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"SPRING IS TRIUMPHANT, BUT WINTER WILL SURELY RETURN"  
1954-1957 -- THREE YEARS OF VIET-MINH RULE IN NORTH VIETNAM

Bernard B. Fall

SUMMARY

When the regime of Ho Chi Minh signed the cease-fire agreement in Geneva in July 1954 which ended the eight-year old Indochina war, it promised independence, political freedom, and rapid improvement in economic conditions.

After three years of peace, the regime finds itself beset by internal discontent bred of extreme economic hardships and the realization that political freedoms are far from being a reality. In addition, hopes for full independence have been dashed by an ever-increasing political and economic dependence upon mainland China and other countries of the Soviet Bloc, without any compensating acceptance of the regime by the neutral and other free countries in Asia.

The regime thus appears to be in an impasse from which it might have great difficulties in extricating itself.

GLOSSARY OF VIET-MINH TERMS

The Vietnamese language is written in quoc ngu, a Latinized alphabet to which diacritical marks have been added in order to express the various tonal stresses. In the present text, a minimum of Vietnamese terms has been used and all of them have been transcribed without the diacritical marks. They are not a comprehensive list of all such terms used in Vietnam but merely represent those used most frequently in this study.

Bo.	Part, section. Used by the Viet-Minh regime to describe the three major regions of Vietnam.
Bac-bo	Northern region, i.e., North Vietnam
Trung-bo	Central region, i.e., Central Vietnam
Nam-bo	Southern region, i.e., South Vietnam
Chu-luc	Main Force, the core units of the Viet-Minh regular army.
Cu'u Quoc	National Salvation. Name of a Viet-Minh newspaper; formerly also the name of various Communist front organizations, such as "Youth for National Salvation."
DLD or Dang Lao-Dong, or Lao-Dong Party	Vietnamese Labor Party, the party which in 1951 succeeded to the Indochinese Communist Party.
DRVN, DRV	"Democratic Republic of Viet-Nam," the official name of Ho Chi Minh's regime north of the 17th parallel.
Du-kich	Local militia. Irregular units recruited in the villages for guerilla warfare.
ICP	Indochinese Communist Party, created in 1930 by Ho Chi Minh, dissolved in November 1946 and revived in 1951 in the form of the DLD.

Lien-Viet	"National Union League," a Communist front organization replaced in 1955 by the "Fatherland Front."
Nan-yang Communist Party	The "Communist Party of the Southern Seas," a short-lived Communist party which was to control all Communist activities in Southeast Asia. Dissolved in 1930.
Nghe An	A province in northern Central Vietnam, which in November 1956 rebelled against the Viet-Minh regime.
Nhan-Dan	"The People." Name of the official newspaper of the Lao-Dong Party.
Thoi-Moi	"New Times." Newspaper published in Hanoi.
UBKC/HC	Uy Ban Khang Chien/Hanh Chinh, "Committee for Resistance and Administration;" a Viet-Minh administrative unit existing at every echelon from village to region.
Viet-Minh	Viet-Nam Doc-lap Dong Minh Hoi, "League for the Struggle for Independence of Viet-Nam," created by Ho Chi Minh in South China in 1943 to include all groups and parties fighting for national independence. Soon dominated by the ICP, it became synonymous with the DRVN and now is often used to describe the state or the regime, though officially the Viet-Minh went out of existence with the creation of the DLD.
VPA	"Viet-Nam People's Army," the regular armed forces of the DRVN.

### Some Notes on Terminology

Vietnamese in the Communist zone to the north of the 17th Parallel and in the non-Communist area to the south of the 17th Parallel refer to their country as "Viet-Nam," which in Western languages is usually spelled "Vietnam."

During the eighty years of French administration, the country was split into three areas whose boundaries have remained unchanged but which were known during the French occupation as "Tonkin" (now North Vietnam), "Annam" (Central Vietnam), and "Cochin China" (now South Vietnam). The French terms have now been out of usage for nearly a decade and the Vietnamese do not like to be described as "Annamites" or "Tonkinese," and do not refer to these areas as such, even when they express themselves in a Western language.

Likewise, the term "Indochina" referred only to the French administrative unit which included the neighboring states of Laos and Cambodia. There no longer exists anything which can be called "Indochina" and under no circumstances should the nationals of any of its former member countries be referred to as "Indochinese."

The term "Viet-Minh" also has become one of linguistic convenience rather than political accuracy (see Glossary above). It is now mainly used in non-Vietnamese sources, for Ho Chi Minh's regime refers to itself as the "Democratic Republic for Viet-Nam" (DRVN), while the Vietnamese of the nationalist area south of the 17th Parallel refer to the northern administration as the "Viet-Cong," meaning "Vietnamese Communists."

Since the cease-fire of 1954, when Vietnam was split into two zones, newspapers and writers have come to call the zone north of the 17th Parallel "North Vietnam," although it includes the northern section of Central Vietnam; while on the other hand the territory of the Republic of Vietnam is often referred to as "South Vietnam," although it includes much of southern Central Vietnam in addition to all of South Vietnam proper.

"SPRING IS TRIUMPHANT, BUT WINTER WILL SURELY RETURN"  
1954-1957 -- THREE YEARS OF VIET-MINH RULE IN NORTH VIETNAM

Introduction

"You cannot get rid of the mud [of corruption] so easily. The mud is the result of thousand years of evil. Our regime is still 'muddy.' ...Spring is triumphant, but winter will surely return."

Editorial in Nhan Dan, Hanoi,  
February 3, 1957.

When the cease-fire between the armed forces of the Viet-Minh and the French Union Forces in Indochina went into effect on July 21, 1954, the territory which came under full control of the regime of Ho Chi Minh included nearly one-half of Vietnam's total area, 55 per cent of its total population and an overwhelming part of Vietnam's total industrial potential including the rich anthracite mines of Quang Yen, the cement works and shipyards of Haiphong, the tin mines of Tinh Tuc. The regime was in possession of an efficient political and military apparatus while its opponents to the South were economically weak, politically fractured, and under the shadow of a recent military defeat immediately following the July 21, 1954 cease fire.

Yet, within less than three years, the regime of Ho Chi Minh -- known in the North as the "Democratic Republic of Vietnam" (DRVN) -- has had to face an almost startling reversal of fortunes in certain fields, in spite of considerable economic aid from communist countries and complete security from aggression. As is evident from many available Viet-Minh sources, economic programs have run into serious difficulties. The land reform program ran its course, but too rapidly and too harshly, provoking widespread resentment which culminated in open rebellion in November 1956 in Nghe An province. The excesses committed by the police and by non-official (but government-endorsed) "Land Reform Committees" finally compelled the regime to embark upon an extensive "Mistakes-Correction" campaign which is still under way at the time of writing.

In its relations with the world outside the Communist community, the Viet-Minh regime, which, as an anti-colonial force, at first had won many friends among the newly-independent nations of Asia, failed after the cease-fire to endear itself to other nations in the area. As during the worst years of the jungle war, Viet-Minh embassies are limited to those in Peking, Moscow, and in the various "People's Democracies." The few countries of Southeast Asia which have accepted Viet-Minh consulates have extended exactly similar courtesies to the non-Communist government of the Republic of Vietnam in Saigon, which has diplomatic relations with nearly forty countries, including several Asian countries.

There are good reasons for this stalemate in the conduct of the conduct of the DRV's of the internal external affairs. Some are due to difficulties inherent to any young state. Others, however, are entirely due to the specific political and socio-economic course which the Viet-Minh leaders have chosen to follow and from which they do not seem to wish to deviate -- inspite of admitted errors and "error correction" programs.

It will be the purpose of this study to examine, with the help of documentation provided by Viet-Minh sources themselves or by recognized neutral observers, the effect of this strict adherence to one single doctrine upon life in the DRVN zone of Vietnam. As matters stand at present, however, it is difficult to see how the Viet-Minh regime, isolated politically as well as economically from so many of its Southeast Asian neighbors, can in the long run avoid becoming a full-fledged protégé of its giant Chinese neighbor to the north.



## 1. Historical Background

Over the past decade, many countries of Asia have been engaged in a long struggle to gain their national independence. In one group of countries including the Philippines, Burma and India, the change-over was peaceful and harmonious, followed by steady growth in many fields of domestic and international life. In certain instances, bitter wars had to be fought before the young nations could assert their right to self-government. Such was the case of Indonesia and Indochina.

Indochina had been under French control since the latter part of the 19th century, although French and other missionaries and merchants had been in contact with the area since the late 16th century. Of the three component states, Cambodia and Laos regained their national entity in 1947, when they proclaimed their own constitutions and began to negotiate for the withdrawal of the French. In both cases, full independence was formally achieved even before the Geneva cease-fire of 1954. In populous Vietnam, the largest and most important of the three states, the situation was complicated by the state of war existing between the emerging nationalist government of Vietnam supported by the non-communist world and the forces of Ho Chi Minh supported by the Soviet Bloc. Both sides claimed that they represented the genuine aspirations of the Vietnamese people in their struggle for complete independence.

Ho Chi Minh's forces had been in open war with the French since December 19, 1946, when they suddenly attacked French garrisons stationed in Vietnam, and throughout the eight years of war and after, they insisted upon their "nationalist" character in view of the truly arduous fight which they had put up against French colonialism. Ho's announced objectives of complete sovereignty for Vietnam and an improved standard of living thereafter were indeed familiar to most Asians. Ho's forces, never doubting for a moment the nationalist character of his program and objectives, fought valiantly and drew considerable support and respect from fellow Asians in neighboring countries. Prior to July, 1954, there was little reason to doubt the authenticity of Ho's nationalist character.

Ho Chi Minh, President of the DRVN, described in many Asian newspapers as "Dr. Ho Chi Minh" (a title which he never claimed for himself), was hailed as a "genuine nationalist," in spite of his own impressive record not only as the leader of Vietnamese Communism but as one of the major leaders of the international Communist movement. His career will be discussed in greater detail later in this study.

The war against the French, which had begun as a local insurrection with weapons and equipment secured on the spot by the guerillas from former Japanese and French depots, changed its aspect with the arrival of Chinese Communist forces on the Sino-Vietnamese border, where Viet-Minh forces were stationed. Within a few months after their arrival, the Chinese had re-equipped and trained increasing numbers of Viet-Minh troops which during the final phase of hostilities had gained sufficient strength to attack French forces on the open battle field.<sup>1</sup>

The "Vietnam People's Army" (VPA) which thus emerged from the jungle, backed by an ever-increasing network of guerilla units and by vast stores of Soviet-manufactured heavy weapons provided it via Communist China, finally succeeded in defeating the French in the decisive battle at Dien Bien Phu. In the ensuing cease-fire conference at Geneva, France agreed on July 31, 1954 to a partition of Vietnam at the 17th parallel [see Map 1], and to a brief interim period during which residents of either area were to be free to move to the zone under the administration of their choice.

During the "officialese" or transition period, 950,000 Vietnamese, defying tradition that would bind them to their ancestral homes, abandoned their lands and moved southward in one of the greatest sea migrations in modern history. By May 16, 1955 French forces had been totally withdrawn from North Vietnam: by June, 1956 the last French troops had left Asia.

In the South, the Republic of Vietnam emerged under President Ngo Dinh Diem, a nationalist who had worked against French colonialism since 1930 and who had refused to work with the Viet-Minh in 1945, after refusing to condone Ho Chi Minh's tactics for seizing power from the French.

In the North, Ho Chi Minh's regime for the first time assumed absolute power in an area larger than Malaya or East Pakistan. Under plans formulated well before his assumption of power, Ho Chi Minh formally installed his government, maintained and repositioned his Army for purposes of achieving absolute security, and developed a police and informer system which sunk its roots to the village level.

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1. See Chapter 5 --- "People's Power"

In short, while South Vietnam was faced with internal dissension which lasted for more than twelve months, North Vietnam was completely mobilized from top to bottom to execute political and economic "reforms" which had been conceived in Moscow and Peking and adapted by Ho Chi Minh to the politico-economic climate of North Vietnam. In this task he was starting from scratch: he could only for forward.

Given such conditions, many of which were denied other newly-independent Asian nations, it is worthwhile to examine briefly the character of integrity of the new Viet-Minh regime, its progress in carrying out its programs, and the attitudes and relative well being of the inhabitants at the end of the first three years of Viet-Minh independence.

## 2. The Party in Power

"There is no question that the Lao-Dong is the leading force. It is the party that provides the backbone of the government."

Joseph R. Starobin, an American Communist writer, in his book Eyewitness in Indochina.

The past history of the Lao-Dong and of its predecessor is so closely interwoven with the career of its leader Ho Chi Minh, and both are so closely related to the rise of Communism in Southeast Asia that even a brief outline of Ho Chi Minh's biography illuminates the route by which Soviet and Chinese Communist doctrine forced its way to Vietnam.

### a. Portrait of a Revolutionary

Ho Chi Minh is but the most recent of perhaps as many as a dozen aliases used by Nguyen That Tanh, born on May 19, 1892 in the province of Nghe An, in the northern part of Central Vietnam the son of a minor civil servant in the royal administration. Nghe An had long been the hotbed of rebellions against unjust governments; in the past against Chinese invaders or too-oppressive Vietnamese kings and later on against the French. Significantly, it also became the first province of the DRVN to rebel against the land reforms of the Viet-Minh regime, in the fall of 1956.

After a few years of school attendance at the French lycee (high school) at Vinh, the provincial capital, Ho left Vietnam in 1911 as a cabin boy aboard a French steamer, traveling in many parts of the world. During the early part of World War I -- at least so one of his Communist biographers says <sup>2</sup> -- Ho worked for the famous French chef Escoffier at the Carlton Hotel in London, studying at night and learning English. Thereafter he moved to France and found work as a photographer's retoucher, soon he came in contact with various Socialist groups and began to write articles against French colonialism

2. Burchett, Wilfred, North of the 17th Parallel, Hanoi, 1955, Chapter 1.

in left-wing newspapers such as L'Humanité, now the official newspaper of the French Communist Party. When French extremist elements broke away from the Socialists in 1920 and formed the French Communist Party, Ho followed them and thus became one of the charter members of the French Communist Party when it joined the Third International.

Under the new alias of Nguyen Ai Quoc ("Nguyen the Patriot"), Ho Chi Minh traveled to the Soviet Union in 1924 as the French representative to the Peasant International (Krestintern). He attended the newly-founded University for the Toilers of the East, where the first Communist revolutionaries from various Asian countries underwent intensive training. M. N. Roy, the Indian ex-member of the Communist International (Comintern) who was the Political Commissar of the University, recalls Ho Chi Minh in the following terms:

When I knew him as a novice in Moscow, Ho was anything but an impressive personality or even a diligent student. He came there as a student of the newly founded Communist University for the Toilers of the East. ...<sup>3</sup>

In 1925, Ho left Moscow to accompany the Communist revolutionary Borodin on his mission to the Chinese Government in Canton, at first as a translator. But he soon engaged in organizing activities of his own. In 1927, he founded the Vietnamese Revolutionary Youth League and a short time later Ho was one of the creators of the South Seas Nan-yang Communist Party -- the first Communist movement to embrace all of Southeast Asia.

Ho Chi Minh now became a trusted and important member of the Far Eastern Bureau of the Comintern, traveling to Singapore and Thailand to set up local branches of the Nan-yang Communist Party. However, the instrument proved too unwieldy and early in 1930, assertedly at Ho's insistence<sup>4</sup>, the Nan-yang Communist Party was dissolved and replaced by "national" Communist parties. The Indo-chinese Communist Party (ICP) was born on January 6, 1930, with

<sup>3</sup>. S. R. Mohan Das, Ho Chi Minh -- Nationalist or Soviet Agent? Bombay 1951; Democratic Research Service. Das also states that Ho had become a Soviet citizen in the meantime, an assertion which is also made by several French sources. Holding Soviet citizenship is common practice among major Communist leaders.

<sup>4</sup>. Hanrahan, Gene Z., The Communist Struggle in Malaya, New York 1954; Institute of Pacific Relations.

Ho Chi Minh as its first leader. However, as the result of the interception of a French Comintern agent by British police in Singapore, British authorities in Hong Kong were able to arrest several high Communist leaders, Ho among them. He served six months in prison for subversive activities and then disappeared from view for nearly ten years, only to re-emerge as a leader of a new Vietnamese independence movement which had emerged in 1941 in South China and which called itself for "League for the Struggle for the Independence of Vietnam," or in Vietnamese: Viet-Nam Doc-lap Dong Minh Hoi, better known by its abbreviated name of "Viet-Minh." The Viet-Minh movement at first represented a coalition of various Vietnamese groups of many tendencies, all united in the desire to achieve independence for their country. Ho Chi Minh's own intentions -- for he had by then assumed his last alias, Ho Chi Minh: "He Who Brings Light" -- had remained fairly clear, however, and an authoritative Soviet source was to write a few years later that "The Viet-Minh was headed by the leader of the Indo-Chinese Communist Party, Ho Chi Minh."<sup>5</sup> Still, in order to allay the fears of the Chinese Nationalists who gave the Viet-Minh aid and shelter during the years of Japanese occupation of their homeland, the preponderant influence of the Communists within the Viet-Minh was played down until the day of final victory over Japan, August 14, 1945. By then, the name of Ho Chi Minh, the professional revolutionary of nearly thirty years' standing, had become synonymous with the struggle for the Vietnamese independence itself.

But instead of the movement absorbing the man, the man had absorbed the movement and made it over in his image.

b. The Struggle for Power

"VJ-Day," the day of victory over Japan, found the Vietnamese liberation groups on their way to the northern capital, Hanoi, apparently united in the desire to establish a government which would represent all Vietnamese, like similar movements in neighboring Burma, Thailand and Indonesia did at about the same time. However, the ICP element within the Viet-Minh was not content with sharing the power in the new state with other groups.

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5. V. Y. Vasilieva, Crisis of the Colonial System, translated from the Russian by People's Publishing House, Ltd., Bombay 1951, p. 220.

What happened then has been related in a small and little-known book written by Truong Chinh,<sup>6</sup> which describes in great detail how the Indochinese Communist Party consolidated its preponderant position even before entering the capital. A so-called Vietnamese "National Congress" was organized at the village of Tan-Trao (Province of Tuyen-Quang, North Vietnam) on August 16, 1945. This congress which was to be attended by representatives of various nationalist groups, was to hammer out a preliminary program for the provisional government soon to be established in Hanoi. Here is how Truong Chinh himself describes the historical event:

The National Congress was opened at the very moment when the order of general insurrection (against the Japanese) was given. Thus, it had to close its session rapidly to permit its members to return to their regions in order to lead the decisive struggle. (It should also be mentioned that a certain number of delegates were forced to turn back while on the way to the Congress because they had received orders to that effect.)<sup>7</sup>

Apparently, the Communist members of the congress were in no similar hurry to rejoin their units for the "decisive struggle,"<sup>8</sup> for they were able to present their program which was adopted without opposition:

In the course of this historical congress, the Indochinese Communist Party proposed an infinitely

6. Truong Chinh ("Long March") is the alias of Dan Xuan Khu, a veteran Vietnamese Communist who was trained by the Chinese Communists (hence his nickname). He was the secretary general of the DLD until he was demoted in 1956 to simple membership in its central committee because of the failure of the land reform program. He is considered the head of the "pro-Chinese" faction within the Communist leadership.

7. Truong Chinh, La Revolution d'Aout, Hanoi 1946: Editions "La Verité," page 7.

8. It is difficult to say what is meant by "decisive struggle," for there were no French troops in Vietnam, and the Japanese had surrendered. It is likely that Truong Chinh was referring to the struggle for political control.

clear thesis: to guide the rebels so as to disarm the Japanese before the arrival of the Allies in Indochina, to wrest power from the Japanese and their puppets, and to receive, as the governing authority of the country, the Allied troops entering Indochina to disarm the Japanese.<sup>9</sup>

It is a matter of historical record that the Indochinese Communist Party was very effective in implementing this program in a remarkably short time. Hardly two weeks after the meeting at Tan-Trao, the "Democratic Republic of Vietnam" (DRVN) was proclaimed in Hanoi on September 2, 1945, with Ho Chi Minh as its first -- and thus far only -- President.

Chinese Nationalist troops which followed the Viet-Minh into Vietnam to occupy the country down to the 16th parallel in accordance with political decisions reached at Potsdam, for a time succeeded in maintaining an atmosphere of relative political freedom, with non-Communist parties able to make their views known.<sup>10</sup> At Chinese insistence, some non-Communist leaders were at first included in the government, but their effectiveness was completely checkmated by Communists who were in theory their subordinates but who, in fact, exercised full control.

For example, the so-called "Resistance and Union Government" of March 1946 included non-Communist Ministers of the Interior (controlling the police) and Defense. However, both officials were flanked by Secretaries of State who were reliable members of the ICP: Hoang Minh Giam (Interior) and Ta Quang Buu (Defense). In addition, the Ministry of Defense was stripped of most of its powers in favor of a "National Resistance Committee" headed by General Vo Nguyen Giap, the commander-in-chief of the "Vietnam People's Army." This practice of giving non-Communists a conspicuous but ineffectual position is one that can be found in every "People's Democracy" from mainland China to East Germany. It is a fairly effective measure in making uninformed persons within the country and abroad believe that the regime continues to uphold the multi-party system of true

9. Truong Chinh, loc. cit.

10. Hinton, Harold C., Sino-Vietnamese Relations. Washington 1957, Chapter 4.



democracy and permits the channeling of the aspirations of political, religious or ethnic minority groups into legal and easily controllable activities.

As will be seen later in this study,<sup>11</sup> the Viet-Minh regime of Ho Chi Minh did not have to resort to military or other brutal measures to gain full power. No putsch like in Czechoslovakia, or large-scale civil strife as in China or, more recently, in Hungary, were necessary. Indian Prime Minister Nehru once defined Communism as a "creed with a technique." The ICP, trained in twenty years of overt and covert political activities, was fully capable of achieving control over the population with an erstwhile minimum of open pressure, in the face of newborn nationalist parties and groups which lacked its political experience and, above all, its techniques of political organization. More than anything else it is the latter which leaves a deep imprint upon life in Vietnam north of the 17th parallel.

In fact, Ho Chi Minh felt secure enough in his rise to power that, in order to further allay the inherent distrust of the Vietnamese anti-Communists, a congress held during the first week of November 1945 formally "dissolved" the old Indochina Communist Party "...in order not to harm national unity." This was little else but an adroit political move, for the political work of the party was continued with the help of "Marxist Study Associations" which immediately filled the gap left by the alleged disappearance of the ICP. It was only in March 1951, when the regime had settled down in its jungle war against the French, that the successor party to the ICP made its official début. Like the ruling parties in, for example Poland and Hungary, it carries the name "Workers Party" -- Dang Lao-dong, or DLD.

#### c. The Party's Structure

Today, the Lao-Dong Party, as the direct successor to the ICP, is perhaps one of the best-organized and most homogenous Communist parties of the Soviet orbit. It has had the same, almost unpurged, leadership since its inception in 1930. In spite of its stormy history during the French administration and the ensuing years of war, it has never deviated from its course.

<sup>11</sup>. See Chapter 3.

The position of the DLD within the DRVN structures needs little further description. Here again, a Communist source has described it most aptly:

The ministers of national defense, finances and labor are members of the Lao Dong Party as are also the under-secretaries in several other ministries. There is no question that the Lao Dong is leading force. It is the party that provides the backbone of the government. <sup>12</sup>

Although at first advertised as a "new party" in March 1951, there was little doubt as to the real character of the Lao-Dong. Its aim was explained to the party members in the following confidential memorandum distributed by the DLD's Nam-Bo (South Vietnam) on March 28, 1951, a few days after its creation:

"...we may tell the Party adherents that the new party is basically the Communist Party under a new form; but to those that are outside the Party, we shall tell that it is a newly-created party merely continuing the revolutionary work of the preceding parties." <sup>13</sup>

In the meantime, the DLD has shed all pretenses of being a "new" party and indeed takes pride in its ICP ancestry. As will be seen later, official Cominform sources give membership figures for the years when the Indochina Communist Party was officially "dissolved," and length of membership in the DLD - important in the staffing of higher party and government posts - is calculated on the basis of adding the years of membership in both parties.

Only two major structural changes have been made since the transformation of the old ICP into the DLD. It now has a separate "Politburo" and a Party Control Section.

The top permanent policy-making body is the Central Executive Committee of nineteen members and ten alternates. It includes practically every government leader of any importance in the field of defense, police, labor, banking, the National Assembly, the regional

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12. Starobin, Joseph R., Eyewitness in Indochina. New York 1954: Cameron and Kahn, p. 122, Emphasis added.
13. See Fall, Bernard B., The Viet-Minh Regime, 2nd ed. New York 1956: Institute of Pacific Relations, p. 40.

administration, the ethnic minorities and the diplomatic corps. At the same time, the fellow-traveling "Fatherland Front" is also heavily represented in the Central Committee.

It is easy to see from the above how the DLD can control not only party affairs but has very effective means for interfering in the political, economic and social life of the country at all levels. Since an order given by the Central Committee must be executed by all members of the hierarchy down to the smallest village or plant cell, it is quite obvious that the DRVN government could not issue an order contrary to Communist Party policy without finding itself immediately checkmated by the overwhelming machinery of the Party.

On the other hand, any order issued by the DRVN government receives immediate and full endorsement by the DLD, with the result that obedience to it not only becomes mandatory as an act of obedience to the law of the state, but also as one -- more important to a Communist -- of party discipline from which one cannot deviate without becoming a "traitor to the working class," with all the dire consequences this entails in a totalitarian state.

d. Party Membership

It is extremely difficult to ascertain even halfway reliable membership figures, for even various Communist sources sharply disagree as to their number at any given time. For example, figures given by a Vietnamese Communist source in the Cominform weekly newspaper For A Lasting Peace, For People's Democracy (Bucharest, Rumania, August 21, 1953) show that Communist Party membership went from 20,000 in 1946 to 50,000 in 1947, and 168,000 in 1948, reaching more than 500,000 (!) in 1950.

Similar increases of Communist Party membership, but with different sets of figures were recently published by the Vietnam News Agency, the official news outlet of the DRVN, in a broadcast of April 19, 1957, in which it stated that the Party's membership increased from 5,000 in 1946 to 180,000 in December 1948.

A purge of "unreliable" Party elements took place in 1952, after large-scale recruitment has been suspended for all practical purposes since 1950, in order to permit "consolidation work" [i.e., better indoctrination] of the already admitted members.

A curious indication of the predicament in which many as Asian and East European Communist Party finds itself is the radical social difference between its party leadership and its membership at large. While all

Communist parties claim, of course, to be the "Party of the Workers and Peasants," a closer examination of their leadership groups generally shows that, with but a few exceptions, it is composed of the scions of the bourgeois middle-classes and intellectuals.

The DLD has not escaped this phenomenon. From its leaders Ho Chi Minh and Pham Van Dong (member of a family of mandarins of the Annam Court), and Vo Nguyen Giap (a member of a middle-class family, with a French doctorate in history) down to the intermediate and lower Party echelons, the Communist command structure in no way resembles the social structure of the Vietnamese people, which is composed of 85 per cent farmers and less than 2 per cent industrial workers, with the rest made up of merchants, civil servants and other urbanized professions.

According to the self-critical report previously cited in the Cominform journal, out of 1855 key positions in the DLD, 1,365 were held by intellectuals and descendants of the middle-class while only 351 were held by farmers and 139 by workers.

There are as yet no indications that the Party will broaden its popular base by mass inductions from the peasant class. On the contrary, the events of recent months have shown that the farmers as a group -- including the poorest farmers -- are less enchanted with the ideas of the Communist Party than any other Vietnamese social class. Thus, the only open field for recruitment for the DLD are the cities, with their increasing industrial population.<sup>14</sup> In fact, it is likely that an increase in the non-rural membership of the DLD might permit it to exercise a more effective control over the countryside, which would explain the following passage in the Vietnam News Agency announcement of April 19, 1957, that party recruitment was to be resumed with a non-farming population as a key target:

At present, a great number of outstanding people have emerged from the Party ranks, tempered through 8 to 9 years of hard war of resistance and 2 years of reconstruction. From now on, such people will increase in number.

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14. See Chapter 8.

...To fulfill this heavy task [of reconstruction], the leading Party should be very strong, in urban as well as rural areas. Therefore, the decision to enlarge the Party is a correct and timely one.

For a definite period of time, the growth of the Party will be carried out mainly in the towns and industrial centers, with the aim of admitting the best sons and daughters of the working class. At the same time, adequate attention will be paid to the development of the Party among the revolutionary intellectuals now working in various branches and public services. <sup>15</sup>

It is likely that, following the path of its brother regimes in the Soviet Union, Red China and the European satellites, the DRVN -- faced with the problem of a restive and numerically large peasant class - has decided to base its strength upon the "progressive" urban elements and the industrialized and intellectual elite groups, hoping to hold down the peasantry through terror and a slow but steady transformation into a collectivized and landless group which, like its Soviet and Chinese counterparts, will be "persuaded" into "voluntary" submission.

e. Fellow-Traveling Organizations

No Communist Party can exist without a certain retinue of fringe organizations which extend the Party's reach far beyond the limits which it could attain under its own label. This is also the case in Vietnam. The Lao-Dong, and before it the ICP, have been very successful in surrounding themselves with a great organizations whose ostentatiously humanitarian or patriotic purposes seemed above question to many Vietnamese: there are "Patriotic Catholics," "Resistant Buddhists," "Farmers for National Salvation," "Women for World Peace," youth organizations, veterans associations, and various social and political groups. At times, the Communists not only merged, but actually "submerged," themselves in the mass of such groups.

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15. Emphasis added.

This was the case in 1944, when the ICP, together with the non-Communist political parties of Viet-Nam, joined in the Viet-Minh league -- whose name remained associated with the regime. In May 1946, the Communists found that even the Viet-Minh was not broad enough to reach the whole population, since it represented, after all, political parties which generally excluded youths and women from their activities.

They organized, therefore, the "Viet-Nam National Union League," better known as "Lien-Viet." The Lien-Viet assertedly included all the political parties within and without the Viet-Minh and also a great many groups that had sprung up in the meantime and were still groping for an effective leadership which they ICP was only too glad to provide them.

When the Lao-Dong Party made its appearance in 1951, the Lien-Viet in turn absorbed the Viet-Minh, while the tiny "non-Communist" political parties still existing in North Viet-Nam, the Democratic and the Socialist parties, also joined the Lien-Viet.

Like the DLD, the Lien-Viet had its local cells and committees. Since north of the 17th parallel nearly every Vietnamese man, woman, and child from 6 to 60 is a member of one or several of the several dozen organizations belonging to the Lien-Viet, each individual is controlled by a whole spiderweb of overlapping memberships.

At the very top of the organization, the Lien-Viet leadership gave its own clue as to the political color of the whole association:

Honorary President  
President

Ho Chi Minh  
Ton Duc Thang<sup>16</sup>

16. President of the Standing Committee of the National Assembly, member of the French Communist Party before joining the ICP, sentenced to 20 years' imprisonment by the French, when, as a sailor on a French cruiser fighting against the Communists in the Black Sea in 1921, he and the French Communist André Marty incited the crew to rebel and to turn over the ship to the Communists. The attempt failed.

Members of the Presidium:

Truong Chinh,<sup>17</sup> Hoang Quoc Viet,<sup>18</sup> Nguyen Chi Thanh,<sup>19</sup>  
Chu Van Tan,<sup>20</sup> etc.

Hence, the Lien-Viet, in all fairness, was little else but an adjunct of the Communist Party with the advantage of having practically no limiting conditions upon its membership.

In the past three years since the Geneva cease-fire, however, even the Lien-Viet was not flexible enough to include the many Vietnamese nationalists who saw a solution to the impasse of split Viet-Nam in a variety of alternatives other than having two separate Vietnamese governments. Once more, the fellow-traveling Lien-Viet moved to the front: it promptly transformed itself in September 1955 into a "Fatherland Front" with a political program which, according to the Australian Communist Wilfred Burchett,

...established broad lines for the unification of the country... The Lien-Viet Front was automatically dissolved. All organizations formerly in the Lien-Viet Front...are automatically included in the broad new front which embraces virtually every section of the community... .

Its 12-man Presidium includes the same names as those of the Central Committee of the Lien-Viet; in addition it now includes certain representatives of the southern Vietnamese religious sects which have broken with the Vietnamese national government of President Ngo Dinh Diem. So far, the Fatherland Front, in spite of its program which practically promises everything to everybody,<sup>21</sup> has thus far failed to make much headway among the Vietnamese south of the 17th

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17. Secretary General of the DLD until October 1956, still member of its Politburo.

18. Member, DLD Central Committee, Secretary-General of V. N. Labor Federation.

19. Leader, V. N. Youth Federation, Chief of the VPA Politburo.

20. A member of the Tho minority, member of the DLD Central Committee Brigadier General, VPA; Chairman of the Viet-Bac Autonomous Area (see Chapter 7).

21. The September 1955 program of the Fatherland Front included a new constitution, co-existence between state-owned and private enterprises, high wages for workers, fair returns to the small farmers, indemnifications to the landlords, and even suitable re-employment of southern political figures.

parallel. Past experience shows that when its usefulness in its present form is totally exhausted, it will be made to disappear quickly, and, like the mythical Phenix, it will re-emerge whole from the ashes, ready to serve the regime.

Furthermore, and doing better in this than any other Communist Party on either side of the Iron Curtain, it has thus far managed to anticipate the changes of trend in Moscow soon enough never to be caught short by important "changes of line." For example, the changeover in 1956, as a result of the 20th Party Congress in Moscow, to the concept of "collective leadership" after three decades of "cult of the individual" which deeply affected the whole Communist world, found the Viet-Minh ready and prepared: Ho Chi Minh, in the course of a little-publicized cabinet reshuffle in September 1955, had shed the position of Prime Minister which he had held conjointly with that of President of the Republic (see Chart 2) since 1946 and Pham Van Dong, a long-time trusted associate was appointed to the post of Prime Minister. In a more recent instance, Ho Chi Minh apparently succeeded in heading off serious uprisings such as those of Poznan and Hungary by demoting in the fall of 1956 Truong Chinh, the Lao-Dong's secretary general, and several other officials held responsible for land reform difficulties.

f. The Party and Religious Freedom

In the field of religion, the Lao-Dong has adopted a policy similar to that of all other Communist regimes. In spite of all protestations to the contrary, it has tolerated religious activities only when they favored DRV political plans or when anti-religious activities met with resolute opposition on the part of the population. A statement on religion by the DLD, quoted on July 4, 1955 by Radio Hanoi, clearly explains the official Party view on religion:

The Viet-Nam Workers' Party adopted dialectical materialism based on the analysis of the phenomena of natural and social laws. It does not recognize the existence of divinities, but always strives to make propaganda for scientific Socialism and patriotism. It is based solely on the scientific principle of the Marx-Lenin doctrine...

It is significant that Radio Hanoi broadcast this statement only a few weeks after the Viet-Minh government had adopted on June 14, 1955 a law protecting freedom of religion, which in theory, guarantees the right of every Vietnamese citizen to "choose any religion or to choose none." In other words, as in the case of similar



"freedoms" guaranteed in the Soviet Union, the "right" to anti-religious propaganda is actually the one that is most clearly expressed in the law.

It is equally noteworthy that the 1956 rebellions were most violent in the Catholic areas of the provinces of Thanh Hoa and Nghe An, to the point that the fellow-traveling "National Catholic Liaison Committee" was called into a special enlarged session from November 14, to 16, 1956, at the close of which it announced that

...the shortcomings committed during the land reform have violated the policy of religious freedom of the /Lao-Dong/ Party and the /DRV/ Government and infringed upon the sacred rights of the faithful.

Ho Chi Minh, receiving a delegation of the Liaison Committee at the conclusion of the meeting, acknowledged that "the mistakes committed...have also infringed upon...religious freedom," while the Party newspaper Nhan Dan, in its issue of November 21, 1956, acknowledged that

Catholic citizens are presenting legitimate requests for the correction of shortcomings in the execution of the Agrarian Reform and in the observance of the policy of religious freedom.

These statements, revealed by the Viet Minh themselves, clearly point up the problem which the regime faces, caught as it is between its desire to gain acceptance among many of the profoundly religious Vietnamese Buddhists and Catholics and its deep-rooted commitment to Communist dogma.

g. Signs of Stress in the Machinery

With a surprising rigidity of thought and method, the Viet-Minh Communists have for more than ten years unswervingly applied Soviet methods in their country. In the course of the war for independence, this rigidity was of minor importance since many non-Communist but patriotic Vietnamese were willing to accommodate themselves to such practices as long as there was no valid alternative to the rule of the Lao-Dong. Following the cease-fire and the withdrawal of non-Communist forces from North Vietnam, the DRV regime tightened its grip on the area under its control. The tribulations born of austerity were compounded by the introduction and application of communist-styled political and economic programs which exacted more time, energy, and thought than hard-working, hard-pressed Vietnamese could tolerate. The harshness of communist-conceived and communist-applied methods was suddenly revealed, and a wave of discontent

began to radiate from the hard pressed Nghe An coastal area. The Hanoi regime was caught up short, and embarrassed by subsequent developments and revelations.

Open acknowledgement of serious errors which began in mid-summer 1956, blossomed into a full-fledged "Mistakes-Correction Movement" -- with quotas and statistical percentages of "corrected errors" -- in the winter and spring of 1957. In the words of an objective source,<sup>22</sup>

What had actually happened was that the directives of the law makers had lost...the letter, if not their spirit in their way down from the level of [Lao Dong] party committees and officials to the village authorities.

This concerned also practices which had been taken over automatically from other Communist countries and which did not meet with the approval of the Vietnamese....

...A real orgy of self-criticism started, as the whole country's machinery was subjected to an enormous public investigation and reorganization [following the November, 1956 Nghe An uprising.]

As details of the injustices committed became known, it turned out that in many cases those injustices were committed against loyal members of the Lao-Dong party -- a phenomenon not entirely unknown to anyone who has watched the passing parade of Communist "show trials" and belated "rehabilitations" of the past forty years. At first, the Lao-Dong attempted to shift the whole responsibility for the injustices committed upon the "excess of zeal" of the lower echelons who wanted to produce high quotas of "guilty" landowners, regardless of whether or not such landowners actually belonged to the "landlord" class or not.<sup>23</sup>

22. Taussig, H.C., "Land Reform Abuses -- Blunders of Communist Cadres in North Vietnam Checked," in South China Morning Post, Hong Kong, November 28, 1956.

23. This is an extremely important fact no one dealing with the problem of land reform in Indochina should ignore. In pre-war days [i.e., at the height of the French colonial administration] 98.7 percent of all tilled land in North Vietnam was worked by its owners, as against 90 percent in Central and 64.5 percent in South Vietnam. It is the latter which contains the big estates, not the North, where the Communists are attempting to carry out their land reform, which in fact seems to amount to taking away an already small piece of land from one farmer to break into two or more pieces which will satisfy no one.

Here again, the Party newspaper sheds light on ways in which such injustices were committed. In its issue on August 24, 1956, for instance, Nhan Dan states, referring to excesses committed in a single village:

The cadres at battalion level...have made too many arrests and have persecuted the people a great deal... in all, not less than 100 persons were wrongly put in jail...brothers from the same family dared not visit each other and people dared not bow or talk when they met in the street...Comrade Ngon, middle peasant,<sup>24</sup> President of the Administrative Committee and [Lao-Dong] Party cell secretary, was denounced as a "cruel landlord" and executed. Other Party members were considered members of Ngon's gang, and were executed one after another...

Small wonder that rebellions broke out in northern Central Vietnam, which hitherto had been among the most stoutly loyal provinces of the DRVN and had given it most of its revolutionary leaders (Ho Chi Minh, Vo Nguyen Giap, Pham Van Dong and many others) -- probably some of the Party comrades acted out of sheer desperation, sensing that their lives were in danger.

However, the ills are apparently too deep-seated to be eliminated by simple declarations of apology and regret in the newspapers. Wrongly executed fathers and brothers are not easily replaced in a family, and even the "purge" of certain top leaders for what may only be a short period of time, has not appeased the disillusionment of many previously faithful Party followers.

A true crisis seems to have broken out throughout the country, with unjustly accused Party members who now return to their hometowns -- many from the very jaws of death -- taking to task their accusers, thus further discrediting the Party. This has created a real problem for the leadership, which is now being openly discussed in the columns of Nhan-Dan, such as in this editorial of February 19, 1957:

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24. One of the official "classifications" of the population. For full text of the law, see Appendix.

The errors and shortcomings committed during the agrarian and organizations reforms have seriously affected the basic Party units in the countryside. ...a number of basic Party units which have been unable to achieve unity<sup>25</sup> still exists...

This state of affairs drags on because these comrades do not understand that the former wrong accusations were due to the incorrect attitude of the leadership instead of that of these accusing comrades. Anyhow, this state of affairs is now over. These comrades should clear away all their personal indignation so as to achieve union in the countryside and satisfactorily carry out the mistakes-correction work.

The loss of faith of the population in the Party's ability to cleanse itself of its errors is even more apparent in the following article by Nguyen Luan, reporting on the "Difficulties of Mistakes-Correction Work in Gia Hoa," a village on the left bank of the Red River.<sup>26</sup> Here, the people felt that the "let-by-gones-be-by-gones" policy of the Party was not sufficient to quell their indignation; in particular, they felt that the cadres who had persecuted them and their families should be eliminated from all party positions:

It was universally felt that the core cadres should be forced to apologize for their errors and barred from any positions in the village, a concept born of stressing mistakes and ignoring achievements.

According to the same article, the local Party cadres did everything in their power to make the people accept collaboration between their persecutors and the persecuted -- but to no avail. Three meetings were held for the village population of about 1,500 souls. At the first meeting, 53 "comrades" showed up, at the second 42, and at the last 25. Then the local cell attempted to marshal the united

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25. That is, "unity" between the purged comrades now returning from forced labor and prison camps and their former accusers who, in many cases, occupy the positions which the returnees vacated, or now own their rice land or houses.

26. Nhan Dan, February 16, 1957. Gia Hoa village is located in Hung Yen province, during the Indochina war one of the strongest Viet-Minh guerilla strongholds against the French.

strength of its affiliated organizations and held meetings for the usually reliable cadres /can-bo/ of the Vietnam People's Army and the local administration. The results were even more dismal: according to the same Nhan Dan article, only 43 people attended the first meeting, and 20 the next. As a last resort, the cadres called upon the hard-core Communists of the village and the war veterans who had risked their lives to create the DRVN. The results:

Other meetings, such as those for revolutionary families and for old and new (Party) cadres, could not even be held. The War Veterans Conference, even though held, was completely fruitless...

The new cadres (i.e., those released from prison) hated and mistrusted the Party so strongly that they demanded the halting of all activities.

It is clear that under such circumstances the Lao-Dong Party cannot be considered a reliable tool for mass control at the present time. In the past years, like the East German, Polish and Hungarian Communist Parties behind the Iron Curtain and the French and Italian outside it, the Lao-Dong has relied upon what it thought were "safe" methods of propaganda and pressure to maintain its tight grip over the Vietnamese, without realizing that its methods were defeating its own purposes.

The following chapters will show the effects of such party policies upon the structure of the state and the administration of justice and its far-reaching consequences in most other fields.

### 3. "Democratic Republic"

"All power in the country belongs to the people of Vietnam without distinction of class, creed, wealth or sex."

Article 1, DRVN Constitution,  
November 1946.

"Our regime....is based on the worker-peasant alliance and is led by the working class."

Tran Huy Lieu, Member of the DRVN  
National Assembly, December 1956.

The structure of the administration of the Democratic Republic of Vietnam as it exists today is the product of three major periods of development: (a) the revolutionary period between August 1945 and December 1946, when the war broke out; (b) the period "guerilla government," between December 1946 and October 1954, when Ho Chi Minh returned to Hanoi; and (c) the period of consolidation and reorganization of the state north of the 17th parallel, which began in October 1954 and is still under way.

The first period brought about the basic development of governmental institutions. The second period saw their almost total erosion in favor of an overwhelming political machine entirely structured around the Lao-Dong Party and its auxiliary organizations. The third period witnesses to open struggle between the administrative organs of the state and the parallel, and for the time being, stronger organs of the political apparatus which is loath to relinquish the government-like powers which it has assumed during the period of insurrection. As of the time of writing, the final outcome of this struggle is far from clear, but as evidence presented in this chapter will show, both sides can aver that they have marked some points in the contest. But as the example of the other "People's Democracies" shows, an intermediary solution will no doubt be found eventually which will no doubt leave preponderance of power with the Communist party apparatus.

#### a. The Revolutionary Structure

As has been shown in the previous chapter, the Viet-Minh proceeded with notable speed in 1945 in establishing itself as a full-fledged government in order to be able to face the liberating Allied forces with a fait accompli. In this it succeeded admirably. The Republic was proclaimed on September 2, 1945. On September 8, Ho Chi

Minh signed a decree providing for general elections which in effect were held on January 6, 1946, under conditions of duress which made their results a foregone conclusion.<sup>27</sup>

The nationalist opposition parties were arbitrarily allocated 70 seats in a National Assembly with a theoretical total of more than 400 seats, and, as will be shown below, even that small number of legal opponents was soon reduced to total powerlessness, and the Constitution which the Assembly now began to draw up was entirely a product of its Viet-Minh majority.

Approved by the National Assembly by a vote of 240 to 2 on November 8, 1946, the Constitution of the DRVN is somewhat of a curiosity in the Communist orbit, for it is entirely devoid of the usually expected ideological themes and economic programs which can be found in communist-written constitutions of the postwar era. Much has been made by superficial observers of this absence of propaganda themes; it has been interpreted in many quarters as factual "proof" that the Viet-Minh and the DRVN are not subservient to Communism. The true reason, however, appears to be far simpler and can be ascribed to the peculiar situation in which the regime found itself when it developed its institutions: contrary to all other Communist regimes at the time of their accession to power, the Viet-Minh had no direct geographical link with the rest of the Communist Bloc. In addition, Vietnam was still in part occupied by a Chinese Nationalist army and by British forces, while American liaison groups were stationed in Hanoi, Haiphong and Saigon, and while the regime depended upon the goodwill of all those groups for its most essential supplies and upon Western anti-colonialist sympathies for any outside support of its cause. This no doubt also was the reason for the "abolition" of the Indochinese Communist Party in November 1945 (see page 9).

The Constitution, therefore, contains the usually accepted democratic freedoms, provides for a single-chamber legislature, the People's Parliament, elected by all citizens, male or female, above the age of 18 in the proportion of one Representative for every 50,000 inhabitants. The Parliament is elected for a three-year term. Its powers are patterned upon those of the French or British legislature: the Parliament elects the President and Vice-President of the

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27. Fall, op. cit., p. 9.

Republic; all Cabinet Ministers are selected by the Parliament from among its members and the active head of the executive, the Prime Minister, is appointed by the President of the Republic upon approval by Parliament.

In the recess period between sessions -- the latter to take place twice a year -- legislative authority is entrusted to a Permanent [or Standing] Committee of 15, selected from among the members of Parliament; it has powers fairly similar to those of the Presidium of the Supreme Soviet of the USSR.

The Judiciary is only vaguely developed in the Viet-Minh Constitution of 1946, with the result that since February 1957, repeated reports have been published by the Lawyers' Association and other bodies of the DRVN zone, criticizing the excesses of a judicial system built on a hit-and-miss basis.<sup>28</sup>

On the other hand, local government is described in detail in the Constitution. The whole country is divided into three regions (Bo), each of which is subdivided into Inter-Zones, Zones, Provinces, Districts, Villages and Municipalities.<sup>29</sup> In each village or city, there is (or rather: should be) a Village or City Council chosen by direct suffrage; each of these Councils in turn elects an Administrative Committee. Again theoretically (for this has never been implemented) the subordinate units of one level select from their midst representatives which should form the administrative committees at the next higher level, and so on.

In actual practice, however, many of the provisions of the Constitution have never been implemented. For example, the National Assembly, which was admittedly a provisional body elected for the purpose of adopting a constitution, has -- as of early 1958 -- still not been dissolved and replaced by a constitutional Parliament. In spite of the constitutional three-year term, the present assembly has by 1958 remained in office for twelve years.

Short shrift was made of the opposition even before the outbreak of the hostilities. When elected in 1946, the Assembly had a theoretical

28. See Chapter 4, "People's Justice."

29. Some of those units do not appear directly in the Constitution. Neither do the so-called "Autonomous Areas" of the ethnic minorities, which were copied since 1953 from the Chinese Communists.



total of 444 members -- a correct figure for the 1945 Vietnamese population of about 22.5 million. However, only 291 members were present at the inaugural session of October 28, 1946. Of the 70 known opposition members present in the Assembly, 33 were under arrest by October 30 -- assertedly for "common crimes",<sup>30</sup> in spite of the fact that, according to the Constitution, they enjoyed parliamentary immunity. When the Constitution was finally voted on November 8 of that year, the number of pro-government members had shrunk to 240, while the number of opposition members had shrunk to two.<sup>31</sup>

In terms of territorial administration prior to the outbreak of hostilities, Viet-Minh administrative committees had seized control of many cities and villages, but the French already had re-occupied much of South Vietnam, including Saigon, while anti-Communist nationalist groups held much of the north Vietnamese hinterland around the Red River Delta from which they were expelled in a series of armed clashes with Viet-Minh troops.

Thus, contrary to the popular assumption that the DRVN had firm control of the whole country when hostilities broke out in December 1946, the areas under effective control of the Viet-Minh were limited to large sections of the Red River Delta, the coast of northern Central Vietnam and a mountain "redoubt" in the northeastern corner of Vietnam, in addition to smaller pockets in the swamps of South Vietnam and the mountainous coast of southern Central Vietnam.

b. The "guerilla government"

Within a week after the beginning of the hostilities, the Viet-Minh government withdrew from the lowlands of North Vietnam into the already-prepared jungle hideouts from which it was to emerge almost nine years later, in October 1954. The hit-and-run warfare which now began made the work of Viet-Minh administrators physically more difficult. From the political viewpoint, however, it considerably simplified their task of dealing with the opposition because the state of war permitted them to dispense with the details of democratic or even merely orderly administrative procedure at practically all levels.

30. Cu'u Quoc, Hanoi, November 1, 1946.

31. Vietnam Delegation to France, The Democratic Republic of Viet-nam, Paris 1948, page 17.

In the field of the central executive, the theoretical active head of the Cabinet, the Prime Minister, was never elected until September 20, 1955. From 1945 until then, Ho Chi Minh simply held both the posts of President and Prime Minister. Cabinet discussions were also simplified by transferring most of the decision-making powers to a so-called "Supreme Committee for National Defense," which included, among other non-elected officials, the then Secretary General of the Lao-Dong [i.e., Communist] Party, Truong Chinh.

The activities of the legislative branch were rapidly reduced to a minimum. Reduced on the eve of the hostilities to about 240 members, the National Assembly continued to suffer from a high attrition rate. This attrition was only in part due to normal causes, such as natural death or death on the battle-field. A not inconsiderable number of members of the Viet-Minh parliament "chose freedom" during the war years or after the cease-fire. Throughout the whole war, Ho Chi Minh ruled with the legislative "help" of the Standing Committee. Only once, in December 1953, did he find it useful to call the Assembly itself into session. This was done to give wider endorsement to the highly unpopular Land Reform Decree then promulgated by the regime. Only 171 members of the Assembly out of 444 attended the session.

The wartime judiciary of the Viet-Minh was a rather sketchy affair. At the local level, so-called "Conciliation Committees" composed of members of the local Administrative Committee handled minor cases. More severe cases were handled by Popular Tribunals. However, special jurisdictions existed in the case of crimes considered prejudicial to the State: matters of "Treason" (i.e., disaffection for the regime or the Communist Party) were handled by the Military Courts. Dreaded "Special People's Tribunals" handled the land owners of various types caught in the web of the Land Reform Decree.<sup>32</sup> Since prisons were scarce in the jungle, only two major types of punishment were generally meted out: "Correctional Labor," which meant slave labor in the transport columns of the Viet-Nam People's Army; or death. Complete confiscation of property generally went with all findings of guilt before the wartime courts.

The wartime administrative structure also was considerably simplified and tightened. The local People's Councils practically never were given a chance to operate. The Administrative Committees, composed of trusted cadres (can-bo) appointed from above, in effect ruled the villages and cities. In order to further tighten the machinery, the DRVN in 1947 merged all the Administrative Committees with the various Viet-Minh "Resistance Committees" into political-administrative-military "Committees for Resistance and Administration," better known

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32. See Chapter 8, "Economic Regimentation."

by their Vietnamese initials UBKC/HC /Uy Ban Khang Chien/Hanh Chinh/.

The whole structure of local self-government in keeping with the Vietnamese tradition that "the powers of the Emperor stop at the bamboo hedge" of the village, was thus destroyed. Communist officials began to enforce an increasingly rigid top-to-bottom discipline. In fact, Article XII of the 1947 "Decree on Organization of Power during the period of Resistance" clearly shows the amount of leeway left to local government:

Should the Communal Popular Assembly make a decision contrary to higher regulations, this order is not only annulled, but the UBKC/HC of the District will issue a warning. Should the Communal Assembly [still] refuse to comply, the Provincial UBKC/HC may pronounce its dissolution.

The lasting results of this amalgamation of the Party and administrative structure are still felt today throughout the DRVN-administered zone and are perhaps at the base of the increasingly stronger popular demands for reforms in that field.

c. Consolidation and Reorganization

While many of the aforementioned restrictions could be explained away by virtue of the extraordinary civil war situation which prevailed throughout the country (particularly when the DRVN imposed even higher taxes or greater sacrifices upon the population), the situation changed when the 1954 cease-fire allowed the Viet-Minh regime to emerge from its mountain and jungle retreats.

For the first time since 1946, the regime was in control of a well-defined and undisputed area containing several major urban centers and an important industrial potential. The cease-fire also faced the DRVN with a particularly difficult test: would it now be willing to implement its own promises of liberty and democracy which it had made to the Vietnamese people in 1945 and 1946, now that it had all the means at its disposal to do so without outside interference? Developments along such lines no longer could be shrouded in the uncertainty of wartime secrecy -- the DRVN now had to operate, as did its nationalist neighbor to the south, in full view of world, and particularly, Asian opinion.

In the field of central government, a broadening of the executive took place -- at least, in theory. More than one year after the cease-fire, in September 1955, the fifth session of the National Assembly unanimously approved a select number of changes which brought the DRVN governmental structure somewhat nearer to its own constitutional image. The posts of President of the Republic and Prime Minister were physically separated, with Ho Chi Minh retaining the former post for himself and Pham Van Dong, a veteran Communist revolutionary who had been an associate of Ho's during the latter's stay in Canton in 1925, occupying the post of Prime Minister and Foreign Minister. In other posts, the DRVN again returned to its pre-hostilities patterns: it began to appoint certain non-Communists to positions of apparent eminence. For example, Phan Ke Toai, former Emperor Bao-Dai's last viceroy in North Viet-Nam, was made vice-Prime Minister with little but decorative functions. A Socialist, Hoang Minh Giam, became Minister of Culture -- another post of little importance but with much "face." Needless to say, in all those cases where such a "non-Communist" was appointed to a high position, he was immediately flanked by colleagues or subordinates of strictly orthodox Communist views; thus, the first vice-Prime Minister of the DRVN is none other but General Vo Nguyen Giap, commander-in-chief of the Viet-Nam People's Army (VPA) and Minister of Defense, a member of the ICP since 1935.

The legislative branch, however, remained the stepchild of the government, in spite of the fact that it had lost during the war years whatever remained of its opposition. Although sessions were now held more frequently -- the fifth in September 1955, the sixth from December 27, 1956 until January 28, 1957, the seventh in June 1957 -- little is being discussed in them beyond the most routine legislation.

It is in the legislative field that the DRVN has departed the farthest from its own Constitution, with apparently precious few prospects of remedying the situation in the near future. For example, the National Assembly, provisionally elected in 1946 for the purposes of drafting a Constitution, has remained extant ever since and has not been transformed into a "People's Parliament" which, according to the 1946 Constitution, should be the legislative body of the DRVN. It also has apparently not recovered from the 1946 and wartime purges and other losses, for, according to a recent article by a Viet-Minh legal expert,<sup>33</sup> only 244 members out of a theoretical total of 444 attended the sixth session of the National Assembly.<sup>34</sup>

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33. Nguyen Phuc Chuong, "Improvement of the Organization of the National Assembly," in Thoi Moi, December 31, 1956.

34. The fourth session took place in March 1955, the third in December 1953, and the first two in 1946.

With the ceasefire now prevailing in Vietnam for more than three years, it should not have been too difficult for the DRVN to have held complementary elections or even a full legislative election in its zone -- as the Republic of Vietnam in the south and neighboring Laos and Cambodia have done since -- in order to give the DRVN legislative a constitutional as well as a more representative character. With more than 13 million Vietnamese living north of the 17th parallel, the Assembly should have at least 280 representatives, or as many as 520, if all of Vietnam were represented, since the DRVN claims to be the sole legal government in the country. Yet, there is little evidence that such elections are contemplated at all. The uprisings of November 1956, which on other occasions are so greatly minimized, are now used by the aforementioned source as a reason for delaying even local by-elections:

Thus we can only proceed with the elections in the North after the achievement of the mistakes-correction work and after the reestablishment of calm in the countryside.<sup>35</sup>

In the meantime, the DRVN continues to rule by decree, with only a few of the most important laws (Land Reform, for example) endorsed by the National Assembly. The latter -- though it now meets more frequently -- still is in session only about one month every year, or even less, and contemplated constitutional reforms do not augur well for the future of democratic freedoms in the DRVN. In a recent article in Thoi Moi,<sup>36</sup> Tran Huy Lieu, a member of the Standing Committee, made a strong plea for the elimination of such "bourgeois" remnants from the 1946 Constitution as Article 1, which guarantees that "All the power in the country belongs to all Vietnamese people regardless of race, sex, wealth, class, or religion." Quite on the contrary, Tran Huy Lieu, argues, a "classless society" such as an ideal "People's Democracy" should aspire to, apparently needs a more rigid class structure! Likewise, the 1946 Constitution, as has been pointed out, avoids the usual Communist references to a rigidly controlled and regimented economy. This again is a gap which Tran Huy Lieu hopes to see soon filled, and he describes his views as follows:

35. Nguyen Phuc Chuong, loc.cit.

36. Tran Huy Lieu, "A Number of Points which Need Be Reexamined in Our 1946 Constitution," in Thoi Moi, December 31, 1956. Emphasis added.

In our opinion, it is necessary to clearly specify to what classes the power belongs and by what classes it /i.e., the people/ should be led so that everyone can clearly realize the nature of our regime.... It is based on the worker-peasant alliance and is led by the working class. Yet our Constitution has not clearly mentioned these fundamental points. ...

Moreover, we notice that our 1946 Constitution does not include any clause dealing with the economic organization. It is now necessary to mention this point in our Constitution so as to clearly show our economic character of a people's democratic regime advancing toward socialism.

And he again returns to the theme of population classification, in spite of its nefarious results which now have brought about the "Mistakes-Correction" campaign, by advocating "more concrete clauses on the various people's classes, on the people's races in the country," both items which can be considered throwbacks from democracy into the days of Hitler's totalitarianism.<sup>37</sup>

The abortive rebellion and unrest of 1956 clearly drove home the point, however, that the regime could not entirely disregard the wishes of the population in this matter; even the controlled press of North Vietnam began to discuss the whole problem in the open, although with the proper literary flourishes and bows to the regime so as not to be accused of "destructive criticism." An editorial in Thoi Moi of October 21, 1956, makes the telling point that there is an absence of

...adequate laws to establish a legal code assuring democratic freedoms. Thus violations of democratic freedoms of the people become inevitable when there are no clear laws fixing the relations between the people and the cadres. On this point, we hope that the promulgation of necessary laws will not be delayed...

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37. See Chapter 7b: "Social Revolution Through Land Reform."

In the field of administration, the Communist party and military machinery still has the upper hand. The wartime UBKC/HC's have remained in place in most areas, although in some cases at least their names were changed. Thus, in Hanoi a so-called "Political-Military Committee" (also referred to as "Political and Administrative Committee") took over the reins of government on November 10, 1954. Here again, and in violation of the DRVN Constitution, no local elections took place and the six members of the Committee no doubt were appointed by higher military or party echelons. The above-cited editorial of Thoi Moi, of October 1956 again after due ideological bows, comes to the point on this matter:

We judge it necessary to add that the Administrative Committee of Hanoi, the administrative organization directly in charge of applying the policy of the Party's Central Committee in the capital [sic], still retains its military character. The people of the capital are very glad to learn of the decision of the Government to hold elections to the Municipal People's Council...

Municipal elections finally took place in Hanoi in November 1957, with 98 percent of all voters duly casting their ballots for the government approved slate of candidates, some of whom were allegedly non-Communist Catholic and Democratic Party candidates.

This, however, should not be construed to mean that at least in the field of local government, the Lao-Dong Party has lessened its control. Since positions of local government are less in the eye of the foreign public than top ministerial positions, the Viet-Minh apparently feels not compelled to staff such positions with non-Communist figureheads. Even if such non-Communists were to be returned to office by popular vote, there are ample precedents in the DRVN's past history to enable us to assume that such a development would not change or replace the the present source of power and control in North Vietnam.

For the time being, the DRVN is still administered with the aid of a military and party machinery at whose existence the 1946 Constitution does not even hint and which is at radical variance with Vietnam's traditional administrative pattern as well as with those of all the other countries of Southeast Asia.

And if one is to judge future developments according to the aforementioned intentions of important members of the Viet-Minh administration, it is likely that the basically democratic Constitution of 1946 will be made to conform with the non-democratic facts of the DRVN of 1957, rather than the opposite.



4. "People's Justice" and the Police State

"It is forbidden to torture, strike or ill-treat accused persons and prisoners."

Article 68, DRVN  
Constitution of 1946.

"While trying cases, the judges have to discharge their functions in accordance with the law. No other authority is allowed to interfere with the functions of the judiciary."

Article 69, DRVN  
Constitution of 1946.

The DRVN Constitution itself gives little else but a sketchy outline of the DRVN court system and the years of civil war and rebellion were not conducive to the creation of a well-developed judicial structure. The wartime courts, like the Administrative Committees, were greatly simplified and worked more like military courts than civilian tribunals. Most judgments were without appeal and generally executed on the spot.

The wartime situation also brought about an all-encompassing system of trial upon denunciation and spying on one's neighbors and relatives whose final result -- openly acknowledged by the DRVN Government in the winter of 1956 and the spring of 1957 -- was a total breakdown of the judicial system in the whole zone. The courts, directly embroiled over the past three years with the implementation of the 1953 land reform and often greatly responsible for its ferocious execution, lost all authority over the population when the government had to acknowledge openly that grave mistakes had been committed in carrying out land reform.

The essentially political character of the courts -- i.e., their functions as an arm of the Communist Party -- is revealed by sources directly within the DRVN Government:

In cases where a Court receives a complaint or is itself acquainted with the existence of a state of arrest which it has not ordered, the Public Prosecutor shall make inquiries with the Administrative Committee.

Should the latter inform the Court or reply that the arrest has been made for a political motive, the Court shall cease to pursue the case.<sup>38</sup>

This is, of course, a radical departure from Article 69 of the Constitution or from generally accepted judicial procedure; yet, there still existed the possible loophole of such a case reaching the Court anyway and not receiving the politically desirable sentence. In such a case, the same Circular provided for the transfer of the whole case to the Chairman of the Administrative Committee "for consideration regarding a final solution of the case..."

The dispensing of impartial justice reached a further low in the DRVN when the implementation of the land reform began to take form. In rapid succession, as the anti-"landlord" propaganda was organized by the Lao Dong Party in various provinces, special Popular Tribunals<sup>39</sup> were set up to "try" landlords on various charges ranging from multiple murder to usury, with the usual -- and to the landlord, least painful -- result that all their lands were confiscated. However, in most cases, the landlords themselves and their families were sentenced to severe prison sentences, or worse, either shot or delivered to the populace.

Viet Minh sources have provided abundant literature on how such trials are -- or were, if one is to believe recent Viet Minh apologies to their victims -- conducted. Here is an example cited by the official Lao Dong party newspaper Nhan-Dan, of August 26, 1953:

...the comrades got together and decided to judge the most cruel of the landowners. Knowing what conduct to adopt, what arguments to present, what witnesses to call, the comrades enthusiastically took their measures to help the judgment that was to take place the following day....

Having learned their lesson from preceding trials, no barriers were erected to separate the [accused] landowner from the farmers. There was but a human wall to encircle the enemy...The trial began animatedly. More than thirty persons rose from the ranks to denounce the crimes of the cruel and reactionary landowner Phu Thanh Y...

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38. DRVN Interministerial Circular No. 208 NV/PC of May 27, 1946.

39. Decree 149/SL of April 2, 1953.

Y's face was pale, his body shook; Y sat down on the ground and remained silent with terror for several minutes....One could see that he was thoroughly mastered.

It is the more remarkable that foreign Communist visitors to the DRVN have described the trials they saw in exactly the same manner. Here is a description of such a trial by the Australian Communist writer Wilfred Burchett:

One could say that not all the forms and trappings of bourgeois justice were observed at the hearing...There were no magistrates in wigs and gowns, no piles of law tomes or swearing of oaths, no kissing of bibles. Instead of the witnesses being on an elevated stand and the accused on the floor, the witnesses were on the ground and the accused standing in a shallow hole in the ground.<sup>40</sup>

It must be emphasized that this was no longer a trial in a jungle hide-out, but was held in a peaceful town after the Geneva cease-fire as are the others described here. A German Communist visited the DRVN in 1955 and wrote a highly laudatory book on his travels which includes actual pictures of such "Special Popular Courts."<sup>41</sup> In the trial he saw, the accused, standing in the midst of a circle of hundreds of enraged peasants, admitted his guilt as follows:

"Mong [name of the accused] admit it!" cried the peasant woman....Admit it!" cried the hundreds [of onlookers]. Crawlingly, the assassin turned to the Judicial Committee, and said: "Your little one admits everything."

But it is an American Communist, Joseph Starobin, a former editor of the Daily Worker, who has left the clearest picture of such a "trial." It began at nine o'clock in the evening, with the landlord, his wife and their assistant being tried by a "presiding committee, [composed] mainly of the poorest peasants."<sup>42</sup> Here is how Starobin describes the end of the trial:

It was three in the morning...The anger mounted among the peasants and they were ready to tear them [the accused]

40. Burchett, Wilfred, North of the 17th Parallel, Hanoi 1955, p. 168.

41. Faber, Franz, Rot leuchtet der Song Cai [The Red River shines Red], Berlin (Soviet Sector) 1955: Kongress-Verlag, p. 101.

42. Starobin, Joseph, Eyewitness in Indo-China. New York 1954: Cameron & Kahn, p. 92.

to pieces. "Make them admit these crimes!" the peasants shouted. The landlords cringed, and twisted their hands which were tied behind their backs. "Make them sign that they admit having committed such crimes! 43

The cords around their wrists were released, and the two landlords and their agent signed the paper on the table where the presiding committee sat in silence. Then the Peoples Militia led the landlords away.

In this particular case, Starobin affirms that the landlords were sentenced to only five years in prison. However, this must have been an unusual case of leniency, for the previously-cited Franz Faber states on page 104 of his book that in the case of 1903 landlords brought to "trial," 185 (about 10%) were executed.

The total number of landlords, or of -- as the DRVN now admits it -- poor peasants erroneously classified as such, killed, imprisoned or exiled, far from their homes, 44 will probably never be known but it is said to exceed 50,000. 45

On August 17, 1956, Ho Chi Minh himself, in a letter to "Our Compatriots on the Farms," admitted that "errors had been committed in achieving the unity of the peasants..." and promised redress to those who had been unjustly classified as landlords or rich peasants or who had been in other ways wronged by arbitrary decisions of Communist cadres.

A few days later, sensing the new trend, Nhan Dan of August 24, 1956, described in detail how in the village of To Hieu the Communist cadres arrested people without proof and "in all not less than one hundred peasants were wrongly put into jail," while others who had fought with the Viet Minh against the French during the hostilities were executed on false charges simply because "many cadres were trying to list as many landowners as possible, assuming that they would be praised for such achievements."

The ensuring tension and rebellions in the fall of 1956 compelled the DRVN to face the whole problem squarely. In a dramatic cabinet session late in October of that year, the DRVN reduced in rank or expelled from their

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43. Ibid., p. 95.

44. See Ordinance No. 175 of August 18, 1953, on "Forced Residence."

45. In fact, the number of people unjustly imprisoned and now suddenly released appears to have been so large that Nhan Dan printed a special article on the correct attitude when one leaves prison exhorting citizens not to harbor ill feelings against the party and government which illegally imprisoned them and took their property. (See "Our Attitude When We Return to Our Hamlets," Nhan Dan, November 22, 1956.)

position most of the officials who were responsible for the miscarriages of justice that had occurred and, in particular, abolished the hated "Special People's Tribunals." The dreaded "Land Reform Committees" which in fact were the real power behind the tribunals, were reduced to an advisory role, while promises were made "to insure the people's democratic rights and to strengthen the basis of democratic legality."<sup>46</sup>

The government itself, caught in the web of conflicting Communist Party and administrative jurisdictions, called for a strengthening of the National Assembly's law-making powers, as evidenced in the following article in Nhan Dan:

Our immediate missions should be to strengthen the legal code, to correctly broaden democracy...The strengthening of the legal code implies first of all a respect for the supreme legislative powers of the National Assembly and a strict observance of the law-making process.

Secondly, it is necessary to build up a new legal system, beginning with important and fundamental rights.

Thirdly, it is necessary to act in accordance with the law.<sup>47</sup>

An editorial in the equally authoritative Thoi Moi of January 1, 1957, goes so far as to admit that "in practice, so far our legislation has been, for the most part, based on orders and decrees of the government and old laws promulgated by the colonialists and feudalists. This is unreasonable."

It was obvious that this sudden wave of admissions of past wrongdoings was not only due to a sudden change of heart. The answer came in January 1957 with the promulgation of a "Personal Freedoms Bill," a sort of Viet-Minh magna charta or Bill of Rights, which substantially guarantees -- at least on paper -- the Vietnamese citizen freedom from unlawful search, arrest, and detention without charge. The regime makes no mention of the fact that those freedoms already were contained in the Constitution in one form or another but simply had never been implemented by the government. This bill follows hard on the heels of the "Press Freedoms Bill" of December 1956, which, instead of easing press censorship, inaugurated a new wave of repression of freedom of speech.<sup>48</sup> In view of the so far inconclusive

46. Fall, Bernard B., "Crisis in North Viet-Nam," in Far Eastern Survey, New York, January 1957: Institute of Pacific Relations, p. 14.

47. "Tran Dinh Truc Gives his Views on Democratic Freedoms," in Nhan Dan, Hanoi, December 24, 1956.

48. Fall, loc. cit.

results of the "Mistakes-Correction" program, it is doubtful whether the Personal Freedoms Bill, for all its good words, will succeed in remedying a situation which, under other circumstances, would be considered deplorable.

a. The Informer System

As in every other "People's Democracy," the police network of the DRVN, supplemented by a nationwide network of voluntary informers, is extensive and efficient, with every man, woman and child expected to participate in it, regardless of family ties and other bonds of affection which may tie the informer to the person so denounced. A typical exhortation to that effect is the following which appeared in the official Lao-Dong party newspaper Nhan Dan, praising a certain "Mrs. T." for denouncing her daughter's black market activities to the police:

Although she is very fond of her daughter, Mme. T. tells the police, for she knows that what her daughter was doing injures the whole population of Hanoi and is at the root of the rise of the cost of living.<sup>49</sup>

The civilian police system, based upon the "People's Militia" and semi-militarized Security Troops organized on the pattern of the MVD in the Soviet Union, is closely intermeshed with the military intelligence system. At the top of the whole police pyramid, the "civilian" Director General of the Police and Security Services has as his deputy the Chief of the Central Intelligence Services of the Vietnam People's Army. Both have been members of the ICP for more than twenty years.

At the village and hamlet level, the Party can-bo (cadres) train "Groups for the Repression of Counter-Revolutionary Activities" and "Sections for the Repression of Traitors" -- not to speak of the new ill-famed "Land Reform Committees."

This, in brief, is the system of justice and personal freedom under which the Vietnamese citizen has to live north of the 17th parallel. In spite of recent promises of improvement, little has been done to change the situation radically for the better. In fact, there are signs that the present state of affairs is considered a desirable one by the Viet-Minh

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49. Nhan Dan, November 3, 1954. See also Chapter 6.

if one is to believe a recent article on the subject by Judge Vu Duc Chieu, a member of the Hanoi courts.<sup>50</sup> Describing the evolution of Viet-Minh justice from 1950 to date, he states:

During this period our legal system was brought into harmony with the revolution and the people's interests. For the first time in the history of our country, Marxist-Leninist theories were applied. Jurists realized at last where they stood, and whom they must serve. Our laws are determinedly authoritarian toward the enemies. As for criminals, they are punished, but also reeducated. The May 22, 1950 Decree No. 97 abolished absolute private property. This marked the turning point.

In conclusion, I think that all of us should agree that these changes are fundamentally right and that the capitalist legal system is essentially reactionary. Only then can we strengthen the administration of our country by law.

Little else can be added to this fitting description of what ten years of Communist rule have done to justice and individual liberties in the DRVN.

Space limitations do not permit an extensive study of the radical differences between this legal system and that prevailing in other recently independent countries of Southeast Asia.<sup>51</sup> However, it can be said that those differences are illuminating. The DRVN's position can best be compared with that of Indonesia which also had to fight for its independence from colonialism; yet Indonesia -- not to speak of other Southeast Asian countries where the transition to independence was peaceful -- has codes of justice and a court system which protect the rights of the citizen, and no Southeast Asian country has made the denunciation of one's family members for anti-governmental political opinions a sacred duty of the citizen.

50. Judge Vu Duc Chieu, "The Strengthening of the Administration of Democracy by Law," in Thoi Moi, January 22, 1957. Emphasis added.

51. However, such a study exists, in which nations of various Free Asian nations contributed chapters on the legal systems of their respective countries: Studies in the Law of the Far East and Southeast Asia, published by the Washington Foreign Law Society, 1956, p. 104.

Likewise, nearly all Asian countries have a land reform program and some are in worse need of effective land reform than is the DRVN.<sup>52</sup> Yet no other Asian country (except, of course, Communist China) has felt it necessary to "try" its landowners before unjudicial "courts" to achieve effective reforms.

But there is no doubt, that Judge Vu Duc Chieu would find the law courts of Indonesia and Burma "essentially reactionary."

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52. See footnote 22.