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Senate

CONTINUING INVOLVEMENT IN SOUTH VIETNAM

Mr. ABOUREZK. Mr. President, last week two men of great expertise in the fields of Southeast Asian foreign affairs testified before the House Asia and Pacific Affairs Subcommittee. Their statements provided a very moving and enlightening account of events since the signing of the Paris cease-fire agreement in South Vietnam and our continuing involvement and responsibility in those events.

Don Luce, currently the director of the Indochina Mobile Education Project, spent 12 years in Vietnam and is the author of three books on the country. **Fred Branfman**, presently the codirector of the Indochina Resource Center, has just returned from a 7-week tour of South Vietnam and has condensed thousands of pages of notes from this trip into his statement.

Both statements attest to the whole realm of American involvement in foreign national police activity and the effect which this activity has on the Vietnamese population.

That the South Vietnamese penal system is advised and maintained by the United States cannot be argued. Our support for this system and similar penal organizations throughout the world urgently needs to be reviewed if it is allowed to be continued at all. Our involvement in foreign operations of torture, surveillance, internment and assassination does not contribute in the slightest way to the spirit of humanitarianism in which foreign economic assistance was intended.

Mr. President, I ask unanimous consent that the statements of these two gentlemen be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

STATEMENT OF DON LUCE

AMERICAN RESPONSIBILITY FOR THE VIETNAMESE POLICE AND PRISON SYSTEM

The south Vietnamese penal system has been largely created, advised and maintained by the United States.

During the past 6 years the U.S. has spent at least \$131,700,000 on the south Vietnamese police and prison systems. Repression has increased steadily since 1967, the year General Nguyen Van Thieu won the presidential election and promptly jailed the runner-up for five years.

In 1964, there were only 10,000 National Police in south Viet Nam; by 1973, American funding had allowed that force to grow to over 120,000. These police interrogate, torture and spy on the entire population of south Viet Nam. They extort bribes from those whose identification papers have not been stamped by election officials. Whole families must make payments to escape arrest

during nightly house searches. Even shoe shine boys caught sleeping on the streets in violation of curfew must pay off the National Police.

Demonstrations by Buddhist monks, students and war veterans have been broken up by police who use tear gas by Federal Laboratories in Salisbury, Pennsylvania.

The shackles which are used to immobilize prisoners are manufactured by Smith and Wesson of Springfield, Massachusetts.

Provincial interrogation centers, where the worst torture takes place, have been built by American contractors. The U.S. Department of the Navy awarded a \$400,000 contract for the construction of the "New Tiger Cages" to the American firm Raymond, Morrison, Knudsen-Brown, Root and Jones (RMK-BRJ).

The U.S. AID budget for 1974 set as a goal the establishment of a "central records system containing 12 million individual bio-data documents and 11.5 million dossiers." To attain this level of surveillance a vast amount of police and computer work is required. Without United States funds, the Saigon government cannot carry out such a program.

Continued American involvement in such programs and policies is in violation of the January 1973 Agreement on Ending the War and Restoring Peace which states:

"Immediately after the ceasefire, the two south Vietnamese parties will:

"Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisals and discrimination against individuals or organizations that have collaborated with one side or the other;

"Ensure the democratic liberties of the people, personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise." (Article 11)

"Foreign countries shall not impose any political tendency or personality on the south Vietnamese people." (Article 9)

"The United States will not continue its military involvement or intervene in the internal affairs of south Vietnam." (Article 4)

"All Vietnamese civilian personnel captured and detained in south Viet Nam shall be treated humanely at all times, and in accordance with international practice.

"They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel punishment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced." (Protocol on Prisoners, Article 8)

In apparent compliance with these articles, President Nixon's 1974 Budget Presentation states:

"In keeping with the articles of the cease-fire agreement, AID has terminated its assistance to the National Police and to the Vietnamese Corrections System."

But a close inspection of the facts shows that contrary to the Paris Agreement, the

U.S. is pumping very substantial amounts of money into the police and prison system.

Public Safety was abolished—but its programs and funding continue. Public Safety is now called Public Works, Public Administration and Technical support.

Item charged to, amount:	
Police computer training, technical support.....	\$869, 000
Direct police training, public administration.....	256, 000
Police telecommunications, public works.....	1, 505, 000
Public safety, unliquidated obligation.....	1, 285, 000
National police support, unliquidated obligation.....	2, 472, 000
Corrections system support, unliquidated obligation.....	30, 000
Public safety supplies, budget request, Dept. of Defense.....	8, 880, 000
	15, 217, 000

Another 3.3 million dollars of U.S. tax money is being spent on prisons, police and police telecommunications, under the American AID programs (Title 34). This is money that comes from the sale of U.S. commodities donated to the Saigon government. The plasters generated are then put into a special account. The use of these funds requires the joint approval of the U.S. government and the Saigon government. I am submitting to the Committee a xerox copy of the American AID Program section on police and prisons and a copy of the joint letter of agreement on expenditures. The expenditure of the above mentioned 8.8 million dollars for activities in violation of the Paris Agreements was approved on February 23, 1973 between John R. Moesler, Director of AID/Viet Nam and Luu Van Tinh, Director General of the Bureau of south Vietnamese budget.

The preliminary 1974 Budget Presentation, made before the signing of the Paris Agreement, allocated funds to "establish, by the end of FY '75, a central records system containing 12 million individual bio-date documents and 11.5 million dossiers." Upon completion, this program would put two-thirds of the south Vietnamese population under political surveillance. What has happened since the ceasefire? The goal is no longer listed, but:

Surveillance methods are being taught to police trainees in the U.S.

The Computer Science Corporation of El Segundo, California, has reportedly received a contract from the U.S. Agency for International Development to provide computer services to the police agencies in south Viet Nam.

The U.S. contributions to the plaster budget of Public Safety Telecommunications has doubled in the last year.

IMPACT OF REPRESSION ON THE VIETNAMESE

"There are political prisoners in south Vietnamese jails and incidents of abuse and mistreatment do occur," Marshall Wright of the U.S. State Department writes to Senator

Edward Kennedy on August 2, 1973. Marshall Wright does go on to assure the senator that "in general, cases of abuse appear to have occurred in the process of, or just after, arrest while detainees are still under police control or interrogation."

Thus, the U.S. government admits that there are political prisoners in south Vietnamese jails and that some abuse takes place. But while the State Department claims there are between 500 and 1,000 non-communist political prisoners, Amnesty International claims the figure is closer to 100,000 and the Committee to Improve the Prison System in Viet Nam provides the location of 200,000 prisoners. (Documentation for this estimate is included as an appendix). One Vietnamese legislator has revealed that the prison allocations for the 1973 budget allow for 400,000 prisoners (*Le Monde*, March 16, 1973).

This committee has received pictures of the people paralyzed from shackling and malnutrition. You have seen photos of people blinded from the caustic lime thrown into the tiger cages. The cases of Nguyen Ngoc Huong, Venerable Hanh Tue and others who have died as a result of mistreatment in the jails have been heard. I can only add: we pay for it all and therefore must accept responsibility.

THE FUTURE

The fate of the 200,000 persons imprisoned in Saigon's jails is a central issue in determining the future of Viet Nam and American involvement there.

I would like to briefly review the impact which the war has had on the majority of the population of south Viet Nam to illustrate the significance of the political prisoner issue and the policies of repression currently being pursued by the Thieu government.

Beginning in 1966, when United States ground and air forces became massively involved in the prosecution of the war, ten million farmers, fishermen, craftsmen and small merchants were driven from their homelands. In less than a decade, a country which was 85% rural became 65% urban. More than 60% of the people were forcibly relocated.

The Saigon government and some American strategists did not necessarily consider this flow of refugees to the cities a political drawback, since the National Liberation Front was strongest in the countryside, while an ever-growing Saigon police force patrolled the cities.

Initially, Vietnamese cities were able to absorb economically (though not ecologically) the massive influx of refugees—thanks chiefly to the free-spending military, on and off duty. Many refugees were able to make a living working on or near U.S. military installations. Some became construction workers, translators or cooks. Others had to resort to prostitution, black market operations, shining shoes, or dealing drugs. However menial or degrading the tasks, the presence of American troops, 500,000 of them, did create an artificial economy capable of sustaining the teeming cities.

But the half million are now gone, and with them the millions of dollars they spent annually. A rampant and perverse prosperity has been replaced by pervasive economic stagnation and unemployment. Inflation continues. The government prints more money to pay its bills. And monetary reserves are rapidly diminishing.

The prerequisite for reversing these economic ills is to return people to their homes and get on with the business of agricultural production. But the same political considerations which caused the Saigon government to welcome people driven out of NLF territory in years past are still in effect today. President Thieu is not anxious to have people returning unsupervised to their

homes. Thus Article 6 of new Decree-Laws issued on January 2, 1973 states:

"Arrest and detain those persons who incite people to create disorder and confusion or to leave those areas controlled by the government in order to go into communist-controlled zones or vice-versa. If they protest, they will be shot."

In effect, the millions of refugees created in the last decade are now imprisoned in refugee camps and squalid city slums, doomed to futile and desperate lives by a government too fearful of its own people to allow them to go home. Inevitably, the Vietnamese economic situation grows worse and worse.

But the course chosen by the Saigon government—confining its population to secure areas—has not been without political dangers of its own. The faltering economy, corruption, and preoccupation with military spending at the expense of social services has led to wide-spread discontent.* Disabled war veterans have demonstrated for higher pensions and better medical care, students have called for an end to corruption and workers have demanded higher wages and an end to inflation. The response of the Thieu government to these and other demands has been massive and indiscriminate repression. The veterans have been savagely beaten, the students have been imprisoned and tortured, and the union leaders have been arrested and, in one case, tortured to death.

The national police thus play the same role in the cities as the army does in the countryside. Wherever people are forced to live, they are considered a potential enemy.

The consequences of such attitudes are now obvious. Saigon's suspicions prevent the return of refugees to their ancestral homes. Agricultural production suffers. The inadequacies and deprivation of urban living lead to protests and demonstrations. More police are required. A vicious circle of increasing repression and decreasing prosperity is the result.

The AID Fiscal Year 1974 Program Presentation, "Indochina Postwar Reconstruction Assistance," acknowledges the importance of resettlement and reconciliation, at least verbally. But a careful examination of the various programs presented reveals the same war-oriented priorities as in previous years. And the emphasis continues to be the funding and training of the national police and the maintaining and equipping of the army. Military aid is still three times greater than economic aid. And a substantial portion of the "economic" aid is actually devoted to military programs. \$90 million, or one-third of the Commercial Import Program, and \$120 million, or 80% of the Food For Peace funds, support Saigon's army, navy and air force.

A POLICY OF CONTINUED AND INDEFINITE U.S. AID

The present policy of the United States means an indefinite commitment of money and materiel, at a rate of at least \$2 billion a year, to an unpopular dictator in Saigon. Much of the non-communist leadership in south Viet Nam—Buddhist monks, rural community leaders, labor union officials, students, lawyers, and newspaper editors—are in jail. These people represent the broad spectrum of political opinion which lies between that of the Saigon government and the National Liberation Front. They alone can effect the reconciliation and accommodation necessary to restore peace to Viet Nam. But, they remain in jail.

Thousands of skilled Vietnamese live in

*Less than 1% of American aid to south Viet Nam is budgeted for health, education, and agriculture in Fiscal Year 1974. NYT, August 19, 1973.)

exile, opposed to the present Saigon government. (More Vietnamese doctors live in France than in south Viet Nam.) These people, whether they are economists, artists, surgeons, engineers, or architects will not return while their families and friends are being arrested and tortured and their children being drafted. South Viet Nam will have to do without their skills and rely on foreign advisors.

As long as the moderate, non-communist opposition in south Viet Nam is thoroughly repressed, National Liberation Front members will not dare seek accommodation with the Saigon government. President Thieu's policy aims at the eradication of the NLF but condemns south Viet Nam to endless war and the American taxpayer to endless expenditure.

The decision to prohibit refugees from returning to their homelands severely limits the ability of individual farmers, and of south Viet Nam itself, to recover from the effects of war. Those made homeless by the war can either be encouraged to become productive members of their communities again, or to remain displaced burdens on the economy. Saigon has chosen the latter option and the accelerating rate of inflation and dwindling foreign reserves testify to the disastrous effects of that choice.

The Saigon government maintains an army of 1.1 million men (the fourth largest in the world) and one of the largest per capita police forces of any country. At the same time its expenditure for health, education and social services is pitifully small. With deepening social unrest and dissatisfaction with unending war, no change in priorities can be expected. A police state creates a vicious cycle which requires even greater repression.

The United States has nearly completed the process of making south Viet Nam a permanent client state, requiring \$2 billion annually to sustain it.

Any money sent to the Thieu administration will be used to protect that administration from its own people. Continued U.S. aid to the Saigon government will be primarily used for repression—it is the only way that Thieu can stay in power.

Four basic reforms are needed if the south Vietnamese are to achieve a self-sufficient economy and the basic freedoms which the U.S. claimed it was fighting to provide.

1. All of the political prisoners must be released.

2. Non-violent freedom of expression must be allowed.

3. There must be freedom of movement to allow the farm people to return home.

4. The Saigon government must begin the demobilization of the armed forces.

Only then will the phrase "peace with honor" have any meaning for the long-suffering people of south Viet Nam.

APPENDIX

Political prisoners detained by the Government of the Republic of Vietnam* June 1, 1973

4 special prisons:

Con Son	8,200
Thu Duc	1,500
Tan Hiep	2,500
Da Lat (for political youths)	1,000

Total 13,200

Military prisons:

Go Vap	2,000
Da Nang, Nha Trang, Can Tho, Pleiku	4,000
Other military prisons	6,000

Total 12,000

9 main prisons:

Chi Hoa	2,000
Gia Dinh	3,000

**Political prisoners detained by the Government of the Republic of Vietnam*
June 1, 1973—Continued**

9 main prisons—continued

Can Tho.....	3,000
My Tho.....	2,000
Thua Phu (Hue).....	2,000
Danang.....	3,000
Quang Nam.....	3,000
Quang Ngai.....	4,000
Qui Nhon.....	3,000

Total.....	25,000
37 other provincial prisons.....	50,000
District and village prisons.....	68,000
Interrogation centers.....	33,800

Grand total..... 202,000

* Source: The Committee to Reform the Prison System, Saigon.

STATEMENT OF FRED BRANFMAN

My name is Fred Branfman. I am presently Co-Director of the Indochina Resource Center, in Washington, D.C. I have been directly involved with Indochina for the last 6 years, as a U.S. government-funded educational adviser and freelance writer in Laos 1967-71 and doing non-profit research in Washington, D.C. from 1971 until now.

I have been researching South Vietnamese political prisoners for the past 6 months, studying the available literature and interviewing informed sources in Paris, Bangkok, Singapore, Washington and at Amnesty International in London.

The bulk of my testimony today, however, will be based on a 7 week visit to South Vietnam from June 8 to July 28 of this year. During this period I interviewed over 80 people, including 4 current and 16 former political prisoners, 16 relatives of political prisoners, 7 deputies, Senators, lawyers and judges, and many Vietnamese and foreign students of the political prisoner question.

I will give an overview of what I found, from the period before arrest to arrest to interrogation to sentencing to imprisonment to the release of political prisoners. I will also discuss attempts by the Government of the Republic of Vietnam (GVN) to avoid releasing political prisoners, new arrests, and concealment of the prison situation from the world outside.

This presentation today is drawn from 1,300 pages of handwritten notes and over 1,000 pages of documents collected in Saigon. It is corroborated by documentation totalling several thousand pages from dozens of foreign observers and several hundred Vietnamese. A list of many of these people and written documentation available from our office will be submitted for the printed record of these hearings.

**GVN ATTEMPTS TO AVOID RELEASE OF ITS
POLITICAL PRISONERS**

The GVN is clearly attempting to avoid the release of the vast majority of its political prisoners, in clear violation of the Paris Accord.

Independent estimates of the number of political prisoners vary from 40,000 to 200,000. While in Saigon, I was given a prison by prison breakdown totaling 202,000 political prisoners prepared by the Committee to Reform the Prison System. The Committee, led by the Catholic Father Chan Tin, is made up of leading Saigon intellectuals and students. Its estimates are based on interviews with former prisoners, relatives who visit prisoners, sources within the prisons, and official documents. Many other Saigon leaders, such as the Deputy Ho Ngoc Nhuân, also use a figure of 200,000. I personally found it to be best source.

Amnesty International, a London-based research group on political prisoners, estimates 100,000. Journalists in Saigon tend to estimate between 40,000 and 60,000.

Whatever the actual overall figure, how-

ever, it is clear that the GVN intends to release but a small percentage. Its official position since the ceasefire has been that it only holds 5,081 civilian detainees to be turned over to the Provisional Revolutionary Government (PRG). It has already released 1,500 or so, leaving about 3,500 still to be released. Its position is that all prisoners besides these 3,500 are common-law criminals who are not covered by the Paris Accords.

By all independent estimates, the GVN thus intends to hold 10s of 1,000s, probably 100s of 1,000s, of its political prisoners.

These prisoners come from a wide variety of occupational backgrounds. Current political prisoners whose relatives and friends I interviewed, for example, fell into the following job categories: high school or college student, writer, bank employee, electric or railroad worker, civil servant, Buddhist or Cao Dai monk, teacher, soldier, accountant and lawyer. Working in Saigon, I did not have the opportunity to interview relatives or friends of peasants. All ex-political prisoners I spoke with, however, stated that the majority of the prison population comes from the peasant class.

It appeared clear that the prisoners I learned about were entitled to release in GVN areas under the Paris Accords. All had grown-up in GVN territory. Most had been active in demonstrations for peace or against President Thieu's one-man election. In a number of cases I was shown official GVN documents listing their prison number followed by "MTCT" signifying that they were political prisoners. All had denied membership in the PRG and demanded to be returned to their families. All had been sentenced by either a military court or security committee, the two bodies which judge civilians accused of political offenses. Many had been accused of such offenses as "weakening the spirit of the army and people", clearly a political charge.

The main device used by the GVN to justify holding political prisoners has been reclassification. This has been an attempt to change their status to that of common-law criminals, a category of prisoner whose release is not covered by the Paris Accords.

Re-classification began before the ceasefire and has continued since. It has been reported in letters from prisoners smuggled out of all the prisons, 4 women whom I talked to in a prison hospital ward, for example, told me that the Military Field Court had come to Tan Hiep prison shortly before the ceasefire and carried out mass re-classifications of political prisoners. The U.S. Embassy in Saigon confirmed this practice to Senator Kennedy in a letter dated April 3, 1973.

In actual fact, common-law criminals are supposed to be sentenced by civil courts according to the South Vietnamese constitution. Common-law criminals comprised a tiny portion of the prison population before the ceasefire, according to a judge, several lawyers, and ex-prisoners I interviewed.

This widespread re-classification is proof in and of itself that the GVN is holding large numbers of political prisoners in violation of the Paris Agreement. Any PRG member who had not been held on common-law charges at the time of arrest is clearly entitled to release as a "civilian detainee" as defined in Article 8c. Any non-PRG member not held on common-law charges at time of arrest is just as clearly entitled to release under Article 11 which guarantees freedom of political action to all Vietnamese.

**NEW POLITICAL ARRESTS IN VIOLATION OF THE
PARIS ACCORD**

While in Saigon I learned that the political prisoner problem has actually been increasing since the Paris Accords. Not only has the GVN steadily continued to arrest people on political grounds, but it has even begun arresting members of groups which had not been touched since 1965.

During my stay in Saigon I could only dis-

cover two groups which had not undergone political arrests before the ceasefire: labor leaders and Catholic priest. Three months after the ceasefire, however, the GVN arrested 4 labor union leaders: Messrs. Nguyen Thua Nghiep, Dang Tan Si, Nguyen Van Cung, and Pham Van Hi. I learned in June from released prisoners that Mr. Pham Van Hi had been tortured to death in prison. This was later confirmed by the *New York Times* on September 4, which also reported that the other men had been sentenced to 18 months by a military court.

The trial of these men illustrates that the GVN continues to arrest on political grounds, but now sentences on common-law grounds to avoid complying with the Paris Agreements. During the trial Messrs. Nghiep, Si and Cung were charged with participating in a Communist plot to subvert the Saigon labor movement. But they were charged with "acting as accomplices to wrong-doers", a common-law offense.

I was also given a list of 33 University students arrested after the ceasefire. All had been candidates on slates for University elections opposing pro-GVN student slates. In interviewing University professors and relatives of some of the arrested students, I found that they had been moderates who had not been involved in student politics before.

These arrests of labor union leaders and moderate students were taken quite seriously by Deputies and Senators interviewed. They felt that these arrests meant that the GVN was committed to an ever-widening circle of political arrest for the indefinite future.

NATIONWIDE SURVEILLANCE

The story of political prisoners begins with the nationwide surveillance to which all South Vietnamese are subjected today. I learned in Saigon that all Vietnamese over the age of 15 are required to carry ID cards on pain of imprisonment. These cards are linked to a central computer containing biographical data of more than ten million Vietnamese. Every family is required to keep a "Brown Book" listing all people staying in the house. Surveillance is carried out by 120,000 uniformed and plain-clothed political police, as well as tens of thousands of part-time informers who spy on friends neighbors and fellow employees.

I regularly saw uniformed police on every street corner waving down passersby to check their ID cards. When visiting non-Communist lawyer Tran Ngoc Lieng, I saw two plain-clothed police perched on Hondas in front of his home. He told me they follow him about Saigon on his daily rounds. A Catholic University professor reported that he has several dozen students in his class who have been required to report on him or be forced into the army. A 16 year old textile worker described his amazement when arrested to find that the police had compiled a dossier on him dating back to when he was 14. A labor union leader described being called into the police and shown photographs which had been secretly taken of him while he had been visiting families of political prisoners.

I encountered this surveillance apparatus first-hand one night as I lay sleeping two hours after the midnight curfew. I was suddenly awakened by a loud banging on my door, the ringing of my doorbell, a flashlight shining in my eyes and a voice shouting "Police. Police. Open Up." When I opened the door, two policemen marched in without a warrant or explanation. As one checked my closet, bathroom and rifled through my papers, the other demanded my ID. After they left my room, they continued on from room to room throughout the large apartment house where I was staying.

Talking with long-time foreign residents and Vietnamese I found out that this is a typical early-morning occurrence for the Vietnamese. Every night after curfew thou-

sands of police fan out through the cities and hamlets of Vietnam conducting similar raids.

ARRESTS

36 prisoners and relatives of prisoners reported that arrests can take place anywhere. At school, the market, work. People had been snatched off Hondas, picked up strolling down the street.

Most arrests, however, were at night after curfew. Over 20 people described the same general pattern: 20 or 30 police entered their homes in the early-morning hours. After searching the home thoroughly, they arrested one or more family members. 4 police remained behind, staying in shifts for periods ranging from 2 weeks to 2 months in one case.

The police refused in all cases to tell the families what had happened to the family member who had been arrested. In some cases they finally found out from released prisoners or by receiving letters, usually after 6 months to a year. In other cases, they have never found out.

The mother of 18 year old student Nguyen Phuoc Quynh Tien, for example, last received news of her son three days after his arrest on January 14, 1969. She has had no news of his whereabouts since. Although she knows he was arrested, police deny all knowledge of him.

Reasons for arrest vary widely. Mrs. Pham Van Hien was the only wife of the arrested labor leaders to be imprisoned. Friends assume it was because her husband had been murdered and did not want her to protest it. The 16 year old textile worker mentioned above was told he had been arrested because of an anti-American poem, which had appeared in a magazine he edited. Father Minh, a Catholic priest, believes that his father, an accountant, was arrested in retaliation against Father Minh's activities for peace.

In most cases, however, it is peasants who are arrested during mass sweeps. Father Tran Van Thong, Catholic chaplain of Chi Hoa and a firm supporter of the GVN, told me that most of the political prisoners at Chi Hoa had simply been hapless victims in mass sweeps through their villages. A former Phoenix adviser, and U.S. army officer, told me that U.S. officials had set monthly quotas for arrest and assassination by district during his Phoenix service in 1969. He believed that most prisoners were taken indiscriminately by Vietnamese officials trying to meet their monthly quotas. This point was also repeatedly made by former political prisoners.

INTERROGATION

All prisoners interviewed said that after being arrested they were taken to an interrogation center. Kept there on an average of two months, all reported that during this period they had no contact with the outside world. They were not allowed to contact lawyers, relatives or friends. All were kept in dark, airless isolation cells for a portion of their interrogation.

All prisoners reported that they had been repeatedly tortured during the interrogation period. The most frequent of the many tortures described were:

(1) The electric torture, where they said they were given electric shocks to the ears, limbs or genitals. All said that these electrical shocks had affected their nervous system and hearts. Visitors and doctors at Quang Ngai hospital report that prisoners in the prison hospital ward frequently have prolonged seizures where they relive the experience of being tortured with electricity. This was not the case among the people I interviewed, however.

(2) The water torture, in which water would be poured down the throat, inducing a sensation of drowning. The interrogator would then jump on the stomach, forcing the

water out through the mouth and nose, producing a feeling of drowning.

(3) Various forms of beatings. Prisoners would be beaten with clubs, kicks or rubber truncheons while lying prone, tied to a chair, or suspended from the wall with arms tied behind backs.

In addition, women interviewed described being stripped naked by interrogators and being subjected to various sexual indignities.

In general, torture sessions would last for several hours—though in some cases they might go on for a day or longer. They would be interspersed with meetings with police who would demand that the suspect admit working for the NLF, and accuse friends, acquaintances or relatives of doing so.

In every case the torture period was ended by the prisoner signing a confession prepared by the police. The suspect would also be forced to sign a statement saying that he or she had not been tortured.

Amnesty International has written in a recent report on political prisoners in South Vietnam: "Torture during interrogation, or as a disciplinary measure within prisons, is no longer even motivated by a desire to gather 'intelligence' . . . torture is widely used as an instrument of intimidation but as an end in itself . . . in many instances torture has become no more or less than a matter of habit."

This statement was borne out by many of the prisoners I interviewed. Mr. Tran Van Hien, for example, was a blind ex-prisoner when he was re-arrested on May 4, 1972. Even though blind, he was tied to a chair, beaten and tortured with electricity repeatedly. During questioning periods police constantly demanded that he admit to both working for the NLF and a non-communist group called the Students' Committee For the Right To Life. He at first refused to admit membership in the NLF, pointing out that he was blind. He also denied being a part of the Students' Committee. Finally, though, he says he could not withstand the torture any more and was willing to sign anything the police put in front of him. When it came time for him to sign he says that they did not bother to accuse him of being a member of the Students' Committee after all.

Mr. Hien says he saw a sign on the wall of his interrogation chamber during his first arrest which read: "If you are not guilty, we torture you so that you admit guilt; if you are guilty, we torture you so that you do not commit your crime again."

All ex-prisoners stressed that torture was a matter of course. It often was not accompanied by specific demands until the end.

SENTENCING

I was particularly interested in the legal process during my stay. In addition to interviewing political prisoners, I also talked to a great many lawyers, a judge and attended a trial.

Article 74 of the Constitution states that "No citizen can be tortured, threatened or forced to confess." Article 75 holds that "A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation."

All prisoners stated that they had been tortured and denied the presence of a lawyer during the interrogation period. All lawyers interviewed stated they have never been allowed by the government to assist clients during the preliminary interrogation period. All showed me letters written to the Minister of the Interior asking the whereabouts of a political prisoner during interrogation periods. None had ever been answered.

Political prisoners are sentenced either by Security Committees of Military Field Courts.

The Military Field Court is a special court of 5 military officers appointed by President Thieu. It is empowered to sentence people to

as long as life in prison. A substantial number of political prisoners have been tried by the Military Field Court, though less than those sentenced by the Security Committees.

The Military Field Court was found illegal by the South Vietnamese Supreme Court on May 5, 1970. The Supreme Court ruled that the Military Field Court denied defendants due process of law and access to lawyers during the interrogation period and thereby violated Article 77 and article 7, paragraph 6 of the Constitution.

Despite this ruling the Military Field Courts have continued functioning up until the present day.

On July 3, 1973, I attended a session of the Military Field Court. Although no political prisoners were sentenced that particular day, the process is the same for them as the military defendants I witnessed.

The court disposed of some 20 defendants that morning. Each was brought before the judge and interrogated on his written confession for 5 minutes or so. Then the prosecutor took over, screaming at the defendant if he did not admit to all charges in his confession before the court. This would also take about 5 minutes. A young public defender just out of law school would then step up and beg the mercy of the court for his defendant. The entire process took about 10-15 minutes per defendant. At the end of the morning the judges retired to their chambers and returned after a short period to read off the sentences for all 20 defendants.

No evidence was presented, for or against. There were no witnesses, no cross-examination.

I could only discover one case where political prisoners were found innocent by the Military Field Court. This was on November 18, 1972, when the Saigon Military Field Court found 4 young members of the Young Catholic Workers innocent and ordered them acquitted. Despite this, the young men were not released. They were detained by the Security Committee, and later sent to Con Son island on December 26, 1972.

The province and urban Security Committees are quite separate from the Military Field Courts and civil courts. They are, in fact, not courts but administrative bodies. Made up of representatives of the police, military, province chief and public prosecutor, they are empowered to imprison anyone for up to "two years, renewable."

I interviewed a judge and former deputy, both of whom had attended Security Committee meetings. They told me that the Security Committee meets every few weeks. At its meetings, the police chief will usually read off the accusations for several dozen people, recommending a sentence for each. The other members perfunctorily agree, rarely asking questions or attempting to determine the evidence against the accused. Defendants are almost never brought before a Security Committee. Nor is a lawyer present to represent them.

About half the ex-prisoners I interviewed had been detained by the Security Committees. In most cases they had only found this out months or even years after the hearing had taken place. In some cases they did not find out until after being released from prison.

The Phoenix program, under Ambassador William Colby, used the Security Committees as the main organ for imprisoning people swept up by Phoenix. As a result, the Security Committees are probably responsible for the sentencing of most political prisoners in jail in South Vietnam today.

Testifying before the House in July, 1971, Ambassador Colby admitted to Congressman Ogden Reid that defendants have no right to counsel when being sentenced by the Security Committee. He also stated that the Security Committee is "an administrative

proceeding, not a trial . . . As I said, I do not think they meet the standards I would like to see applied to Americans today."

People sentenced by the Security Committees are often known as An Tri detainees. The U.S. Embassy stated in a letter to Senator Kennedy on April 3, 1973, that "the procedural safeguards (in Security Committees) are somewhat less than those which obtain in the military courts. On the other hand, the penalties imposed are generally less severe. An Tri detainees need not be accused of committing a specific criminal act . . ."

To sum up, it may well be possible that no political prisoner has ever been proven guilty according to due process of law as established by the South Vietnamese constitution or minimum international standards.

IMPRISONMENT

The political prisoner is jailed as soon as the interrogation period has ended. Most of the ex-prisoners I interviewed were in jail for periods ranging from a few months to a year or two before being sentenced.

All prisoners interviewed stated that they were denied adequate food, water and medical treatment. They were generally fed only a few hundred grams of poor quality rice a day, and given a small amount of water to drink. Disease was frequent, and many prisoners died as a result of being refused adequate medical care.

All prisoners interviewed stated that they protested such conditions regularly. Protests were all non-violent, and usually consisted of hunger strikes or loud calling out.

Most protests took place in response to an unusual event. Since the ceasefire, for example, prisoners have protested the death of inmates due to torture, beatings and/or lack of medical care; the disappearance of political prisoners from their cells; the attempt by authorities to break up cells with groups of political prisoners who have lived together for years; forced fingerprinting and reclassification.

Ex-prisoners described a wide variety of what they called "repressions" or punishments. Sometimes these punishments were in response to protests, sometimes they happened spontaneously in response to minor events such as a few prisoners for refusing to salute the GVN flag setting off a chain reaction.

Some of the most frequently mentioned punishments were:

(1) Shackling in cells, for periods up to 9 years in the case of one man I interviewed. Several people I met had been shackled to iron rods, in the "Tiger Cages" at Con Son, including one man whose legs had atrophied and were paralyzed completely. Shackling does not occur only in the "Tiger Cages" or on Con Son Island, however. It is a common form of punishment.

(2) Beatings administered by common-law criminals. These criminals received favored treatment from guards in return for beating political prisoners with rubber truncheons and clubs. Prisoners were usually defenseless when such beatings were administered, either being tied down or too weakened from hunger to resist. Beatings were often given to whole cells at a time, and the wounded then left to lay for days afterward without medical care.

(3) Firing of tear gas shells, throwing of lime into cells. These would be carried out by prison guards or military police. Once again, political prisoners were left to choke from the gas or burn from the lime without medical care or water after such punishments.

In addition to these punishments, tortures such as the electric shock and water tortures described above were also meted out regularly to political prisoners while in prison. Such torture was usually carried out as a punishment, though in some cases since the cease-

fire it has been meant to force certain prisoners to change their confessions.

Father Chan Tin described to me a rather typical example of prison punishment . . . December 1972, prison authorities at Chi Hoa began removing political prisoners from cells, attempting to break up close groups of people. Students protested. Combat police were brought in who forcibly transported a few dozen students to a dark room. There their clothes were removed and they were shackled by chains so they could not move their arms or legs. Bitten by mosquitoes, given rice with sand in it and water in buckets used for defecation, they were forced to lie on a sand floor which irritated their skin for more than three weeks. They were not allowed to bathe during this period.

A Doctoral thesis submitted at Hue University describes the following medical problems among prisoners at Con Son: beri beri, "black leg" disease, exhaustion, broken bones, paralysis, convulsions, stomach ulcer, worms, malaria, amoebic and bacterial dysentery, typhoid and tuberculosis.

The 16 ex-political prisoners I interviewed, who had been in all of South Vietnam's major jails, all said that their health had been permanently damaged by their stay in prison. The most common ailments mentioned were tuberculosis, damage to the nervous system and heart caused by electric shocks, permanent damage to limbs, and malnutrition.

All stated that damage to their health was due to deliberate mistreatment by prison authorities. They described their stay in prison as one of constant hunger, thirst, and illness, repeatedly punctuated by beatings and torture.

The problems encountered by political prisoners do not end with their release from prison. All ex-prisoners interviewed reported that they were unable to find employment, forced to report to the police regularly, and harassed and surveilled by police agents.

The offices of the Young Catholic Workers, inhabited by 4 members who had been released from Con Son in May, 1973, were broken into one night in July 1973. Former students reported that they were not allowed to begin their studies again at the university, former teachers said none would hire them. Several ex-political prisoners had not been re-issued the all important ID card without which it was dangerous to leave their homes.

3 political prisoners who had been released from Con Son in February 1973 all told me that police had forbidden them to return to their home areas or talk with American journalists. All said they expected to be re-arrested.

This did in fact happen to several other Con Son inmates who talked with the Catholic Bishop Thomas Gumbleton in April 1973. As soon as Bishop Gumbleton left South Vietnam, they were picked up and placed under preventive detention.

Knowledgeable foreign observers told me that it is most difficult for former political prisoners who are peasants. Life after prison is almost as bad as in jail. Police chiefs kept released prisoners under constant surveillance, their movement was curtailed, fellow villagers were afraid to hire or become friendly with them for fear of attracting suspicion, and they were often prevented from returning to their home villages. Several reports of suicides committed by released political prisoners came to me.

GVN CONCEALMENT

GVN attempts to conceal the political prisoner situation is one of the most serious aspects of the issue.

President Thieu told the American people on April 3, 1973, that "anyone" was free to visit the prisons. In a White Paper issued in early July, the GVN stated that: "Periodically . . . the International Red Cross send(s)

inspection teams which visit the centers and subsequently submit reports about their respective conditions."

In Saigon I found that such statements were absolutely untrue. In fact, the GVN was pursuing a deliberate policy of saying publicly its prisons were open while in reality keeping them closed.

Red Cross officials told me they had unilaterally suspended visits to prisons since March 1972, because they were not given freedom of access to and conversation with political prisoners in private. I was given a Red Cross press release stated that ". . . Because of the restrictions imposed by the Government of Saigon to the visit of its delegates in the places of civilian detention, notably the refusal to allow discussions with detainees without witnesses, (the Red Cross) decided in March 1972 to suspend these visits." Red Cross officials also mentioned that even before March 1972, they were not given unrestricted access to political prisoners as their rules demand. Their last visit to Con Son Island was in January 1969, and was restricted to military prisoners.

Numerous journalists told me they had requested to visit specific prisons and had been refused by the GVN. Throughout my stay in Saigon the GVN kept setting new dates for a proposed press visit to Con Son. Continually delayed, it has not yet taken place.

Committee To Reform the Prison System members were most distressed at indications that the GVN was attempting to falsify Con Son's image for the foreign press. They noted reports, for example, that paralyzed prisoners from the Tiger Cages were being transferred to other prisons on the mainland during July. "We had always hoped that the people of Vietnam and the world would one day see for themselves the full truth of Con Son," one member told me. "We hope they will not be deceived by a staged visit to impress the journalists," he added sadly.

Red Cross officials told me that they regard the following conditions as appropriate for one of their visits to a prison:

- (1) Freedom to go throughout the prison, interview the prisoners at random
- (2) Freedom to talk with the prisoners selected in private, out of the presence of prison authorities, using an independent interpreter selected by the Red Cross
- (3) The ability to pay repeated visits to the prison in question, ideally on a regular basis.

It is clear that unless these conditions are carried out, particularly the first two, any visit by the press or other outside observers will be hampered in its quest for the truth.

I also discovered that since the ceasefire the following groups or individuals had formally requested and been denied permission to visit the prisons: A staff team of the U.S. Senate Subcommittee on Refugees, Bishop Thomas Gumbleton of Detroit, Bishop Guy Belanger of Canada, Professor George Lebel of Quebec University Law School, a group of Buddhist monks representing the An Quang pagoda, and members of a Vietnamese Senate Committee delegated to deal with prisoner affairs.

CONCLUSION

The U.S. Congress is seen in Saigon as the hope for the release of political prisoners.

The Nixon Administration, all sources felt, was clearly committed to continuing the impose the Thieu government upon the people of South Vietnam. The fact that 90% of Administration Aid proposals are for military and police aid, that police funding continued under such guises as Public Works, and that U.S. Embassy officials deny prisoner mistreatment, were all regarded as evidence that the Administration also does not intend to push for prisoner release. People also frequently mentioned the fact that while U.S. representatives on the Four Party Joint Military Commission in Saigon frequently raise

the issue of U.S. Missing in Action, they have never spoken out about South Vietnamese political prisoners.

Indeed, many people stressed that it was the Nixon Administration which had pushed the police effort and developed it enormously since 1969. The GVN, all also agreed, was of course committed to continuing new political arrests.

Congress, it was felt, could realistically do three things on political prisoners:

(1) It could immediately send a delegation to visit Saigon prisons, interview prisoners in private chosen at random, with independent interpreters. GVN refusal to permit such a trip would raise the most serious of questions about its treatment of political prisoners. Acceptance of such a visit would help settle claims and counter-claims once and for all.

(2) Congress could cut military and police aid, maintain or increase the present minuscule funding for humanitarian programs. Congressional staff personnel could be sent to ensure that money was not taken from humanitarian programs to replace cuts in military or police aid.

(3) Congress could allocate aid to the GVN, but make it conditional upon the release of political prisoners and restoration of freedom of the press, vote, assembly.

Many Vietnamese I talked with felt that the above Congressional alternatives were too mild. Most politically prominent Third Force personalities I talked with favored an immediate halt in all aid to the present GVN. They basically argued that the long term gains to Vietnam by producing peace would outweigh any short-term difficulties such as action might cause.

None of the Vietnamese I talked with felt that Congressional action on behalf of the political prisoners would be "meddling in the internal affairs" of South Vietnam. They stressed that Congress was already massively interfering by supplying 90% of President Thieu's budget and paying for a million-man army, 120,000 strong police force, and 600 admitted prisons. They argued that Congressional action to promote freedom in South Vietnam would permit the Vietnamese to exercise their right to self-determination. This would by definition make them more independent from present U.S. "meddling".

I personally agree with such arguments. I also agree with those Vietnamese who urge an immediate end to all aid to the Thieu government.

Falling this, I cannot convey strongly enough my belief that Congress must at least take the more moderate steps of sending a delegation to investigate the GVN's prisons, cut military and police aid, and make any aid allocated to the GVN conditional on its release of political prisoners and restoration of basic democratic freedoms.

It is not only that such Congressional action is an urgent necessity for Vietnam. It is also that such steps are an urgent American national interest.

There is a general consensus in this country today that our major interest in Vietnam is military disengagement. I have found no one who believes that we should continue spending billions annually to support a military dictatorship in South Vietnam geared only for war.

And yet this is precisely what we are doing.

The present Administration aid request does not only mean that \$2 billion in badly needed domestic funds will go to South Vietnam this year. For these funds will not make refugees and war-victims self-sufficient, they will not rebuild South Vietnam's economy. They will feed a self-perpetuating military machine which will need \$2 billion to survive next year. And the year after that.

And where will it end? All sources interviewed in South Vietnam felt that the GVN refusal to allow its opponents to compete politically would ensure that they would do so militarily. The release of the political prisoners, freedom of the press, free elections could, it was felt, lead to a political solution. No one knew for sure. Everyone agreed, however, that the present situation was leading to more war, not less.

We are back to 1964. Congress can fund war, masked as economic aid, and watch our military involvement grow. It can, for example, passively pass aid requests and wait it what may be a vain hope that two or three years from now the Executive will not present it with a request for renewed U.S. bombing in the wake of a military threat to the GVN.

Or Congress can learn from the history of the past 20 years in Vietnam. It can finally realize that the funding war only produces more war. It can turn to funding peace, act for the release of political prisoners, and finally see true disengagement from Vietnam.

Congress can serve an even deeper American interest, moreover, in acting for the release of political prisoners.

Anyone who goes to Saigon today must ask him or herself: What kind of mentality could produce this nationwide police apparatus, this attempt to control and surveil 18 million people?

The answer is clear. And unsettling. It is a mentality which regards people as objects, objects to be watched, traced, controlled. It is a mentality which arrogates to itself the right to arbitrarily remove anyone it judges a threat from the general population. It is a mentality which uses the language of freedom in public . . . even as it sets monthly kill quotas in private.

And it is a mentality which grows daily—as the Executive branches of today's superpowers turn increasingly to methods of police control abroad and at home. You see it in the Soviet Union and Czechoslovakia. You see it in Thailand and the Philippines. And you see it at the Watergate.

You see it in U.S. Public Safety documents detailing plans to issue ID cards linked to central computers to 10 million adults in Vietnam. And you see it in the wiretapping of high officials and private citizens in the United States. You see it in U.S. Phoenix directives ordering detention without trial in Vietnam. And you see it Presidential memos ordering illegal entry into private homes in this nation.

For years now many Americans have ignored the lack of democracy in Vietnam in the belief that it would not affect their own lives. Today we see the mentality which planned Phoenix assassinations and built the prisons in South Vietnam firmly in control of the highest Executive agencies of this nation. Let us not delude ourselves any longer that we can destroy freedom in Vietnam and yet build it here at home. Let us see that the release of South Vietnamese political prisoners is inextricably linked to the preservation of our own liberty.

The release of Vietnamese political prisoners is not only an urgent political necessity, however.

It is above all one of the great human imperatives of our time, a human crisis transcending politics, ideology and race.

Available statistics are a measure of this human drama. Amnesty International estimates that there are 100,000 political prisoners in South Vietnam. This is three times its 31,000 estimate for the Soviet Union, Brazil, Turkey, Spain, Ceylon, Portugal, Angola, Mozambique, Czechoslovakia, East Germany and South Africa combined. If the United States followed the same policy at home as it does in South Vietnam, there would be

over one million Americans in jail for their political beliefs today.

Such statistics, however, provide but a faint reflection of the human realities of life in South Vietnam today.

How is one to measure the feelings of countless mothers who have had their sons or daughter taken in the middle of the night, never to see them again? What numbers can convey the sentiments of tens of thousands of human beings caught up in an endless twilight world of beatings, electric shock, rape, shackling, tear-gassing, hunger, thirst and illness? Is there a scale to weigh the desperation felt by millions of other Vietnamese who do not dare speak openly or trust neighbors for fear of being hauled away in the dead of night?

I do not know. I know only that one must grope back to the darkest memories of this century to recall a time of similar mass round-ups of men, women and children, midnight arrests by uniformed police, and brutalization of unarmed civilians for their political beliefs.

And I know it must be stopped.

The Committee to Reform the Prison System has issued a call to world conscience in these words:

"Forty years ago did not great western writers, religious leaders, and jurists raise their voices to denounce Franco's treatment of Republican prisoners? Were not voices raised more recently to plead the cause of prisoners held by the authoritarian regimes of Greece and Brazil?"

"When will a voice like that of Dom Helder Camara rise up in the name of the students, peasants, monks, trade unionists, peace activists, journalists, professors and workers, indiscriminately imprisoned throughout South Vietnam?"

The time for such a voice to arise in Congress and other high places in this nation has come.

For let us be clear.

We have entered a climactic period in the age-old struggle for political freedom. Rulers have dreamed for centuries of finding the means to assert total political control over their populations. Today for the first time they have the technology to do so.

There are certain threats against humanity which transcend national frontiers, political ideologies, racial differences. The attempt by the American Executive to control the political behavior of 18 million South Vietnamese is not only one of these. It is the greatest such threat of our time.

The release of Saigon's political prisoners will not only mark a turning point in the history of Vietnam. It will long be remembered as a landmark in the struggle for freedom of all humanity.