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By ing, NARA, Date 11-2-94

FROM: American Embassy Saigon

TO: Secretary of State - Washington

SAIGON 2972

August 12, 1967

1. This telegram will supplement SAIGON 2869 in summarizing our view of election to date insofar as charges against the GVN and Thieu-Ky ticket are concerned. It may be useful in answering criticism in the United States. In sum, we believe that since the Ky-Thieu merger, the elections have proceeded freely and fairly, gauged by the standard of United States elections, which is a very tough standard to apply to a nation without a democratic tradition, with limited administrative capability, with an insecure countryside, and in the middle of a war.

2. Claims of unfairness stem primarily:

a. From rumors, misquotes, acceptance of opposition candidate statements which even in the United States would be made to serve their own interests, and news stories based on rumor and not on hard facts; and

b. A tendency to gauge the fairness of the elections against the standard of perfection, which does not prevail even in the United States, and which cannot reasonably be expected anywhere, particularly in a nation at war and without democratic traditions.

3. The GVN has done the following things to insure free and fair elections:

a. Press censorship has been lifted and freedom of expression is clearly being carried out.

b. General Vien, Defense Minister and Commander in Chief of Vietnamese Armed Forces, publicly stated that the Armed Forces would not have a candidate, would stay out of the elections, and that members of the Armed Forces would not electioneer and would vote as individuals. In addition he sent a written directive to Armed Forces Commanders, clearly stating rules governing participation by military personnel in election activity.

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c. General Thang, Minister of Revolutionary Development (RD), at a graduation exercise at the Vung Tau school, stated that no RD workers would engage in the political campaign and each would vote as an individual.

d. Generals Ky and Thieu called province and district leaders into town and told them they should not pressure populace to vote for any particular candidate. They were not to engage in politics. The election law provides for stiff penalties for civil servants who engage in election fraud and these penalties have been publicized.

e. General Loan was relieved as Chief of Military Security, although he still remains as Chief of National Police. He has been told to stay out of election campaign by Ky, and so far as we have evidence, he is doing so.

f. All candidates are being given money to campaign by the GVN, pursuant to the election law. The Government is printing their posters and leaflets free of charge.

g. All Presidential candidates are being furnished transportation by the GVN, a benefit not required by the law.

h. All candidates are being given free time on government radio and television.

i. Invitations have been extended by the GVN for observers to come for the elections to:

- (1) The UN,
- (2) Governments having relations with the GVN,
- (3) Several parliamentary organizations, and
- (4) The international press.

j. There are a variety of safeguards provided in the electoral law such as poll watchers and elaborate provisions for monitoring the elections by the National Assembly.

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4. Complaints about a threat to "free" elections have been:

a. General Ky's supposed statement that he would pull a coup if civilian candidates win. General Ky has publicly and categorically denied that he made this statement, claims he was misquoted, says he will support a newly elected government.

b. The Dong Ha incident. This is explained in SAIGON 2869. It is interesting to observe that:

(1) Arrangements for the campaign are a responsibility of the election campaign committee, which is composed of representative selected by the candidates themselves;

(2) The election law requires only that the election campaign committee "organize talks between electors and their candidates" but does not specify providing particular facilities;

(3) In this case the GVN had lunch for the candidates set up, rounded up a crowd to hear them, and made arrangements apart from transportation, none of which was required by the law, and all of which in the United States would be handled by each candidate's own campaign organization as his own responsibility; and

(4) Generals Thieu and Ky have indicated their desire to do anything within reason to see that the campaign arrangements are more smoothly made in the future.

c. Turn down of Big Minh and Au Truong Thanh as Presidential candidates.

Regardless of how we might have decided the question:

(1) The action was taken by the elected assembly, not Thieu or Ky;

(2) The basis for elimination of both candidates was violation of legal requirements, whether we think the requirements were properly interpreted or not;

(3) Minh and Thanh were not "singled out," as several other candidates were also eliminated;

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(4) The "French citizenship" cause of Big Minh's elimination (his VP candidate's citizenship) was also used to eliminate another candidate, Tran Van Thoan; and

(5) Eleven candidates remained in the race, giving the people an adequate choice. In the United States, candidates are also sometimes eliminated from the race for various legal reasons such as age, residence requirements, conviction of felony, holding of other office, etc., varying from state to state. There is also a "peace candidate" now, Mr. Dzu, so the voters are not denied this choice by elimination of Thanh.

(NOTE: Most of the candidates have expressed their support for a peaceful settlement and have talked of negotiations, bombing pauses, etc.)

d. General Loan's appearance in the balcony of the General Assembly at the time of the vote on the Thieu-Ky slate. This might have been considered as pressure by some of the delegates, and may have influenced their votes. But there is no evidence that Loan used any threats; the public has a right to appear in the balcony, just as in the United States, where it frequently uses this right to attempt to exert silent (or even sometimes vocal) pressure; and Loan has not engaged openly in political activities since that time so far as we know.

e. Rumors that the Armed Forces had formed a Council that would "run the government" no matter who is elected.

The formation of any such Council and such intent of the Armed Forces have been categorically denied by Thieu and Ky. Of course, the Constitution itself provides for a military council to advise the government on military matters.

f. Failure of Thieu and Ky to resign their positions to run for office.

Some of the candidates (Huong, for example) admit they are not required to do this by law, but that elections would not be "fair" unless they did because they have, as incumbents, an "unfair" advantage. Admittedly all incumbents have a natural advantage, but:

(1) They do not give this up in the United States;

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(2) The President and the Vice President of the United States do not resign to run for re-election, and

(3) Resignation might be interpreted as a failure to live up to their responsibilities and, even if manageable in this case, could be a bad precedent for later times when the interim was not so manageable.

g. Claims of surveillance and pressure by police and activities of province and district chiefs.

The significant thing about these claims is that:

(a) They are greatly reduced from the claims existing before the Thieu-Ky merger, and

(b) Complaining candidates have generally been unable or unwilling to cite specific instances, and

(c) On a recent boat trip in Sadec Province Ky, when confronted with this charge by reporters, stopped at the nearest village, asked if anyone knew him (which no one did), asked who they were going to vote for (they had not decided) and asked if anyone had pressured them to vote for any particular candidates, and they said "no." There will undoubtedly be some involvement by public officials, regardless of direction or lack of direction from the top. We even have evidence that some officials will at least quietly support opposition candidates. But public officials become involved in election campaigns in the United States. And in the absence of intimidation, some involvement on the side of the "ins" would generally be considered one of the accepted advantages of incumbency.

5. We shall of course continue to stress the absolute importance of free elections and the effect of any appearance of rigging on the United States public. And of course we wish to avoid all things that could be construed as marring free elections, whether such construction is justified or not. Nevertheless, it is unrealistic to believe the opposition will be satisfied. It seems to us that our attitude in response to the press should be:

a. The standard for free and fair elections should be reasonable and not more rigid than in the United States. If ballots are fairly cast and counted, and intimidation is not used, the elections can be considered free.

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b. The results of the elections are not a foregone conclusion and a result that gives Thieu and Ky less than a substantial majority will be additional evidence in the situation here -- where many people vote for the Government as protection -- that undue pressures were not exerted.

c. In a country such as this, we cannot expect great administrative efficiency, particularly on something so new as elections. We should not ascribe every mistake to malice, rather than to inefficiency -- its more probable cause.

d. An important development -- generally ignored by the press -- is the diffusion of power between the executive and a new legislative branch, which under the Constitution will have even greater power than the US Congress. The present Constituent Assembly has shown independence. The large number of citizens running for the Senate (680 originally, now 480) shows the confidence of many people that the Legislative Branch will be important.

6. We recognize of course that we must continue to watch the elections closely and that there is no guarantee at this time that some improper practices may not crop up. We will keep the closest surveillance on practices and endeavor to insure that the elections are free and honest.

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