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THE CHAU TRIAL III: AFTERMATH

Will Thieu's passive consensus now unravel? Probably.

One could answer this question in any fashion, however -- yes, no, various maybes -- and be able to cite supporting evidence.

President Nguyen Van Thieu can argue that the fuss over Tran Ngoc Chau proved limited and short-lived, and that the objective of silencing would-be opposition was effectively achieved by means of the trial. Chau turned out, as Thieu had calculated, to have so little positive support that he was never even adopted by oppositionists as a martyr of convenience. Thieu's most vocal critic, Senator Tran Van Don, for example, said very little about the Chau trial and said it very late. (Symbolically, Don never got on a Senate slate in the elections this fall and no longer has the Senate floor from which to launch his attacks.) In general, opposition groups have subsided back to their usual wait-and-see stance pending some favorable nod from the Americans.

As for the legislature's reaction to the whole affair, a Senate committee condemned Chau's arrest inside the legally inviolate Lower House, as well as manhandling of Chau and of some journalists at the time of the arrest. But no great swell of protest was aroused among Senators and Deputies.

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In the judiciary, the military field court, ruled unconstitutional by the Supreme Court in the Chau and student trials, was ultimately kept under military control, as Thieu wished it, by new legislation.

In American-Vietnamese relations, the US, reversing its inaction on the Chau case, did subsequently intervene behind the scenes to forestall the intended dumping of a figure comparable to Chau, the talented but outspoken Col. Nguyen Be, head of the Revolutionary Development training center. Be is an irritant to Thieu rather than any major political personage, however, and the American action represented neither a significant setback for Thieu nor any trend toward increased exercise of political leverage by the US.

Furthermore, overt disturbances that appeared in the wake of the Chau trial (though not directly related to it) were successfully contained by Thieu. Student dissidents were scattered when police routed them from their occupation of the Cambodian Embassy at the beginning of May, and they never regained their momentum. (The Cambodian issue itself was obliquely wiped out after the entry of South Vietnamese divisions into Cambodia and their success there. Rice-roots criticism of Thieu for supporting a government in Phnom Penh which had conducted massacres of Vietnamese in Cambodia in early spring later gave way to satisfaction at what was sometimes popularly regarded as a kind of retaliation in South Vietnamese raids on Cambodian villages.) After months of equivocation the disabled veterans too were ejected from their squatter housing in Saigon and their demonstrations broken up. The An Quang Buddhists, who finally entered the fray by sleeping in at the National Pagoda, were ousted from that pagoda within a short two days by a 3 a.m. army shooting spree. They have been docile since then, to the extent even of reversing their 1967 boycott of elections and sponsoring (and electing) a Buddhist Senate slate.

Tran Ngoc Chau himself remains in prison and is a dead issue in Saigon.

A contrary -- and more apocalyptic -- view is taken by democrats, who contend that Thieu sowed the seeds of his own destruction in the disregard for constitutionality exhibited in the Chau trial. One respected opposition Senator articulated this opinion in an impassioned Senate speech that would have done credit to any American Founding Father. The use of police force outside of the law in the Chau case, Thai Lang Nghiem started out, amounted to the suicide of an insane man. In this trial the "executive" -- Thieu was never referred to by name -- had trampled on the Constitution, democracy, the legislature elected by the people, and the judiciary.

In so doing, Nghiem said, the executive had destroyed the very *raison d'etre* of the Saigon government, the difference between it and

dictatorial Communism, the source of its moral authority among the people. The use of police and security forces to destroy democracy, the very foundation of the regime, was reminiscent of the First Republic (under Ngo Dinh Diem).

Nghiem reasoned that in a democracy the faith of the people in the regime is a crucial political and psychological factor. Yet "the democracy of our regime in reality [as shown in the Chau trial] is not appealing. The people will turn their backs on our regime." This mistake "could make the whole regime collapse." "The regime can be strong only when the whole system is strong. It cannot be strong just by virtue of military and police forces. When the civilization -- the culture and politics -- collapses, then the whole regime collapses, pulling down with it the military and police forces."

Under conditions of Vietnamization, Nghiem continued, political opposition, far from being a luxury, is a necessity. This is so because the present war is not just a military conflict. It is also a political one, where all human and material resources, all talents, must be mobilized in order to win. These resources can be mobilized only if the government has "prestige" and "authority." But reliance on force and weapons and *tae kwon do* rather than the law is a "basic failure" of the regime. "This means the executive has 'power' but not 'authority.'" Because of the Chau trial the people "lost confidence in the regime... and in our right cause." And once the government loses the "right of leadership," then the people will not obey it. They "will find a thousand ways to turn against us. That is people's warfare."

A third point of view is taken by American pessimists. They argue, as one junior American diplomat phrased it, that the Chau trial was not that significant in itself but represented "just another nail in the coffin."

My own impression is that Thieu won out in the shorter run, lost in the longer run (though not for reasons of democracy), and that the Chau trial was both more and less than "just another nail." The analogy I would choose would be the delicate point in the balance where Thieu began a decline.*

* A caveat should be entered here. This newsletter is written in the US, in recollected tranquility, after I have been away from Vietnam for four months. I cannot claim to have had any real familiarity with Vietnamese politics, in fact, since early May. It is my belief that political developments in Saigon had settled themselves out sufficiently by that time to allow some subsequent comprehension from afar. It is, however, peculiarly dangerous to assume that one understands politics that are as involute, highly personalized, and uninstitutionalized as Saigon's from any point outside the center of the maelstrom.

I don't believe the Chau affair was critical in terms of what has been after all a steady cannibalization of leadership over the years. Nor do I believe that violation of democratic norms is of itself very relevant. Elections, representation, and constitutionality are simply the contemporary forms for ratifying existing power -- or at best the occasional arena in which power duels are fought out. And institutions are just not sufficiently established for there to be any real meaning in an "executive-legislative" contest.

The central element, I think, is better identified as an ebbing of confidence in the President's judgment, control, and predictability. Stated in more traditional terms, it appears that something of Thieu's claim to the mandate of heaven slipped in the excesses of the Chau trial.

It is always tricky to try to assess the mandate of heaven -- i.e., general psychological acceptance of a ruler -- except *ex post facto*, from the vantage point of a decade or a dynasty later. It is a factor that must be reckoned with, though, however imperfectly.

It is generally accepted, following Paul Mus's studies, that the French lost their mandate long before their military defeat at Dien Bien Phu, that the turning point was the Japanese occupation and coup of World War II, which destroyed the myth of French invulnerability. The whole revolutionary period since then, as discerned by Mus, has reflected the search for a new legitimacy.

For more recent years, it is argued in some quarters that the National Liberation Front suffered a severe blow to its claims to the mandate in the failure of its all-out attack in Tet of 1968. It could be argued also that a more subtle erosion of Thieu's claims occurred in the winter of 1969/70, in the minds of oppositionists, supporters, and fence-sitters alike.

Some opposition elements indeed began testing Thieu's control during and immediately after the Chau trial. The journalists were first, with their strike against a government-decreed price rise in newsprint. (The government did finally back down on this issue.) Activist students, encouraged by their solidarity with the newspapermen, were next, protesting arrests and torture of fellow students. Disabled veterans, presumably with the tacit blessing of Vice President Nguyen Cao Ky, followed with their own demonstration-backed demands for housing and other benefits. Less dramatically, a vocal anti-Thieu coterie of Sudists took control of the influential organization of Southern lycee graduates, and found its criticisms, in the new climate, listened to by older and more moderate members. The same group reopened the repeatedly-closed newspaper Tin Sang,

and its anti-government barbs continue to make it the most popular daily in Saigon.

Other opposition elements maintained a more cautious attitude. Generals Duong Van Minh and Tran Van Don, who had been burned the previous fall in their estimate of American political intentions, stayed quiet. The Buddhists, who still smarted both from the failure of their 1966 anti-government demonstrations and from the killings of Buddhist cadres by Communist forces in Hue in 1968, did not act until their quickly-suppressed take-over of the National Pagoda. They never escalated to any real peace agitation or political action. The Communists, who welcomed any disturbances but thought the time was not yet ripe for another try at a general uprising, waited to recruit dissidents on the rebound from government subduing of demonstrations.

In retrospect, the surprising thing probably is not that demonstrations were successfully put down by the government, but that discontents flared into overt manifestations as quickly as they did. Not all of the challenges were intended to go so far as to put Thieu's legitimacy to the test, of course. But under the pressure of events demands for a larger share of the status quo can easily shade into demands for a real change in the status quo. And the bursting forth of discontents in the period after the Chau trial was an augury of developments that may be expected any time Thieu is again believed to be showing weakness and misjudgment.

A less obvious but probably even more significant gauge of Thieu's grip on the country is the attitude of supporters of the President. Their confidence in Thieu has always been relative and provisional -- and often reluctant -- but it has existed. Many businessmen, importers, lawyers, civil servants, and old associates of Diem's, for example, have grudgingly deemed Thieu the least dangerous of available leaders for the time being just because of his hypercaution and avoidance of head-on confrontation. With Thieu's very deliberate collision with Chau, however, numbers of these people began wondering again if Thieu really was the least worst. Thieu's unaccustomed lack of restraint and his increasing isolation worried them.

One of these supporters-by-default exclaimed sardonically at the time of the trial that Thieu must have the best Communist advisers around. A Catholic and an adamant anti-Communist, he disapproved of Chau's meeting with his brother and thought Chau should be punished. But he was most concerned about Thieu's handling of the case. "What Chau did is bad," he said, "but not so dangerous for the country. What Thieu did is very dangerous."

Thieu's constriction of the bounds of permitted political orthodoxy as carried out in the Chau trial also affects those farther away from the President's core of supporters but not yet in opposition camps. It is forcing them into a choice. And if they see the channel of opposition within the system closed to them, they may opt for the NLF. Typically, one ardent nationalist, a man in his mid-thirties, posed the question to

himself and a few friends at the time of the Chau trial. He had secretly joined the NLF (or what became the NLF) in his late teens. He was not doctrinaire, however, and he had become disillusioned with the Communists over their treatment of other nationalists. As a result, he had dropped his NLF contacts. Now, however, he was seriously considering whether as a Vietnamese nationalist the only choice left to him was the NLF.

Probably few others were as deeply and consciously troubled by the trial as this man, but echoes of his thinking could be found in many. Chau became a household word and negative symbol with the man-in-the-street in Saigon -- and with junior army officers throughout the country.

Nor should it be thought that concern over the trial was only a Saigon phenomenon. Saigon politics, which may be maddeningly irrelevant to the countryside in good times, become maddeningly relevant in bad times. Province chiefs become jittery about what is going on in Saigon and its implications for them -- and tend to spend more time scouting out Saigon than handling their own provincial affairs.

Given the widespread unease in this period, it was not surprising that one of the most popular political games in the wake of the Chau trial quickly became comparing the contemporary situation with the last days of Diem. There were differences, of course. Buddhist monks were not burning themselves in the streets. The US was not about to condone a new coup (however much out-of-office dreamers might hope that it would). There was more hope in future changes in 1963 than there was in 1970. But the malaise was comparable. Thieu was becoming more isolated. And the number of times Vietnamese called Thieu "Diem" inadvertently was certainly increasing.

What projections can one then make for the future? The most obvious would be that Thieu's control of the country is bound to be loosened with US withdrawal, and that as soon as this happens, centrifugal forces will again assert themselves. Thieu's real power base has been the US -- or, more accurately, the South Vietnamese military, supported by and restrained by the US. Politics in Saigon may therefore be expected to change drastically as the US reduces its troops and its commitment in South Vietnam.

To try to visualize what the shape of developments might be, it is necessary to start out with a few framework assumptions. My assumptions are these:

For the US:

1. That whatever the status of negotiations, the US will continue to withdraw, certainly down to caretaker forces, possibly lower.

And that the immediate speed of reduction will follow the Nixon guidelines to bring the US down to an essentially supportive battle role by next spring.

2. That for the next year at least the US will continue -- effectively -- to block any coups in Saigon.

3. That the incursion of American ground troops into Cambodia was exception rather than pattern for the future, and that the American de-escalation in Vietnam will not now be reversed unless there are massed Communist attacks.

For the North Vietnamese and the NLF:

1. That North Vietnam is far from mortally tired, that it can continue to get all the small arms it needs from China, and that it can continue to supply the desired level of fighting in the South.

2. That the deprivation of military cover for political cadres that has been achieved in many areas, especially in the populous delta of South Vietnam, will slow down but will not prevent rebuilding by the NLF infrastructure of new Communist troops.

For South Vietnam:

1. That Thieu will remain as suspicious of allies as ever and will therefore continue to depend on neutralizing opponents rather than rallying support or seeking protective accommodation with local (non-Communist) sociopolitical groups.

2. That anti-Thieu but non-Communist nationalists will remain as disinclined to pull together as ever, and that the typical Southern fragmentation will therefore continue.

For fighting and negotiations:

1. That no ceasefire will be agreed upon and observed until some battlefield stability (probably in Cambodia as well as in Vietnam) has been reached and perceived. And that this will not happen until the US reduction has been virtually completed and Communist forces have probed the new balance and recovered some of what they lost in the 1968 fighting and the 1968/69 pacification drive.

2. That hostilities will continue at the present relatively low level -- with clashes in border areas and harassment in populated areas --

for another year or so. That in this period the North Vietnamese and NLF will not risk delaying US departure by major battles but will build up their forces for intensive attacks toward the end of US withdrawal.

3. That neither Washington nor Saigon will negotiate a central coalition that would not reflect current South Vietnamese-American supremacy on the battlefield (as measured in control of populated areas).

4. That while the North Vietnamese and NLF might eventually -- despite their strong protestations to the contrary -- agree to a central coalition that included Thieu, Ky, or Prime Minister Tran Thien Khieu, they would certainly never agree to localized representation or a guaranteed block of seats in the existing legislature. And that the political impasse in negotiations will probably therefore continue for another year at a minimum.

Just what these assumptions imply as far as timing is concerned is not altogether clear. There would appear to be a year's breathing space before military and/or political pressures begin mounting up again, possibly two years. Beyond that it is impossible to project. As far as the US is concerned, this means that Thieu could probably provide enough stability for the US to get out of the war, much as Ky provided enough stability for the US to get in.

The implications for Vietnam are less simply defined. Within this presumed context, the most likely time for qualitative political change to begin is next summer, when preparations get under way for the fall Presidential elections.

A coup that early seems unlikely. Thieu will probably still be sufficiently in control -- and the US will probably still be influential enough in Vietnam in terms of troops and money -- to block any coup. Furthermore, coup candidates are, for the time being, scarce. There is nobody to make a coup, lamented one Saigon politician; it would be better if there were. Then, he continued, we could have order instead of chaos after Thieu.

The season does seem unfavorable for overthrow of the government in the near future. Politics will change so much in coming months that coups should become easier with time. It is therefore not propitious for aspirants to expose themselves just yet. Besides, hope springs eternal that the US will still, suddenly, in a search for political accommodation, smile on some rival to Thieu, and the rivals still want to keep themselves available for that.

More likely than a coup might be some sequel to the overt political unrest of last spring. Activist students would certainly be involved again in the next round, though perhaps not the veterans. Different groups could be expected to surface. Some of the restive younger An Quang Buddhists might possibly seize leadership from the older bonzes and propel new Buddhist demonstrations, though there are no signs of this happening yet.

It would be surprising if the next flurry of protests proved any more decisive than the last. Probably the NLF would not be sufficiently rebuilt to capitalize on unrest during 1971. But protests would add to general uncertainty, and they would feed further political disaffection.

Whatever the superficial manifestations or lack of them in the next year, I would expect a more fundamental disintegration to be going on below the surface as the political impact of the US withdrawal begins to take effect. For one thing, this would mean some reversion of power from the central government to corps commanders and other generals. For another, it would mean more attentism -- more hedging to the benefit of the NLF in the cities, more accommodation benefiting the NLF once again in the countryside. All this could take place without much visible change in the military situation or government control of a high percentage of South Vietnam's populated area.

From 1972 on I would expect the political situation to deteriorate at an accelerating but unpredictable speed. And I would expect the NLF, with the only disciplined, country-wide infrastructure in South Vietnam, to be able to take advantage of this political deterioration. The route to eventual NLF -- and North Vietnamese -- dominance in South Vietnam would not have to be a military assault. More probably, it would consist of a combination of continued infiltration, intimidation, and street demonstrations, against a backdrop of military pressure. A likely testing ground would be northernmost I Corps, with its vulnerability to North Vietnamese military attacks and its susceptibility to separatist movements.

Clearly, popular grievances are abundant enough for anyone who wants to fan them. The war's dislocations and disorientation, war weariness and a longing for peace, anti-Americanism and resentment of corruption and privilege, are all likely to work more against the present Saigon government than against the NLF.

The coup de grace might well prove to be the economic squeeze. The rising expectations of the Honda-age man-in-the-street are sure to become increasingly frustrated by unemployment and inflation in everyday life as US jobs dry up, US import subsidies cease, and rising prices cause police and MPs

to increase their shakedowns.

Ironically, the new urban proletariat that the US has built up in the past five years in its construction and service jobs -- and in a strategy which ensured massive uprooting and shifting of village populations to city slums -- might turn into the Communists' strongest supporters. For the past quarter of a century the struggle has been waged between government strongholds (however porous) in the cities and insurgent bases or transit routes in the countryside. At the present time, however, insurgent freedom of movement has been greatly hampered in southern delta villages by government pacification, while the potential for urban chaos uncontrollable by the government has greatly increased. And the NLF is reportedly better organized in the cities now than it was in the post-Diem days to turn political chaos to its own uses.

Factors inhibiting or delaying a Communist takeover would include: the absence of any leader comparable to the towering Ho Chi Minh; the time span necessary for rebuilding local Viet Cong forces in South Vietnam; the experience of delta villagers in two or three years of relative security sponsored by the government; and government land reform. I would expect Communist organization to surmount these obstacles, however.

Further, I should think the same trends would assert themselves whether Thieu stays on as President or whether someone like Prime Minister Khiem or Duong Van Minh succeeds Thieu in 1971. Khiem would inherit all the political shortcomings of Thieu and have no political appeal of his own to offset them. Minh would have more personal popularity, but, judging from his brief chance at leadership after the overthrow of Diem, he would not be able to turn his amiability into enduring administrative and governing skill. Now do I think any military coup would accomplish anything other than hastening the development of NLF ascendancy.

The question would then arise whether the NLF (or North Vietnam, if Hanoi chose an overt governing role) could subsequently legitimize itself by its control and cosmology and thus convert its force into the stable "authority" sought by Senator Nghiem. The question of what mixture of accommodation and/or "bloodbath" might follow Communist dominance would also arise. These inquiries, however, belong to a new era.

For this newsletter, it is enough to have traced what appears to me to be the beginning of the end of Thieu. I am diffident about offering even this much of a projection into the future. Political events have a way of mocking prophecy with their unexpectedness, and history (or the mandate of heaven) can seem inevitable only in hindsight. Journalists (as well as

policy makers and ordinary citizens), however, do have the obligation to consider present-day policy in terms of its probable meaning for the future. This is what I have attempted, to the best of my perceptions, to do here.

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