cease."[442]

Senate Armed Services Chairman Sam Nunn added that "the War Powers Resolution encourages confrontation rather than consultation between the President and the Congress. . . . [T]he act raises questions about the U.S. staying power in [the] midst of a crisis, thus making it harder for the United States to secure the cooperation of our friends abroad."[443]

Senator George Mitchell—who a few months later would succeed Byrd as Senate Majority Leader—was particularly articulate during this debate in his indictment of the War Powers Resolution:

> [T]he War Powers Resolution does not work, because it oversteps the constitutional bounds on Congress' power to control the Armed Forces in situations short of war and because it potentially undermines our ability to effectively defend our national interests. . . .
>
> Although portrayed as an effort "to fulfill—not to alter, amend or adjust—the intent of the framers of the U.S. Constitution," the War Powers Resolution actually expands Congress' authority beyond the power to declare war to the power to limit troop deployment in situations short of war. . . .
>
> Furthermore, debate over the resolution conveys the appearance of a divided America that lacks resolve and staying power. The resolution severely undercuts the President

[442] Quoted in Turner, *Repealing the War Powers Resolution* p. 162.
[443] *Ibid.*

> by encouraging our enemies to simply wait for U.S. law to remove the threat of further American military action.
>
> Into the very situation that requires national steadiness and resolve, the War Powers Resolution introduces doubt and uncertainty.
>
> The War Powers Resolution therefore threatens not only the delicate balance of power established by the Constitution. It potentially undermines America's ability to effectively defend our national security.[444]

Perhaps the greatest irony about the 1973 War Powers Resolution was that, by its own clear terms, had the statute been enacted into law years before the Vietnam War it would have done *nothing* to prevent it. Section 2 (c)(2) of the War Powers Resolution expressly recognized the power of the President to send troops into combat pursuant to "specific statutory authorization," which is exactly what Congress enacted in August 1964. And the reality was that Congress could have stopped the Indochina War any year it so wished by simply refusing to appropriate new funds. Even Senator Frank Church—a key opponent of Vietnam and primary cosponsor of the War Powers Resolution—later acknowledged there was no need for the War Powers Resolution, concluding in testimony before the Foreign Relations Committee he once chaired: "I wonder really whether we have done very much in furthering our purpose through the War Powers Resolution."[445]

## The Long-Term Effects of the Kerry View of Vietnam on U.S. National Security and World Peace

Sadly, the harm done when Congress followed the advice of John Kerry and other angry war protesters was not limited to Indochina. By drawing the *wrong* lessons from the tragic Vietnam experience, members of Congress—including John Kerry after his election to the Senate in 1982—have continued to do serious harm to American national security and to the cause of world peace. Since Viet-

[444] *Ibid*. pp. 162-63.
[445] Quoted in Turner, *Repealing the War Powers Resolution* p. 161.

nam, it has been the common response to react to any international crisis that might involve risks to American troops by saying "no more Vietnams" and either intimidate the Executive with threats or actually enact legislative restrictions calculated to guarantee failure.

A few months after the Communist conquest of Cambodia, Laos, and South Vietnam, it became apparent that Moscow was no longer as cautious about promoting revolution around the world than had earlier been the case. Soviet aircraft began shipping in large supplied of military equipment and hundreds of Cuban troops to Angola, where the new socialist government in Lisbon was trying to extricate Portugal from its colonies. Moscow had been supporting a Marxist faction (MPLA) since 1961, and after the American debacle in Indochina began providing arms and other equipment to the MPLA and transporting Cuban troops to Angola to assist the MPLA in seizing power before a free election could be held. The Nixon Administration began covertly providing assistance to the two non-Communist groups in Angola, but then Congress stepped in an enacted the "Clark Amendment" making it illegal for the United States to intervene on the theory that Angola would otherwise become "another Vietnam." A decade passed and hundreds of thousands of lives were lost before a different Congress realized there was a "problem" in Africa—by 1984 an estimated 40,000-50,000 Cuban soldiers—and the Clark Amendment was repealed.

**Did Kerry-Fonda & Co. Do Any Actual Harm?**

Some may honestly wonder what all the fuss it about. After all, these events occurred more than three decades ago, and even if Kerry did lead protests against the war to further his political ambitions, there is a long tradition of protest in this country that is protected by the First Amendment. Surely it is no great crime to aspire to be President of the United States, and what harm was really done? It's not like John Kerry "fragged" another officer or drilled a series of large holes into its hull and sank an aircraft carrier. Is there no statute of limitations for boyish pranks or errors in judgment? It's a fair question and it deserves a serious answer.

First of all, in a very real sense, many of us feel like he fragged us all, including the dead bodies of those who didn't make it back. Rather than simply roll a hand grenade into our tents he told lies that helped turn our families and friends against us and ultimately helped persuade Congress to throw in the towel. Fragging a few hundred of us would have been far less successful in preventing us from accomplishing our assigned mission than what he actually did.

And, without question, the harm that Kerry and his fellow protesters did was *far* greater than would have been the case had they sunk or blown up an aircraft carrier and a couple of battleships along with it. That's because they were helping Hanoi win the war that *counted*, the political war that Hanoi was striving to win from the start.

**Another Felonious Effort by John Kerry to Prevent the United States from Assisting Victims of Communist Aggression (Central America)**

Just weeks after taking his oath of office and assuming his Senate seat in 1985, John Kerry joined with numerous other veterans of the Vietnam "peace" movement who rallied to prevent the United States from protecting victims of Communist aggression in Central America as well. Just as he had committed multiple felonies under U.S. law by repeatedly traveling to Paris to meet with Communist leaders from North Vietnam and the Viet Cong,[446] after Presidents Carter[447] and Reagan tried to help victims of Communist aggression in Central America Senator John Kerry became a leader in the effort to block funding for the effort to put pressure on Nicaragua's Sandinista government by supporting guerrillas known as the "Contras."

One of Kerry's arguments was that U.S. efforts to protect the victims of Communism would lead to "another Vietnam." Admit-

[446] Nicosia, "Veteran in Conflict," *Los Angeles Times*, May 23, 2004.

[447] After having helped the Sandinistas come to power in 1979, near the end of his term President Carter realized what was going on and resumed U.S. military aid to El Salvador. Karen DeYoung, "Carter Decides to Resume Military Aid to El Salvador," *Washington Post*, January 14, 1981, p. 18.

tedly, there were parallels between Vietnam and Nicaragua. Just like Ho Chi Minh in the late 1940s, three decades later the Nicaraguan Sandinistas attempted to conceal their Marxist-Leninist past and actually managed to deceive many American "peace" advocates and politicians. In reality, however, the "Sandinista National Liberation Front" (FSLN) that was established in Honduras on July 23, 1961, had initially been very openly a Communist organization.[448] In 1971, for example, FSLN founder Carlos Fonseca Amador sent a message to the Twenty-Fourth Congress of the Communist Party of the Soviet Union asserting: "The ideals of the immortal Lenin, founder of the CPSU, are a guiding star in the struggle which the revolutionaries of our country are waging with the aim of overthrowing the reactionary regime."[449] He concluded by stating that the FSLN considered itself the "successor of the Bolshevist October Revolution."[450]

In 1984, after the Sandinistas had gained power and shortly before Senator Kerry would travel to Nicaragua to collaborate illegally[451] with President Daniel Ortega, Nicaraguan Defense Minister Humberto Ortega (brother of the President) asserted: "Marxism-Leninism is the scientific doctrine that guides our revolution . . . . [O]ur doctrine is Marxism-Leninism."[452]

In assessing Senator Kerry's actions, it is important to keep two points in mind: (1) the Sandinista regime in Nicaragua was attempting to overthrow its neighbors by armed force and subversion; and (2) their regime was actively engaged in the support of international terrorism.

On the first point, consider this excerpt from the *unanimous* report of the House Permanent Select Committee on Intelligence released on May 13, 1983:

> At the time of the filing of this report, the Committee be-

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[448] Turner, *Nicaragua v. United States* p. 26.
[449] *Ibid*. p. 28.
[450] *Ibid*.
[451] For a discussion of the background to the Logan Act, see text accompanying notes 198-17.
[452] Turner, *Nicaragua v. United States* p. 29.

lieves that the intelligence available to it continues to support the following judgments *with certainty*:

> A major portion of the arms and other material sent by Cuba and other communist countries to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas.
>
> The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material, and propaganda activities.
>
> The Sandinista leadership sanctions and directly facilitates all of the above functions.
>
> Nicaragua provides a range of other support activities, including secure transit of insurgents to and from Cuba, and assistance to the insurgents in planning their activities in El Salvador.
>
> In addition, Nicaragua and Cuba have provided—and appear to continue providing—training to the Salvadoran insurgents. [Emphasis added.][453]

As for the issue of Sandinista support for terrorism, in addition to providing various forms of training and support for terrorist groups in El Salvador,[454] Honduras,[455] and Costa Rica,[456] the Sandinistas worked with and provided a haven for some of the worst terrorist organizations around the world, including the Palestine Liberation Organization (PLO), the Irish Republican Army (IRA), the Basque ETA, the German Baader-Meinhoff gang, the Italian Red Brigade, and the Colombian M-19.[457] In February 1985 Italian prime Minister Bettino Craxi confirmed that 44 Red Brigade terrorists were in Managua, Nicaragua; and later that year Colombia recalled its am-

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[453] *Quoted in ibid.*, pp. 84-85.
[454] *Ibid.* pp. 46-97, 137-38.
[455] *Ibid.* pp. 98-103.
[456] *Ibid.* pp. 104-108.
[457] *Ibid.* p. 45.

bassador from Managua when it learned the Sandinistas had been involved in the November 6, 1985, seizure of the Palace of Justice in Bogota by M-19 terrorists which resulted in the deaths of eleven Supreme Court justices and scores of other victims.[458]

But for Senator John Kerry, this was none of America's concern. The most important thing was keeping President Reagan from "intervening" to protect the victims of Communist aggression. After all, no one wanted "another Vietnam," and whatever Cuba, Nicaragua, Vietnam, or even the Soviet Union did in Central America was hardly our business. As Kerry had explained to the Senate in 1971, "we cannot fight communism all over the world, and I think we should have learned that lesson by now."[459] And why bother to try? As Kerry explained in 1971: "The Communists are not about to take over our McDonald hamburger stands."[460] Exactly fourteen years later, Senator Kerry made references to the Gulf of Tonkin resolution, U.S. troops in Cambodia, the Vietnam 'body count," the "misinterpretation of the history of Vietnam itself," and "how we are interpreting the struggle in Central America and examine the CIA involvement, the mining of the harbors, the effort to fund the contras," and concluded "there is a direct and unavoidable parallel between these two periods of our history."[461]

Only weeks after becoming a Senator, John Kerry and Senator Tom Harkin—along with Kerry among the Senate's most Liberal members, and a man who repeatedly lied by claiming to be a Vietnam veteran until military records proved otherwise[462]—traveled

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[458] *Ibid*. p. 45.
[459] Kerry, SFRC Testimony, p. 183.
[460] *Ibid*., p. 195.
[461] *Washington Post,* April 23, 1985.
[462] "[A]llegations about Mr. Harkin's truthfulness extend back . . . to his claims that he was a combat pilot in Vietnam. . . . Mr. Harkin did serve in the Navy during the Vietnam era . . . . In 1979, Mr. Harkin, then a congressman, participated in a round-table discussion arranged by the Congressional Vietnam Veterans' Caucus. "I spent five years as a Navy pilot, starting in November of 1962," Mr. Harkin said at that meeting . . . . "One year was in Vietnam. I was flying F-4s and F-8s on combat air patrols and photo-reconnaissance support missions. . . . That clearly is not an accurate picture of his Navy service. Thought Mr. Harkin stresses he is proud of his Navy record . . . he concedes now he never flew com-

to Managua, Nicaragua, in April 1985 and personally "negotiated" with President Daniel Ortega for twenty-six hours trying to get the Nicaraguan Communist leader to make minimal concessions that Kerry could use to persuade a majority of Senators to reject President Reagan's fourteen million dollar funding request.[463]

The essence of the "deal" Ortega signed with the Senators was that if the United States would stop supporting the *Contras*, Nicaragua would once again promise not to try to overthrow its neighbors. The fact that it already *had* a legal obligation not to overthrow its neighbors through such solemn legal instruments as the United Nations Charter and the Charter of the Organization of American States—promises it was flagrantly disregarding as it repeated time after time that it was not doing anything wrong outside its borders—did not seem to bother Senator Kerry. His goal was not to prevent Communist takeovers in El Salvador, Honduras, or Costa Rica. His goal was to keep the United States from getting involved in "anti-Communist crusades" that might lead to "another Vietnam."

Once again, it is worthwhile to recall that the Logan Act enacted in 1799 made it a federal *felony* for an American citizen, without the approval of the President, to engage in "the destruction of the Executive power of the Government"[464] by negotiating with a foreign government. We would add that it is arguably a far *greater* offense when the violator is a member of the Legislative branch. For, in

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bat air patrols in Vietnam. . . . Mr. Harkin says he always refers to himself as a 'Vietnam-era veteran,' and thinks the statement in the Congressional Record might be a misprint. Mr. Harkin's Navy record [obtained by the *Journal* under the Freedom of Information Act] shows his only decoration is the National Defense Service Medal, awarded to everyone on active service during those years. He did not receive either the Vietnam Service medal or the Vietnam Campaign medal, the decorations given to everyone who served in the Southeast Asia theater." James M. Perry, "Harkin Presidential Bid Marred by Instances In Which Candidate Appears to Stretch Truth," *Wall Street Journal*, December 26, 1991, p. A12.

[463] "Nicaragua Proposes Cease-Fire: Reagan Says Soviets Seen in Battle Zones," *Dallas Morning News*, April 21, 1985, p. 1A.

[464] For background on the Logan Act, see the discussion above beginning at note 108.

that instance, we have a Logan Act violation compounded by a usurpation of Executive power by another branch of the government—a serious violation of Senator Kerry's oath of office to "preserve, protect, and defend the Constitution"[465] and of the constitutional doctrine of separation of powers. The risk of serious harm to the nation is also greatly magnified, first because foreign leaders may assume that members of the Legislative branch would not be so irresponsible as to engage in such behavior without at least the private encouragement of the President, and secondly because if a visiting American legislator discloses his intent to undermine the policies of the President that provides an opportunity for foreign leaders to conspire against United States foreign policy with the irresponsible legislator—which might well constitute in some circumstances giving "aid and comfort" to the enemy.

On the issue of members of the *Legislative* branch corresponding—much less "negotiating,"[466] as Senator Kerry clearly did—with foreign governments, we should keep in mind the comments of Representative Albert Gallatin during the 1798-1799 House debates on the Logan Act as recounted in the *Annals of Congress*:

> In our situation, for instance, said he, it would be *extremely improper* for a member of this House to enter into any correspondence with the French Republic, because this country is at present in a peculiar situation; for though, as we are not at war with France, an offence of this kind would not be high treason, yet it would be as criminal an act, as if we were at war . . . . It might, therefore, be declared, that though a crime of this kind [in peacetime] cannot be con-

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[465] U. S. Constitution, Article II, Section 1, Clause 8.

[466] It is not our opinion that it is always improper for members of Congress to engage in international negotiations. The issue is whether they are acting independently or with the approval of the President. President Washington used Chief Justice John Jay to negotiate one of the nation's most important early treaties with Great Britain, and President Truman empowered Senate Foreign Relations Committee Chairman Tom Connally and ranking Republican Arthur Vandenberg to take part in negotiating the UN Charter in 1945. But as Gallatin noted, it is "extremely improper" for legislators to enter into "any correspondence" with a foreign government involved in even quasi-military disputes with the United States, which was certainly the case when Kerry went to Managua.

sidered as treason, it should nevertheless be considered as a *high crime*. [Emphasis added.][467]

In the end, Senator Kerry's efforts to usurp the diplomatic powers of President Reagan were not successful in 1985. The *Washington Post* recently provided this summary of the episode:

> Within weeks of arriving in Washington in 1985, Kerry stepped in front of his party leaders and President Ronald Reagan to try to negotiate an end to Nicaragua's bloody civil war. (He failed.) . . . .
>
> Flying to the front lines of Nicaragua's civil war in early 1985, Kerry was on the network news within hours of returning home, touting a proposal to "stop the killing"—a ceasefire offer from Marxist leader Daniel Ortega, conditioned on the United States dropping support of the contra rebels. He appeared on CBS's "Face the Nation" that weekend, saying his experiences as a Vietnam veteran compelled him to seek peace. On the Senate floor, he declared himself ready—despite the Cold War backdrop—to test the Marxist leader's good faith.
>
> It all came to naught when Ortega, as if to validate the White House view of him as a puppet of the Politburo, flew to Moscow the next day to receive a $200 million loan from the Soviet Union. The White House trashed Kerry and Sen. Tom Harkin (D-Iowa), who had traveled with him, as dupes, and Sen. Christopher J. Dodd (D-Conn.), a Central America expert, asked, "Where did my colleagues think [Ortega] was going to go? Disney World? The man is a Marxist."[468]

We have already discussed Senator Kerry's relationship with the Marxist Institute for Policy Studies. While we have not attempted to confirm the story, it is alleged by one scholar who has written

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[467] *Annals of Congress*, vol. 9, p. 2498 (1798).

[468] Dale Russakoff, "Shifting Within Party To Gain His Footing," *Washington Post*, July 26, 2004, p. A1. See also, John Aloysius Farrell, "With Probes, Making His Mark," *Boston Globe*, June 20, 2003. p. A1.

extensively about IPS that the Kerry-Harkin visit to Managua was arranged by the Institute. Consistent with this assertion, pro-Hanoi IPS staffer Gareth Porter began his service on Senator Kerry's staff within days of the Managua visit.

**Undermining United Nations Peacekeeping**

In the already-mentioned 1970 *Harvard Crimson* interview, John Kerry expressed the view that U.S. troops should only be sent outside our borders when ordered into battle by the United Nations. "'I'm an internationalist,' Kerry told The *Crimson* in 1970. 'I'd like to see our troops dispersed through the world only at the directive of the United Nations.'"[469] Of course, when Kerry made that statement the Cold War was going strong and there was *zero* chance the Security Council was going to authorize *any* meaningful use of force—particularly if it challenged Communist aggression, since the Soviet Union had an absolute veto to prevent any substantive action by the Security Council[470] and the Council had "primary responsibility for the maintenance of international peace and security . . ."[471] So the logical consequences of Kerry's announced goal was fully consistent with his Senate testimony the following year: John Kerry wanted to give the Soviet Union a veto over the use of the United States military to assist victims of Communist aggression anywhere in the world.

That raises the issue of whether Kerry's real goal was just to disembowel the American "imperialist threat" that might stand in the way of Communist success, or whether he had a sincere belief that international peace could best be kept by working through and supporting the UN system and its Security Council. Unfortunately, his behavior as the Cold War came to an end, and it became possible for the Security Council to take meaningful action, does not support the thesis that he had the slightest commitment to the United Nations or to international peacekeeping through the United Nations. For, like eighty-five percent of his fellow Senate Democ-

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[469] Zachary M. Seward, "Old Crimson Interview Reveals A More Radical John Kerry," *op. cit.* http://www.thecrimson.com/article.aspx?ref=357339.
[470] UN Charter, Art. 27.
[471] *Ibid.* Art. 24

rats, when Saddam Hussein invaded his neighbor Kuwait and the Security Council called upon the United States to lead an international coalition to bring an end to the ongoing rape, murder, and torture, Senator John Kerry said "no way." And the authority that was approved by the Senate by the narrowest of margins (52-47) was written so narrowly (to try to get enough Democratic votes to pass) that it *guaranteed* Saddam Hussein that his own safety and the survival of his regime could not be jeopardized.

Security Council Resolution 678, of November 29, 1990, provided in relevant part:

> The Security Council . . . [a]uthorizes Member States cooperating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements . . . the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and *to restore international peace and security in the area* . . . . [Emphasis added.]

Amid expressions of concern that Congress would not accept "another Vietnam" in which an American president took the nation to war without the consent of Congress, and other warnings that Congress should not again give the President a "blank check" to wage war as they had done in Vietnam, the resolution approved by Congress in January 1991 provided:

> The President is authorized, subject to subsection (b) [requiring a determination that force is necessary], to use United States Armed Forces *pursuant to* United States Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and *677*. [Emphasis added.]

In other words, with Senator John Kerry joining the eighty-five percent of Senate Democrats in voting against giving the President *any* authority to respond to the UN Security Council's request for military forces to uphold the Charter's prohibitions against international aggression, the resolution that was approved by a five-vote

majority *refused* to authorize the President to "implement" Resolution 678. That UN resolution authorized the United States-led coalition not merely to eject Iraqi forces from Kuwait (the objective set forth in Resolution 660[472]), but also to use force "to restore international peace and security in the area . . . ."

In essence, in its fear of experiencing "another Vietnam," Congress once again tied the President's hands as America sought to protect victims of armed international aggression, in the process implicitly assuring Saddam that even if he refused to comply with the demands of the Security Council his own personal safety and his dictatorial control of Iraq had been guaranteed by the American Congress. The UN authorization might have justified following up on General Norman Schwarzkopf's brilliant "left hook" maneuver—an operation that destroyed much of the Iraqi Army and left the rest fleeing for their lives back into Iraq—by going to Baghdad, arresting Saddam Hussein as a war criminal, and cooperating in some sort of UN "trusteeship" arrangement that might have produced a democratic Iraq at a reasonable cost with the full support of the world community through the United Nations.

Such an approach might have saved more than one hundred billion dollars in American tax revenues that had to be spent after the war because Saddam had been left in power. It also might have spared hundreds of thousands of innocent Iraqis from torture, rape, murder, or starvation as a direct result of Saddam Hussein's policies during the 1990s.

**Human Rights Abuses in Iraq**

In January 1991, Senator John Kerry joined the large majority of his fellow Democrats in voting to undermine the UN Security Council on the theory that America needed to "avoid another Vietnam" and "give sanctions a chance." It is important to understand what was going on in Iraq at the time, and what transpired in the

[472] Section 2 of Security Council Resolution 660 (August 2, 1990) demanded "that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990." This was the only Security Council resolution referenced in the congressional authorization that set a military objective.

decade that followed.

According to a report released by Amnesty International on August 15, 2001, more than 500,000 children under the age of five died in Iraq during the decade following the first Gulf War because of acute poverty and malnutrition, arising from corruption in Iraq.[473] The report recounted shocking stories of "gouging out of the eyes" and "severe beatings and electric shocks to various parts of the body . . . ."[474] The following excerpt provides a flavor of life in Saddam's Iraq:

> Torture victims in Iraq have been blindfolded, stripped of their clothes and suspended from their wrists for long hours. Electric shocks have been used on various parts of their bodies, including the genitals, ears, the tongue and fingers. Victims have described to Amnesty International how they have been beaten with canes, whips, hosepipe or metal rods and how they have been suspended for hours from either a rotating fan in the ceiling or from a horizontal pole often in contorted positions as electric shocks were applied repeatedly on their bodies. Some victims had been forced to watch others, including their own relatives or family members, being tortured in front of them.

One of the many damning reports about human rights in Saddam's Iraq was submitted to the UN General Assembly by Secretary General Kofi Annan on October 14, 1999. It was prepared by the Special Rapporteur of the UN Commission on Human Rights on the human rights situation in Iraq. Among his findings was that the under-five mortality rate in the south and center of Iraq (home to eighty-five percent of the population) grew from 56 deaths per 1,000 live births prior to 1989 to 108 per 1,000 during the five year period ending in 1999. In contrast, in the autonomous northern region of Iraq, where Saddam was not in control, rather than nearly

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[473] Amnesty International, IRAQ: Systematic torture of political prisoners, Aug. 15, 2001, at 2, available on line at: http://web.amnesty.org/library/Index/engMDE140082001?OpenDocument&of=COUNTRIES%5CIRAQ?Open Document&of=COUNTRIES%5CIRAQ .

[474] *Ibid.*

doubling the mortality rate declined twenty percent during the 1990s.[475]

Discussing Saddam's refusal to cooperate with the "oil-for-food" program, the UN report noted that under phase IV of the oil-for-food program, "$15 million was allocated for the targeted feeding programme for children under five and for lactating mothers. Despite repeated requests made by the United Nations at different levels, as at 31 July only one application, for high-protein biscuits, at a value of just under $1.7 million, had been received by the Office of the Iraq Programme and approved by the Security Council. No application for therapeutic milk has been submitted to the Office of the Iraq Programme."

The U.N. report provides a good summary of Saddam's refusal to cooperate with the oil-for-food program:

> After the imposition of international sanctions in August 1990, the Government of Iraq decided not to take advantage of Security Council resolutions . . . adopted by the international community in response to the specific needs of the Iraqi people. These Security Council resolutions allowed Iraq to sell $1.6 billion worth of oil every six months, with the aim of importing humanitarian supplies. Instead, the Government of Iraq decided to rely only on domestic production to meet the humanitarian needs of its people, preferring to let innocent people suffer while the Government manoeuvred to get sanctions lifted. Indeed, had the Government of Iraq not waited five years to decide to accept the "oil-for-food" agreement proposed as early as 1991 in the above-mentioned resolutions to meet the humanitarian needs of the population, millions of innocent people would have avoided serious and prolonged suffering.[476]

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[475] Max van der Stoel, Special Rapporteur of the UN Commission on Human Rights on the Situation of Human Rights in Iraq, Gen. Assembly Doc. A/54/466, Oct. 14, 1999 p. 5.
[476] *Ibid.*p. 6.

The report quotes the Executive director of the Office of the Iraq Program as saying in May 1999 that most of the $570 million worth of medicines and medical supplies that had arrived in Iraq under the oil-for-food program remained in government warehouses, which were "literally overflowing."[477] Although during the six-month period prior to the 1999 report an increase in oil prices had increased Iraq's income under the oil-for-food program to $3.86 billion, the government of Iraq had only budgeted $6.6 million in nutritional supplements for mothers and small children—less than half the 1996 sum.[478]

The conclusions of the 1999 UN report are ominous:

> [T]he situation of human rights in Iraq is worsening and the repression of civil and political rights continues unabated . . . . At the beginning of 1992, the Special Rapporteur concluded that the gravity of the human rights situation in Iraq had few comparisons in the world since the end of the Second World War. The Special Rapporteur regrets that since then he has had no cause to change his view. The prevailing regime in Iraq has effectively eliminated the civil rights to life, liberty and physical integrity and the freedoms of thought, expression, association and assembly; rights to political participation have been flouted, while all available resources have not been used to ensure the enjoyment of economic, social and cultural rights. *Indeed, the Special Rapporteur has concluded that the political-legal order in Iraq is not compatible with respect for human rights and, rather, entails systematic and systemic violations throughout the country, affecting virtually the whole population. . . .* In sum, the prevailing regime of systematic human rights violations is contrary to Iraq's many international obligations and, as determined by the Security Council in its resolution 688 (1991), remains a threat to peace and security in the region.[479]

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[477] *Ibid.*p. 7.
[478] *Ibid.*
[479] *Ibid.*p. 8.

Despite his lofty rhetoric about wanting to work through the United Nations, it seems that during the final thirty years of the twentieth century there was at least one area where the "flip-flop" allegation against John Kerry was not a fair characterization of his behavior. When it came to standing up to brutal tyrants around the world—be they Communists like Ho Chi Minh and Pol Pot, fascists like Saddam Hussein (who, in fairness, was also a great admirer of Stalin); and whether the proposed action was unilateral, part of a "coalition of the willing" as in Vietnam, or formally authorized and requested by the United Nations Security Council—John Kerry struggled valiantly to make certain that tyrants and terrorists were not inconvenienced by efforts to enforce the rule of law.

Candidly, when Senator Kerry talks today about how expensive Operation Iraqi Freedom has been, we can't help but wonder why President Bush doesn't point out that it was Congressional Democrats who made it unlawful for the first President Bush to "finish the job" in 1991, and Senator John Kerry would not even go along with the limited grant of authority that was narrowly approved. If Senator Kerry and his Democratic colleagues had supported the President and the UN Security Council in 1991, Saddam might even have been *deterred* without a war and the hundreds of billions of dollars and hundreds of thousands of lives lost in the 1990s might have been saved. After having played a role in trying to undermine an almost united world community acting through the Security Council to deal with Saddam in 1990 and early 1991—when the United States had the support of Russia, France, Germany, and even most of the Arab world—Senator Kerry's emphasis today on working with the UN and our traditional allies sounds a bit hollow to many of us.

**Senator Kerry's Role in Undermining Human Rights in Vietnam**

As already noted, one of the major propaganda themes of North Vietnam and the American "peace" movement in the early 1970s was that South Vietnam was a "dictatorship" that was flagrantly violating human rights. Hanoi routinely called all South Vietnamese governments "dictatorships" and sometimes "fascist dictator-

ships," and when John Kerry testified to the Senate he referred to the elected government of South Vietnam as a "dictatorial regime . . . ."[480] This was one of many areas where, if the protesters actually believed the charges they were making, they were simply once again duped by Hanoi. Some of these false allegations have already been addressed.

But for all of the "human rights" rhetoric we heard in those days from the so-called "peace" movement, when Congress followed Kerry's advice[481] and prohibited the expenditure of funds to defend victims of aggression in Indochina, it consigned *tens of millions* of South Vietnamese to a Communist gulag that continues to rank among the world's worst human rights violators. And when other members of Congress sought to follow the same pattern that had successfully been used years ago to pressure the Soviet Union to respect fundamental standards of international human rights by introducing the Vietnam Human Rights Act, Senator Kerry intervened to prevent it from being even *considered* by the Senate. The *Boston Globe* reported: "[T]he Vietnam Human Rights Act, passed the House by an overwhelming 410-1 vote in 2001. But it never got a hearing or a vote in the Senate, where it was blocked by the then-chairman of the East Asian and Pacific Affairs subcommittee — John Kerry."[482] As a result, Vietnam continues to be one of the world's worst human rights violators.[483]

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[480] Kerry SFRC Testimony, p. 186.

[481] *Id*. p. 188 ("I am talking about a vote here in Congress to cut off the funds . . . .")

[482] Jeff Jacoby, "Vietnam Today," *Boston Globe*, August 8, 2004, available on line at: http://www.boston.com/news/politics/president/kerry/articles/2004/08/08/vietnam_today/.

[483] On July 29, 2004, the Committee to Protect Journalists condemned the Vietnamese government for sentencing a journalist to 30 months in prison for the crime of "taking advantage of democratic rights to infringe upon the interests of the state." Writer Nguyen Dan Que's "crime" consisted of writing an essay in March, 2003, entitled "Communiqué on Freedom of Information in Vietnam." When Que attempted to defend his beliefs to the judge, he was repeatedly interrupted and then removed from the courtroom. See, Committee to Protect Journalists, "VIETNAM: Prominent writer sentenced," available on line at: http://www.cpj.org/news/2004/Vietnam29july04na.html.

On September 4, 1999, Human Rights Watch urged Secretary of State Madeleine Albright to pressure Vietnam to improve its human rights record.[484] And earlier this year the respected human rights group, Freedom House, released a list of "the worst of the worst," the most repressive regimes in the world. And the "Socialist Republic of Vietnam" occupied its usual place on that list.[485] A more recent article in the *Boston Globe* about contemporary Vietnam accurately described it as "a country of 82 million human beings — who live under one of the most repressive dictatorships on Earth."[486] This is what John Kerry, Jane Fonda, Ted Kennedy, and the other radical leaders of the so-called "peace" movement during the war kept us from preventing. And even after three decades, we are still outraged over their behavior.

[484] This communication may be found on line at: http://www.hrw.org/press/1999/sep/viet0904.htm.

[485] Freedom House, "World's Worst Regimes Unveiled," April 2, 2004, available on line at: http://www.freedomhouse.org/media/pressrel/040204.htm.

[486] Jeff Jacoby, "Vietnam Today," *Boston Globe*, August 8, 2004, available on line at: http://www.boston.com/news/globe/editorial_opinion/oped/articles/2004/08/08/vietnam_today/.

## Conclusions

The men who gathered in Boston for our Vietnam Myths conference in late June were a very diverse group. Our common bond was honorable service in Indochina during the Vietnam War. We included some real war heroes—several Medal of Honor recipients and a disproportionate number of Green Berets and other special operations types—but most of us don't view ourselves as "heroes" at all. We were just young soldiers, sailors, airmen and Marines trying to do our duty for a country we dearly love.

It was only near the end of our conference that it became clear to all that we also had a common bond of an intense anger towards John Kerry for the lies he told and the contribution he made to undermining the cause for which we had sacrificed. He didn't do it alone, but he became the symbol of the anti-Vietnam protest movement and he willingly allied himself with some of the most radical anti-American elements in his efforts to promote his presidential aspirations. His former VVAW comrades went on to help Moscow and Havana disclose the identities of covert CIA operatives and currently denounce U.S. efforts in Afghanistan against al Qaeda and the Taliban as acts of "terrorism" on our part. Millions of good people are dead today, and tens of millions live in tyranny, because John Kerry's views in the early 1970s prevailed and Congress made it unlawful for us to continue our efforts to fulfill the noble pledge that President John F. Kennedy had made to the world that cold January day in 1961.

There is a reason that support for the Vietnam War is more than twice as strong among genuine Vietnam veterans than it is among the general public. We were there. We saw what the enemy was doing, and we knew what we were doing. And we were damned proud of what we were doing. But John Kerry, Jane Fonda, and their ilk helped our nation's enemies misrepresent the facts and deceive the American people and their Congress. So rather than being welcomed home for our sacrifices, as former Marine Lieutenant Philip Caputo has observed:

> The Vietnam veteran returned to find that the country was not only not behind him, it was at best indifferent to him, at

> worse against him. Flown in a jet plane that took him from the front line to his front porch in only 48 hours, leaving him no time to make sense out of what he'd been through, he was ignored by the mainstream of American society, stigmatized by the liberal left and by the media as a dope-crazed killer, and accomplice of a criminal foreign policy. . . . Johnny didn't come marching home from Vietnam; he crept back, furtive, secretive and alone, like a convict just released from prison.[487]

Our concern is not merely for the past, but as well for the future. We love this country, we want to see it strong and free, and we know that this will be more likely to happen if the young men and women who serve in our active and reserve uniformed forces are well led and confident. And recently public opinion polls demonstrate an overwhelming preference by the American military to have George W. Bush as their Commander in Chief rather than John Kerry. They don't *trust* John Kerry.

A *USA Today* report earlier this month reported that an *Army Times* poll of readers voiced support for President Bush by a margin of four-to-one over Senator Kerry, with "two-thirds of those responding" saying that Kerry's "anti-war activities after he returned from Vietnam make them less likely to vote for him."[488] A more scientific Annenberg Poll released October 15 confirms that most members of the military have an "unfavorable" opinion of Senator Kerry, while nearly seven-in-ten (69 percent) have a favorable opinion of President Bush. Nearly eight-in-ten (79 percent) rate President Bush as a stronger leader. The one area where Senator Kerry clearly leads the President among the American military—by a margin of greater than four-to-one—is when asked which candidate would be more likely to "say one thing and do

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[487] Philip Caputo, "Post-War Stress is Afflicting Veterans," in David L. Bender, *The Vietnam War* (1984), quoted in Jay M. Shafritz (ed.), *Words on War* (New York: Prentice Hall, 1990) p. 446..

[488] Dave Moniz, "Troops in survey back Bush 4-to-1 over Kerry," *USA Today*, October 3, 2004, available on line at: http://www.usatoday.com/news/politics elections/nation/president/2004-10-03-bush-troops_x.htm.

another."[489]

Interestingly, as in Vietnam, support for Operation Iraqi Freedom is much stronger—by a margin of two-to-one—among the men and women who may actually be called upon to risk their lives in combat than it is among the general public.[490] We suspect this has something to do with the fact that many of them have either seen the conflict first-hand or have spoken with friends who have been there, and they don't rely so heavily upon pessimistic media accounts that often ignore the progress that is being made and the evil that has been stopped in order to report on the latest suicide bombings and American casualty reports. Some of us wonder if America could have won World War II with such a media.

Senator Kerry's campaign has clearly prevailed on another issue, according to another Annenberg election poll. When asked "which candidate favors reinstating the draft," a majority of 18 to 29 year-olds say Bush while only 8 percent say Kerry.[491] This has been a recurring campaign theme with Senator Kerry despite President Bush's emphatic declaration that there will be no draft. Obviously, the need for compulsory service is related to the question of whether America can meet its military personnel needs with volunteers. It would seem relevant, one might think, that by a margin of three- or four-to-one our men and women currently in uniform prefer to serve under President Bush. We don't pretend to speak for others, but were we still on active duty on November third and learned that John Kerry would be sworn in next January as our Commander in Chief, many of us would quickly start circulating our resumes in the private sector. The October 15 Annenberg poll reports that half of Americans in uniform who are aware of John Kerry's role in opposing the Vietnam War "strong disapprove" of

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[489] "Service Men and Women Upbeat on Bush, War In Iraq, Economy and Intend to Vote, Annenberg Data Show," Press Release dated October 15, 2004, available on line at: http://www.annenbergpublicpolicycenter.org/.

[490] *Ibid.*

[491] "Majority of 18 to 29 Year Olds Think Bush Favors Reeinstating the Draft, Annenberg Date Show, Press Release dated October 8, 2004, available on line at: http://www.annenbergpublicpolicycenter.org/.

his behavior.[492]

We are not all identical now, nor were we when we served in Vietnam. Like most Vietnam veterans, virtually everyone who gathered with us in Boston did a pretty good job of putting "Vietnam" behind us and getting on with our lives—just as our fathers and uncles had done three decades earlier following World War II. But the nomination of John Forbes Kerry to be President of the United States has reopened some very painful old wounds. And while we are to a man committed to the democratic process and recognize that our prior service entitles us to no more votes than the one permitted each of our fellow citizens, we felt a duty to at least try to set the record straight and explain why we hope the American people will not reward a man who has built his career on the betrayal of his comrades in arms, our POWs their families, and ultimately our Country. He is admittedly a fine debater and eloquent public speaker. Because of those traits, and his willingness to twist the facts and embrace radical anti-American views to advance his political ambitions, John Kerry played a key role in persuading Congress to betray John Kennedy's inaugural pledge. As a result, millions of innocent human beings were slaughtered and tens of millions lost any chance at freedom. We respectfully submit that such a man is not a good choice to be elected President of the United States.

[492] "Service Men and Women Upbeat on Bush, War in Iraq, Economy and Intend to Vote, Annenberg Data Show."