

**The Indochinese Experience of
the French and the Americans**

**NATIONALISM AND
COMMUNISM IN CAMBODIA,
LAOS, AND VIETNAM**

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For Loan,

and for all those officers of the Foreign Service of the United States who over the years between 1939 and 1975 reported objectively, and sometimes brilliantly, on the affairs of the Indochinese and for whom there were no Pulitzer Prizes or Nobel Peace Prizes,

and for the archivists in whose custody their reports have ended up, to the lasting enlightenment of historians and readers.

Following the four-party signing around the green baize table, the delegations moved to the foyer, where, out of sight of the press, they toasted "peace and friendship" in champagne offered by the French,⁵⁸¹ unlike at Geneva in 1954 when the military armistice had been signed and champagne refused. Foreign Minister Lam, Madame Nguyễn Thi Binh, and Nguyễn Duy Trinh, the man who had started the ball rolling in December 1967, shook hands and exchanged champagne toasts. Lam and Madame Binh had a ten-minute private conversation; Lam did not want any of the sort of photographs of Kissinger and Tho beaming smiles that Kissinger so treasured. The two had found the kind of personal rapport reserved for those who know exactly where the other stands and who have no illusions whatsoever that they are free agents. They were both from Saigon. Lam was from a prominent Catholic family and had been elected a deputy to and served as president of the Constituent Assembly of 1956. He had served as a judge of the Supreme Court and in 1967 had been elected to the Senate. Since becoming foreign minister in September 1969, Lam had been kept informed by Thieu of Kissinger's negotiations. Madame Binh was a grandniece of the patriot Phan Chu Trinh.

The occasion was marred by the raucous manifestation of solidarity by Viet Cong supporters with which the Americans and South Vietnamese in the French capital had become familiar. The unseemly yelling and chanting outside the windows as the signing was taking place, and further disturbances as the Americans were entering and leaving, annoyed Rogers sufficiently that he went immediately to the Quai d'Orsay and protested to Schumann. The French foreign minister in his usual flippant manner told the American he was "taking it too seriously" and tried to brush the complaint aside. But when Rogers informed him he was thinking of withdrawing American agreement to Paris as the site for the follow-up international conference foreseen in Article 19 of the agreement, "he finally got the point" and apologized profusely to Rogers and Lam. Thus, the Paris conference ended as it had begun, in a heady atmosphere of French partisanship for the DRV and PRG that compared unfavorably with the decorum of Geneva.⁵⁸² A few weeks later, France announced it was raising its relations with the DRV to ambassadorial level.⁵⁸³

The nature of the documents confronted the Saigon delegates with a peculiar problem. The Americans had rejected the Saigon government's suggestion that there be only a single document with the preamble "the parties to the Paris Conference on Vietnam" that did not list their names.⁵⁸⁴ They had arranged to have both two-party and four-party documents to be signed. Thieu had no problem in having his delegate sign the four-party document, as this merely acknowledged the fact of participation in the plenary sessions since 1969. But in the two-party documents signed by the Americans and the DRV the specification "with the concurrence of the Government of the Republic of Vietnam" implied a subordination that the South Vietnamese had not accepted when they agreed to the "our side, your side" formula. Without telling the Americans, Thieu and Lam found a way around the problem by deciding that Lam would not accept signed copies of the two-party agreement. Accordingly, Lam did not

return the two copies the Americans gave him for inspection prior to their signature, and the signed copies were distributed only to the other three parties. It was a small but significant, and very Vietnamese, gesture of protest at the manner in which the Americans had stretched the word "concurrence" since the beginning of the negotiations. President Thieu announced the signing in a 40-minute radio address, doing his best to present the agreement as a victory and calling for discipline, endurance, and a spirit of positive struggle on the part of all elements of the population. He appealed to people to fly the national flag.⁵⁸⁵ The nationalists now had their backs to the wall, and they knew it. In a letter to President Nixon, Thieu wrote that the blood shed on Vietnamese soil by the brave young men of the United States armed forces for the common cause had sealed forever the very close bonds of friendship between the two nations. He wrote that he profoundly rejoiced that as the hostilities were ending the ordeals of the prisoners of both nations and the long vigil of their loved ones would soon be over.⁵⁸⁶

Hours before the signing, Lyndon Baines Johnson died peacefully at his ranch in Texas, spared from seeing the final agony of the Indochinese nationalists whose cause he had inherited and loyally defended, although some of those who served him in high office were inadequate to the task. In the waning days of his presidency, Johnson had written to Thieu a moving tribute to their common search for the right thing, and said he had no regrets for the course followed.⁵⁸⁷ His grave beneath the oaks on the bank of the Pedernales River stands in sharp contrast to the grotesque Soviet-style mausoleum in the center of Hanoi built to house the embalmed body of Ho Chi Minh.

The fact that the Republic of Vietnam had been relegated to the status of a second-class nation was borne in on Thieu during a conversation with Vice President Agnew on January 30. He told Agnew that his government needed aid to rebuild cities, reconstruct villages and hamlets, and take care of the refugees, whose numbers now reached 1 million and might increase as people left the Communist-controlled areas to come over to GVN control. All he received in reply was a lecture about the poor prospects for aid in the Congress.⁵⁸⁸ The next day, Agnew informed Thieu about Kissinger's planned visit to Hanoi "to discuss economic assistance." Thieu exhibited no concern about this.⁵⁸⁹

As part of his final effort to convince Thieu to agree to the signing, Kissinger had sent him a compilation of statements that had been made to him during the negotiations by Le Duc Tho regarding the question of the DRV's troops in the South. They included claims that the troops in the South comprised regroupees and their children and volunteers, who were all under the command of the PRG. In Kissinger's view, these claims had the consequences that all Communist forces in South Vietnam were subject to the obligations of the agreement and that the DRV claimed no right to maintain its armed forces in the South. Thieu dismissed the note with the comment that it might represent the American view, but it did not represent the view of the South Vietnamese.⁵⁹⁰

THE NEGOTIATIONS IN LAOS AND KISSINGER'S VISIT TO HANOI

After the Tet offensive in South Vietnam, which shocked the Lao,⁵⁹¹ King Savang Vatthana became more outspoken in his criticism of "liberation wars."

In a speech in Pakse on May 7, for example, he warned his subjects against becoming involved in the Vietnamese war, and then spoke of the war in Laos. "We Lao do not think of 'liberating' our country, we think of caring for our country and carrying out our duty to protect our blood and tradition from disappearing. This war is not a war to liberate our country. We do not need to liberate our country. We need to protect our country. Our territory has been well defined by agreements which many countries have signed."⁵⁹² Ambassador Sullivan sought to reassure the king that American policy was steady and that no "fake peace" would be accepted in the Paris negotiations.⁵⁹³ Prince Souvanna Phouma expressed his concern for the sacrifices that the common people, and especially the soldiers, had made for so long in Laos's struggle for its independence and neutrality. He was also fearful that after the war ended the Communists would have an advantage over the nationalists because they were better organized.⁵⁹⁴

With the arrival of Ambassador Godley in Vientiane in July 1969, political reporting was again given a high priority at the embassy, and as a result we have excellent accounts of political developments as the Lao headed for the next round of negotiations in an attempt to end the war. Godley had started in the Foreign Service in 1941 as vice consul in Marseille and had got his fill of the Vichy bureaucracy before being posted to Bern. In May 1954 he was first secretary in the Paris embassy and was following the French tractations with Bao Dai. Later he served in Cambodia. As a result, he was thoroughly familiar with Indochinese affairs.

Spurred to action by the announcement of the Lao Patriotic Front's five-point program on March 6, 1970, political leaders in Vientiane met and discussed with one another what they could do to prepare. The prime minister sought to reinvigorate the Neutralist Party, but the other parties, too, felt called upon to play a role. As a result, by general agreement among party leaders a consultative council on political affairs was established in the prime minister's office.⁵⁹⁵

Elections to the National Assembly on January 2, 1972, went well. Some 222 candidates ran for the 60 seats.⁵⁹⁶ The mood was for change. Only 19 incumbents retained their seats. The 41 new deputies rode in on a wave of popular discontent with rising prices and the long, debilitating war and dislike for the old "do-nothing" Assembly. A total of 864,114 registered voters voted.⁵⁹⁷ The Lao Patriotic Front had ignored a resolution passed by voice vote in the outgoing Assembly requesting the royal government to send a formal letter to Prince Souphanouvong asking him to participate in the elections.⁵⁹⁸ Souvanna Phouma had offered the Front a chance to run in the election. The resolution was the Lao nationalists' way of reaffirming their dedication to non-violence in politics and the hope that the Front would do the same. The prime minister's attempt to reshuffle his cabinet had met with royal disapproval and had to be withdrawn. The strain on the Lao of living within the tripartism imposed by the 1962 agreements periodically raised issues of conflict with the Assembly's prerogative of approving the cabinet; the king took a particularly strict view of his role as the defender of the constitution and in this instance let his stand be

widely known.⁵⁹⁹ In the negotiations with the Lao Patriotic Front that began in October 1972, the king gave Souvanna Phouma carte blanche to do whatever he deemed appropriate provided it did not conflict with the constitution.⁶⁰⁰

Lao of all persuasions also continued to defend their prerogatives against foreign interference from whatever direction. Asked for his reaction to a reported statement by Abram Chayes, an adviser to Senator George McGovern, that if North Vietnam demanded it a Democratic administration would permit Prince Souvanna Phouma to fall, the prime minister politely replied in the form of a press interview that it was under the Democratic administration of President Kennedy that the United States helped Laos to acquire the status of neutrality and that this implied a certain moral responsibility. "We are a very small country, certainly, but we have our national dignity. The manipulation of small states by great powers has not provided particularly good results. The history of recent decades, both for the East and for the West, has proved this."⁶⁰¹ The king mentioned Chayes's statement to Godley at the annual boat races at Luang Prabang and observed that if by misfortune McGovern were elected he was certain that the good sense of the American people and the Congress would force McGovern to retreat dramatically from the positions he had taken during the campaign.⁶⁰² Finally, Soth Phetrasy, the resident Front representative in Vientiane, told the French chargé d'affaires that he hoped that the Americans would not interfere in the negotiations between the Lao factions that were about to begin.⁶⁰³

After several exchanges of messages between Vientiane and Sam Neua, formal negotiations opened in the conference room of the *Présidence du Conseil* in Vientiane on October 17, 1972, and plenary sessions were held once every week thereafter, each delegation reading a prepared statement and then taking part in a discussion afterward.⁶⁰⁴ The royal government having refused to accept a delegation of the pseudo-Neutralists, the Lao Patriotic Front included their representatives in its own delegation, which it called the delegation of the Lao Patriotic Forces (LPF); one of these pseudo-Neutralists was Lieutenant Colonel Cheng Sayavong, who had deserted from Kong Le in 1963.⁶⁰⁵ The two delegations were led by Interior Minister Pheng Phongsavan and by Phoune Sipraseuth, both veterans of their separate causes. Pheng had headed Souvanna Phouma's delegation to the tripartite truce talks at Ban Namone in 1961. The principal military expert on the delegation, General Bounthieng Venevongsos, was also an old hand, having been on the opposing side to Pheng at Ban Namone. The delegation also included four deputies to the National Assembly, one of whom, Noupbat Chounramany of Khammouane, acted as spokesman. Soon after the negotiations started, Phoumi Vongvichit was appointed special adviser to the LPF delegation,⁶⁰⁶ and it was he, together with Pheng, who signed the final agreement.

In the discussion period at the sixteenth meeting on January 30, 1973, Phoune proposed holding secret meetings outside the plenary sessions, and the first such session was held the following day at Pheng's house.⁶⁰⁷ These secret negotiations were later expanded to include meetings between Souvanna Phouma and Phoumi Vongvichit and between Pheng (who became the prime minister's special emissary in dealing with the LPF and was replaced as delegation chief by

Public Works and Transportation Minister Ngon Sananikone) and Phoumi Vongvichit. These meetings were instrumental in leading to an agreement.

The negotiators on both sides were well aware of the progress of the negotiations in Paris. Probably the LPF negotiators, through their frequent visits to Sam Neua and Hanoi, were kept better informed than the royal government, as the American Embassy in Vientiane, the main source of information, was mostly in the dark about the secret talks and could convey little information in response to Souvanna Phouma's requests. However, General Haig visited Vientiane on January 18, 1973, to bring Souvanna Phouma up to date on this vital subject. The prime minister was especially interested in the question of withdrawal of the DRV's troops from Laos, which up to then had not been discussed in his negotiations with the LPF. In the Paris draft, Haig noted, there was a provision for withdrawal from Laos but no timetable. "Why can't you reach agreement with Hanoi on the withdrawal?" Souvanna Phouma asked. "We were unable to do this in Paris because they claim the matter concerns the sovereignty of the Pathet Lao but they say they will influence matters," Haig replied. "It has nothing to do with the Pathet Lao," Souvanna Phouma replied "because it concerns the North Vietnamese forces which invaded Laos and under the terms of the 1962 agreement you have the right to demand their withdrawal." Haig affirmed: "They are committed to withdraw and to respect the 1962 accords under the terms of this Agreement." Souvanna Phouma then concluded: "This has to be made clear because otherwise they will remain and dictate the position of the Pathet Lao." He had instructed his ambassador in Paris to talk to Sullivan about the timing of the DRV withdrawal.⁶⁰⁸

On the publication of the text of the Paris agreement, Souvanna Phouma said that in his capacity as prime minister he welcomed the cease-fire in Vietnam and in his capacity as leader of the Neutralist Party he hoped that the peace in Vietnam would allow him after 20 years to complete the task of bringing neutrality to Laos. "I hope the United States will make sure these peace accords are observed," he said.⁶⁰⁹

Throughout the negotiations in Vientiane, the Lao parties were in charge. Prince Souvanna Phouma and Pheng shared some information on their positions and insights into the opposing side's positions with Ambassador Godley and his deputy, John Gunther Dean, particularly in the final days. Pheng read portions of the draft agreement to Dean on February 13, translating from written Lao into verbal French. Following Kissinger's visit to Vientiane, the embassy was in daily consultation with the royal government negotiators on various issues in the talks. The degree to which the embassy was in a position to control the latter's positions was, at key times, "extremely limited."⁶¹⁰ The result for the royal government was a compromise that reflected, first and foremost, the prime minister's priorities.

Kissinger exerted pressure indirectly for rapid conclusion of an agreement on a cease-fire in Laos, as he did not want to have the United States bombing in Laos when the international conference to guarantee the Paris agreement opened 30 days after the Paris signature, as provided in Article 19. Laos was not invited to participate in this conference, which caused some grumbling among

the Lao. Souvanna Phouma, despite the fact that he was anxious to arrive at a cease-fire as soon as possible, resisted American pressure to have his delegation separate military and political aspects in order to expedite the negotiations, as some rightist Lao figures also wanted him to do. Mindful of the bad experience of 1961 and 1962, when a cease-fire had been declared prior to arriving at a political settlement, the prime minister feared the hardening of the partition of the country that such a situation encouraged. He did not want an agreement that gave the Front exclusive jurisdiction over its zone and also might have hermetically sealed the rightists into a Thai-dominated Mekong valley zone. Instead, being a good nationalist, he strove throughout for a "global settlement" that would allow reconciliation and eventual "re-nationalization" of the LPF to wean it away from the DRV and the party center.

On February 10 Kissinger and Sullivan, after an overnight stop in Vientiane, flew to Hanoi, fulfilling Kissinger's long-standing pledge to Tho, who greeted him warmly at the Noi Bai airfield north of Hanoi. The visit afforded the leaders of the DRV an opportunity to demonstrate the diplomatic dexterity with which they had treated foreigners since 1945. Both sides were skeptical of the other's intentions. The first meeting with Prime Minister Pham Van Dong, Tho, Trinh, Thach, and Phan Hien was tough, Kissinger reported. Dong said the DRV wanted to establish a new long-term relationship with the United States and declared that the DRV was resolved to implement all the provisions of the agreement. These leaders obviously expected the United States to do the same, but it was not clear to Kissinger whether they had decided to use the agreement to bring about a period of relaxation or as an instrument of political warfare. Kissinger warned Dong strongly against a resort to force.⁶¹¹

Kissinger raised the POW issue at this first meeting with Dong, saying the release was a matter of extreme concern and that the American people would not tolerate any ambiguity. The list of POWs to be released by the DRV was reasonably consistent with American records. But the lists from the PRG and the Pathet Lao raised serious questions. The latter's list of 10 names could not be considered complete, as there were approximately 350 military and civilians listed as captured or missing in Laos, of which 215 were lost under circumstances in which the Americans believed that some information should be available. The Americans were making a major effort in Saigon to begin the release of civilian personnel. The next day, in an attempt to smooth Kissinger's ruffled feathers, Tho informed Kissinger in private that on account of his visit the DRV would release 20 additional American POWs in addition to the first batch scheduled for release the following day.

With regard to the political settlement in the South, it was too early to make a judgment. Kissinger noted that the two parties had begun to talk. "I hope the Special Adviser has noticed that Ambassador Lam is in the hospital," Kissinger said, which made Tho laugh.⁶¹² (Lam had had to be admitted to hospital for major surgery.⁶¹³) This was a summit meeting of the puppet-masters, after all, and in the session the following morning Dong emphasized the responsibility of the United States for ensuring compliance with the agreement by the Saigon

administration. As the DRV leaders had done after 1954 with the DRV's signature on the armistice agreement with the French, they intended to force the Americans to respect the commitments made, always interpreting the agreement in their fashion, of course. Kissinger brought up a number of military violations; the DRV's bill of complaints of violations was transmitted at about the same time through Paris and again emphasized the "entire" responsibility of the Americans.⁶¹⁴

In the morning session on February 11, he reported to President Nixon, Kissinger told Dong that the leaders of the DRV had two basic choices. They could use the agreement as a political and psychological weapon, pressuring the Republic of Vietnam and keeping the United States on the defensive. In that case, renewed confrontation with the Americans was likely. Their other choice was to implement the agreement seriously and to "pursue their objectives by historical evolution." In this case, a new positive relationship with the United States was possible.⁶¹⁵ Here, again, was Kissinger's theme of a "decent interval." His phrase "historical evolution" meant the imposition of a coalition government on the South, as he had told Haig, and the reunification on Communist terms that would follow. It was a plea for time for the United States to exit honorably.

Laos and Cambodia took up a major portion of Kissinger's discussions in Hanoi. The afternoon of the second day was entirely devoted to Laos and was "very difficult," Kissinger reported. Dong had said in the first meeting that the DRV would help the Americans obtain a cease-fire in Laos. After laborious exchanges, the two sides pinned down the need for a definite cease-fire in Laos within a very short time and agreed to send separate instructions to the Laotian parties in the Vientiane negotiations to leave political questions for discussion later. On the issue of withdrawal of DRV troops after the cease-fire, also the subject of very difficult exchanges, Dong reaffirmed the intention to withdraw but wanted to key it to a political settlement rather than to the cease-fire.⁶¹⁶ This statement should have set off alarm bells for Kissinger in view of the fact that Article 20(b) of the Paris agreement provided no timetable for the withdrawal of the DRV's troops from Laos. "We have just received word that the Laos agreement is sewed up," he reported to Nixon before leaving Hanoi, "and includes a timetable for troop withdrawals within the period that Le Duc Tho and I discussed."⁶¹⁷ But the Vientiane negotiations were not yet finished at the time Kissinger left Hanoi. In view of the promises Kissinger and Sullivan had made to the leaders of South Vietnam, Cambodia, and Thailand regarding the obligation of the DRV to withdraw its troops from Laos, it was incumbent on them to ensure that the timetable for withdrawal of the DRV's troops from Laos would be fixed in time in the final wording of the Vientiane agreement. Ignoring the words they had heard from Dong himself, they failed to alert Godley to alert Pheng to be on the lookout for a last-minute switch. This is an example of the sloppy negotiating style of those who had taken upon themselves the responsibility of restoring peace to Indochina.

When Dong talked about implementing all the provisions of the agreement, he included American war reparations. Kissinger carefully put off any

discussion of economic aid until his last day. This, too, proved difficult, as he had foreseen. The United States had assumed the obligation in Article 21 to "contribute to healing the wounds of war and to postwar reconstruction of the DRV." But it had avoided committing itself to specific figures or, like the DRV in the case of Article 20(b), to a timetable. And President Nixon's letter of February 1 to Dong had contained the condition of congressional approval. The Stalinists of the Vietnam Workers' Party protested. They professed themselves unable to believe that the Congress, which had generously funded the war to the tune of \$200 billion, could refuse to spare a few billion for aid to the DRV. "When the war was going on then the appropriation was so easy," Dong said with a laugh, "and when we have now to solve a problem that is very legitimate . . . then you find it difficult." Dong thought, as Stalin had, that the Americans were using consultations with the Congress as an excuse to avoid making good on their commitments. Kissinger's reaction to this extraordinary statement was to plead congressional prerogatives, one feels with some relief.⁶¹⁸ One is left to wonder if President Kennedy's words about the defense of freedom, about bearing any burden, went through his mind; but since he had already accepted the position of aggressor for the United States, his response must have seemed very lame to Dong. Clearly, Kissinger was no match for the wily Marxist-Leninist revolutionary.

In the situation of mutual skepticism about intentions, both sides watched each other's implementation of the agreement to determine their own course of action. Kissinger's failure to obtain a firm date in Article 20(b) for troop withdrawal from those countries, or even a date pegged to the eventual conclusion of cease-fires in Laos and Cambodia, might be said to have been an oversight on an equal scale with Harriman's acceptance of wording at Geneva allowing the North Vietnamese to use Laos for transit to South Vietnam. But then the DRV had blundered, too, by not pinning Kissinger down on the specific figure and timetable for aid. Kissinger made clear to Dong that the DRV could not expect the Americans to implement the agreement, give economic aid, and improve relations while its forces remained not only in South Vietnam but in Laos and Cambodia as well.⁶¹⁹ In the final communiqué, the two sides welcomed the negotiations between the parties in Laos but did not mention the DRV's troops. The two sides announced the establishment of a Joint Economic Commission to discuss the question but did not mention a specific figure or timetable for aid.⁶²⁰

After a final private two-hour meeting with Tho, also mostly concerned with Laos and Cambodia and the link between the DRV's performance there and American aid,⁶²¹ Kissinger left Hanoi shortly after noon on February 13.⁶²² In a message to Tho sent through Paris as Kissinger returned to Washington, he re-emphasized the point that a new relationship depended on scrupulous implementation of all provisions of the agreement by the signatories and his conviction that the agreement must be considered an instrument for conciliation rather than an opportunity for political warfare. He reminded Tho of American efforts to deal with the complaints about treatment of the delegations in Saigon, to furnish air transportation to expedite return of North Vietnamese

prisoners, and to pressure the Saigon government to release civilian detainees. He noted, however, Saigon's suspicions about Communist intentions, and stressed the unconditional nature of the withdrawal of foreign forces from Laos as prescribed by Article 20(b) and the absence so far of an agreed-upon cease-fire. "Your side is therefore in clear violation of both the agreement and its associated understanding."⁶²³

The Agreement to Restore Peace and Reconciliation in Laos was signed at 11 A.M. on February 21 by Pheng and Phoumi Vongvichit in Prince Souvanna Phouma's combination dining room and cabinet room in the presence of negotiating teams who had negotiated it and all the foreign chiefs of mission in Vientiane.⁶²⁴

The preamble, with its reference to the "Vientiane Government side" and the Lao Patriotic Forces side, established an atmosphere replete with LPF propaganda and ideological jargon that extended through the whole document. This was due mainly to the fact that after Prince Souvanna Phouma indicated on July 24, 1972, that he was willing to accept the Front's five-point proposal of March 6, 1970, as a basis for talks, the royal government delegation limited itself to demanding changes in a new and more detailed formulation of the five points presented by the LPF delegation at the opening plenary session on October 17.

Under general principles in Part I, the agreement stated that it was the intention of the Lao people to firmly preserve and resolutely apply basic and inviolable national rights such as the independence, sovereignty, unity, and territorial integrity of Laos. Those terms were, of course, understood to be subject to the different interpretations given them by each side.⁶²⁵ The next clause was controversial by its phrasing, however, stating that the Declaration on the Neutrality of Laos and the Protocol of 1962 constituted the correct basis for the peaceful, independent, and neutral foreign policy of the kingdom, and "the Lao parties concerned, the United States, Thailand and other foreign countries must scrupulously respect and apply them." Throughout the negotiations, the royal government pressed firmly to keep the names of any foreign states out of the agreement by demanding that the DRV be cited if reference was made to the United States and Thailand. The LPF originally wanted to refer to the United States as the cause of the war in Laos and, accordingly, to condemn the United States for aggression in Laos. "The fundamental demand of our nation and of the present patriotic struggle of our people is to force the American imperialists to put a definitive end to their war of aggression," Phoune said.⁶²⁶ The royal government delegation consistently opposed such one-sided wording and defended the American actions in Laos on the grounds that they were taken in support of the royal government against aggression from the DRV. Faced with the LPF's insistence on some specific reference to the United States in the document, Souvanna Phouma finally agreed to having the United States and Thailand named in connection with the 1962 agreements, which both countries had signed.

The next clause referred to "the present situation in Laos" as consisting of two zones and two separate administrations. This wording was a clear victory for Souvanna Phouma, who forced the LPF delegation to withdraw its draft

formulation of "two zones, two separate administrations, three political and armed forces," by which was meant the pseudo-Neutralists. Souvanna Phouma had never wavered in refusing to grant the slightest legitimacy to the pseudo-Neutralists since the offensive of the DRV and Pathet Lao on the Plain of Jars in 1964. Prior to the signing he said that the pseudo-Neutralists could integrate themselves with the Lao Patriotic Front, they could forget their past sins and rejoin the Neutralist Party of which he was the head, or the text of the agreement could simply omit any reference to Neutralists of any persuasion. The LPF chose the first alternative, and at a press conference on February 21, Phoumi Vongvichit announced that the "Patriotic Neutralists" had rallied to the Front, which brought reality into harmony with the agreement.

Part II dealt with military matters. The cease-fire was effective at noon on February 22 and covered all actions on the ground and in the air originating both within Laos and from foreign countries. Article 3 provided that the opposing armed forces stand still within their areas of control. The standstill cease-fire meant that the royal government would not be able to reclaim control over the provincial capitals of Attopeu and Saravane, as would have been the case if the agreement had mandated a return to the cease-fire line of 1962, a demand that originally was part of its position but was later dropped. Adherence to this position would have reopened the old arguments over claims by the Patriotic Neutralists that they were only reoccupying territory that had been controlled by the Neutralists in 1962 and that the Pathet Lao and DRV were not involved.⁶²⁷ In fact, the total area of control by each side had not changed greatly during the decade of war since 1962.⁶²⁸ A major corollary to the lines of control issue was the royal government's resupply to pockets of its troops and civilian refugees cut off from ground communication; its inability to do so would leave them to the mercy of the Pathet Lao.

Another important military provision, that for withdrawal of foreign forces from Laos, was addressed in Article 4, which said that such withdrawal had to be completed within 60 days of the date of establishment of the provisional government of national union and the joint national political council. This article had gone through a long history of changes during the negotiations. Both sides had pegged the completion of the withdrawal to the signature of the agreement in their drafts presented in December. However, in the flap over separating the cease-fire from the political settlement during February, Pheng and Phoumi Vongvichit focused anew on finding compromise on outstanding political issues and settled them on February 20. In this process, according to a reconstruction of events by the embassy, the timetable for withdrawal got disconnected from the military issue of the cease-fire, which is where it belonged, and connected to the political settlement. Pheng and Phoumi Vongvichit initialed the agreement at 4 P.M. on February 20. The upshot was that the timetable for withdrawal of the DRV's troops from Laos that was missing from Article 20(b) of the Paris agreement had now been supplied—the clock would start ticking when the government in Laos had been established, whenever that might be. The moral was that an agreement is sewed up when it is sewed up, and not a minute before.

The final clause of Article 4 called for the disbanding of "special forces"—a reference to Vang Pao's Meo irregulars, a demand that had figured in LPF drafts from the start. The embassy raised no objection to this clause because it believed it and the royal government had already taken steps to live within this provision by integrating the irregulars into the royal army.

Article 5 obligated the parties to exchange within 60 days of the establishment of the provisional government of national union. Both government and LPF drafts of December timed the prisoner exchange to signature of the agreement, simultaneously with the withdrawal of foreign troops. Kissinger announced on January 24, however, that American POWs held in Laos would be returned to the U.S. government in Hanoi. Article 3 of the POW protocol of the Paris agreement provided that a list of POWs would be handed over on January 27. The DRV was said to have accepted responsibility for POWs and missing in action (MIAs) throughout Indochina, and the names of nine prisoners captured in Laos were included on a list handed over in Paris. Thus, the POW issue appeared less pressing in the Vientiane negotiations during February. The embassy supplied wording on exchange of information about MIAs to Pheng on February 6 taken from Article 8(b) of the Paris agreement, but the draft of February 13 that Pheng showed to Dean did not use it. The information on MIAs was to be exchanged after the prisoner release. The question of American POWs and MIAs in Laos was further confused by contradictory statements made after the signing of the Vientiane agreement by Soth Phetrasy, and it continued to be a live issue for years.

Part III contained the political provisions. The two paragraphs of Article 6 dealt in summary fashion with general elections, whose principle was affirmed but whose modalities were left to be worked out. During the negotiations, Souvanna Phouma had expressed hopes for holding elections within a few months; the LPF had talked in terms of two years. Article 7 dealt with the composition and powers of the provisional coalition government to be formed by the two sides. It would operate by unanimity, as the 1962 one had. Pheng told the National Assembly that the present government would not resign until after formation of a new provisional government. Article 8 dealt with the joint national political council, and it appeared that its status and powers had been considerably whittled down by the royal government negotiators since this body was first proposed by the LPF on October 17. In the final negotiations, it was decided that the provisional government would be formed before the council, whose main role would be to advise the government on holding of elections. Both Pheng and Phoumi Vongvichit indicated publicly that the council would not replace the National Assembly. Thus, the LPF implicitly committed itself to recognize the constitution in the interim before the setting up of new institutions. Souvanna Phouma's influence here was also decisive, as with the matter of respect for the king. Laos's sovereignty had not been impaired by the negotiations and agreement.

Article 9 called for neutralizing Vientiane and Luang Prabang, but without a timetable. Article 10 reaffirmed the Zurich communiqué's sanctioning of

separate administrations pending formation of the new coalition government. At Souvanna Phouma's insistence, a clause that committed both sides to promoting normal relations between the two zones was inserted. Finally, a clause taking cognizance of the pledge Kissinger had made in Paris to contribute to healing the wounds of war and reconstructing Indochina was inserted at the last moment by the LPF, without notification to representatives of the embassy.

Part IV contained the articles setting up the bodies that would implement the agreement, namely the Joint Commission to Implement the Agreement (JCIA), modeled on the Two-Party Joint Commission in South Vietnam, and the International Commission for Supervision and Control, which was to continue its functions. As with all other bodies prescribed by the agreement, both sides were to be represented in equal numbers on the JCIA and each would have a veto. The embassy pointed out the usual caveats in this regard. Tasks such as the demarcation of lines of control were left to be negotiated in a future protocol of the JCIA. With respect to the ICC, the embassy, with support from the Canadians, was holding to the position that the Lao parties were not competent to revise the provisions of the 1962 Protocol with respect to the operations of the ICC.

The problem of the nomenclature of the signatories of the agreement was a thorny one that went right down to the wire. The royal government signed as the "Vientiane Government" and the LPF signed as the "Party of the Patriotic Forces." In Lao (the only official language text), the words Vientiane and government appeared side by side (as distinct from the French *Gouvernement de Vientiane*, which could also be read "Government of Vientiane") so its representatives could read their signature as meaning the Government of His Majesty the King. But the royal government negotiators had had to swallow their pride in order to gain concessions from the LPF on more important points.⁶²⁹

Announcing the agreement, Souvanna Phouma hoped the cease-fire would end "after more than two decades the most useless, the saddest, the most absurd war of our national history in which the Lao quarrel and kill each other without rhyme or reason." Each side had made concessions, he said, but in any case the war could not go on in the changed context of relations among superpowers. He looked to the future but also warned that difficult negotiations on political matters lay ahead.⁶³⁰ The king, in a two-sentence message to the cabinet, welcomed the accord and said all the Lao had to serve a single nation.⁶³¹

National Assembly President Phoui Sananikone sent a letter to the prime minister at the request of the Assembly's standing committee seeking clarification of a number of points in the agreement: (1) the implications of the signatory title used by the government for the legality of the agreement; (2) whether the agreement would be submitted to the Assembly for ratification, in accordance with Article 28 of the constitution, as the 1962 Plain of Jars agreement had been; (3) the exact process by which the new provisional government would be appointed by the king; (4) the exact executive and legislative functions of the joint national political council; (5) and whether the government to be formed after elections would also be a coalition in the sense that defeated parties would be granted seats therein.⁶³²

The embassy saw that it was in the best long-term interests of the United States to project an image of positive initial American compliance with the Vientiane agreement as the only way to preserve the moral and psychological basis for attempting to preserve the nationalists from being swallowed up by the Communists.⁶³³ Above all, it saw in Prince Souvanna Phouma's ability to command the pace and substance of the negotiations with the Front and his faith in the electoral process the guarantee that the Communists would not gain their ends by political means alone. For the moment, the opposition on the right was the most troubling aspect of the post-cease-fire situation. Some politicians and military figures, especially southerners once associated with General Phoumi Nosavan, loudly expressed their bitter criticism of the Vientiane agreement and of Souvanna Phouma and Pheng for negotiating it.

Furthermore, the United States backed the royal government in enforcing the Vientiane agreement; when the cease-fire was massively violated in 29 locations within the first 24 hours,⁶³⁴ at Souvanna Phouma's request, American aircraft again bombed DRV and Pathet Lao forces at Paksong. This had an immediate effect of calming the battlefield situation, and cease-fire violations dropped off sharply. Local cease-fires in place began to take hold the next day, with royal army troops and Pathet Lao reported to be fraternizing in some areas, and even Thai volunteers and DRV troops north of Long Cheng making friendly contacts.⁶³⁵ However, all the details of implementing the Vientiane agreement remained to be negotiated.

PROMISING SIGNS

The most urgent question in South Vietnam was the cease-fire. Aside from stipulating in Article 2 that the cease-fire would go into effect at 3 A.M. Saigon time on January 28, 1973, the Paris agreement and protocols were singularly unspecific with regard to this question. Article 3 left all details to be worked out by two commissions, the Four-Party Joint Military Commission (FPJMC) and the Two-Party Joint Military Commission (TPJMC). From discussions they had had with Kissinger in Paris in November, the American delegates-designate to the former, led by Major General Gilbert H. Woodward, became aware that they would be required to resolve fundamental issues such as control of territory, which related in turn to the status of forces in the area. Both sides had incentive to lay claim to as wide an area as possible in order to position themselves for the expected elections, and these efforts did not entirely cease with the advent of the cease-fire. Yet the agreement and protocols did not even provide for a commitment by all the parties to divulge, much less to have inspected, the areas or forces on each side.⁶³⁶

Article 16 of the protocol on the cease-fire contained a contradiction between its "full protection" and "privileges and immunities" clauses, which were quickly exploited by the South Vietnamese parties. The Saigon government used the former to restrict the Communist delegates to their billets within Tan Son Nhut at Camp Davis, named by the American command for Specialist 4 James Thomas Davis, of Livingston, Tennessee, who had been killed in action

on December 22, 1961. The PRG, anxious to acquire the trappings of legitimacy, claimed it was being denied freedom to fly its flag and to have access to the press. An incident at Ban Me Thuot in which a crowd of onlookers (assembled for the purpose, some said) attacked the members of the Communist delegations provided justification for the Saigon government's restrictions. More important, the PRG delegation used allegations of inadequate facilities to delay deployment of their delegates to the field as required by the protocol. At the end of March, General Woodward complained that the PRG had not deployed to any of the joint team sites and two of the regional headquarters.⁶³⁷ This made stabilization of the cease-fire difficult, if not impossible.

The terms of the agreement in its Article 18(f) and of the protocols governing the operations of the FPJMC (Article 13) and the International Commission of Control and Supervision (ICCS) (Article 3) that Sullivan had negotiated with the DRV required unanimity of decision in both these bodies. Either four and a half years in Laos had taught Sullivan nothing about the problems of troika bodies in supervising peace agreements or Kissinger simply decided to overlook this matter in his haste to press on. The results were completely predictable. As the historian of the United States delegation to the FPJMC observes, "No single ceasefire investigation completed was ever approved by all four parties in either commission. Although separate views could be presented formally and several two-party (American and South Vietnamese) investigations were concluded, these had no force."⁶³⁸

In spite of the handicaps that had been imposed on them, General Woodward and his team, which included two Rhodes scholars, were models of patience and firmness in the short 60 days' existence of the FPJMC; thanks to their efforts, with some help from the spirit of the forthcoming Tet holiday, the relations between the Saigon government and the Communist delegations moved by necessity from open hostility to correctness. The first test came when members of the Communist delegations coming from Paris arrived at Tan Son Nhut on Sunday afternoon, January 28. Sullivan, without bothering to check with the South Vietnamese, had given them assurances that they would not have to comply with immigration formalities. When the delegates arrived, they were presented with debarkation cards by South Vietnamese officials and asked to fill in portions of them. They refused, and began a sit-in on the aircraft that lasted through the night. After negotiations involving Ambassador Bunker and President Thieu, the delegates were allowed to leave the aircraft without complying with the procedure. The South Vietnamese were willing to concede that the DRV and PRG had been misinformed about landing cards, provided that the Americans inform all delegates arriving later that they would have to complete debarkation cards. Thus, face was saved all around.⁶³⁹ Lieutenant General Tran Van Tra, the PRG's chief delegate to the FPJMC, arrived by American helicopter from Loc Ninh. The meetings of heads of delegations of the FPJMC took place in an atmosphere of courtesy and civility.⁶⁴⁰ Loc Ninh, only 14 kilometers from the Cambodian border, had become the PRG's capital since its capture in the 1972 offensive.