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To “Reawaken The Conscience of Mankind”: The International War Crimes Tribunal and Transnational Human Rights Activism During the Vietnam War, 1966-1967

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TO "REAWAKEN THE CONSCIENCE OF MANKIND": THE INTERNATIONAL WAR CRIMES TRIBUNAL AND TRANSNATIONAL HUMAN RIGHTS ACTIVISM DURING THE VIETNAM WAR, 1966-1967

DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
at the University of Kentucky

By
Cody James Foster
Lexington, Kentucky
Director: Dr. Tracy Campbell, Professor of History
Lexington, Kentucky
2021

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ABSTRACT OF DISSERTATION

TO "REAWAKEN THE CONSCIENCE OF MANKIND":
THE INTERNATIONAL WAR CRIMES TRIBUNAL AND TRANSNATIONAL HUMAN RIGHTS ACTIVISM DURING THE VIETNAM WAR, 1966-1967

This dissertation looks at the International War Crimes Tribunal (IWCT) as a vessel for human rights' ideas during the Vietnam War. I argue that the IWCT supported a transnational advocacy network that used the language of human rights to oppose the Vietnam War and rally support from those around the world who stood against American imperialism. On the one hand, the tribunal precedes the institutionalization of human rights in the 1970s. On the other, it is an extension of the human rights norms that emerge after World War II through the passage of the United Nations Declaration of Human Rights and the Nuremberg Trials. By framing the Vietnam War as a human rights crisis during the Cold War, the tribunal infused the anti-war movement with a moral authority that allowed activists to proselytize in the name of humanity. And although they cannot claim credit for the end of the war, the global movement that emerged under the guidance of Bertrand Russell's organizations exerted tremendous pressure on U.S. officials and America's allies. For these reasons and more, after the tribunal ended, U.S. anti-war activist and tribunal members like Carl Oglesby could boldly claim that the IWCT "played an important role in the developing of the consciousness" that helped mobilize public opinion against the Vietnam War.

KEYWORDS: Vietnam War, Peace Movements, Human Rights, War Crimes, Transnational Activism, Bertrand Russell.

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Date

TO "REAWAKEN THE CONSCIENCE OF MANKIND":
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DEDICATION

For Hanna and Elliott.
We did it.

To Memaw Ruby.
I'm no longer a student!

To my family, friends, and colleagues who said that it could be done.
Thanks for believing in me.

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It is the norm to begin an acknowledgement section by thanking one's donors. There are no greater donors than those who unconditionally love you from the beginning to the end of one's doctoral program. I am eternally grateful to my supportive wife Hanna who encouraged me, supported me, and – at times – pulled me across the finish line. Without her and my son's presence I would never have found the motivation to finish this project. In them I found refuge during the darkest days of this task and with them I also celebrated the accomplishments. I am so lucky to have them in my life. This dissertation is not only for them, but also because of them.

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George Herring deserves the final paragraph (and, perhaps, several pages of gratitude). George stepped in to take on my dissertation during what should have been a restful retirement free of nagging graduate students. He instead agreed to become my advisor when my first advisor (and continuing mentor!) Lien-Hang Nguyen took a position at Columbia University. Together they helped to set the foundation for this dissertation before George agreed to tackle it head on. I am a better historian, writer, and human being because of George. I remind myself daily how fortunate I am to have experienced should be called the "Herring School" with the likes of Kyle Longley, Bob Brigham, and numerous others who are better off for having learned how to research, write, teach, and live from the father of Vietnam War history. I am the most grateful for our friendship and I look forward to our next project!

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CHAPTER 1. PREFACE

In the early morning of Saturday, 6 May 1967 in Stockholm, a 9-year-old North Vietnamese boy stood naked at the center of a nondescript horseshoe conference table behind which a team of seventeen experts had gathered to expose U.S. war crimes in Vietnam under the banner of the International War Crimes Tribunal (IWCT). In place of written testimony, the young Do Van Ngoc had travelled from his village in Vinh Tuy in the province of Quang Binh to Sweden as witness to the impact on civilians of American bombing during the Vietnam War. A medical examiner prodded the child as one would livestock at an auction before a crowd of bidders critiquing its flaws. Deeply scarred tissue covered around fifteen percent of his body and conveyed a message about the war's indiscriminate violence against innocent people. Through a translator, the boy discussed the cause of his scars in a voice described as "shrill and sunny as Shirley Temple."[1] In the afternoon of 5 June 1966, he had been playing with his friends, Ha Khec and Do Van Giau, while caring for the family's oxen near his parents' rice farm when three U.S. planes suddenly appeared overhead, each dropping bombs on what was evidently a non-military target. He spoke quietly to the tribunal members while a crowd of journalists took notes in the spacious conference hall behind him. "The bombs exploded, and the flames reached the bodies of all three of us, causing us very serious burns," he remembered while rubbing his dry and itchy wounds. "I felt tremendous pain." The unbearable heat forced the three to search for a water source from which they could smother the flames that latched to their skin by the unrelenting grasp of its goo. What they did not know was that water failed to

1. Kenneth Tynan, "Open Letter to An American Liberal," *Playboy*, March 1968, 138-9.

extinguish napalm, a highly incendiary and volatile chemical weapon.[2] Their bodies were still on fire when they came to the water's surface for air. Screams of terror echoed throughout their village as others fell victim to what seemed to be a cruel and unwarranted attack.[3]

Those in attendance sat silent, listening to the stoic recollection of an innocent child whose body would forever be disfigured by American weapons. His own pain made visible in the melting and melding of the skin between his now webbed fingers paralleled stories told by other civilians who recalled familiar weaponry like napalm as well as the U.S. military's use of anti-personnel cluster bombs that the tribunal would help to publicize for the first time.[4] The proceedings forced American journalists to ask officials at the Defense Department about the tribunal's evidence. Each time, the Pentagon confirmed the use of such weapons against military targets while claiming that "all possible care is taken to avoid civilian casualties." The Defense Department refused to accept the tribunal's evidence as anything other than communist propaganda supported by falsified statistics showing inflated casualty numbers.[5] In a 1966 New Year's Eve message, U.S. President

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2. Robert M. Neer, *Napalm: An American Biography* (Cambridge, MA: Belknap Press of Harvard University Press, 2013).

3. Do Van Ngoc, "Testimony," in Ken Coates, Peter Limqueco, and Peter Weiss, eds., *Prevent the Crime of Silence: Reports from the Sessions of the International War Crimes Tribunal Founded by Bertrand Russell, London, Stockholm, Roskilde* (London: Allen Lane, 1971), 143.

4. F. Mazas and J. Zucman, "Effects of Anti-Personnel Bombs on the Human Body," in John Duffett, ed., *Against the Crime of Silence Proceedings of the Russell International War Crimes Tribunal, Stockholm, Copenhagen* (New York: Bertrand Russell Peace Foundation, 1968), 267.

5. Hedrick Smith, "Charge at 'Trial' is Denied by U.S.: Pentagon Again Insists Jet Aims at Military Targets," *The New York Times*, 6 May 1967, 3.

Lyndon B. Johnson blamed the communists for civilian casualties on both sides of the 17th parallel, saying that they "[take] place every day — some this morning," and, "every casualty is to be regretted….I regret every single casualty in both areas."[6] The administration doubled-down as the session continued and as photos of a 9-year-old victim of American atrocities circulated throughout the world.[7]

Figure 1 Nine year old Do Van Ngoc.

Figure 2 Do Van Ngoc standing before the IWCT in Stockholm in May 1967.

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6. Lyndon B. Johnson, "The President's News Conference at the LBJ Ranch, 31 December 1966," The American Presidency Project, accessed 16 March 2021, www.presidency.ucsb.edu/node/238210.

7. "Pentagon Repeats Denial," *The New York Times*, 7 May 1967, 3; Dana Adams Schmidt, "Russell Tribunal Is 'Astonished' By Denial of Attack on Civilians," *The New York Times*, 7 May 1967, 3.

Figure 3 Do Van Ngoc standing naked before the IWCT.

Nobel Prize winning British philosopher and celebrated peace activist Bertrand Russell first called the Vietnam War an American "atrocity" in 1963 before teaming up with U.S. peace activist Ralph Schoenman, French existentialist Jean-Paul Sartre, and Yugoslav historian Vladimir Dedijer to found the IWCT in 1966.[8] Without the support of international law, Russell said that the tribunal offered victims a "platform, a forum from which the oppressed would hear justice defended."[9] It debuted in May 1967 in Stockholm where representatives from 18 countries listened to victims and experts recount and explain their experience with and analysis of U.S. war crimes during the Vietnam War. "We are not judges. We are witnesses," Russell made clear in his opening remarks, "Our task is to make mankind bear witness to these terrible crimes and to unite humanity on the side of

8. Bertrand Russell, "Vietnam Policy Protested," *The New York Times*, 8 April 1963, 46.

9. Bertrand Russell to Wolfgang Abendroth, 24 September 1968, Document 170824, Box 10.02, 371 IWCT: Members' Correspondence, Bertrand Russell Archives II (BRAII), McMaster University.

justice in Vietnam."[10] They met again in December outside of Copenhagen to "decide whether American conduct of the war in Vietnam constitutes a crime against humanity."[11]

Figure 4 Peter Weiss, Simone de Beauvoir, Jean-Paul Sartre, and Vladimir Dedijer at the IWCT.

The tribunal commenced at just the moment when U.S. military planners had been preparing for an "era of big battles" in 1967 in which the Americans and their allies would overpower the National Liberation Front guerrillas surrounding Saigon while expanding the air war in the North. At the start of the year, there were 490,000 U.S. soldiers in South Vietnam alongside 850,000 troops from South Vietnam, South Korea, and Australia.[12] In the wake of this escalation came a wave of relocated noncombatants, razed villages, and torture as American and South Vietnamese intelligence officials used enhanced interrogation techniques to secure information about the location of National Liberation

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10. Sylvia A. Ellis, "Promoting Solidarity at Home and Abroad: The Goals and Tactics of the Anti-Vietnam War Movement in Britain," *European Review of History* 21, no. 4 (July 4, 2014): 569-70.

11. "Sartre on panel to 'Try' U.S. Leaders," *The New York Times*, 3 August 1966.

12. Ron Milam, "1967: The Era of Big Battles in Vietnam," *The New York Times*, 10 January 2017, accessed 21 March 2021, https://www.nytimes.com/2017/01/10/opinion/1967-the-era-of-big-battles-in-vietnam.html.

Front (NLF) combatants. In the north, Operation Rolling Thunder had U.S. bombers bombing what they deemed strategic military targets in and around key cities like Hanoi and Haiphong. Reports from Hanoi and testimony from dissident American soldiers made clear that the strikes occurred at the expense of civilians in the countryside.[13] When the tribunal's investigatory teams arrived in January 1967 to survey the northern war zone, they spoke with civilians who for the first time could testify to American aggression.

The fact that the IWCT charged the US with war crimes after hearing hours of testimony and expert witnesses meant little if members did not translate their outrage into a mobilized form of resistance. "The American public itself may decide the truth of the conflicting allegations," said the tribunal's president, Dedijer.[14] Participants agreed with Russell who spoke about awakening humanity's consciousness and allowing public opinion to stand in for the absence of the tribunal's legal authority. "The Tribunal appeals to all peoples of the world to act in the name of humanity and in the name of solidarity with our Vietnamese brothers, and with all other people whose lives and honor and integrity are threatened," stated the former Student for a Democratic Society (SDS) President and American anti-war activist, David Dellinger, after the first set of proceedings in May.[15] Tribunal members used evidence of war crimes to frame America's intervention as a

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13. Robert Smith to Bertrand Russell Peace Foundation (BRPF), 26 February 1967, Document 174425, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Peter Smith and John Morgan Jr. to BRPF, 21 March 1967, Document 174444, 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Ralph Schoenman to Peter Smith, 3 April 1967, Document 174449, Box 3.11, IWCT: General Correspondence (by country), BRAII, McMaster University.

14. Schmidt, "Russell Tribunal," 3.

15. David Dellinger, "Appeal to American and World Opinion," in Duffett, *Against the Crime of Silence,* 652.

human rights crisis that required a global movement shaped by a moral desire to protect humanity.[16] Russell called on activists to help "prevent the crime of silence" by mobilizing on behalf of human rights. One independent journalist in attendance, Karen Wald, left the first session claiming that the tribunal's evidence needed to "be used to recruit and mobilize new people into the anti-war movement."[17] Member Laurent Schwartz called upon the American antiwar movement "to do all they can to play an active role in the world of the IWCT."[18]

As tribunal members saw activists respond to their call to action, protestors lined up outside of the meeting hall in Stockholm with signs protesting the war and talking about the importance of the IWCT's materials. Activists also gathered outside of the U.S. embassy where they had regularly gathered on the first Saturday of each month to protest the war. They held North Vietnamese flags high over their head and marched with signs reading "American murderers."[19] This broadly represented the rise of protests around the world that painted U.S. officials as war criminals and enemies of the people. In France, Germany, Great Britain, Denmark, Australia and throughout the North and South

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16. "Message to the Anti-Vietnam War Demonstrations," 27 October 1968, Box 10.07, Document 172506, IWCT: General Correspondence (by country), BRAII, McMaster University.

17. Karen Wald, "Implications for the American Antiwar Movement," 11 May 1967, Box 1, Folder 31, Series I: First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University; Salar Mohandesi, "From Anti-Imperialism To Human Rights: The Vietnam War And Radical Internationalism In The 1960s And 1970s," (Ph.D. Dissertation, University of Pennsylvania, 2017). 98.

18. Laurent Schwartz to "The American Anti-War Movement," 21 July 1967, Document 171727, Box 10.05, 374 IWCT: French Office, BRAII, McMaster University.

19. Schmidt, "Russell Tribunal," 3.

American continents activists used evidence from the tribunal's investigations and the two sessions to criticize their own leaders and the international community for not holding the U.S. accountable for war crimes and for not doing more to bring peace to Vietnam. European leftist intellectuals and students may have been in the majority of these protests, but they were quickly joined by Americans at home and abroad who questioned their country's self-proclaimed virtue and morality. Additionally, anti-imperialists relied on the tribunal's evidence to warn that the war might spread beyond Southeast Asia and into other developing countries who opposed the American empire. Transnational peace advocates stood together in solidarity declaring for the first time that the tribunal's evidence had made it abundantly clear that "their struggle is ours."[20]

The tribunal had gained enough leverage among anti-war activists and world leaders who opposed the Vietnam War that the Johnson administration covertly tried to undermine it while publicly denying its importance.[21] Through private diplomatic backchannels, American ambassadors, Secretary of State Dean Rusk, Undersecretary of State George Ball, and others in the president's war council tried to mitigate the potential fallout that might accompany the tribunal's publicity and its influence within the international peace movement.[22] They convinced American allies like France and Great

---

20. This phrase is attributed to Sartre before becoming the official slogan of the French antiwar group, Comité Vietnam National. Mohandesi, "From Anti-Imperialism to Human Rights," 50.

21. Justice D. Simon to Ervin Duggan, Undated, "Student Demonstrations: An Exercise in Forbearance," Office Files of Ervin Duggan, Box 2, Lyndon Baines Johnson Presidential Library (LBJ Library).

22. Central Intelligence Agency (CIA), 15 November 1967, "International Connections of US Peace Groups," Intelligence File, National Security File (NSF), Box 3, Folder "U.S. Peace Groups - International," LBJ Library; Department of State to All American Diplomatic Posts, 3 September 1968, "Student Unrest," Intelligence File, NSF, Box 3,

Britain to distance themselves from Russell's crew and to actively undermine each proceeding's legitimacy by spreading lies and half-truths about its members and their political biases, and its relationship to Hanoi as a piece of communist propaganda. The lengths that the administration went to cancel members' visas and ban the IWCT's sessions in foreign countries indicate that the true story regarding the war and civilians might permanently derail the military's ability to defeat North Vietnam and deal a major blow to the Communist bloc in broader Cold War struggle. Perhaps this is why, on 19 May 1967, a mere 9 days after the closing of the tribunal's first session, Defense Secretary Robert McNamara sent a memo to Johnson evaluating future actions in Vietnam "at a time when there appears to be no attractive course of action." He admitted that the "distress at the amount of suffering being visited on the non-combatants in Vietnam, South and North," have led the masses to believe that "somehow we should have not gotten this deeply in."[23]

I first approached a study of the IWCT in 2014 when I started looking at global anti-war groups during the Vietnam War. My advisor at the time, Professor Lien-Hang T. Nguyen, was working on a lecture titled "Revolutionary Circuits: Internationalizing America in the World" and she advised that I look into the international student movement.

Folder Student Unrest [1 of 2], LBJ Library; "The Bertrand Russell Pease Foundation Its Aims and its Work," Undated, Folder 114, Box 07, Social Movements Collection, The Vietnam Center and Sam Johnson Vietnam Archive (VCSJ), Texas Tech University; "Report by the Committee on Un-American Activities Communist Origin and Manipulation of Vietnam Week," 31 March 1967, Folder 08, Box 06, Douglas Pike Collection (DPC): Unit 03 - Antiwar Activities, VCSJ, Texas Tech University.

23. Robert McNamara to Lyndon Johnson, 19 May 1967, *Foreign Relations of the United States (FRUS), 1964-1968*, Volume V, Vietnam 1967, eds. Kent Sieg and David S. Paterson, (Washington: Government Printing Office, 2010), Document 75.

Having previously studied humanitarianism during World War II, I felt drawn to the somewhat newer field of human rights history and wanted to know more about the appearance of such activism during the global 1960s. I knew about the extent of U.S. war crimes in Vietnam thanks in part to their glorification in the movies, but it was Nick Turse's *Kill Anything that Moves* published in 2013 that led me to start asking about the international response to civilian atrocity. Surely someone had studied the influence of human rights ideas within the global anti-war movement and certainly the IWCT had played a major role.[24]

As it turned out, scholars had avoided analyses of human rights in the 1960s and had kept the tribunal in the footnotes of history. Those historians who have taken the tribunal seriously could sit together at a small table in a coffee shop.[25] To be sure, some social scientists have used the IWCT to understand people's tribunals, unofficial truth

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24. The literature is mixed on the impact of the anti-war movement which has led many historians to focus on outcomes in the US. John Dumbrell calls the antiwar movement a "qualified success" in some realms but ultimately argues that "it is difficult to argue convincingly that the antiwar movement shortened a long war" in John Dumbrell, *Rethinking the Vietnam War* (New York: Palgrave Macmillan, 2012), 157. Others have argued that the anti-war movement was a "qualified failure" in David Steigerwald, *The Sixties and the End of Modern America* (New York: St. Martin's Press, 1995), 112.

25. Zachary Manfredi, "Sharpening the Vigilance of the World: Reconsidering the Russell Tribunal as Ritual," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 9, no. 1 (2018): 75–91; Tor Krever, "50 Years after Russell: An Interview with Tariq Ali," *London Review of International Law* 5, no. 3 (2017): 493–500; Tor Krever, "Remembering the Russell Tribunal," *London Review of International Law* 5, no. 3 (2017): 483–92; Harish C. Mehta, "North Vietnam's Informal Diplomacy with Bertrand Russell: Peace Activism and the International War Crimes Tribunal: Hanoi, Russell, and the War Crimes Tribunal," *Peace & Change* 37, no. 1 (2012): 64–94; Luke Jonathan Stewart, "'A New Kind of War': The Vietnam War and the Nuremberg Principles, 1964-1968" (Ph.D. Dissertation, University of Waterloo, 2014).

projects, and as an antecedent to transitional justice.[26] Still, most continue to call the tribunal an outlier, a false flag, a communist ploy if they decide even to include it in their study, which most do not.[27] Head to the stacks, pick up at book on the anti-war movement, and turn to the index. Nine times out of ten you will not find any reference to the tribunal, Russell, Sartre, or others.[28]

Part of the problem — as I see it — is that the literature on the anti-war movement remains US-centric.[29] Even as we move further away from the study of U.S. foreign

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26. Zachary W. Blaser, "How to Advance Human Rights without Really Trying: An Analysis of Nongovernmental Tribunals," *Human Rights Quarterly* 14, no. 3 (1992): 339–70; Arthur Jay Klinghoffer and Judith Apter Klinghoffer, *International Citizens' Tribunals: Mobilizing Public Opinion to Advance Human Rights* (New York: Palgrave Macmillan, 2005); Marcos Zunino, "Subversive Justice: The Russell Vietnam War Crimes Tribunal and Transitional Justice," *International Journal of Transitional Justice* 10, no. 2 (2016): 221.

27. Postcolonial critics are particularly harsh because they believe tribunals to favor the victors and disrupt local networks that could more easily, empathetically, and quickly offer systems of reconciliation. See Manfredi, "Sharpening the Vigilance of the World," 75; Dianne Otto, "Impunity in a Different Register: People's Tribunals and Questions of Judgment, Law, and Responsibility," in *Anti-Impunity and the Human Rights Agenda*, by Karen Engle, Zinaida Miller, and D.M. Davis (New York: Cambridge University Press, 2016), 296-7.

28. Postcolonial are some great studies of the anti-war movement, but they are primarily U.S.-centric and they almost never talk about the tribunal. Terry H. Anderson, *The Movement and the Sixties* (New York: Oxford University Press, 1996); Peter Collier and David Horowitz, eds., *Second Thoughts: Former Radicals Look Back at the Sixties* (Lanham, MD: Madison books, 1989); Max Elbaum and Alicia Garza, *Revolutions in the Air: Sixties Radicals Turn to Lenin, Mao, and Che* (London: Verso, 2018); Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam Books, 1993); Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York: Oxford University Press, 2004); Jim Miller, *Democracy Is In the Streets: From Port Huron to the Siege of Chicago* (New York: Simon and Schuster, 1987); Jeremi Suri, *Power and Protest: Global Revolution and the Rise of Detente*, (Cambridge, MA: Harvard University Press, 2005).

29. A few excellent exceptions: Jessica Frazier, "Collaborative Efforts to End the War in Viet Nam: The Interactions of Women Strike for Peace, the Vietnamese Women's Union,

relations and diplomatic history (in a traditional sense) to embrace "America in the World," we struggle to situate reactions to the American war in Vietnam at the global level. Much of this has to do with language barriers, archival restrictions, and the continual decrease of funding in the humanities. To conduct a truly global history of the anti-Vietnam War would not only take decades to write but also require a forest of paper to print. This is perhaps why Bradley Simpson writes that the decades between 1950 and 1970 are ripe for researchers as these periods remain a "Dead Zone" in human rights history.[30]

Still, despite believing that transnational activists were "morally outraged," historians have actively avoided the human rights movement that existed during the Vietnam War. The intense focus on the institutionalization of Human Rights (purposefully capitalized) after President Jimmy Carter's 1977 inaugural address has made it nearly impossible to discuss human rights as an idea in the 1960s. Historians continue to agree

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and the Women's Union of Liberation, 1965–1968," *Peace & Change* 37, no. 3 (2012): 339-65; Mary Hershberger, *Traveling to Vietnam: American Peace Activists and the War* (Syracuse, NY: Syracuse University Press, 1998); Paul Hollander, *Political Pilgrims: Travels of Western Intellectuals to the Soviet Union, China, and Cuba, 1928-1978* (New York: Oxford University Press, 1981); Mark Lawrence, "Mission Intolerable: Harrison Salisbury's Trip to Hanoi and the Limits of Dissent against the Vietnam War," *Pacific Historical Review* 75, no. 3 (2006): 429-59; Lien-Hang T. Nguyen, "Revolutionary Circuits: Toward Internationalizing America in the World," *Diplomatic History* 39, no. 3 (2015): 411-22; Jeremy Varon, *Bringing the War Home: The Weather Underground, the Red Army Faction, and the Revolutionary Violence of the Sixties and Seventies* (Berkeley: University of California Press, 2004); Martin Klimke, *The Other Alliance: Student Protest in West Germany and the United States in the Global Sixties* (Princeton, N.J.: Princeton University Press, 2010); Judy Wu, *Radicals on the Road: Internationalism, Orientalism, and Feminism During the Vietnam Era* (Ithaca, NY: Cornell University Press, 2013).

30. Brad Simpson, "Bringing the Non-State Back In: Human Rights and Terrorism since 1945," in *America in the World: The Historiography of American Foreign Relations since 1941*, by Frank Costigliola and Michael J. Hogan (New York: Cambridge University Press, 2014), 264.

that even though "antiwar activists considered the war immoral," as Barbara Keys writes, the Vietnam War "did not serve as an incubator of ideas of human rights."[31] Keys and others argue that activists rarely used the phrase "human rights" because they were not focused on such legal concepts.[32] "These versions of internationalism were a world away from the human-rights movement soon to form," writes historian Samuel Moyn.[33] This is why it is important to differentiate between the capitalized versions of Human Rights that are formalized by norms and institution from the smaller human rights that are cultural and values-based.[34] Activists in the 1960s associated with the tribunal expressed an "abhorrence of arbitrary state repression," writes Robin Blackburn in his defense of human rights studies during the 1960s.[35]

This debate warrants a close scrutiny of the internationalization of the Vietnam War through the lens of human rights, one of the main themes up for discussion. IWCT members and its supporters used the human rights lexicon to describe the Vietnam war and provoke outrage against the Johnson Administration as well as any country that appeased and

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31. Barbara J. Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge, MA: Harvard University Press, 2014), 9.

32. Keys writes that only those who were "initiated into the language and rituals of human rights in the 1960s" were concerned about international norms, of which she only includes "international lawyers and a few church groups. Keys, *Reclaiming American Virtue*, 8-9, 57.

33. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), 142.

34. Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, NY: Cornell University Press, 2013), viii.

35. Robin Blackburn, "Reclaiming Human Rights," *New Left Review* 69 (2011): 126-138. See also Sarita Cargas, "Questioning Samuel Moyn's Revisionist History of Human Rights," *Human Rights Quarterly* 38, no. 2 (2016): 418-19.

cooperated with American officials. If "international human rights were little known standards that were globally ignored" or even forgettable utopian visions rooted in the language of idealism, then why did peace activists frame the war in this expansive language of human rights that spoke about the war's brutality while drawing on international law and norms that predated the tribunal?[36] The tribunal's members evoked the Nuremberg Trials, the United Nations Charter, the United Nations Declaration of Human Rights, the 1949 Geneva Convention, and other international agreements when discussing the Vietnam War to show that the U.S. had not only committed atrocities in Vietnam but also bordered on genocide as defined by the international community.[37] Even though it lacked any legal authority, the tribunal's origins, its proceedings, and its support of a transnational advocacy network make abundantly clear that peace activists saw Vietnam as but one issue in their broader struggle to defend humanity against American imperialism throughout the developing world. The congruence of disparate protest groups under the tribunal's moral banner set a foundation on which human rights activists codified their practice and turned their discontent into the formal institutions that came into existence in the 1970s and from which transnational advocacy networks helped to bring the Cold War to a close.[38]

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36. Keys, *Reclaiming American Virtue*, 8-9; Moyn, *The Last Utopia,* 142.

37. Bertrand Russell to Lyndon Johnson, 29 October 1964, Document 000000, Box 1.60, 650 Heads of State, BRAII, McMaster University.

38. See Sarah B. Snyder, *From Selma to Moscow: How Human Rights Activists Transformed U.S. Foreign Policy* (New York: Columbia University Press, 2018); Sarah B. Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (New York: Cambridge University Press, 2011).

Herein lies another theme of this dissertation: transnational advocacy networks and the weaponization of information to mobilize public opinion against the war.[39] Russell's reputation as an international peace advocate preceded his involvement in the global antiwar movement during the Vietnam years. In the early years of the Cold War, he sought to curb enthusiasm regarding nuclear weapons by painting them as a destructive force capable of annihilating mankind. He helped to found organizations like the Pugwash Conference on Science and World Affairs, the Committee for Nuclear, the Campaign for Nuclear Disarmament, and the Committee of One Hundred based on the idea that expert communities could support a broad information network through the distribution of evidence about nuclear weapons and war as a way to support peace-oriented individuals and organizations. The origin of the IWCT is rooted in Russell's belief that the postwar institutions failed to stop the proliferation of nuclear weapons and that non-state actors would need to stand in as the first line of defense against the U.S., the Soviet Union, and any other imperial power supported by the military-industrial complex.[40]

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39. Akira Iriye, "The Transnationalization of Humanity," in *Global Interdependence: The World After 1945*, by Akira Iriye (Cambridge, MA: Belknap Press of Harvard University Press, 2014), 738-39. Mark Bradley sees value in these transnational advocacy networks, but does not think they are a part of the human rights movement until the 1970s in Mark Philip Bradley, *The World Reimagined: Americans and Human Rights in the 20th Century* (New York, Cambridge University Press, 2016), 135. For more on advocacy networks and the use of information, see Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks in International and Regional Politics," *International Social Science Journal* 51, no. 159 (1999): 89–101; Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd Edition (New York: Cambridge University Press, 2011).

40. Counter to this argument, David Anderson argues that the American protest movement failed *precisely* because it "had no single organization and source. It was basically a spontaneous and *ad hoc* collection of various pacifists, ideological anti-imperialists, and

Finally, this study hones in on the tribunal as a precursor to modern human rights organizations as it fed the global resistance movement with information about U.S. war crimes while facilitating interactions between North Vietnamese civilians and the world. As the IWCT amplified civilian experiences and the means of war used to violate human rights norms they built a bridge between Hanoi and the rest of the world that supported North Vietnam's own version of "people's diplomacy" as a method of fighting the war.[41] The relationship between the tribunal and Hanoi no doubt tainted the IWCT's legitimacy even though much of the evidence that the communists provided turned out to be truthful and even served as a warning of the violence to come after 1968. In this way, the tribunal fought to reawaken the consciousness of mankind in response to the outburst of violence that accompanied superpower interventions during the Cold War.[42]

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peace liberals acting individually or in separate groups." David L. Anderson, *The Vietnam War* (New York: Palgrave Macmillan, 2005), 62-64.

41. Nguyen "Revolutionary Circuits," 411–22; Lien-Hang T. Nguyen, *Hanoi's War: An International History of the War for Peace in Vietnam* (Chapel Hill, NC: University of North Carolina Press, 2012); Pierre Asselin, "'We Don't Want a Munich': Hanoi's Diplomatic Strategy, 1965-1968," *Diplomatic History* 36, no. 3 (2012): 547–81; Pierre Asselin, "Forgotten Front: The NLF in Hanoi's Diplomatic Struggle, 1965-67," *Diplomatic History* 45, no. 2 (2021): 330–55; Robert K. Brigham, *Guerrilla Diplomacy: The NLF's Foreign Relations and the Viet Nam War* (Ithaca, NY: Cornell University Press, 1998); Harish C. Mehta, *People's Diplomacy of Vietnam: Soft Power in the Resistance War, 1965-1972* (Newcastle, England: Cambridge Scholars Publishers, 2019).

42. Paul Thomas Chamberlin, *The Cold War's Killing Fields: Rethinking the Long Peace* (New York, NY: Harper, 2018); Odd Arne Westad, *The Cold War: A World History* (London: Penguin Books, 2018); Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (New York, NY: Cambridge University Press, 2005); Marilyn Young and Sophie Quinn-Judge, "The Vietnam War as a World Event," in *Endgames: Late Communism in Global Perspective, 1968 to Present*, ed. Juliane Furst, Silvio Pons, and Mark Selden, vol. 3, Cambridge History of Communism (New York: Cambridge University Press, 2017), 50–71.

This dissertation looks at the IWCT as a vessel for human rights' ideas during the Vietnam War. I argue that the IWCT supported a transnational advocacy network that used the language of human rights to oppose the Vietnam War and rally support from those around the world who stood against American imperialism. On the one hand, the tribunal precedes the institutionalization of human rights in the 1970s. On the other, it is an extension of the human rights norms that emerge after World War II through the passage of the United Nations Declaration of Human Rights and the Nuremberg Trials. By framing the Vietnam War as a human rights crisis during the Cold War, the tribunal infused the anti-war movement with a moral authority that allowed activists to proselytize in the name of humanity. And although they cannot claim credit for the end of the war, the global movement that emerged under the guidance of Russell's organizations exerted tremendous pressure on U.S. officials and America's allies.[43] For these reasons and more, after the tribunal ended, U.S. anti-war activist and tribunal member Carl Oglesby boldly claimed that the IWCT "played an important role in the developing of the consciousness" that helped mobilize public opinion against the Vietnam War.[44]

43. "Bertrand Russell Tribunal," December 1967, Box 07, Folder 05, DPC: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University.

44. Carl Oglesby, "Greetings to the Tribunal from American Supporters," in Duffett, ed., *Against the Crime of Silence*, 98-99.

CHAPTER 2. "TO SHARPEN THE VIGILIANCE OF THE CITIZENS OF THE WORLD": THE ORIGINS OF BERTRAND RUSSELL'S INTERNATIONAL WAR CRIMES TRIBUNAL, 1945-1966

This chapter details Bertrand Russell's creation of the International War Crimes Tribunal (IWCT) in 1965 to investigate claims that the U.S. had violated international law and human rights agreements in Vietnam and to publicize its findings in ways that would benefit the worldwide anti-war movement. To fully understand the origins of the IWCT, we must first consider Russell's post-1945 worldview and the evolution of his peace activism during the first decade of the Cold War. He relied on experts to find evidence to counter false information promoted by Communists and anti-Communists in defense of their own pursuit of nuclear predominance. The 1957 creation of an international organization called Pugwash composed of transnational scientists showed Russell the value of expert testimony in convincing the global public and world leaders of the harmful effects of nuclear testing and war. His leadership in creating Pugwash helped him to better appreciate the use of non-state actors to speak out against unconscionable crimes. This led him to create and participate in mass movements in Great Britain while fostering the attention of international activists throughout Europe and in the U.S. In turn, this positioned him as a leading intellectual figure within leftist European circles whose progressive worldview melded together the views of the Old Left with the younger and more radical protestors of a new era. When the Vietnam War took center stage in the 1960s, Russell put all that he had accomplished in the post-1945 world into practice by launching a people's tribunal that would rely on the kind of non-state, transnational, and fact-finding participation that he had come to depend on in the years leading to America's intervention in Vietnam.

2.1 "He was always talking": Bertrand Russell's Illustrious Life of Activism

Bertrand Russell occupies a central place in this dissertation because the IWCT was founded upon his international peace activism during the first half of the 20th century which instilled his ethos in the international peace movement in the 1960s.[45] Born Bertrand Arthur William Russell in the rather unforgettable year of 1872 on the Ravenscroft estate in Monmouthshire, Wales, Russell entered a life of aristocratic privilege in a well-established and influential family. His grandfather, Earl John Russell, had served two separate terms as Prime Minister of Great Britain under Queen Victoria from 1846 to 1852 and again in 1865-1866. In 1890, Russell attended Trinity College at the University of Cambridge where he studied philosophy and developed a humanistic worldview shaped by liberalism, moralism, and empiricism. Indeed, he may have been predestined to appreciate moral

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45. Russell's biographers have each noted the challenges of writing about an individual whose life was rarely uneventful, especially with one who had such longevity. Kirk Willis, "Russell and His Biographers," *Russell: The Journal of the Bertrand Russell Archives* 16 (1996): 130-31. Alan Wood published the first biography in 1957, thirteen years prior to Russell's death and before any of his Vietnam War activism. Ronald William Clark's 1975 study used the newly catalogued Bertrand Russell Archives at McMaster University and spoke primarily about his public reputation while touching only briefly on his Cold War activism, *The Life of Bertrand Russell* (New York: Knopf, 1976). A similar style, but written for lay audiences, is Caroline Moorehead, *Bertrand Russell: A Life* (London: Sinclair-Stevenson, 1992). Alan Ryan's 1988 study first used the multi-volumed *The Collected Papers of Bertrand Russell* (there are 35 volumes as of 2021). This highly sympathetic account studied Russell through the lens of intellectual history and contextualized his life against 20th century Britain, Alan Ryan, *Bertrand Russell: A Political Life* (London: Allen Lane, 1988). The most widely celebrated contribution to the scholarly field is Ray Monk's two-volume study published in 1996 and 2001. It has been criticized for being too emotional and sympathetic, but the author's background in philosophy allows the book to analyze and describe the connection between Russell's ideas and his political activism. It is gives Russell's Cold War activism the greatest attention. Ray Monk, *Bertrand Russell: The Spirit of Solitude* (New York: The Free Press, 1996); Ray Monk, *Bertrand Russell: The Ghost of Madness, 1921-1970*, (New York: The Free Press, 2001).

norms based on the writings of his godfather, John Stuart Mill, whose 1861 *Utilitarianism* established a new field of ethical study and sparked political discussions about how a government could maximize the greatest happiness for the greatest number of people that appeared in his second book, *On Liberty*.

Russell spent most of his life uniquely attuned to the plight of humanity which may have distracted him from his own research interests in the field of analytical philosophy but did not prevent him from publishing a quintessential work of classical logic, *Principia Mathematica* in 1910 and winning the Nobel Prize for Literature in 1950 for *A History of Western Philosophy*. He even became a Fellow of the Royal Society in 1908 despite his professed atheism, a topic too taboo to openly discuss at the time, kept his Cambridge colleagues uncertain about his continued academic success. He also spent less of his time on scholarly pursuits than on how to "find some philosophy which should make human life endurable."[46] For this he owes partial credit to the peaceful orientation of his first wife, the American-born Quaker and relief organizer Alyssa Pearsall Smith. She helped to fine-tune his sense of compassion and desire to see a just society. "Three passions, simple but overwhelmingly strong, have governed my life," he later wrote in his autobiography: "the longing for love, the search for knowledge, and unbearable pity for the sufferings of mankind."[47]

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46. Bertrand Russell, *Autobiography* (London: Routledge, 1998), 149.

47. Russell, *Autobiography*, 149.

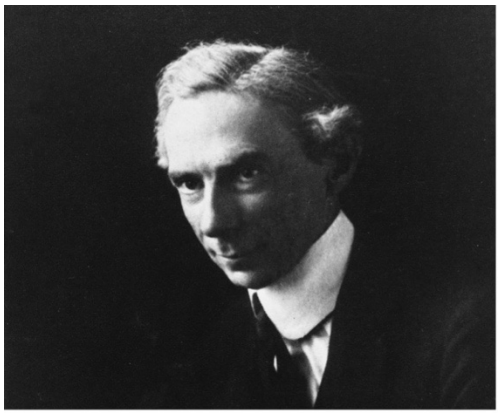

Figure 5 Bertrand Russell in 1916.

These philosophical pillars supported his peace activism throughout his long life and provided the foundation on which he would come to distrust backroom diplomacy and seek to hold world leaders accountable for arbitrarily waging war when peace was always an option.[48] Britain's defense of its empire during the Second Boer War convinced Russell to defend the Boer's independence movement in South Africa and to argue against imperialism as immoral and contrary to the interests of civilization. The continental tragedies that came by way of the first and second world wars brought "the flaming death of our civilization and its hopes."[49] He joined a range of anti-war organizations, circulated petitions to convince the British government to pursue neutrality and used his skill as an orator and writer to speak on behalf of "humanity and civilization" as he would time and again throughout his life. In 1916, he published *Justice in War Time,* which analyzed just war theory, and in 1936 published *Which Way to Peace* after observing the re-militarization

48. David Blitz, "Russell, Einstein, and the Philosophy of Non-Absolute Pacifism," *Russell: The Journal of Bertrand Russell Studies* 20 (Winter 2001): 106-7.

49. Barry Feinberg and Ronald Kasrils, eds., *Bertrand Russell's America: Volume II, 1945-1970*, vol. 2 (Boston: South End Press, 1983), 146-147; C.L. Droste, ed., *Documents on the War of the Nations from Neutral and Anti-German Sources* (Richmond, V.A.: The Deitz Printing Company, 1914), 34.

of European countries in the interwar years.[50] His biographer Ray Monk described the study as "a curious mixture of startling naïveté and cold-blooded *realpolitik*" due in part to his unwillingness to fully commit to pacifism.[51] He cited military thinker Carl von Clausewitz to explain that every peaceful option should be explored before choosing war.[52] On humanitarian grounds, he argued that Great Britain must intervene to stop Hitler and Nazi Germany's expansion into Poland in 1939. He still believed that politicians could never be trusted to pursue every peaceful option, if only because they are "restrained by punctilio from making or accepting the small concession that might have saved the world, hurried on in blind fear to loose the armies for the work of mutual butchery."[53]

Russell's critics used his eccentricities to delegitimize his peace work. He could never satisfy the scholarly crowd because his service to the community as a "public moralist" outweighed his commitment to academia.[54] One biographer claimed that Russell "produced no sustained philosophical work" after 1954 due to his commitment to world

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50. Bertrand Russell, *Justice in War Time* (London: The Open Court Publishing Company, 1916); Bertrand Russell, *Which Way to Peace?* (London: Michael Joseph, 1936).

51. Monk, *Bertrand Russell: The Ghost of Madness*, 185

52. Michael E. Field, "Soldiers of Peace: Wm. Penn, Leo Tolstoy, M.K. Gandhi, Bertrand Russell and Their Work For A Better World" (Ph.D. Dissertation, Boston University, 2010), 248.

53. Russell, *Autobiography*, 251.

54. Some have criticized intellectual activists like Russell who behave as "public moralists" but only sought to supply a popular "sound bite" to the media as a way to remain culturally relevant. Paul T. Phillips, *Contesting the Moral High Ground: Popular Moralists in Mid-Twentieth-Century Britain* (Montreal, Canada: McGill-Queens University Press, 2013), 5-6. Also see Christoph Laucht, "Transnational Professional Activism and the Prevention of Nuclear War in Britain," *Journal of Social History* 52, no. 2 (November 1, 2018): 443.

peace.[55] His outspoken atheism and frequent divorces also made him an easy target for those who used such immoral behavior to question his authenticity as an ethical leader. Not the least, he objectively surveyed problems before jumping to unsubstantiated conclusions or commitments. For this, he received the most serious attacks from journalists, politicians, his colleagues, and leftist organizations, such as when he used his disappointing meeting with Vladimir Lenin in 1920 to write *The Practice and Theory of Bolshevism* which disheartened those communists who had hoped his trip to Bolshevik Russia would fully convert him to the Communist Party. During the Early Cold War, he would argue that the US should use its nuclear monopoly to threaten the Soviet Union with annihilation to prevent it from developing its own atomic bomb. This, too, worried activists who questioned his commitment to peace. Ultimately, Russell advocated for peace, but he did not discount war as a humanitarian tool. In the end, he opposed any political party and leader who threatened humanity.

Russell served mankind as one of the greatest activists of the 20th century in part because he used his celebrity to speak out on behalf of the oppressed. His failed political campaigns for public office as a member of Parliament—first in 1907 in Wimbledon and then again in the 1922 and 1923 general elections—happened because he wanted to raise awareness for women's suffrage like his godfather. In the following years as totalitarian countries suppressed civil liberties, Russell railed against the criminalization of homosexuality and the restriction of women's rights through the regulated use of birth control. When war and nuclear weapons threatened human extinction, he turned his attention to global affairs where his notoriety allowed him to have discussions with world

55. Ryan, *Bertrand Russell*, 174.

leaders about international issues such as the Cuban Missile crisis. This focus on non-combatants guided his political philosophy prior to WWII and would remain at the core of his activism during the Vietnam War. In 1963, he created the Bertrand Russell Peace Foundation (BRPF) with the objective of promoting peace, social justice, and human rights on a global scale. In the twilight of his life, his condemnation of American war crimes in Vietnam through the IWCT became his pièce de résistance. Claiming "no other than a moral authority," he set out to mobilize public opinion against the war and "reawaken the world's conscience" to the disturbing increase in violence and oppression in the developing world as witnessed during the Cold War.[56]

Figure 6 Bertrand Russell, Sir David Maxwell Fyfe, Lady Violet Bonham-Carter, Mrs. Franklin D. Roosevelt, Lord Boyd-Orr discussing "human rights" on the BBC.

2.2 Russell's Anti-Nuclear Weapons Activism in Early Cold War Great Britain

Russell's pacifism matured in the period between the U.S. use of the atomic bomb against Japan in August 1945 and the detonation of the Soviet Union's own nuclear weapon

56. Bertrand Russell, *War Crimes in Vietnam*, 2nd ed. (London: George Allen & Unwin Ltd., 2009), 125; Arthur Jay Klinghoffer and Judith Apter Klinghoffer, *International Citizens' Tribunals: Mobilizing Public Opinion to Advance Human Rights.* (New York: Palgrave Macmillan, 2005), 119.

four years later, allowing him to establish the foundations for an anti-nuclear campaign and setting the stage for him to became a leading member of the "non-aligned postwar peace movement."[57] Russell and anti-nuclear weapons activists everywhere perceived the post-1945 world as having been placed on a trajectory toward annihilation thanks to the failure of international leaders to establish an effective "World Authority" to better regulate such unprecedentedly destructive power.

It was not at first clear that Russell had the acumen to lead the peace movement given the extent to which he had advocated war in the early Cold War years. What at times appeared confusing and may even have damaged his credibility among some pacifist groups actually allowed him to guide public opinion against nuclear weapons by describing the ferocity by which humankind would succumb to nuclear suicide if it did not work together to stop the proliferation of nuclear weapons. Before the second atomic bomb fell on Nagasaki, Russell began writing an article describing the horrendous effects that the bomb would have on international relations and civilization after the war.[58] He had thought about just war in the interwar years and concluded that only a unipolar power — a world government or the U.S. — could solve the problem of war through the establishment of atomic monopoly and military domination.[59] This confounded pacifists who thought Russell had abandoned pacifism as his language became increasingly bellicose in the early

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57. Petra Goedde, *The Politics of Peace: A Global Cold War History* (New York: Oxford University Press, 2019), 78.

58. Bertrand Russell, "The Bomb and Civilization," *Glasgow Forward* 39.33 (18 August 1945) in *The Collected Papers of Bertrand Russell: Civilization and the Bomb, 1944-47* by Kenneth Blackwell, ed., vol. 24, (unpublished) accessed 13 March 2021, https://russell.humanities.mcmaster.ca/volume24.htm.

59. Russell, "The Bomb," in Blackwell, ed., *The Collected Papers of Bertrand Russell.*

Cold War. This "preventive war phase" connected his pre-WWII pacifism to his postwar political activism; he supported American empire as a way to contain ferocity by which mankind would succumb to nuclear suicide should the Soviets acquire the bomb.[60]

Always thinking about the noncombatant, Russell fixed his eyes on stopping the annihilation of humanity even if that meant endorsing preventive war to guarantee peace and security. Having visited Russia in the 1920s and thereafter studied reports of Soviet human rights violations, Russell viewed Stalin's ruthless regime as a successor to Hitler's Nazi Germany. For this reason, he argued, international leaders needed to create a world government to "compel the world to adopt a system making great war improbable." Otherwise, he argued, the U.S. must use its technological supremacy to threaten and deter competitors like the USSR from developing, testing, and using their own weapons for as long as possible.[61] He ultimately concluded that in the absence of action by a world government the U.S. and the Soviet Union would inevitably set off World War III.[62]

The failure of the 1946 Baruch Plan to maintain international control of atomic energy and give the U.N. General Assembly the ability to debate the Regulation and Reduction of Armaments reinforced Russell's distrust of politicians who conducted

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60. Field, "Soldiers of Peace," 255-257.

61. Behind the scenes, Russell clarified that while he talked about the use of "preventive war," he "should not dream of advocating it." Bertrand Russell to Albert Einstein, 24 November 1947 quoted in Monk, *Bertrand Russell,* 298-300; Clark, *The Life of Bertrand Russell*, 518. Bertrand Russell, "Humanity's Last Chance," *Cavalcade*, 20 October 1945 quoted in Feinberg and Kasrils, eds., *Bertrand Russell's America*, 5.

62. Russell, "Humanity's Last Chance," in Feinberg and Kasrils, eds., *Bertrand Russell's America,* 311-314; Bertrand Russell, "1948 Russell vs. 1954 Russell,' *The Saturday Review* 37.42 (16 October 1954), reprinted in *The Collected Papers of Bertrand Russell* by Andrew Bone, ed., Vol. 28 (New York: Routledge, 2003), 73.

diplomacy behind closed doors.[63] He blasted the incompetence of world leaders for sounding the death knell of humanity's destruction. "When I speak of an International Authority," Russell wrote in a February 1947 article for *Plain Talk*, "I mean one that really governs, not…a pretentious sham like the U.N. under its present condition."[64] The futility of nuclear non-proliferation talks and soon thereafter the Soviet detonation of its first atomic bomb in Kazakhstan persuaded Russell that the only solution would be to convince public opinion to demand a more peaceful world from their leaders. His defense of a world government after WWII to regulate nuclear weapons no longer carried any weight and pushed Russell to become "the most persistent propagandist for peace," in the words of political philosopher Michael E. Field.[65]

Russell began focusing less on diplomatic solutions to nuclear problems and more on the means of warfare to demonstrate the catastrophe that would be the next world war. The proliferation of atomic testing in the wake of the Baruch Plan's failure allowed the U.S., the Soviet Union, and Great Britain each to have destructive weapons by October 1952, with the Americans testing a much more powerful "hydrogen device" at Eniwetok atoll in the Pacific in November. Evidence from the fallout allowed Russell to speak about peace in relation to the impact that radiation had on civilization during these tests. For this,

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63. Even the superpowers distrusted one another. The Americans knew that the Soviets would not give up their veto power on the Security Council and the Soviets knew that the Americans would not give up their nuclear arsenal.

64. Bertrand Russell, "The Atomic Bomb and the Prevention of War," *Polemic* 4 (July-August 1946): 15-22; Bertrand Russell, "The Prevention of War," *Plain Talk* 1.5 (February 1947): 13-16.

65. Field, "Soldiers of Peace," 261; Monk, *Bertrand Russell*, 327.

he turned to the scientific community which already believed in the free movement of ideas across borders in the name of progress and as a service to mankind. Focusing on the non-state actors, Russell helped to inspire the Pugwash Movement, a transnational organization of anti-nuclear scientists whose expertise could speak more informally to a global public fearful of conflict in an atomic age.[66] As a precursor to the information networks and transnational advocate networks that he would create in the 1960s, Pugwash allowed Russell to see the importance of using factual information to mobilize public opinion against nuclear weapons and their testing.

Indeed, scientists and peace activists including Russell focused on the means of war to explain how these weapons could impact civilians. The catastrophic 1 March 1954 U.S. hydrogen bomb test "Bravo" showed the harmful impact of radiation on the Japanese fishing industry and, specifically, a group of fishers on the boat *Fukuryu Maru* (The Lucky Dragon). Coverage of that event "alarmed the world" and made those concerned "fallout-conscious" in the words of *The New Yorker*'s science writer Daniel Lang.[67] Journalists around the world described the H-Bomb as a "thermonuclear monster," inspiring Japanese producer Tomoyuki Tanaka to back a small film called *Gojira* that in the west would go on to become one of the most famous movies of the Cold War called *Godzilla.* Those 32-

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66. For more on the scientific community as activists, see Paul Rubinson, *Redefining Science: Scientists, the National Security State, and Nuclear Weapons in Cold War America*, Culture, Politics, and the Cold War (Amherst: University of Massachusetts Press, 2016); Alison Kraft, "Dissenting Scientists in Early Cold War Britain: The 'Fallout' Controversy and the Origins of Pugwash, 1954–1957," *Journal of Cold War Studies* 20, no. 1 (April 2018): 58–100.

67. Hanson W. Baldwin, "H-Bomb Fall-out Poses New Defense Problems," *The New York Times*, 20 February 1955, 10; Lindesay Parrot, "Japan to Survey Radioactivity of Sea around the Bikini Tests," *The New York Times*, 17 April 1954; "H-Bomb Tests End; Called a Success," *The New York Times*, 14 May 1954, 5.

million Japanese who signed a petition opposing the H-Bomb in 1954 now helped promote a film showing that "Mankind had created the Bomb, and now nature was going to take revenge on mankind."[68]

Just as he would do during the Vietnam War, Russell waged a public relations campaign against the H-Bomb by focusing on the means of war as a way to emphasize the cruelty of modern weapons. In one of the most lauded radio broadcasts of his life, Russell explained to a primetime BBC audience of some six million on 23 December 1954 that "man's peril" would be one of "universal suicide" unless the global community came together to press world leaders to outlaw war and ban nuclear testing. "Shall we put an end to the human race; or shall mankind renounce war?," he asked.[69]

> There lies before us, if we choose, continual progress in happiness, knowledge, and wisdom. Shall we, instead, choose death, because we cannot forget our quarrels? I appeal, as a human being to human beings: remember your humanity, and forget the rest. If you can do so, the way lies open to a new Paradise: if you cannot, nothing lies before you but universal death.[70]

Russell perceived his audience as transnational and he framed the issue in moral terms by placing the onus on a global public that must heed his warning and politicize his recommendations.

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68. P.D. Smith, "'Gentlemen, You Are Mad!': Mutual Assured Destruction and Cold War Culture," in *Oxford Handbook of Postwar European History*, ed. Dan Stone (Oxford, United Kingdom: Oxford University press, 2012), 449; Catherine Caufield, *Multiple Exposures: Chronicles of the Radiation Age* (Chicago: University of Chicago Press, 1990), 115.

69. Monk, *Bertrand Russell: The Ghost of Madness,* 373.

70. Bertrand Russell, "Man's Peril," *BBC Broadcast*, 23 December 1954, reprinted in *The Collected Papers of Bertrand Russell* by Bone, 82-89.

"Man's peril" began a campaign for the creation of a new non-state international organization of antinuclear scientists whose "moral and scientific authority" would inspire a "transnational disarmament effort."[71] He organized informal conferences and summits where non-state authorities came together to use what historian Alison Kraft calls "dissident knowledge" against the "radiological threat to public safety."[72] Russell saw the scientific community as the pier of a bridge that connected the concerned public with state leaders, closing the divide between lay citizens and policymakers by way of widely distributed and highly accessible evidence.[73] He urged his friends Albert Einstein, American chemist Linus Pauling, the "father of the atomic bomb" J. Robert Oppenheimer, and others to use their authority to speak out against nuclear weapons in moral terms. The July 1955 "Russell-Einstein Manifesto" challenged the Atomic Energy Commission's false claim that fallout was not a "serious problem" by focusing on the physical, socioeconomic, and environmental harm done by nuclear testing.[74] The letter — circulated after Einstein's death and called by the press "Einstein's Last Warning — advocated the creation of a transnational advocacy network when it stated that scientists must stand in solidarity

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71. Paul Rubinson, "'Crucified on a Cross of Atoms': Scientists, Politics, and the Test Ban Treaty," *Diplomatic History* 35, no. 2 (2011): 290-291. See also Linus Pauling and Barbara Marinacci, *Linus Pauling: In His Own Words: Selected Writings, Speeches, and Interviews* (New York: Simon & Schuster, 1995).

72. Kraft, "Dissenting Scientists": 59-61

73. Rubinson, "'Crucified on a Cross of Atoms'": 284.

74. U.S. Atomic Energy Commission, *The Effect of High-Yield Nuclear Explosions*, 15 February 1955; Kraft, "Dissenting Scientists": 64.

against the state "not as members of this or that nation, continent, or creed, but as human beings, members of the species of Man, whose continued existence is in doubt."[75]

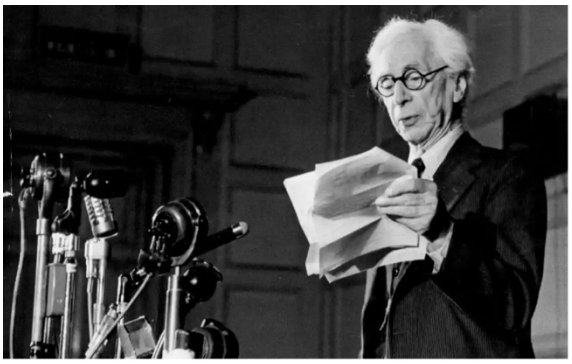

Figure 7 Russell reads the Russell-Einstein Peace Manifesto on 9 July 1955.

With Russell's guidance, scientists and activists began to see the hydrogen bomb as a menace to human rights everywhere and not just a form of deterrence as some policymakers framed it. With Canadian peace activist Cyrus Eaton, Russell and Rotblat founded the Pugwash Conference in July 1957 to help publicize nuclear weapons in in terms already described in the Russell-Einstein Manifesto as the spread of "universal death, suddenly for a minority, but for the majority a slow torture of disease and disintegration."[76] Pugwash existed as a transnational advocacy network composed of scientists from both sides of the iron curtain that would spend the rest of the 20th century circulating information

75. Joseph Rotblat, *Pugwash--The First Ten Years: History of the Conferences of Science and World Affairs* (London: Heinemann, 1967), 77; "Russell-Einstein Manifesto," London, July 9, 1955, *Pugwash Conference on Science and World Affairs,* accessed 19 March 2021, http://www.pugwash.org/about/manifesto.htm. See also Lawrence S. Wittner, *The Struggle against the Bomb* (Stanford, CA: Stanford University Press, 1993), 77; Matthew Evangelista, *Unarmed Forces: The Transnational Movement to End the Cold War* (Ithaca, N.Y.: Cornell University Press, 2002).

76. See *Pugwash Conference on Science and World Affairs,* 19 March 2021, http://www.pugwash.org/about/manifesto.htm.

about the inhumane and ill-harmed effects of nuclear weapons. These scientists studied the literature and publicly criticized the Pentagon and its state-funded research institutions which tried to downplay the negative consequences of its technological achievements.[77]

At home in England, Russell continued to build organizations of experts to support groups that relied on non-violent direct action, some of which he helped to create. Along with Rotblat, he created the Committee for Nuclear Disarmament (CND) in England in 1957 as a single-issue organization tasked with pressuring the supposedly left-leaning Labour Party to persuade Parliament to eliminate Britain's nuclear arsenal.[78] He called on antinuclear weapons activists to follow the advice of reputable sources no matter their biases and ideological differences. Verifiable information, he wrote, "has the merit of being produced by men who are…merely engaged in producing a picture of facts and probabilities as impartial and objective as is humanly possible."[79] It further buttressed Russell's belief that unfiltered, factual information about a problem could best support resistance movements protesting immoral government policies, foreign policies, and military strategies in war.

Seeing Russell's Cold War activism through the lens of Pugwash and the CND matters in the context of understanding the origins of the IWCT during the Vietnam War. Both manifest Russell's ability to harness the power of non-state actors and International

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77. Kraft, "Dissenting Scientists": 80.

78. Chad Andrew Martin, "Paradise Now: Youth Politics and the British Counterculture, 1958-1974" (Ph.D. Dissertation, Stanford University, 2003), 37. Labour leaders argued that they needed nuclear weapons to avoid going "naked in the international conference chamber," in Monk, *Bertrand Russell: The Ghost of Madness*, 387.

79. Bertrand Russell, *Common Sense and Nuclear Warfare* (George Allen & Unwin, Ltd., 1959), 15.

Nongovernmental Organizations (INGOs) to coordinate widespread protests against what he perceived to be moral issues. They also demonstrate the power of experts and evidence as a way to influence public opinion and weaponize information through direct action. Pugwash institutionalized antinuclear activism as an INGO by facilitating transnational interactions that allowed intellectuals to use their expertise for the public good in ways that mobilized evidence to the benefit of global human rights.[80] Peace and antinuclear groups such as the Committee for Nonviolent Action, the Committee for a Sane Nuclear Policy, and the CND all relied on the scientific community at Pugwash to inform their protests.[81] The connection reflected Russell's deliberate attempt to create a cross-border alliance between experts and activists whose transnational network would generate verifiable information about nuclear weapons to turn public opinion against the belligerent attitudes of various policymakers.[82]

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80. Pugwash was not the only INGO. As Akira Iriye has shown, INGOs grew from 427 in 1940 to 755 by 1950 and still to 2,296 by 1970. See Akira Iriye, "A Century of NGOs," *Diplomatic History* 23, no. 3 (1999): 421–35. For theorists, see Kjell Skjelsbaek, "The Growth of International Nongovernmental Organization in the Twentieth Century," *International Organization* 25, no. 3 (1971): 420–42.

81. Alison Kraft, Holger Nehring, and Carola Sachse, "The Pugwash Conferences and the Global Cold War: Scientists, Transnational Networks, and the Complexity of Nuclear Histories," *Journal of Cold War Studies* 20, no. 1 (2018): 8.

82. Iriye, "A Century of NGOs": 429-30.

Figure 8 Bertrand Russell at a Committee of 100 protest in February 1961.

2.3 Framing the Vietnam War as an International Human Rights Crisis

The 1960s began with ideals about new frontiers and one's service to their country, but a younger generation of activists continued to worry about the Cold War. President John F. Kennedy ambitiously looked to the scientific opportunities granted by an end-of-decade moon landing, but radicals saw this as an extension of the military-industrial complex as they looked for new spaces to wage war. The Soviets constructed a physical iron curtain that split Germany in half, separating East from West and allowing the Soviet Union to surround Berlin before the Allies called this bluff and airlifted food, water, and medicine to the trapped Berliners. Off the southern U.S. coast, the Cubans installed Fidel Castro as the head of state, aligned with the Russians, and welcomed Communism into America's backyard. A failed insurrection in the Bay of Pigs in Cuba turned into a public relations scandal when it was revealed that the Cuban revolutionaries had been sent by the Central Intelligence Agency.

On the other side of the world in Indochina, America's military presence grew in response to a southern insurgency backed by supply lines from North Vietnam more widely known as the Ho Chi Minh Trail that traveled through Cambodia with the support its own

Prince Sihanouk. In late 1961, President Kennedy responded to the increase in violent attacks on the southern capital of Saigon and against the U.S. supported leadership of Ngo Dinh Diem by sending aid, equipment, and 3,000 military advisors as support personnel to the South Vietnamese Army. Over the next few months and into 1962, the American military presence increased alongside the deployment of hundreds of helicopters to help southerners resist the encroachment of the National Liberation Front (NLF) and bring the U.S. even closer to combat missions between the Army and the Vietcong. The US simultaneously bolstered its efforts to help defeat the insurgency by authorizing the U.S. Air Force to fly C-123 Providers loaded with chemical defoliants like Agent Orange and napalm over highly vegetated regions to expose the enemy and deprive of food. Between 1962 and 1972, Operation Ranch Hand would dump 19 million gallons of herbicides and defoliants throughout Vietnam and Laos.

Russell did not pivot to the issue of Vietnam so much as his reputation as a peace activist preceded him, which encouraged antiwar leaders and North Vietnamese President Ho Chi Minh to ask for his help. Pugwash's success in creating a transnational network conveyed an important message to revolutionary leaders in the age of decolonization that Russell had the ability to rally worldwide support for causes important to their agenda. Communist leaders and anti-colonialists shared Russell's vision of a world free from nuclear weapons, war, and imperialism.[83] These overlapping interests allowed peace leaders like Russell's own personal secretary, American expat Ralph Scheonman, as well as the President of the Oxford Union Tariq Ali and other European leftists, to request that

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83. Harish C. Mehta, "North Vietnam's Informal Diplomacy with Bertrand Russell: Peace Activism and the International War Crimes Tribunal," *Peace & Change* 37, no. 1 (2012): 64.

Russell use his experience organizing transnational movements to now oppose America's escalation in Vietnam.

The turn came easy for Russell whose primary motivator—human rights—allowed him to see the presence American war crimes in Vietnam not through a pro-communist lens (as his critics would often claim) but as a public moralist concerned foremost with organizing grassroots movements against issues that he deemed harmful to humanity. His attention on Vietnam was framed by the "means of war" just as he had previously focused on nuclear weapons as the way by which world leaders harmed civilization. His moral activism supported civilians and not the state, which let him pursue the truth about the developing war without supporting communism.[84] He weaponized information to mobilize public opinion against U.S. bellicosity by framing nuclear weapons as a threat to collective human rights, which preceded the ways in which he used trauma in Vietnam to emphasize the ubiquity of suffering through American oppression.[85] Russell's solid base of support

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84. Contrary to popular opinion which suggests Russell became too close with North Vietnam, he remained critical of totalitarianism in the DRV and opposed Ho Chi Minh censoring of the free press as well as his imprisonment of journalists and writers. Ultimately, however, Russell's belief in self-determination kept him sympathetic to Vietnam's struggle for independence. For his letter to Ho on the topic, see Bertrand Russell to Ho Chi Minh, 17 August 1963, Box 1.61, 650 Heads of State, Bertrand Russell Archives II (BRAII), McMaster University. The most important critic may be conscientious objector and historian Staughton Lynd who opposed the war on the same terms as Russell, but thought his approach too subjective, biased, and one-sided. Staughton Lynd, "The War Crimes Tribunal: A Dissent," *Liberation* 12 (December 1967 - January 1968): 76-77.

85. Russell, *War Crimes in Vietnam*, 112-114. See also Ron Eyerman, Jeffrey C. Alexander, and Elizabeth Butler Breese, eds., *Narrating Trauma: On the Impact of Collective Suffering* (Boulder, C.O.: Paradigm Publishers, 2011). Others have used sociological theory to examine the tribunal as a ritualistic and performative process to publicize war crimes in Vietnam. See Zachary Manfredi, "Sharpening the Vigilance of the World: Reconsidering the Russell Tribunal as Ritual," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 9, no. 1 (2018): 75–91.

among intellectuals, students, leftists, and pacifists positioned him to help frame the antiwar narrative. The generation of activists who came of age in post-WWII world and who lived in the shadow of the atomic bomb were primed to accept Russell's description of American atrocities, be it nuclear annihilation or war crimes.

By 1963 Russell and followers had honed in on Vietnam as the newest manifestation of American imperialism as it escalated a war with a people who he saw as fighting for their independence in yet another war against outside aggressors.[86] The Battle of Ap Boc in January, in which the US-backed ARVN failed to defeat the NLF, boosted communist morale and blurred the lines between the insurgency and civilians as South Vietnamese soldiers armed with U.S. weapons and under the supervision of U.S. advisors gunned down innocent women and children.[87] He received letters, news clippings, and reports from his friends within the pacifist community as well as from Hanoi officials describing the war as a violation of human rights and international law.[88] The Americans

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86. See Christopher Goscha, *Vietnam: A New History* (New York: Basic Books, 2016).

87. George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975*, Fifth edition (Boston: McGraw-Hill Education, 2014), 109-110; David Halberstam, "Vietcong Downs U.S. Helicopters, Hits Nine Others," *The New York Times*, 3 January 1963, 1.

88. In addition to reports from anti-war groups, such as the US Student Peace Union, Russell and Madame Nguyen Huu Tho, the President of South Vietnam's Liberation National Front Central Committee, began corresponding in early 1963 and she sent him information about the conflict from her own perspective and those within her organization. For more, see Box F-68, 640 World Affairs, Bertrand Russell Archives I (BRAI), McMaster University. See also Bertrand Russell, *Autobiography* (London: Routledge, 1998), 664, 714-15.

had succeeded in "shocking the conscience of mankind," he explained, arguing that their goal was "to exterminate the inhabitants of South Vietnam in the name of freedom."[89]

Russell broke his silence over the war in April 1963 in a letter to the editor of *The New York Times* that alerted readers to America's use of napalm in Southeast Asia and officially labeled the conflict an "atrocity." The opening line made clear his message. "The U.S. Government is conducting a war of annihilation" and the goal was to "exterminate all those who resist the dictatorship of the South." Secondary goals such as provoking a conflict with Russia and China, protecting vital economic interests, or fighting against South Vietnamese social reforms took a back seat to the issue of America's immoral approach. "I raise my voice," he continued, "because the war which is being conducted is an atrocity. Napalm jelly gasoline is being used against whole villages, without warning. Chemical warfare is employed for the purpose of destroying crops and livestock and to starve the population." America's actions were reminiscent of those used by the Germans and the Japanese during World War II, he argued, "How long will Americans lend themselves to this sort of barbarism?"[90]

The escalating conflict in Indochina worried Russell who defined the disparity in power between the perpetrator and aggressor in Manichean terms and in this dualistic framework he began to see the U.S. as a "universal empire of evil."[91] He faulted Great Britain as a co-signatory for abandoning the agreement and thwarting the Vietnamese

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89. Russell, *War Crimes in Vietnam*, 72.

90. "Vietnam Policy Protested," *The New York Times*, 8 April 1963, 46.

91. Russell, *War Crimes in Vietnam*, 99.

desire for independence.[92] The US had repeatedly violated the Geneva Agreements of 1954 which separated Indochina at the 17th parallel until the country could hold national elections. He ridiculed America's neo-colonial ambitions in South Vietnam that propped up a "brutal and feudal regime" by pro-American politician, RVN President Ngo Dinh Diem, and that the US sought to "exterminate all those who resist the dictatorship of the South."[93] America's increased presence in the South as "advisors," he argued, ushered in atrocities against South Vietnamese civilians that violated human rights accords and laws regulating warfare.[94] As a part of "Project Beefup," the U.S. centralized command under General Paul D. Harkins, more than doubled its military assistance between 1961 and 1962 from 3,205 to more than 9,000, and authorized the use of defoliants and herbicides in enemy territory.[95] The international community bore partial responsibility for refusing to intervene and stop what appeared to be an impending war shaped by the atrocities that they had previously swore to prevent.

Using historical analogy and parallelism to compare U.S. policies with those used by the Germans in World War II, Russell labeled the war an "atrocity," recalling America's own stance against such barbarity in a 1 November 1943 statement signed by the Allied Powers titled "Declaration on Atrocities" and serving as an official warning to German

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92. Feinberg and Kasrils, eds., *Bertrand Russell's America,*194-5.

93. More sympathetic approaches that give Diem greater autonomy as a leader motivated by nation-building can be seen in Edward Garvey Miller, *Misalliance: Ngo Dinh Diem, the United States, and the Fate of South Vietnam* (Cambridge, MA: Harvard University Press, 2013); Philip E. Catton, *Diem's Final Failure: Prelude to America's War in Vietnam* (Lawrence, K.S.: University Press of Kansas, 2002).

94. Russell, *War Crimes in Vietnam*, 31-32; "Vietnam Policy Protested," 46.

95. Herring, *America's Longest War*, 106-7.

Nazi officers accused of murder, massacres, and executions.[96] The inhumanity of the strategic hamlet program—a RVN practice framed as a nation-building tool that forcefully relocated its rural population to camps to segregate them from the communists—resonated among anti-war advocates who saw the program as mirroring the German relocation of Jewish people into ghettos, labor camps, and concentration camps.[97] Despite its southern roots, U.S. officials backed the program as a counterinsurgency technique even as it blurred the lines between civilians and NLF guerrilla fighters.[98]

Russell's public campaign against the war was published alongside an article by the editors stating that Russell's piece contained information that had "unthinking

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96. "Declaration on Atrocities," 1 November 1943, United Nations Organization (London: United Nations, 1945), 35.

97. In February 1962, a year before Russell's rhetorical shift, the strategic hamlet program passed as a national policy to pacify the South Vietnamese countryside by separating civilians from the National Liberation Front guerrillas. A policy of relocation removed civilians from their homes and villages and placed them in highly fortified spaces primarily in Xom Ruong, Can Xa, and Ben Soi with 24-hour guard and reinforced by a stockade of trenches, bamboo stakes, and fences. Dictated by the Americans to their South Vietnamese Army, soldiers used force when civilians refused to leave their homes and only increased the countryside's resistance to the Diem regime and America's presence. Those left successful enough to avoid relocation would remain at home and be subjected to a wave of bombing raids by American B-52s. NLF membership increased by over 300% after the implementation of this program. This was a part of a broader method that also included torture, assassinations, murder, and other violent measures to crush resistance movements and to stop the southern insurgency. Marilyn Young, *Vietnam Wars 1945-1990* (New York: HarperCollins, 2015), 82-83; Mark Phillip Bradley, *Vietnam at War* (New York: Oxford University Press, 2009), 96-7; Jessica Breiteneicher Elkind, *Aid Under Fire: Nation Building and the Vietnam War* (Lexington, K.Y.: University Press of Kentucky, 2016); Philip E. Catton, "Counter-Insurgency and Nation Building: The Strategic Hamlet Programme in South Vietnam, 1961–1963," *The International History Review* 21, no. 4 (December 1999): 918–40.

98. Herring, *America's Longest War*, 106, 110-112.

receptivity to the most transparent Communist propaganda."[99] They and other journalists shrugged and admitted that "Napalm has been used by the South Vietnamese Air Force against real or imagined havens or Vietcong guerrillas" and that while it "has certainly killed innocent people," that this was an undesired side effect of war and not a reflection of a country's moral or legal principles. An 8 July 1962 piece by the *Associated Press* had previously admitted the futility of napalm, writing that "it often is difficult to ascertain whether the people killed by napalm or fragmentation bombs were guerrillas or merely farmers."[100] Editors at *The Washington Post* and others agreed with *The New York Times* that Russell's letter contained too many "distortions and half-truths" and that labeling the conflict an "atrocity" was "arrant nonsense" as America's adversarial presence had done a "great deal of good." Newspaper editors put a temporary moratorium on publishing anything with Russell's name.[101]

Russell become more antagonistic toward the western press as he became convinced to create his own information network composed of organizations and publications that would factually report the Vietnam War without intimidation. He called the press "establishment controlled" and argued that it had become a "government intimidated press" that misrepresented the war and underreported American wrongdoing.

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99. The exclaimer from the editors saying that even though the newspaper's objective coverage did not excuse itself from criticism of the Kennedy administration's role in Vietnam, it did feel obligated to alert readers to the "distortions or half-truths" found in philosopher's letter; "Lord Russell's Letter," *The New York Times*, 8 April 1963, 46.

100. Associated Press, "U.S. Combat Instructors Learn as They Teach in South Vietnam," *The New York Times*, 8 July 1962.

101. "Tactical air support is used extensively, but it often is difficult to ascertain whether the people killed by napalm or fragmentation bombs were guerrillas or merely farmers," an AP reporter wrote on July 8, 1962. Quoted in Neer, *Napalm*, 114.

The importance of distributing accurate information about the war stood paramount to countering the government's official narrative. "Do Americans understand the nature of their war in Vietnam?," Russell asked with suspicion. *The New York Times, The Washington Post, The Guardian*, and others, he argued, wrongfully censored his articles by removing language that would have felt wrongfully damming by any diligent editor. Calling America's actions an atrocity and using genocidal language in such a brief statement would not have permitted Russell to fully lay out evidence against U.S. action and so he began sharing information about America's use of chemical weapons in Vietnam with anti-war groups in the U.S., like the Student Peace Union, who would distribute his findings to their members.[102]

Only a few months after he labeled the Vietnam War an atrocity and criticized the U.S. for committing war crimes against the Vietnamese people, he and Schoenman founded the Bertrand Russell Peace Foundation (BRPF) and the Atlantic Peace Conference on 29 September 1963 as a way to investigate and protect human rights. The antagonism that he faced from the western press had pushed him to find an alternative way to spread information about U.S. war crimes. These two men had hoped for the foundation to serve as an organizational headquarters, information bureau, and funding resource for those groups fighting for social justice, defending human rights, and seeking to preserve global peace through revolutionary activities.

London turned out to be the perfect headquarters for the BRPF because it kept offices near to Russell and the British anti-nuclear weapons formed the perfect avenue by which Russell, Schoenman, Ali, and others could tap into its "pre-existing transnational

102. Feinberg and Kasrils, eds., *Bertrand Russell's America,* 184, 192, 242.

networks of peace activists" to help transmit information to protestors around the world. Historian Sylvia Ellis argued the connections between the trade-unionists, the pacifists, the CND, and other antinuclear organizations each allowed London to become a "major centre of global opposition to the war."[103] Within this already existing structure, the BRPF helped to support transnational anti-war activism by creating an information network that supplied international peace groups with what they considered objective evidence. The New Left distrusted "the Establishment," which included anyone connected with the military-industrial complex, the CIA, the FBI, and the American government and media. This distrust of American institutions allowed the BRPF as another INGO in the image of Pugwash that supported antiwar movements with verifiable evidence "develop[ed] [by] our own media of communication" so that protestors would not have to "depend upon establishment controlled or government intimidated press."[104]

Russell hoped that the BRPF would support activists restore liberalism, tolerance, and moralism in American society and set the tone for a renewed radical zeal built on these values. This new INGO in part would help to strengthen the American New Left by arousing within this broad group a "moral revulsion at what is being done in their names to the people of Vietnam."[105] He wrote to fellow philosopher and soon-to-be anti-war conspirator Jean Paul Sartre in June 1965 explaining that the BRPF would operate as a "regular channel of news" to pass along information about the Vietnam War to activists at

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103. Sylvia A. Ellis, "Promoting Solidarity at Home and Abroad: The Goals and Tactics of the Anti-Vietnam War Movement in Britain," *European Review of History* 21, no. 4 (2014): 569-70.

104. Feinberg and Kasrils, eds., *Bertrand Russell's America,* 193.

105. Ibid., x-xii.

the frontlines of peace agitation and "mobilizing public opinion against mass violence and oppression."[106]

The sudden assassinations of both South Vietnamese President Ngo Dinh Diem and President Kennedy at the end of November 1963 perhaps encouraged Russell to publicize the war as an atrocity measured by the use of chemical weapons against civilians. Certain that the new and outspoken Texan President would not reduce America's commitment to South Vietnam, an unrelenting Russell wrote to Johnson as he had with other world leaders for several generations. He would continue until the end of Johnson's term without ever hearing back. "This warfare is as atrocity-ridden as any ever conducted," he wrote to *The New York Herald Tribune* and other papers in January 1964 while also arguing that the war threatened world peace and violated international law and human rights.[107] "[The] violence, torture and utter disregard for even those standards of war accepted in the Geneva Convention has shocked and dismayed all thinking people," Russell told Johnson in late 1964 as an early warning that the US might soon be held accountable by the global community.[108]

There is no doubt that the Marxist vision professed by his personal secretary Ralph Schoenman, past President of the Oxford Union and Tariq Ali, and other European radicals

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106. Bertrand Russell to Jean-Paul Sartre, 16 June 1965, Document 000000, Box 1.08, 313 BRPF: General Correspondence, BRAII, McMaster University.

107. Bertrand Russell, "Untitled," *The New York Herald Tribune*, 17 January 1964, quoted in Feinberg and Kasrils, eds., *Bertrand Russell's America,* 242.

108. Bertrand Russell to Lyndon Johnson, 29 October 1964, Box 1.60, 650 Heads of State, BRAI, McMaster University; Bertrand Russell to Lyndon Johnson, 09 February 1965, Box 1.60, 650 Heads of State, BRAI, McMaster University.

supportive of revolutionary Marxism influenced the ways in which Russell began to describe U.S. imperialism during the Vietnam War. Ideologically inspired left-wing activists sympathetic with the Cuban Revolution and the Vietnamese struggle wanted rooted for the communists. Russell did not support this cause, but he did seek to channel its energy against the Americans and his own Labour Government to expose their professed moral foreign policies as a sham.[109] He insisted that the Vietnam War exemplified U.S. imperialism's survivalist dependency on resisting independence movements to which the international community had done little to restrain. Only non-state actors - individuals and organizations outside of the government realm - who stood up in the face of moral abuses could effectively resist the American empire and its complicit allies. "There is no reason why we should sit down and be overridden passively by organized murderers," he penned in an article urging activists to heed the dangers posed by America's intervention in Southeast Asia.[110]

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109. Ellis, "Promoting solidarity at home and abroad,": 564-5.

110. Bertrand Russell, "Danger in Southeast Asia," 196*, Box 10.05, 374 IWCT: French Office, BRAII, McMaster University.

Figure 9 Bertrand Russell, Edith Russell, and Ralph Schoenman at Hiroshima Vigil march in London, 1961.

Russell's rhetorical use of the term "murder" and "murderer" implies a rejection of personal moral behavior reflective of one's lack of ethics as well as a more legalistic rejection of principles codified by society. Furthermore, when used as a verb, it established the criteria under which you can more easily categorize who is the perpetrator and who versus the victim.[111] Lawyers at the Nuremberg Trials after WWII used the same word to denounce actions committed by the Nazi leadership. This military tribunal had set up three categories to try the Axis powers. Two of these — war crimes and crimes against humanity, but not crimes against peace — frequently used the phrase "murder" to describe the actions of the accused. He used this language and rhetoric to paint U.S. and British leaders as a "gang of murderers" who were part of "the murderers club." He used violent imagery and memories from WWII to describe the Vietnam War as barbarous and genocidal. "We used to call Hitler wicked for killing off the Jews, but Kennedy and Macmillan are more wicked than Hitler," Russell said in an April 1961 speech, "We cannot obey these murderers. They

111. For more on this categorization of perpetrator, bystander, and victim, see Christopher R Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperPerennial, 1998).

are wicked. They are abominable. They are the wickedest people who ever lived in the history of man and it is our duty to do what we can against them."[112] In Russell's terms, President Johnson was also a "murderer" whose allies were "accomplices in mass murder" in evinced by their "murder ordinary peasants."[113]

Starting in 1964, Russell repeatedly wrote to President Johnson asking that the U.S. stop attacking North Vietnam. Just as he had urged the president to ease relations with Cuba, Eastern European countries, and Moscow in the years following Kennedy's assassination, he also requested that U.S. foreign policy practice greater tolerance toward Vietnam despite its competing ideology. He issued a stark warning to Johnson that the war was illegal and the presence of war crimes violated human rights in ways that might damage his political ambitions during the upcoming November 1964 elections. He threatened to publicize the information that he had about U.S. war crimes as a last resort to prevent the U.S. from further harming innocent civilians. Johnson, he stated, would have to contend with the outcry of mankind after they read the evidence, which made the U.S. look no better than the Nazis during WWII. "This war is loathed and condemned by the vast majority of mankind," he wrote, adding that "demands are heard throughout the world for a formal international tribunal to hear the full evidence."[114]

It should come as no surprise that Russell looked to WWII, the United Nations, and the Nuremberg trials when thinking about how to undermine America's war with Vietnam.

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112. H.A. DeWeerd, "Lord Russell's War Crimes Tribunal," *RAND Collection P-3561* (March 1967), 3.

113. Monk, *Bertrand Russell: The Ghost of Madness,* 387, 484.

114. Bertrand Russell to Lyndon Johnson, 8 May 1964, Box 9.56, 320 BRPF: World Affairs, BRAII, McMaster University.

Like Nuremberg, he described his new anti-war mission as one to "prevent the crime of silence" just as bystanders in Germany had allowed for the persecution of minorities without speaking up against the state. The UN, the 1948 Genocide Convention, and the Universal Declaration of Human Rights all agreed that "the international community vowed never again to allow atrocities like those of that conflict happen again."[115] The events of the 1950s convinced Russell that the postwar international community that supported these agreements immediately failed to uphold them by allowing for the free proliferation of nuclear weapons and refusing to create the conditions for peace by mediating conflict. For this reason, Russell began to refer more frequently to the spirit of Nuremberg and its language to argue against the Vietnam War.[116]

Russell asked U.N. Secretary General U. Thant in 1964 to use his authority to hold the Johnson administration accountable for its actions. In February, he urged Thant to use existing international legal structures to prevent the US from inflicting greater violence in Indochina.[117] Thant had already expressed his opposition to the war and had worked closely with third-party negotiators to seek a peace settlement between Hanoi and the Washington. He too recognized the dangers inherent in a 24 February 1964 press statement when he discussed the motivation behind organizing back-channel peace discussions, before

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115. "Universal Declaration of Human Rights," Documents, United Nations, accessed 17 May 2018, http://www.un.org/en/universal-declaration-human-rights/.

116. Luke Jonathan Stewart, "'A New Kind of War': The Vietnam War and the Nuremberg Principles, 1964-1968" (PhD Dissertation, University of Waterloo, 2014), 49-50.

117. Bertrand Russell to U Thant, 25 April 1964, Box 1.60, 650 Heads of State, BRAII, McMaster University.

adding, "As you know, in terms of war and hostilities, the first casualty is truth."[118] He would later tell Russell that he had publicly condemned the conflict as a "barbarous war," but he ultimately sided with those who argued that the use of defoliants was not necessarily illegal.[119] He continued to tell Russell that the UN could do little to restrain American power.[120] "Are you so blinded by the dictates of the Cold War that you have lost the capacity to condemn such barbarism when the facts cry out to you?" Russell echoed to Thant.[121]

Other "wicked" leaders contended for the American presidency in the summer of 1964 with one candidate, Republican Barry Goldwater, insisting he would allow field

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118. George C. Herring, *LBJ and Vietnam: A Different Kind of War* (Austin, TX: University of Texas Press, 1996), 91-3; U Thant to Bertrand Russell, 26 February 1965, Box 1.60, 650 Heads of State, BRAI, McMaster University.

119. U Thant to Bertrand Russell, 26 December 1969, Box 9.54, 320 BRPF: World Affairs, BRAII, McMaster University; Samuel Moyn, "From Antiwar Politics to Antitorture Politics," in *Law and War*, ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Stanford, CA: Stanford University Press, 2018), 165. Even after the events at My Lai went public, Thant would deny requests to create an International War Crimes Commission as proposed by the General Assembly.

120. Bertrand Russell to U Thant, 25 April 1964, Box 1.60, 650 Heads of State, BRAI, McMaster University; U Thant to Bertrand Russell, 26 February 1965, Box 1.60, 650 Heads of State, BRAI, McMaster University; Comité Solidarité Belgique-Vietnam to IWCT, 20 January 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

121. The eagerness with which Russell wrote to Thant displays the close proximity he had to serious international players who not only received his correspondence but most often responded to it even if only as a courtesy. He also later reflected that in the mountains of letters sent to both leaders, that he seemed to have enough reputability to actually receive a response. In his memoirs he writes: "Many people sent letters to the heads of State involved…I had good luck in being answered and at considerable length." Quoted in Feinberg and Kasrils, eds., *Bertrand Russell's America,* 193; Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 104.

commanders unrestricted access to atomic and hydrogen bombs as tactical weapons on the battlefield.[122] "There is a real need for the supreme commander to be able to use judgment on the use of these weapons [tactical nuclear weapons] more expeditiously than he could by telephoning the White House," Goldwater had originally stated on July 9 when asked about the use of such weaponry by the NATO supreme commander, "and I would say that in these cases the supreme commander should be given great leeway in the decision to use them or not use them." [123] The "very real risk of untended war" between great powers, Russell warned in response, could result from the purposeful or accidental deployment of nuclear weapons by mentally ill soldiers, the misreading of a crisis and a wrong step toward confrontation as seen during the Cuban Missile Crisis, or by the election of a "trigger happy" presidential candidate.[124] Prior to the U.S. election, he circulated a document among the world's prime ministers titled "An Appeal on the Danger to the World of Goldwater's Policies," demanding that they each reject the candidate's position and try to persuade the American electorate to vote for a less hawkish policymaker.[125]

However, the situation in Vietnam months prior to the election helped to create a conflict that drew in the US long before the world could mobilize the kind of movement that Russell imagined. In the summer of 1964, the US Air Force reinforced its presence with the placement of two aircraft carriers in in the Gulf of Tonkin in response to the

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122. Herring, *America's Longest War,* 147-8.

123. Fendall W. Yerxa, "Goldwater Says Generals Have Nuclear Authority," *The New York Times*, 23 September 1964, 1, 32.

124. Russell, *Common Sense and Nuclear Warfare*, 38.

125. This can all be found in Box 9.54, 320 BRPF: World Affairs, Bertrand Russell Archive III (BRAIII), McMaster University.

expansion of the insurgent war in the south into Laos and indicating that the regional war might turn into a broader geopolitical conflict. The presence of the *U.S.S. Maddox* in the Tonkin Gulf off the coast of North Vietnam frustrated the North Vietnamese who were already experiencing a surge of attacks from South Vietnamese attacks on local islands. On 4 August, there were reports that the North Vietnamese had provoked the *Maddox*. Johnson ordered the ship to retaliate, which it did by shooting into what we now know was likely to be empty space while aircraft targeted nearby naval bases and oil facilities.[126] On 7 August Congress passed the Tonkin Gulf Resolution and gave the president a blank check to respond to any provocation.

2.4 Supporting American Conscientious Objectors

The escalating conflict in Vietnam and Russell's own conversations about the presence of human rights violations with Schoenman, Sartre, and others led them to believe that a transnational network of activists modeled Pugwash but with a direct action component would be the best way to mobilize public opinion against the war. Additionally, he wanted to use international legal precedent to force American courts to decide the constitutionality or even legality of the Vietnam War, which might also convince those in the U.S. military to abandon their posts if they realized that some day they might be held responsible for their individual actions. Russell attempted to criminalize the war to convince the anti-war movement that it was not only immoral, but also violated international agreements and statutes.

126. Herring, *America's Longest War*, 147.

A speech by President Johnson in Honolulu in 1966 convinced many listeners of the belligerent approach that the US had taken and would continue to take in Vietnam. He began by talking about the 37-day cessation of bombing North Vietnam he had ordered as a way to convince Hanoi that "peace is better than war, that talking is better than fighting, and that the road to peace is open." His peaceful rhetoric shifted in tone when he chose the moment to justify the resumption of air strikes, blaming the failure of diplomacy on Hanoi, and claiming that North Vietnam's violence against the South Vietnamese helped to justify his reaction to this "persist[ence] in aggression." He emphasized yet again that the U.S. military had taken "the greatest of care" to bomb only military targets, but the South Vietnamese who support Hanoi in any capacity "really have no claim to immunity from military reply."[127]

Russell's own peace and human rights INGO, the BRPF, saw the results of this speech in financial donations by many who opposed the president's message and the resumption of bombing through Operation Rolling Thunder. Donations poured into the foundation's office. One socialist philosopher and supporter of civil liberties, the chairman of the Emergency Civil Liberties Committee, Corliss Lamont, wrote that he was doubling his annual contribution to $2,000 because he could not in good conscience sit idly as a defender of human rights and he wanted to support groups opposing "President Johnson's horrible war of aggression in Vietnam."[128]

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127. Lyndon Johnson, "Statement on the Resumption of Bombing in North Vietnam," 31 January 1966, Presidential Speeches, Miller Center, University of Virginia, accessed 25 January 2021, https://millercenter.org/the-presidency/presidential-speeches/july-13-1965-press-conference-east-room.

128. Feinberg and Kasrils, eds., *Bertrand Russell's America*, 266.

Russell pleaded with Americans to stop the barbarity in response to stories emerging from Vietnam describing the torture that many political prisoners began to suffer after the fall of South Vietnamese Prime Minister Ngo Dinh Diem a year earlier. Students forced to drink soap until they defecated blood, electric cords attached to women's breasts and men's genitals, fingers cut from hands, and an early form of waterboarding to the verge of unconsciousness demonstrated the lengths to which the South Vietnamese army and Secret Police would go to extract information from political dissidents, North Vietnamese refugees, Communist sympathizers, and everyday civilians who found themselves trapped in the war. Russell,[129] Schoenman, and the BRPF relied on these stories to argue that America propping up a regime of terror and that it had filled the void after Diem's murder by increasing its presence through a sustained air war against North Vietnam through the presence of additional U.S. military advisors.

By September 1965, Johnson had increased U.S. ground troops in Vietnam by 20,000. The key, Russell argued, would be whether Americans would speak out against the war. Otherwise, "the next generation of Americans will be asking the present generation why they kept silent while war crimes were committed in their name. It is not too late for Americans to resist the barbarous actions of their Government."[130] The U.S. government

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129. A 21 January 1968 article appeared on the front page of *The Washington Post* showing a U.S. soldier supervising the waterboarding of a North Vietnamese soldier. The U.S. soldier would later be court-martialed. But the use of water torture in ways that imitated the later use of waterboarding was used by U.S. and South Vietnamese soldiers to extract information from anyone who they assumed were associated with the enemy. Eric Weiner, "Waterboarding: A Tortured History," NPR, 3 November 2007, National Public Radio, accessed 15 March 2021, https://www.npr.org/2007/11/03/15886834/waterboarding-a-tortured-history.

130. Feinberg and Kasrils, eds., *Bertrand Russell's America*, 260; "Political Prisoners in Vietnam Tell of Torture," *The New York Times*, 9 November 1963, 4.

had little choice but to respond to such charges, stating in July of 1965 that the Johnson administration was working with the Red Cross to ensure that U.S. soldiers were obeying the principles enshrined in the 1949 Geneva Convention. Sources close to the administration divulged to *The New York Times* that U.S. officials had become worried by "widespread publicity given to the torture of Vietcong captives by South Vietnamese troops." Working with the International Committee of the Red Cross, Secretary of State Dean Rusk said that the administration hoped to send neutral observers to detention centers in South Vietnam to make sure that guards and interrogators were following Article 17 of the Geneva Conventions, which stated that "No physical or mental torture, nor any other form of coercion may be inflicted on prisoners of war to secure from them any information of any kind whatever."[131]

In late 1965, the BRPF set out to demonstrate its ability to organize and weaponize information advantageous to the anti-war movement, peace activists, draft-dodgers, and conscientious objectors. Twenty-three year old founder of the End the Draft Committee in New York, David Mitchell, had made headlines in September when he burned his draft card and refused to fight in Vietnam on the grounds of conscientious objection, arguing that he did not oppose all wars, only those in which the U.S. committed war crimes. "The U.S. is committing, especially in Vietnam, crimes against peace and crimes against humanity," Mitchell contended, "I feel that the individual has both the right and the obligation to disassociate himself from any complicity."[132] Avoiding the draft made him a

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131. Lloyd Garrison, "U.S. Tries to Curb Vietnam Torture," *The New York Times*, 28 July 1965, 2.

132. William E. Farrell, "Evader of Draft is Given 5 Years," *The New York Times*, 16 September 1965, 27.

criminal, Mitchell claimed, but in fact it was the U.S. President, military leaders, and the Secretaries of Defense and State, who should be tried for violating international law.[133]

Russell argued that a victory in U.S. courts would further expose American war crimes and undermine the government's ability to draft young men to fight in what he deemed an illegal war. Writing to North Vietnam's Prime Minister Pham Van Dong on 25 January 1966, Russell stated that he believed the Mitchell trial might be precisely what was needed to help stop the U.S. draft and hinder the further deployment of troops to Vietnam. "Now, a young American, Mr. David Mitchell, has challenged the American authorities by refusing to serve in the U.S. army on the grounds that the U.S. Government is engaged in war crimes," he wrote from his home in Plas Penrhyn, "We consider [his trial] an opportunity to frustrate the U.S. Government's war plans."[134] He thought that the defense team should rely upon the Nuremberg principles and the U.N. Declaration of Human Rights to argue that the draft violated the civil liberties of those who objected to what they saw as an illegal, immoral, and unethical war.[135] Russell believed that an American soldier could some day appear before an international criminal court and be accused of committing war crimes and violating international law. He viewed Mitchell's trial as an opportunity to

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133. Farrell, "Evader of Draft is Given 5 Years," 27.

134. Bertrand Russell to Pham Van Dong, 25 January 1966 quoted in Nicholas Griffin and Alison Roberts Miculan, eds., *The Selected Letters of Bertrand Russell: The Public Years, 1914-1970* (London: Routledge, 2001), 585-6.

135. U.S. v. Mitchell, 246 F. Supp. 874, 890 (D. Conn. 1965); Mitchell v. U.S., 386 U.S. 972 (1967).

collect evidence from Vietnam, especially statements from Vietnamese victims, to establish a legal defense for present and future accused.[136]

Mitchell's disobedience brought him before the Federal District Court in New Haven, Connecticut, in September 1965. Anti-war activists showed their support outside the court house through placards that read "A New Trial, A Fair Trial for David Mitchell," "Stop LBJs War, End Aggression," and "Enlist Now to Fight the Draft."[137] Judge William H. Timbers sentenced him to five years in prison and argued that the verdict should serve as a "sharp warning to anyone who thinks he can avoid military service." But the Circuit Court of Appeals threw out the case in January 1966 after concluding that the defendant had inadequate time to seek effective counsel.[138]

His second trial in March 1966 provided his defense team, now run by a BRPF ally Mark Lane, another opportunity to enter into the court evidence of his right to resist the draft based on the war's illegality. They were supported by the testimony of U.S. Navy Lieutenant Commander Gerald L. Coffee, who had served on the aircraft carrier *USS Kitty Hawk* before being captured and held as a prisoner of war in Hanoi. North Vietnamese President Ho Chi Minh released Coffee so that he could speak at Mitchell's trial about U.S.

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136. Ralph Schoenman to Mr. Hsieh, 12 March 1966, Box 9.42, 320 BRPF: World Affairs, BRAII, McMaster University. William E. Farrell, "U.S. Court Finds Mitchell Guilty," Pg. 16; "The Inglory Boys," *Time*, 25 March 1966, 21.

137. "U.S. Court Picketed as It Weighs Draft Appeal," *The New York Times*, 11 January 1966.

138. Farrell, "Evader of Draft," 27; U.S. v. Mitchell, 246 F. Supp. 874, 890 (D. Conn. 1965); Mitchell v. U.S., 386 U.S. 972 (1967).

war crimes which coffee described as being a policy of "unilateral criminal aggression."[139] Lane also spoke with then assistant Professor of History at Yale, Staughton Lynd, after learning that the State Department had revoked the historian's passport to travel to the DRV to examine conditions firsthand. Lynd had reservations about the Vietnam War, but he would argue throughout its course that one could not objectively hold one side accountable for violating international law and human rights agreements without criticizing all sides. Still, Lynd agreed to share his grim observations in Mitchell's defense.[140] Even if they lost, Russell claimed, the trial would be "an opportunity to frustrate the U.S. Government's war plans."[141]

Mitchell had entered the courtroom hoping to illustrate how Germans who simply obeyed orders from superior officers were eventually tried and convicted for having committed war crimes during WWII. "Mr. Mitchell has accepted the Judgement of Nuremberg," Lane argued, concluding that "Individuals have international duties which transcend the national obligations of obedience imposed by the individual state." He entered a motion to use evidence supplied by the BRPF to describe a criminal war that irreparably harmed the lives of Vietnamese civilians. The prosecution, U.S. Attorney Jon O. Newman, declared the evidence immaterial. Judge T. Emmett Clarie sided with the prosecution, rejected the defendant's arguments, refused to hear eyewitness testimony, and brought the trial to a rapid close after a jury unanimously found Mitchell guilty of avoiding

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139. "The Inglory Boys," 21; William E. Farrell, "U.S. Court Finds Mitchell Guilty on Charge of Evading the Draft," *The New York Times*, 17 March 1966, 16.

140. "Draft Conviction is Appealed Here," *The New York Times*, 8 November 1966, 5.

141. Bertrand Russell to Pham Van Dong, 25 January 1966, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University.

the draft. The hearing took a total of twelve minutes. The judge sentenced Mitchell to five years in prison. The BRPF and Lane tried to get his case before the Supreme Court, but most of the justices declined his appeal.[142] Justice William O. Douglas dissented, arguing that "there is a considerable body of opinion that our actions in Vietnam constitute the waging of an aggressive war," and advocated that Mitchell and other draft evaders should be given the opportunity to present evidence before the courts.[143]

Mitchell lost his case, but Lane's introduction of war crimes evidence as an "offer of proof" throughout the trial and during several press briefings introduced the world to the possibility that the U.S. had covered up criminal activity and lied about the air and ground war in Vietnam.[144] Although he conceded a loss for Mitchell, Russell told his friend, French philosopher Jean-Paul Sartre, that the trial provided a way for the BRPF to focus Americans attention on their government's deception and lies regarding war crimes in Vietnam.[145] The use of what historian Luke Stewart called the "ethos of Nuremberg" helped to encourage large numbers of draft-evaders to avoid conscription on the grounds that their actions might land them in jail in the future. Mitchell's supporters outside of the Federal Court in New York City distributed a flyer titled "Nuremberg vs. U.S.: Mass Demonstrations at Mitchell

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142. Farrell, "U.S. Court Finds Mitchell Guilty," 16; "The Inglory Boys," 21; Farrell, "U.S. Court Finds Mitchell Guilty," 16.

143. "Draft Resister Fails to Get a Rehearing in the High Court," *The New York Times*, 21 March 1967, 13.

144. Pham Van Dong to Bertrand Russell, undated, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University; Ralph Schoenman to the Vietnam Peace Committee/Nguyen Duy Tinh, 2 April 1966, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University.

145. Bertrand Russell to Jean-Paul Sartre, 03 September 1966, Box 9.56, 320 BRPF: World Affairs, BRAII, McMaster University.

Appeal Hearing which coincided with the nearby Mobilization for Peace in Vietnam, Economic Justice and Human Rights."[146] The connections between the conscientious objector, the moral roots of antiwar protests seen in American streets, and the ability to use international legal precedents to frame opposition to Vietnam, all convinced Russell that the time had come to institutionalize this energy in a way that could turn public opinion against the war and support the global resistance movement.[147]

2.5 Strengthening Bonds with North Vietnam

Interestingly and significantly, Russell first sought to win support financial and emotional support from the DRV in 1964, the NLF, and other heads of state sympathetic to North Vietnam's cause who could help arrange for BRPF representatives to go to Hanoi to meet with the Communist revolutionary leaders. North Vietnamese officials eagerly shared information with the BRPF, hoping that evidence of American war crimes would appear in the Western press. They also hosted fact-finding missions led by their own officials on the pretense that one required a knowledgeable guide to know when and how to avoid the most dangerous spaces in the war, but they seemingly knew precisely when to showcase a terrorized village soon after a bombing campaign. Such support helped the BRPF to bolster its international credibility and learn more about the conflict from the eyes of civilians.[148]

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146. Stewart, "'A New Kind of War'," 4, 98-138.

147. Bertrand Russell to Jean-Paul Sartre, 03 September 1966, Box 9.56, 320 BRPF: World Affairs, BRAII, McMaster University.

148. Mehta, "North Vietnam's Informal Diplomacy": 68-9.

Ho and DRV officials had begun sharing information about the war with Russell in 1964, explaining that the release of photos, scientific data, and civilian testimony could help to inform world opinion.[149] Ho wanted others to see the revolutionary struggle as he did: as a meddling superpower taking advantage of a domestic conflict and violating international law to prevent the spread of communism. Hanoi's war was as much a propaganda war as a clash of military forces throughout Indochina. Johnson's refusal to negotiate with communist leaders and accept the will of Vietnamese revolutionaries exacerbated Cold War tensions to the point of destabilizing regional and global stability. Russell did not let Ho off the hook easily. He argued that the North's struggle throughout the south had aggravated the U.S. and could be partially blamed for the increase in America's military presence since the fall of France in 1954.[150] Ho countered that the Vietnamese people had every right to "safeguard our sovereignty and security," even if it meant a prolonged war with the U.S.[151] Despite their different positions on some issues, both agreed that Americans must be held accountable for violating the Geneva Convention and by committing war crimes and crimes against humanity. Both also understood that they

149. Bertrand Russell to Tran Viet Dung, 3 January 1964, Box 10.5, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University; Bertrand Russell to Ho Chi Minh, November 1964, Box 1.61, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University; Bertrand Russell to Tinh Nguyen Duy, 4 March 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University.

150. Bertrand Russell to Ho Chi Minh, 5 August 1964, Box 1.61, 650 Heads of State, BRAI, McMaster University.

151. Ho Chi Minh to Bertrand Russell, 10 August 1964, Box 1.61, 650 Heads of State, BRAI, McMaster University.

could bridge a gap between east and west by using their influence and sharing information about American war crimes to strengthen opposition to the war.[152]

Russell and Ho's relationship flourished over the next few years as they planned how best to bring accurate information about conditions in Vietnam to a global audience. In November 1964, Russell sent his BRPF secretary, Christopher Farley, to Hanoi to speak about formalizing relations with the foundation and assess the damage done to civilians by American bombers. At the age of ninety-two, Russell struggled to travel beyond his home in North Wales, and he found it necessary to send intermediaries to foreign countries.[153] With his approval, Farley and Ho discussed how to use their evidence to support the global antiwar movement and bring about unification of Vietnam in accordance with the 1954 Geneva agreements.[154] Over a series of meetings throughout 1964 and 1965, they discussed how best to launch information campaigns to supply anti-war activists with evidence about the war's impact on Vietnamese civilians. Farley returned to BRPF headquarters with a donation from Ho in the amount of 30,000 francs. Ho required that the funds be earmarked for pressuring the Johnson Administration to leave Vietnam. "This will greatly assist our work to affect public opinion in the West and, most importantly, in the U.S.," Russell thanked the North Vietnamese President.[155]

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152. Bertrand Russell to Ho Chi Minh, 15 August 1964, Box 1.61, 650 Heads of State, BRAI, McMaster University.

153. Russell struggled with digestive issues and, in addition to his being generally frail decided against travelling far beyond his house. Ryan, *Bertrand Russell,* 174; Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 104.

154. Bertrand Russell to Ho Chi Minh, 17 November 1964, Box 1.61, 650 Heads of State, BRAI, McMaster University.

155. Ho sent recurring donations between 1964 and 1966 to support the BRPF and the IWCT. Bertrand Russell to Ho Chi Minh, 30 December 1964, Box 1.61, 650 Heads of

In 1965, Hanoi officials commemorated the support of anti-war activists by releasing two prisoners-of-war, Sgts. George E. Smith and Claude McClure.[156] As of 28 November, the U.S. military command in Vietnam claimed to have no notification of such a release by Hanoi and could not certify the freedom of the two soldiers. On 30 November, two days after the announcement of their release from a two-year detainment, Smith and McClure gave a press statement at the Cambodian border where, alongside a representative of the Viet Cong, they abandoned their allegiance to the U.S. Army and committed themselves to waging a campaign to end the war. Their statement put them under threat of being held under military custody if they returned to the U.S. where they were still subject to the Uniform Code of Military Justice.[157] The political director of the Committee for a Sane Nuclear Policy, Sanford Gottleib, wrote that while he hoped their anti-war commitment had not been the result of being brainwashed, that what the movement really needed was "independent-minded people, not those who have been brainwashed by one side or the other." The Students for a Democratic Society (SDS) leaders, on the other hand, sent a cable to the soldiers from Chicago stating, "Millions of Americans support you. Help us tell the truth about Vietnam."[158]

State, BRAI, McMaster University; Bertrand Russell to Ho Chi Minh, 03 March 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University; Bertrand Russell to Isaac Deutscher, 16 June 1966, Box 1.61, 650 Heads of State, BRAI, McMaster University; Ho Chi Minh to Bertrand Russell, 2 August 1966, Box 1.61, 650 Heads of State, BRAI, McMaster University.

156. "Vietcong Say They've Freed 2 G.I.'s," *The New York Times*, 28 November 1965, 87.

157. United Press International, "Two Freed G.I.'s Say U.S. Should Quit Vietnam," *The New York Times*, 1 December 1965, 1, 5.

158. "Two Freed G.I.'s," 1, 5.

That the BRPF served as a bridge between Hanoi and the West would haunt Russell's anti-war work until his death in 1970. He had earlier warned Ho that their relationship might taint the BRPF when he acknowledged that they must "fully recognize the danger, with which you mention, that your communism could prove a liability to the Foundation in its work on the West, particularly in the U.S."[159] Critics would claim that propaganda bureaus in North Vietnam manipulated Russell who in turn used their information and financial backing to influence communist sympathizers within the western anti-war movement.[160] The cause for concern was legitimate given that Hanoi could masterfully manipulate international relations to its favor, writes Historian William Duiker, particularly by playing states against one another while simultaneously winning the support from peace advocates marching in the streets of American and European cities.[161]

North Vietnam's "people's diplomacy" also "adapted the antiwar message to appeal to different audiences in the global antiwar movement," as explained by historian Lien-Hang Nguyen.[162] They used a "language of universal humanity" which drew Russell and the BRPF to support North Vietnam.[163] Russell's willingness to publicize American

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159. Bertrand Russell to Ho Chi Minh, 03 March 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University

160. Mehta, "North Vietnam's Informal Diplomacy": 70-71.

161. William J. Duiker, "Victory by Other Means: The Foreign Policy of the Democratic Republic of Vietnam," in *Why the North Won the Vietnam War*, ed. Marc Jason Gilbert (New York: Palgrave, 2002), 47-48.

162. Nguyen, "Revolutionary Circuits," 411-422. Also see Asselin, "'We Don't Want a Munich'": 547–81; Mehta, "North Vietnam's Informal Diplomacy": 64–94; Harish C. Mehta, "Restoring Agency to Informal Diplomats in Narratives of the Vietnam War: Restoring Agency to Informal Diplomats in the Vietnam War," *History Compass* 13, no. 6 (June 2015): 263–74.

163. Nguyen, "Revolutionary Circuits": 414.

atrocities benefitted civilians in North and South Vietnam who wanted America's quick withdrawal and unification of the country presumably under the North's leadership. Russell's reliance on defending humanity became a rallying cry for the broader anti-war movement as most could agree that the end of the war would be good for the peace of the world. But whereas Nguyen argues that bridging different audiences in Vietnam and the world with a common anti-war messaged shaped by gender, race, or ideology help to form a shared solidarity between oppressed groups, the BRPF also helped to centralize the issue of war crimes within the global resistance movement and, in turn, internationalized an anti-imperialist message based on their observation of America aggression in Vietnam. This, as historian Solar Mohandesi has argued, helped the Vietnamese communists live up to their Marxist internationalist creed of connecting struggles around the world as "a central component of state policy."[164]

Russell, the foundation, and the future war crimes tribunal became key players in what historian Jessica Frazier identifies as Ho Chi Minh and Hanoi's three-front approach in the war. Russell and the BRPF focused on war crimes and led the political front involved with shaping international anti-war activities by "people's diplomacy." They used their peace organizations to form a bridge between the state and the public, helping to transmit information from state to person and person to person, and satisfying what North Vietnamese press agent Pham Van Chuong referred to as the Vietnamese and Americans sharing "thirst for information" or as Frazier calls it, "information unavailable through

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164. Mohandesi argues that "no other ongoing revolutionary struggle made so much of international solidarity in the 1960s" as the Vietnamese did. Salar Mohandesi, "From Anti-Imperialism To Human Rights: The Vietnam War And Radical Internationalism In The 1960s And 1970s" (Ph.D. Dissertation, University of Pennsylvania, 2017), 74.

other means.[165] “In the immediate future,” Chuong told Schoenman in August 1965, describing the need to strengthen the flow of information from Hanoi to the peace front in the US, “it is very important to wage a strong movement throughout the world in protest against the latest measures taken by Johnson & Co., both their war actions and their ‘peace’ hoax.”[166]

Russell developed a three-part strategy to better connect what was happening in Vietnam with activists in the West who were ramping up protests against the war. The first was his connections with Ho. The second was to formalize relations with the National Liberation Front (NLF) in South Vietnam.[167] Russell reached out to NLF leaders in July 1965 through Schoenman who met with Madame Ma Thi Chu, Dinh Ba Thi, and Pham Van Chuong of the Viet Cong’s Central Committee in Hanoi.[168] He officially endorsed their struggle for liberation and asked that they become more involved in anti-war protests in London.[169] "I have written to [NLF Chairman] Huu Tho requesting the participation of representatives of the National Liberation Front in a rally to be held in London," he informed the NLF leaders, "We are asking as well representatives of President Ho Chi

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165. Jessica M. Frazier, *Women’s Antiwar Diplomacy during the Vietnam War Era* (Chapel Hill: The University of North Carolina Press, 2017) 1-3.

166. Pham Van Chuong to Ralph Schoenman/BRPF, 6 August 1965, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University.

167. Asselin, “Forgotten Front”: 330–55; Mehta, “North Vietnam’s Informal Diplomacy”: 65-68.

168. Mehta, “North Vietnam’s Informal Diplomacy”: 71.

169. Ryan writes that although Russell empathized with the NLF, that he likely did not believe that they were "morally special" which was a prevalent thought among the more radical New Left such as Schoenman. He simply believed that there were several menaces in society - but that the U.S. by far took the cake as an imperialist country. Ryan, *Bertrand Russell*, 176.

Minh and of the People's Republic of China to participate in this rally." He urged that this activism spearheaded by Londoners and supported by the DRV, the Chinese, and the NLF would convey a sense of anti-war solidarity that would influence global opinion about the war. All parties concurred that their participation in such anti-war rallies would infuse the movement with a revolutionary zeal to end the war.[170]

2.6 The Founding of the International War Crimes Tribunal

At home in England in 1965, Russell brooded over British politicians, who, he argued, complicity supported the war in Vietnam as bystanders. The Parliament, in his words, was "slavishly subservient to American policy and it is my intention to point this out."[171] His disillusionment reached an all-time high in 1964 when Harold Wilson became Prime Minister and the Labour Party ruled Parliament. This center-left wing of British politics backed U.S. foreign policy because in Russell's view it relied on America's nuclear arsenal.[172] Wilson struggled to reconcile his need to support the remaining members of the Commonwealth, some of whom leant toward Communism, against his desire to flex his

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170. Bertrand Russell to the National Liberation Front, 8 July 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University; Pham Van Chuong to Ralph Schoenman/BRPF, 6 August 1965, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University; "Summary Report of Series of Meetings Between Members of the Central Committee of the National Liberation Front and the Personal Representatives of Bertrand Russell," Undated, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University.

171. Bertrand Russell to Ho Chi Minh, 08 February 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University.

172. Ryan, *Bertrand Russell*, 190-91; Eugenie M. Blang, *Allies at Odds: America, Europe, and Vietnam, 1961-1968* (New York: Rowman & Littlefield, 2011), 5.

anti-Communist muscles to the U.S. without weakening this "special relationship."[173] He defended his support of the U.S. because North Vietnam refused to negotiate to end the war. Ho denied these allegations and sent Russell official documentation from Hanoi undermining Wilson's statements. Russell then shared this information with the British public through speeches and editorials.[174] The Prime Minister reluctantly admitted to Russell that his Labour Party had sustained serious blowback from the British public as they listened to Russell and agreed with his critical remarks. Even within Parliament, growing opposition to Wilson's passivity toward the U.S. on the Vietnam issue drew a fierce criticism that threatened to undermine Labour's control in 1966 when a majority of party members renounced their own government's policies by voting to reject the Prime Minister's policy on Vietnam.[175]

173. Blang, *Allies at Odds*, 5, 159-160.

174. Bertrand Russell to Ho Chi Minh, 17 February 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University; Bertrand Russell to Harold Wilson, 22 May 1965, Box 11.17, 750 Russell's Dictation, BRAI, McMaster University.

175. Rhiannon Vickers, "Harold Wilson, the British Labour Party, and the War in Vietnam," *Journal of Cold War Studies* 10, no. 2 (2008): 43.

Figure 10 Bertrand and Edith Russell in 1966 at a London protest against the Labour Party's policies toward the Vietnam War.

Standing before a crowd in Mahatma Gandhi Hall in late October 1965, Russell had raised his Labour Party card high in the air, criticizing the British government for "the carrying out of Britain's old imperialist policy involving concurrence with the deliberate bombing of schools, hospitals and orphanages in Vietnam"—even though Britain did not and would not send troops to Vietnam—and proceeding to spread up it into tiny scraps after being a member of the party for fifty-one years. "I find myself confronted with the most shameful betrayal of modern times in this country," he exclaimed, "Hitler, at least, never professed humanity, but these men who now pollute the chairs of office professed, before election, the most notable and lofty ideals on human brotherhood." The British parliament and Prime Minister Harold Wilson were "slavishly subservient" to the Johnson administration, he argued, and had become subservient to the US and a bystander to well-publicized war crimes around the world.[176] He called on Wilson, Labour MP's, and the

176. This center-left wing of British politics followed the direction of U.S. foreign policy with little resistance because it relied on America's nuclear arsenal. Ryan, *Bertrand Russell*, 190-91; Blang, *Allies at Odds* 5; Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 105. The Parliament, in his words, was "slavishly subservient to American policy and it is my intention to point this out." Bertrand Russell to Ho Chi Minh, 08 February 1965, Box 1.61, 650 Heads of State, BRAI, McMaster University.

western press to explain why they tried to silence those who made public American atrocities "let alone a knowledge of the reasons for the Government's complacence in face of them."[177] Privately, Wilson reluctantly admitted to Russell that his Labour Party had sustained serious blowback from the British public as they listened to Russell and some agreed with his critical remarks. Even within Parliament, growing opposition to Wilson's passivity toward the U.S. on Vietnam drew a fierce criticism that threatened to undermine Labour's control.[178]

Figure 11 Bertrand Russell shredding his Labour Party membership card at The Mahatma Gandhi Hall on 14 October.

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177. Feinberg and Kasrils, eds., *Bertrand Russell's America,* 261.

178. Historian Sylvia Ellis writes "In April (1965), for the first time the polls indicated that a majority of the British public disapproved of American armed action in Vietnam. By May 71 percent believed that Britain's role in the conflict was to try to get peace talks started. With own party, the trade unions, British youth, the general public, and much of the media beginning to ask questions about British policy on Vietnam, Wilson was right to be alarmed about domestic opinion on Vietnam, especially the tenuous nature of his hold on power." Sylvia Ellis, *Britain, America, and the Vietnam War* (New York: Praeger, 2004), 99-100; Bertrand Russell to Harold Wilson, 9 February 1965, Box 1.58, 650 Heads of State, BRAI, McMaster University; Harold Wilson to Bertrand Russell, 20 May 1965, Box 1.58, 650 Heads of State, BRAI, McMaster University.

Russell first thought about organizing a people's tribunal immediately after the August 1965 Tonkin Gulf Resolution as a way to conduct fact-finding missions in Vietnam, speak with North Vietnamese witnesses, and dig deeper into evidence he considered important to undermining America's moral legitimacy in Vietnam. He contemplated a tribunal that followed Nuremberg's procedures, but would be organized and run by civilian experts instead of victors in the war. Schoenman and another anti-nuclear and peace activist, Tariq Ali, first proposed a war crimes tribunal to Russell shortly after April 1965.[179] Ali recalled the emotional zeal with which Schoenman opposed American imperialism in Vietnam and in other spaces like Cuba and South America. He remembered how "refreshing" it had been to meet someone so passionate about international relations and peace. They met with Russell at his Plaspenrhyn house to further discuss the mechanics of establishing a tribunal and other means to "arraign the U.S. for war crimes against the people of Vietnam and humanity."[180]

Within a year's time thereafter, Russell sent a letter to Jean-Paul Sartre, asking for his support in creating an International War Crimes Tribunal (IWCT) to investigate the possibility of American human rights violations in Vietnam. "My secretary, Ralph Schoenmann, has recently been to North Vietnam obtaining evidence regarding U.S. bombardment of hospitals, schools, sanatoria and lepresia," he wrote in April 1966, "It is overwhelmingly clear that the U.S. is engaged in a sustained series of war crimes against the people of Vietnam. I am anxious that there should be a highly representative and

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179. Ali was a student at the University of Oxford and the newly elected President of the Oxford Union.

180. Tariq Ali, *Street Fighting Years: An Autobiography of the Sixties* (New York: Verso, 2018), 112.

respected international Tribunal to hear the full evidence concerning U.S. war crimes."[181] Sartre, an internationally celebrated philosopher known for his existential theories as well as his notable relationship with Simone due Beauvoir who also supported Russell's idea, saw in the Mitchell trial the opportunity to again support the freedom of young men to refuse service based on the presence of war crimes. In September 1960, Sartre and 121 other French intellectuals signed the "Manifesto of the 121," during the Algerian War which sought to mobilize public opinion against the pro-Gaullist government in France, denounce French war crimes, support Algeria's fight for independence, and stand with conscientious objectors who refused to serve int he French army.[182]

The creation of people's tribunals to challenge the war in Vietnam intrigued Russell. Pugwash had established a committee of scientists to think critically about international affairs in the pursuit of reducing nuclear weapons and armed conflict. In 1959, London School of Economics Professor Norman Birnbaum asked Russell to join in creating a mock tribunal based on the Dewey Commission and Nuremberg trials to better publicize the violation of international law by the Soviet Union and the U.S., but the philosopher declined after learning that the evidence proposed would be biased against non-western countries. He responded to Birnbaum that a successful tribunal would need to hone in on one aggressor lest the investigators themselves divide into factions supporting

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181. Bertrand Russell to Jean-Paul Sartre, 19 April 1966 in Nicholas Griffin and Alison Roberts Miculan, eds., *The Selected Letters of Bertrand Russell: The Public Years, 1914-1970* (London: Routledge, 2001), 587-88.

182. David L. Schalk, *War and the Ivory Tower: Algeria and Vietnam* (Lincoln, NE: University of Nebraska Press, 2005), 96-107.

their allegiance to one side or another.[183] After the assassination of President John F. Kennedy in November 1963, Russell organized a Who Killed Kennedy Committee (WKKC) to peer-review the official Warren Commission report and challenge the assertion that Lee Harvey Oswald operated as the lone gunman in Dealey Plaza in Texas. WKKC participants conducted fact-finding investigations, spoke with witnesses, and peered deeper into evidence that they claimed had been ignored or hidden by those who investigated the assassination.

The formation of what would be called the IWCT or the Russell Tribunal gathered steam after Russell's 1963 article in *The New York Times* and the growth of institutionalized criticism against the Vietnam War as a barbarous and genocidal conflict. Russell's post-1945 non-nuclear weapons and peace activism inspired him to create the tribunal after he was persuaded of the inability of the international community and the U.N. to prevent global annihilation by atomic war let alone stop one of the two major superpowers from violating laws of war and human rights agreements by holding them accountable before a world government with an international criminal court. Recognizing the limitations of such a non-state court, Russell instead set out to design a people's tribunal as a bugle for peace in Vietnam, relying on a wide range of experts, fact-finding missions, and eyewitness accounts submitted by North and South Vietnamese civilians to support the global anti-war movement with evidence exposing American war crimes. Like Pugwash,

183. "I am afraid that, if a committee were formed to point out faults on both sides, it would quickly divide into two factions, each critical of only one side, and that any debate between them would only exacerbate differences." Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 105-6.

the IWCT weaponized information to mobilize an empathetic and morally driven peace movement against the war in Vietnam and more broadly against American imperialism.

The lack of a U.N.-supported international criminal court meant that crimes against humanity might go unpunished and the victims of such violence would never see justice. Russell's proposed tribunal does not have the same legal jurisdiction as an international criminal court. Instead, it would rely on spreading information to make the global public better aware of U.S. actions in Vietnam. The philosopher reasoned that the tribunal could try and convict the Johnson administration for war crimes in Vietnam with the understanding that such a conviction did not carry the more formal legal backing of an international criminal court. Instead, he hoped that its findings would support a global resistance movement to topple American empire. Russell described the U.S. as a "universal empire of evil" that could be stopped only by a coalition of "American dissenters, liberals and socialists" in defense of the Vietnamese people.[184] By collaborating with tribunal members from around the world and making bystanders aware of the victimization of the Vietnamese, he hoped that an international movement would soon confront the U.S. government and other complicit nations in mass protest.

In comparison, the IWCT was composed of non-state actors who created an international body politic to try and prevent human rights violations. By crafting a new dialogue about human rights and war crimes, the tribunal handed over to the anti-war movement a new agenda motivated by human rights. In following the tradition of the Nuremberg Trials, Russell and the IWCT changed the dialogue about the Vietnam War

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184. Russell, *War Crimes in Vietnam*, 71-74; Stanley Hoffman, "American Exceptionalism: The New Version," in *American Exceptionalism and Human Rights*, ed. Michael Ignatieff (Princeton, N.J.: Princeton University Press, 2005), 240.

and pointed toward human rights as a unifying factor to bring together disparate movements around the world.[185]

To be sure, not everyone agreed with the western-oriented human rights model that Russell and his colleagues hoped to advance. Marxist historian Isaac Deutscher warned that an emphasis on human rights and war crimes based on post-1945 international agreements might damage the tribunal's legitimacy.

> It seems to me that acting solely in our own names, without any official status, we shall do better if we dispense with the concepts and fictions of the Nuremberg Trials and of the United Nations Charter; and if we base our condemnation of the American war and the American crimes in Vietnam on frankly humanitarian, democratic, and socialist grounds, on the right of Vietnam to self-determination, on the right and duty of all oppressed peoples to fight against imperialism, and on our solidarity with the Vietnamese revolution.[186]

Its foundation would rest too heavily on legal frameworks such as the 1928 international agreement to outlaw war called the 1928 Kellogg-Briand Pact, the 1945-1946 Nuremberg Trials, the 1949 Geneva Convention, and the U.N.'s description of war crimes because they were designed by the wartime victors who represented their national self-interests. "It seems to me that we have no need to base the condemnation of the American intervention in Vietnam on legal-diplomatic acts of dubious moral-political value," he urged tribunal

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185. Russell writes: ""War crimes are the actions of powers whose arrogance leads them to believe that they are above the law. Might, they argue is right. The world needs to establish and apply certain criteria in considering inhuman actions by great powers. These should not be the criteria convenient to the victor, as at Nuremberg, but those which enable private citizens to make compelling judgments on the injustices committed by any great power." Bertrand Russell, "Introduction," in John Duffett, ed., *Against the Crime of Silence Proceedings of the Russell International War Crimes Tribunal, Stockholm, Copenhagen.* (New York: Bertrand Russell Peace Foundation, 1968), 4.

186. Isaac Deutscher to Bertrand Russell, 22 September 1966, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University.

members, "acts which have originated in definite imperialist policies or have served, very narrowly, the convenience of the victors of the second world war." He worried that "American apologists" would criticize the tribunal for using western-defined terms in defense of a communist country. Furthermore, using the U.N.'s terms and definitions might cause critics to question why the international body was not holding prosecutorial trials on their own or at least condemning the actions of the U.S. Instead, he urged that the tribunal adopt a human rights model that emphasized the needs and demands of those living in the third world.

Nevertheless, Russell persuaded 23 esteemed individuals from around the world to sign on as IWCT members loosely defined as “jurists” but better described as investigators. He took the title of Honorary President, French philosopher John-Paul Sartre became Executive President, and Yugoslav historian and human rights activist Vladimir Dedijer would preside as Chairman over a preliminary meeting and two official sessions. The additional members were self-proclaimed socialists and union activists while others were a part of the intelligentsia in fields such as law, philosophy, and history. They came from the U.S., Scotland, France, Italy, West Germany, and Austria to Poland, Pakistan, Japan, the Philippines, Mexico and Cuba. A diverse group, it included men and women of various ethnicities. Those who joined were in some way worried about the rapid uptick in human rights abuses and wished to see all war criminals brought to justice. African-Americans and Latin Americans joined because they empathized with the Vietnamese struggle against American imperialism and oppression.

THE INTERNATIONAL WAR CRIMES TRIBUNAL

The following were appointed by the preliminary session of the International War Crimes Tribunal:

BERTRAND RUSSELL	*Honorary President*
JEAN PAUL SARTRE	*Executive President*
VLADIMIR DEDIJER	*Chairman and the President of Tribunal Sessions*

MEMBERS OF TRIBUNAL

BERTRAND RUSSELL	
JEAN-PAUL SARTRE	Writer, philosopher.
WOLFGANG ABENDROTH	Doctor of Jurisprudence; Professor of Political Science at Marburg University.
GUNTHER ANDERS	Writer, philosopher.
MEHMET ALI AYBAR	Expert in international law; Member of the Turkish Parliament; President of Turkish Workers' Party.
JAMES BALDWIN	Afro-American novelist and essayist.
LELIO BASSO	International lawyer; deputy in Italian Parliament and member of Commission of Foreign Affairs; Professor of Sociology at Rome University.
SIMONE DE BEAUVOIR	Writer, philosopher.
LAZARO CARDENAS	Former President of Mexico.
STOKELY CARMICHAEL	Chairman, Student Non-Violent Coordinating Committee.
LAWRENCE DALY	General Secretary, Scottish National Union of Mineworkers.
VLADIMIR DEDIJER	M.A.(Oxon.). Doctor of Jurisprudence; Historian and writer of books about the laws of war.
DAVE DELLINGER	American pacifist and editor of *Liberation*; Chairman, Fifth Avenue Parade Committee.
ISAAC DEUTSCHER	Historian.
HAIKA GROSSMAN	Jurist, liberation fighter.
AMADO HERNANDEZ	Poet Laureate of the Philippines; Chairman of the Democratic Labour Party; Director of the Philippines Newspapermen's Organisation; Acting President of the National Organisation of Filipino writers.
MELBA HERNANDEZ	Chairman, Cuban Committee for Solidarity with Vietnam.
MAHMUD ALI KASURI	Senior Advocate Supreme Court of Pakistan.
KINJU MORIKAWA	Attorney at Law; Vice-Chairman of Japanese Civil Liberties Union; Secretary-General Japanese Committee for the investigation of U.S. war crimes in Vietnam.
KARL OGLESBY	Playwright, student leader.
SHOICHI SAKATA	Professor of Physics.
LAURENT SCHWARTZ	Professor of Mathematics, Paris University.
PETER WEISS	Playwright.

Figure 12 List of IWCT members from a 1967 pamphlet titled "Verdict of the Stockholm Session."

Tribunal members first assembled for a preliminary 16 November 1966 meeting in London where they set parameters for the first official meeting in May 1967 and the second in October.[187] They chose London as the preliminary meeting site, although the location would soon come into question when Wilson's government denied visas to tribunal members. In the meantime, they adopted five questions to guide their investigation:

1. Has the U.S. and its co-belligerents (Australia, New Zealand and South Korea) committed aggression according to international law?
2. Has the U.S. bombarded targets of a purely civilian character?
3. Has the U.S. made use of or experimented with new and/or weapons prohibited by the Laws of War?

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187. DeWeerd, "Lord Russell's War Crimes Tribunal," 11; "Lord Russell organise un 'tribunal' pour les 'crimes de guerre' au Vietnam," *Le Monde,* 4 August 1966.

> 4. Have prisoners of war captured the armed forces of the U.S. been subjected to treatment prohibited by the Laws of War?
> 5. Have the armed forces of the U.S. subjected the civilian population to inhuman treatment prohibited by the Laws of War?
> 6. Do the combination of crimes imputed to the Government of the United States in its war in Vietnam constitute the crime of Genocide?[188]

Like the BRPF, the tribunal as an INGO designed to provide activists, movements, and organizations around the world with information about war crimes in Vietnam. "We are preparing committees, meetings, bulletins, and conferences of solidarity both in Britain and in the other countries of Western Europe," Russell wrote to DRV Prime Minister Pham Van Dong in 1966.[189] Russell believed that a successful tribunal could carry knowledge about the war to a mass audience which could accept or reject the evidence. If accepted, this knowledge could then be shared by individuals in local communities around the world and unite disparate activists to oppose the U.S. and its allies.

The tribunal's legitimacy thus rested not on international law, but on public acceptance of its findings and verdict. Even so, Sartre hoped that the tribunal would rely on a certain "juridical dimension" to move beyond the simple act of moral protest and instead use the IWCT's supposed empirical evidence to criminalize the American conduct of war.[190] The tribunal's sessions would convey a sense of urgency to end the war so that further human rights violations against innocent civilians would not occur. And when asked

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188. Duffett, ed., *Against the Crime of Silence,* 48, 313.

189. Bertrand Russell to Pham Van Dong, 25 January 1966, Box 10.05, 375 IWCT: Working Correspondence with Vietnamese, BRAII, McMaster University.

190. Jean-Paul Sartre, "Sartre à de Gaulle," *Le Nouvel Observateur*, April 26, 1967; Bethany S. Keenan, "Vietnam Is Fighting for Us: French Identities and the U.S. - Vietnam War, 1965-1973" (Ph.D. Dissertation, The University of North Carolina at Chapel Hill, 2009), 200-202.

by *Guardian* journalist Richard Gott in early 1966 whether or not he thought the IWCT would succeed, Russell responded, "We are doing it in the face of universal hostility….it has to be organized and the U.S. has to be tried for genocide. There is no other way."[191]

2.7 Conclusion

The escalation of the U.S. bombing of North Vietnam in March 1965 led Russell and his colleagues to denounce the Johnson administration's use of air power for the indiscriminate destruction of villages and infrastructure. "It requires not only fiendish ingenuity but a vast industry to create and refine instruments of war to maim and terrify people, napalm which sticks more firmly to the human skin or canisters of steel pellets which enter and circulate in the bodies of their victims," Russell later reflected in the IWCT's report.[192] The U.S. harnessed the power of its technological predominance, relied upon its highly-trained armed forces, and forcefully relocated South Vietnamese civilians to prevent the expansion of communism in the Third World. "These crimes are on our conscience, and, for my part, I will not rest until those responsible for them are removed from public life," he stated in October 1965, as he worked tirelessly behind the scenes to create the BRPF and the IWCT.[193]

The growth of U.S. protests against the draft in 1966 as well as those that appeared in Europe signified a turn in the global peace movement as the Vietnam War sparked a

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191. Ali, *Street fighting Years,* 133-5.

192. Russell, "Introduction," in Duffett, ed., *Against the Crimes of Silence*, 3.

193. Bertrand Russell quoted in Feinberg and Kasrils, eds., *Bertrand Russell's America*, 262.

dialogue about the war's morality and legality, and more idealistically the soul of America. Rallies, marches, and teach-ins began spreading across the US throughout 1965 and the BRPF hoped to support each with pamphlets and flyers listing American atrocities committed against the Vietnamese people shortly after its founding. SDS organized the first Teach-In at the University of Michigan in March which then spread to colleges across the nation. Jerry Rubin and the Vietnam Day Committee (VDC) garnered support from over 35,000 people in California who showed up to march against the war. Each with its own unique perspective ranging from issues regarding human rights to disagreements with the draft, participation in these movements grew larger by the event, allowing SDS to organize the then largest march on Washington titled March Against the Vietnam War in April. In Europe, groups formed in response to American anti-communism, rallied behind the Socialist International, received support from various Communist parties, protested against European leaders in alliance with the U.S., and castigated U.S. imperial-capitalist system.[194]

Russell's decades-long commitment to creating a more peaceful world through the abolition of nuclear weapons and, subsequently, the defense of human rights in Vietnam against U.S. imperialist aggression allowed him to channel his past activities into the contemporary anti-war movement that he saw taking place across the U.S. and around the world. The failure of the international community to protect world peace and limit nuclear weapons after World War II justified the creation of new INGOs organized around experts and knowledge-production to better inform activists around the world who could hold their

194. For a very thorough, albeit short, history of American and European protest movements during the Vietnam War, see Serge Ricard, "Europe and the Vietnam War: A Thirty-Year Perspective," *Diplomatic History* 29, no. 5 (2005): 879–83.

leaders accountable to international law and human rights norms. The founding of the BRPF and the IWCT to defend human rights, protect peace, and publicize American war crimes by mobilizing public opinion served as an extension of the ideas that he first learned in the 1950s. By the start of the Vietnam War with reports that America committed war crimes against civilians using napalm and fragmentation bombs, Russell, Schoenman, and others sought to use transnational information networks and interconnected global protests groups to reawaken the world's conscience and convince the masses to resist American imperialism.

CHAPTER 3. "DISCREDIT IT": THE LYNDON JOHNSON ADMINISTRATION'S COVERT MISSION TO UNDERMINE THE INTERNATIONAL WAR CRIMES TRIBUNAL, 1966-1967

The IWCT aimed to support the global anti-war movement by providing information about U.S. war crimes and genocide. Its extravagant and often exaggerated claims in turn alarmed the United States government, which then targeted public opinion in covert ways to undermine the tribunal's legitimacy. This chapter analyzes the methods that the Johnson administration used in an effort to undermine the IWCT. At times, it employed declassified reports that are still highly classified to the point of conveying only the administration's intention without divulging its tactics. Undersecretary of State George Ball sought to manipulate the U.S. press to delegitimize the tribunal and portray it as a propaganda organ orchestrated by Hanoi. The administration utilized diplomatic backchannels and its ambassadors to wage a behind-the-scenes campaign to sway foreign officials. It also convinced leaders in Great Britain, France, and other countries to discredit the tribunal when possible. At times, the State Department even restricted the tribunal's movement by revoking or cancelling US passports belonging to those who worked for it. The Johnson administration saw the tribunal as a major public relations threat and sought covertly to delegitimize it.

3.1 The Logan Act

In August 1966, Secretary of Defense Robert McNamara and Secretary of State Dean Rusk instructed Undersecretary of State George Ball to spearhead an interagency task force with representatives from State, Defense, the United States Information Agency (USIA), the CIA, and the U.S. armed forces to construct a covert operation to sabotage the

IWCT and even prevent it from occurring. A Rusk memo to the president confirmed the creation of this group and described its goals:

> An interagency (State, USIA, CIA, Defense) group headed by George Ball is looking into what we can do to reduce the impact of Bertrand Russell's announced mock 'war crimes trial.' We are quietly exploring with the British and French available legal steps that could be taken to forestall this spectacle. We also plan to stimulate press articles criticizing the 'trials' and detailing the unsavory and left-wing backgrounds of the organizers and judges.[195]

With McNamara's aide Adam Yarmolinsky serving as his representative, Special Assistant Frank Sieverts from State, CIA Assistant Deputy Director of Plans Cord Myer, and USIA Director Leonard Marks, Ball operated this task force to prevent the tribunal from undermining the war effort.[196]

The administration had grown more apprehensive about the tribunal throughout 1966, and these anxieties made their way into the memoes that reached Johnson's desk every evening. The president worried that the tribunal could become a propaganda organ for the communists or even undermine U.S. aims in Vietnam. But he remained quiet lest his concern lend legitimacy to the IWCT's initiatives. The committee's decision to publicly ignore the tribunal belied serious concerns that became apparent in LBJ's conversations

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195. Memo, Dean Rusk to Lyndon Johnson, 29 August 1966, "Items for Evening Reading," Personal Papers of William C. Gibbons, Box 20, Lyndon B. Johnson presidential Library (LBJ Library).

196. Memo, George Ball to Robert McNamara, 3 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; Memo, George Ball to Robert McNamara, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; Memo, George Ball to Adam Yarmolinski, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; George Ball and Richard Helms, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; George W. Ball, *The Past Has Another Pattern* (New York: Norton, 1982), ix.

about the war.[197] During a phone call with U.S. Ambassador to the United Nations Arthur Goldberg on 26 August, he ranted about one group of his critics demanding a bombing pause to promote peace while the other urged him to employ the full might of American military power to achieve victory in Vietnam. "I think I'm going to be tried not by Bertrand Russell," he said, "but by Mrs. Goldberg for killing her boy without giving him the weapons to protect himself."[198] This remark unmasked internal tensions in a president who recognized the impact that bombing raids had on civilians but also felt obliged to protect the lives of American soldiers. In either case, a guilty conscience might have let Goldberg know that Johnson indeed thought about the tribunal.

Ball continued to insist that the interagency group refrain from answering questions about the tribunal, and he advised the president to toss off any question put before him. The absence of public statements even acknowledging the existence of the tribunal suggests that most officials followed Ball's prescriptions and dismissed journalist's questions as unworthy of serious consideration. Every so often, however, reporters received a terse and sometimes short-tempered response that conveyed apprehension. When pressed by a *New York Times* journalist during the first tribunal session in May 1967, for example, Rusk tartly responded that the administration had no intention of "playing games with a ninety-four year old Englishman."[199] The Department of Defense, too,

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197. Memo, Leonard Marks to Bill Moyers, 25 August 1966, Confidential File (CF), White House Central Files (WHCF) Box 150, LBJ Library.

198. "Editorial Note," *Foreign Relations of the United States (FRUS)*, 1964-1968, Volume IV, Vietnam, 1966, eds. David C. Humphrey and David S. Paterson (Washington: Government Printing Office, 1998), Document 356.

199. Some sources say "Briton," others say "Englishman," and still others say, "senile old man." John Duffett, ed., *Against the Crime of Silence Proceedings of the Russell International War Crimes Tribunal, Stockholm, Copenhagen.* (New York: Bertrand

brushed aside the tribunals war crimes accusations as mere "rumors" before moving onto other questions.[200] The USIA enforced a strict policy of "no official cognizance" and simply refused to answer questions related to the IWCT.

Ball and Rusk also suggested researching "legal remedies" to use against the tribunal. Lawyer Richard Kearney returned meager results with grand reservations when considering a proposal that the president overtly censor the free speech of his opponents. "There are many in the United States who would be disturbed at the thought of a high United States Government official seeking to mute foreign criticisms of his official conduct," he explained to Rusk. How else could such an attack on free speech benefit a president whose approval ratings were already in decline?[201] Such legal action aimed at foreign citizens, he continued, would harm America's image amidst the widening war in Vietnam.[202]

Russell Peace Foundation, 1968), 25-26; Malcolm Southan, "Russell tribunal invites US," *The Times (London)*, 4 May 1967; Gregory Mcdonald, *Souvenirs of a Blown World: Sketches from the Sixties, Writings About America, 1966-1973.* (New York: Seven Stories Press, 2010), 75; Mary Hershberger, *Traveling to Vietnam: American Peace Activists and the War* (Syracuse, NY: Syracuse University Press, 1998), 92.

200. Seymour M. Hersh, *Reporter: A Memoir* (New York: Alfred A. Knopf, 2018), 102.

201. "President Approval Ratings -- Gallup Historical Statistics and Trends," Gallup, accessed 18 May 2020, https://news.gallup.com/poll/116677/presidential-approval-ratings-gallup-historical-statistics-trends.aspx; William L. Lunch and Peter W. Sperlich, "American Public Opinion and the War in Vietnam," *The Western Political Quarterly* 32, no. 1 (1979): 21-44; Harish C Mehta, *People's Diplomacy of Vietnam: Soft Power in the Resistance War, 1965-1972* (New Castle, United Kingdom: Cambridge Scholars Publishers, 2019), 181-3; Luke J. Stewart, "Too Loud to Rise above the Silence: The United States vs. the International War Crimes Tribunal, 1966–1967," *The Sixties* 11, no. 1 (2018): 6.

202. Memo, Richard D. Kearney to Dean Rusk, 15 July 1966, "Legal Remedies available against Persons conducting a Mock 'Trial' of United States Officials for 'War Crimes in

When Kearney and his colleagues dismissed the likelihood of a successful legal campaign against the tribunal, Ball pressured him to devise another strategy. Time and again, the State Department's legal team returned to the rarely enforced, two-century old Logan Act as a possible legal means to bar meddling American citizens from intervening in foreign affairs by dealing with foreign heads of state. That legislation specifically made it illegal for private citizens to intervene in U.S. disputes with a foreign country without the president's direct authorization. This might permit charging American tribunal members with a crime and destabilizing the IWCT by jailing members of its jury. This law had been invoked only twice—in 1802 and again in 1852—but it had never resulted in a conviction. Former Secretary of State Dean Acheson remarked during the early Cold War that it existed more in a "theoretical" sense than a realistic one.[203]

The Logan Act had limited applicability in that it blatantly trampled upon the First Amendment by criminalizing free speech and restraining the movement of ideas. Kearney and his team knew that to use it against American tribunal members—or domestic activists—would require changing the language to make it illegal for U.S. citizens to correspond with enemies during war time. The team reluctantly proposed an amendment that would allow U.S. lawyers to prosecute American citizens.

> Any citizen of the United States who, without authority of the United States, directly or indirectly engages in any correspondence or intercourse with any foreign government or any officer or agent thereof, or with any foreign national with the intent to influence any foreign government or officer or agent thereof, shall if the

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Viet Nam - Information Memorandum," Personal Papers of William C. Gibbons, Box 19, LBJ Library.

203. Michael V. Seitzinger, *Conducting Foreign Relations Without Authority: The Logan Act* (Washington, D.C.: DIANE Publishing Company, 2011), 2; Daniel B. Rice, "Nonenforcement by Accretion: The Logan Act and the Take Care Clause," *Harvard Journal on Legislation* 443 (2017): 443–523, 467.

> purport of design of the correspondence or intercourse is to obstruct the carrying out of the laws of the United States or the effectuation of the declared public policies of the United States, be fined not more than $5,000 or imprisoned not more than three years, or both.[204]

They admitted that such changes would be rejected by a Democratically controlled Congress whose members had already protested Johnson's expansion of executive authority since the 1964 Gulf of Tonkin Resolution.[205] Those seeking reelection were unlikely to pass such legislation at a time when activists were vocally opposing the Vietnam War.[206] These proposed adjustments to the Logan Act thus came dead-on-arrival and put Rusk and Ball at a legal dead-end. Those who dredged up the Logan Act never seriously considered using it against American members of the tribunal.

3.2 The Interagency Group Ignites a Media Firestorm

LBJ created an environment that relied upon subterfuge and indirect action rather than direct confrontation to limit "public ire" as historian George C. Herring writes.[207] Just

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204. Memo, Leonard C. Meeker to George W. Ball, 18 October 1965, "American Student Activities Directed Against United States Policy on Vietnam," Country File: Vietnam, National Security File (NSF), Box 97, LBJ Library.

205. Julian E. Zelizer, "How Congress Helped End the Vietnam War," *Prospect*, 6 February 2007, accessed 15 April 2020, https://prospect.org/article/congress-helped-end-vietnam-war/.

206. Tom Rosentiel, "Youth and War: From Vietnam to Iraq, Generations Disagree About the Use of Military Force," Pew Research Center, 21 February 2006, accessed 15 April 2020, https://www.pewresearch.org/2006/02/21/youth-and-war/.

207. George Herring writes that Johnson preferred "indirection to confrontation, deviousness to candor, stealth and subterfuge to implement his policies." George C. Herring, *LBJ and Vietnam: A Different Kind of War* (Austin, TX: University of Texas Press, 1996), 126.

as he ordered officials to "minimize political dangers by minimizing public awareness and debate," as historian Brian VanDeMark writes, so too Ball's task force tried to influence public opinion by indirectly shaping how major American newspapers and magazines covered the tribunal.[208] It is impossible to prove that members of Johnson's task force influenced every negative article published about the tribunal between 1966 and 1967 in part because they were very careful not to acknowledge the IWCT's existence. It is clear, however, that the interagency group worked tirelessly to paint it as a kangaroo court composed of leftwing radicals. Even as they tried to avoid talking publicly about it, those close to Johnson would inform him when their mission to sabotage the tribunal had succeeded.

Marks had fine-tuned his political skills while at the Federal Communications Commission in the 1940s before starting a practice in communications law in 1946. He ran the interagency campaign to discredit the IWCT. His firm had once represented Lady Bird Johnson's KTBC radio and television stations in Texas, and he had helped the president to avoid potential conflicts-of-interest during his many campaigns for public office.[209] Along with Harold Kaplan, the Assistant Secretary of State for Public Affairs, Marks set out to influence public opinion against the tribunal without leaving a trail back to the administration. In August 1966 they spoke with the South Vietnamese Ambassador to the United States, Vu Van Thai, about the public relations operation and how best to proceed.

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208. Brian VanDeMark, *Road to Disaster: A New History of America's Descent into Vietnam* (New York: Custom House, 2018), 54.

209. Robert Dallek, *Lone Star Rising: Lyndon Johnson and His Times, 1908-1960* (New York: Oxford University Press, 1991), 410; Robert A Caro, *Means of Ascent: The Years of Lyndon Johnson* (New York: Alfred A. Knopf, 1990), 88, 98, 104; Adam Bernstein, "Leonard Marks," *The Washington Post*, 15 August 2006.

Vu concurred that acknowledging the tribunal would "only play into the enemy's hands."[210] Marks agreed that acknowledging the IWCT's existence would only provide Russell with "free publicity."[211] Instead, he would work closely with journalists and writers friendly to the administration to facilitate the publication of articles in mainstream newspapers critical of the IWCT and to portray its members as a communist front.

"There is a fine line between influencing and manipulating public opinion," historian Andrew Johns writes about the art of selling war, and "presidential efforts to achieve the former result in the undemocratic tendencies of the latter."[212] Journalists and Russell opponents willing to collaborate with the administration were leaked documents and given off-the-record briefings about the tribunal in exchange for the publication of articles disparaging it and weakening its legitimacy.[213] Ball tasked Seivert and the CIA to compile dossiers on tribunal members and anyone associated with the Bertrand Russell Peace Foundation (BRPF), the organization through which the IWCT had come into existence.[214] The interagency group then supplied friendly journalists with these files to

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210. Memo, Harold Kaplan, 18 August 1966, "Proposed Agenda Item for Monday, August 22," Papers of William C. Gibbons, Box 20, LBJ Library; Letter, Leonard H. Marks to George Ball, 19 August 1966, Confidential File, Box 74, LBJ Library.

211. Letter, Leonard H. Marks to George Ball, 19 August 1966, Confidential File, Country File: Vietnam, WHCF, Box 74, LBJ Library.

212. Andrew L. Johns, "Hail to the Salesman in Chief: Domestic Politics, Foreign Policy, and the Presidency," in *Selling War in a Media Age: The Presidency and Public Opinion in the American Century*, ed. Kenneth Osgood and Andrew K. Frank (Gainesville, FL: University Press of Florida, 2010), 11.

213. Memo, Leonard H. Marks to George Ball, 19 August 1966, Country File: Vietnam, WHCF, Box 20, LBJ Library.

214. Memo, Frank A. Sieverts to Dean Rusk, 25 August 1966, Papers of William C. Gibbons, Box 20, LBJ Library.

"stimulate press articles criticizing the 'trials' and detail the leftwing background of the organizers and judges."[215]

A media blitz began in late 1966 about the time of the tribunal's preliminary meetings and press conferences. Newspaper editors who assigned special correspondents to cover the tribunal starting in mid-November framed it as an organization serving as a front for left-leaning and anti-American ideas. Reporters who attended a London press conference on November 16 left as critics. "If the curtain-raiser in London yesterday to Bertrand Russell's International War Crimes Tribunal was anything to judge by," wrote a staff reporter for *The New York Times*, "its 'trial' of the United States for alleged war crimes in Vietnam is a failure before it starts." Writers noted that more than half of the tribunal's members were absent from the initial conference and that Russell himself had arrived a half-hour late. Journalists could be overheard calling the IWCT a "farce" and a "one-ring circus" as the event closed.[216]

Between this "lame start," as one attendee called it, and the tribunal's first session in May 1967, the American press helped the Johnson administration's effort to undermine its legitimacy and Russell's reputation.[217] At times, this came at the direction of a member

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215. Memo, Dean Rusk to Lyndon Johnson, 29 August 1966, "Items for Evening Reading," Papers of William C. Gibbons, Box 20, LBJ Library; Memo, Nicholas D. Katzenbach to Lyndon Johnson, 17 February 1967, Country File: Vietnam, NSF, Box 191, LBJ Library; Memo, Walt W. Rostow to Lyndon Johnson, 18 February 1967, CF: Vietnam, NSF, Box 191, LBJ Library; William C. Gibbons, *The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part IV: July 1965 to January* 1968 (Princeton University Press, 1995), 434; Mehta, *People's Diplomacy of Vietnam*, 187-8, 190.

216. Staff Reporter, "Lame Start for Russell War Crime Tribunal," *The Times (London)*, 17 November 1966, 12.

217. Staff Reporter, "Lame Start for Russell," 12.

of Ball's interagency group; at other times, journalists wrote unfavorable pieces out of conviction. Either way, it seems as if American newspaper editors agreed to keep the tribunal off the front pages and restricted it to the back with minimal coverage in an attempt to inform readers without inspiring inquiry into the IWCT's findings. Lengthier articles that did appear highlighted the solidarity of leftist intellectuals who entered the chambers prepared to hand down a guilty verdict without having seen the evidence.[218] *Time* magazine, for example, informed its readers about IWCT President Jean-Paul Sartre's supposed predilection for communism and portrayed him as no more than a Soviet crony using the tribunal against the United States.[219] This would happen with various members of the tribunal time and again.

Featured stories that received more space were written by recognizable voices like Sidney Hook, Bernard Levin, and C.L. Sulzburger who seemed to have personal vendettas against Russell. New York University Professor of Philosophy Hook had been one of Russell's greatest foes in debates over disarmament, intellectual freedom, and occasionally the Vietnam War.[220] Hook's strident anti-Communist stance fueled his support of

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218. Stephen J. Spingarn, "Bertrand Russell's 'War Crimes Trial' Plan is Strongly Assailed," *Los Angeles Times*, 26 August 1966; Wilfrid Fleisher, "U.S. Cautions Sweden On 'War Crimes Trial'," *The Washington Post*, 27 April 1967; Robert C. Toth, "Russell Hits Criticism of War Crimes Tribunal," *Los Angeles Times*, 17 November 1966; H. McSwane, "Judicial Fallacy in Russell Tribunal," *The New York Times*, 15 October 1966; "Increased U.S. Crimes in North Vietnam," 1967, Folder 13, Box 08, Douglas Pike Collection: Unit 02 - Military Operations, The Vietnam Center and Sam Johnson Vietnam Archive (VCSJ), Texas Tech University.

219. William J. Bosch, *Judgment on Nuremberg: American Attitudes toward the Major German War-Crime Trials* (Chapel Hill, N.C.: The University of North Carolina Press, 1970), 192; "Sartre's Seance," *Time*, 12 May 1967, 30.

220. Sidney Hook, *Out of Step: An Unquiet Life in the 20th Century* (New York: Harper & Row, 1987), 357, 366-8, 380.

America's intervention in Vietnam and his attacks on the New Left's anti-war activism.[221] Although he later admitted that he was "unfamiliar" with Southeast Asia and had "grave doubts about the wisdom of American intervention," he argued that U.S. withdrawal would result in a North Vietnamese victory and a bloodbath against innocent civilians. His personal feuds with Russell and, at times, Sartre, molded his opinion of the tribunal even before the evidence had been presented.[222] He argued that Russell's "trial" supported Hanoi's accusations of American war crimes and believed that continued communist infiltration into the South by North Vietnam would result in the death of even more innocent people. Russell held deep "anti-American prejudices," Hook wrote. He was "almost pathologically anti-American" and his views about Vietnam were comparable to "Lord Haw Haw," wrote William Brooke Joyce, a fascist journalist sympathetic to Nazi Germany during World War II.[223] "When great men err," Hook told *Look* magazine in 1967, "they err greatly."[224]

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221. Richard Bernstein, "Sidney Hook, Political Philosopher, Is Dead at 86," *The New York Times*, 14 July 1989, 15; Hook, *Out of Step*, 175.

222. Matthew J. Cotter, "Place and Profession in the Intellectual History of the City: Sidney Hook and NYU," The Gotham Center for New York City History, 29 December 2015, accessed 9 April 2020, https://www.gothamcenter.org/blog/place-and-profession-in-the-intellectual-history-of-the-city-sidney-hook-and-nyu.

223. Hook, *Out of Step*, 361 584; Sidney Hook, "Lord Russell's War Crimes 'Trial'," *The New Leader*, 24 October 1966, 6-11.

224. Flora Lewis, "The Tragedy of Bertrand Russell," *Look*, 4 April 1967, 36.

Figure 13 A 7 May 1967 political cartoon in the *Times Herald* (Port Huron, Michigan).

There was no harsher critic of the tribunal than the internationally renowned British journalist Bernard Levin who during the 1960s had his own column in the *Daily Mail*. His global fame preceded his satirical and often irreverent political commentary that spanned both print and television. Levin's outspoken but respected voice made him a household name in the Western world.[225] For this reason, his hostile op-eds in early 1967 against the tribunal —and Russell personally—placed peace leaders in a defensive position against the press in general.

In early 1967, Ball's task force approached the nation's largest newspaper, *The New York Times*, to publish a "long, highly critical piece" criticizing the philosopher's work. The papers editors assigned Levin the task after he expressed his support for the Vietnam War. In return, the administration offered to "provide background material."[226] Levin used

225. Quentin Crewe, "Obituary: Bernard Levin," *The Guardian*, 9 August 2004.

226. Memo, Nicholas D. Katzenbach to Lyndon Johnson, 17 February 1967, CF: Vietnam, NSF, Box 191, LBJ Library; William C. Gibbons, *The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part IV: July 1965 to January 1968* (Princeton, N.J.: Princeton University Press, 1995), 434.

the information to rage against Russell and label the IWCT a farce being run by pro-Communist and anti-American sympathizers. Russell, he wrote, "has fallen into a state of such gullibility, lack of discrimination, twisted logic and rancorous hatred of the United States that he has turned into a full-time purveyor of political garbage indistinguishable from the routine products of the Soviet machine."[227] Levin also criticized the IWCT's preliminary meeting as a "pathetic ceremony" before demeaning Russell with insults depicting him as the "holiest relic the international left possesses." By attacking Russell's obsession with war crimes as "insane paranoia," Levin may have obscured for audiences the human rights violations that would later be confirmed by journalistic exposés, congressional investigations, and declassified documents.[228]

Tribunal supporters, antiwar activists, and Russell's friends responded to Levin's piece in a flurry of letter-to-the-editor responses. Letters called out his feckless journalism, questioned his integrity, and demanded improved war coverage.[229] "I wish that Bernard Levin would go to Vietnam and die for it," wrote the satirical novelist Joseph Heller, "and that American soldiers who deplore it were brought back home while they are alive and unmaimed." The Chair of the Department of Philosophy at the College of the City of New

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227. Bernard Levin, "Bertrand Russell: Prosecutor, Judge and Jury," *The New York Times Magazine*, February 19, 1967, 57; Barry Feinberg and Ronald Kasrils, eds., *Bertrand Russell's America: Volume II, 1945-1970*, vol. 2 (Boston: South End Press, 1983), 282-3.

228. Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (New York: Picador, 2013), 2-6, 240; "Congressional Record, U.S. House of Representatives - War Crimes: The Bitter Facts - Re: Resolution Proposing Full-Scale Congressional Inquiry of American War Crimes," 10 March 1971, Folder 06, Box 38, Douglas Pike Collection: Unit 03 - War Atrocities, VCSJ, Texas Tech University; "Congressional Record, U.S. House of Representatives - War Crimes in Vietnam," 29 March 1971, Folder 06, Box 38, Douglas Pike Collection: Unit 03 - War Atrocities, VCSJ, Texas Tech University.

229. Levin, "Bertrand Russell," 57.

York, H.W. Thayer, labeled Levin's calling the tribunal's efforts an absurdity as "journalism in its most vulgar tradition." Seventeen faculty members from Western Reserve University signed one op-ed in March praising the IWCT for bringing both U.S. and N.L.F. war crimes into global consciousness. They appealed to students for action based on Russell's suggestion that a widespread social movement could stop the war. "There is indeed a saving difference in our favor," they wrote, "here at home we are still free to protest." Professor Philip Green, a columnist for *The Nation* and *The New York Times* and anti-nuclear proliferation advocate, pronounced Levin's article an "intellectual and moral disaster." Abraham Bassford IV, Co-Chairman of the Student Peace Union in New York, applauded the tribunal for resisting the "juggernauts of imperial ambitions in the name of mercy and justice." He set aside his personal disagreements with Russell to help defeat U.S. imperialism and prevent human rights violations in Vietnam.[230]

Despite such support, Russell felt personally vilified at the expense of the tribunal and the evidence that he had hoped to share with the world.[231] He worried that the negative publicity focused too much on his politics and would undermine the tribunal's ability to inspire Americans to resist U.S. imperialism. His book manuscript *War Crimes in Vietnam* failed to attract a major publisher in the U.S. where he had hoped to reveal the "unvarnished truth about the war in Vietnam." When the book finally appeared in the US as an imprint of the *Monthly Review*, an independent socialist magazine, it had a much smaller and more select audience than he had desired. "This method of diminishing my effectiveness alarms

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230. "Letters - In Defense of Bertrand Russell," *The New York Times Magazine*, 12 March 1967.

231. Feinberg and Kasrils, eds., *Bertrand Russell's America*, 282-3.

and angers my friends and affronts me," he later reflected in his autobiography, "but from the point of those who differ with me, I dare say it is their only retort." In other words, Russell believed that while he might be attacked for his "babblings," critics would struggle to provide a counterpoint to the existence of such crimes against humanity.[232] Russell and his tribunal existed on two separate planes that may have intersected but operated independently as critics diverted attention away from the trial's evidence.[233]

Leading up to and during the tribunal's first session in May 1967, the pages of *The New York Times*, the *Los Angeles Times*, the *Washington Post*, and *Time*, reiterated that the tribunal constituted a faux court guided only by its members' pro-Communist worldview. Many Americans viewed the conflicts in Korea and Vietnam as essential Cold War battles where the U.S. intervened against a corrupt and godless Communism.[234] Thus any attempt to undermine America's global mission to contain communism should be rejected by all who believed in the American way of life. As Russell saw it, the public would have to think beyond the Cold War framework to understand how proxy wars affected innocent civilians in Third World countries.[235] The tribunal faced an uphill battle against the country's largest

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232. Bertrand Russell, *The Autobiography of Bertrand Russell*, vol. 3 (London: George Allen & Unwin Ltd., 1967), 163, 168, 234, 240.

233. Arthur W. Blaser, "How to Advance Human Rights without Really Trying: An Analysis of Nongovernmental Tribunals," *Human Rights Quarterly* 14, no. 3 (1992): 353.

234. Bosch, *Judgment on Nuremberg*, 192; "Sartre's Seance," 30.

235. Bertrand Russell, *War Crimes in Vietnam*, 2nd ed. (London: George Allen & Unwin Ltd., 2009), 30-32, 35, 47-51, 55; Bertrand Russell, "Towards a New Morality, *London Bulletin* 1 (1967): 2-3.

newspapers whose patriotism labeled the IWCT "un-American" and "pro-Communist" and questioned the validity of war crimes supposedly committed by U.S. forces in Vietnam.[236]

Time, Commonweal, and other newspapers and magazines depicted the IWCT as a disorganized "kangaroo court" that endangered U.S. soldiers and undermined America's global influence.[237] The American media played to the supposed erudition of its readers by arguing that their subscribers desired articles that kept them well-informed by facts and not by the opinions of leftwing activists running imaginary courtrooms. They called the tribunal a "circus" full of "childishness" in pursuit of unfounded accusations by amateur sleuths who avoided "thinking seriously about Viet Nam." In this way, *Time* painted the jurists as "cynical and ridiculous."[238]

Anti-tribunal rhetoric guided the writing of journalists who deemed the IWCT an "anti-American propaganda ploy" while doing little to publicize its findings. *New York Times* foreign correspondent, C.L. Sulzberger, wrote that the tribunal appeared "propagandistic, not judicial," while Eric Sevareid of the CBS Evening News looked into his own camera after sitting through the opening day remarks at the preliminary meeting and commented that neither "President Johnson or Secretaries Rusk and McNamara will

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236. "A Half-Century's Polling on the USSR and Communism," *The Public Perspective* 3, no. 1 (1991): 25-34.

237. Henry Tanner, "Russell Trial; Flogging a Dead Horse," *The New York Times*, 14 May 1967, E3.

238. Bosch, *Judgment on Nuremberg*, 191-193; "Trial's End," *Time*, 19 May 1967, 37; "The Dissent Ahead," *Commonweal* 86 (16 May 1967), 252.

be losing any sleep over their so-called trial for war crimes."[239] Most journalists portrayed the tribunal members as "dupes of Hanoi" and claimed that their travels to Vietnam had likely been financed by the North Vietnamese.[240] At times, Western newspapers and magazines merely republished reports printed by Reuters instead of placing someone on the payroll to sit in a room listening to anti-American propaganda.

Flora Lewis of *Life* magazine interviewed Russell's admirers and enemies in late 1966 to learn how a world-renowned mathematical philosopher had become suffused with anti-Americanism and why such a "bombast of virulence and hatred is pouring forth in his name." The piece focused on his personal secretary and "roving ambassador," American Ralph Schoenman, who had become his proxy since the academic rarely left his home in North Wales. Levin had laid the groundwork to persuade Americans that Schoenman held a "deeply neurotic hatred of his native land" and had placed an anti-American hypnotic trance on Russell.[241] Lewis agreed that Schoenman managed the IWCT and that Russell's

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239. Memo, Leonard Marks to Walt Rostow, "CBS Evening News Transcript, 2 May 1967," 5 May 1967, Country File: Vietnam, NSF, Box 191, LBJ Library; C.L. Sulzberger, "Corpse on Horseback," *The New York Times*, 12 May 1967, 46.

240. "The Press and the International War Crimes Tribunal," August 1967, Box 10.4, 373 IWCT: Investigation Teams and Witnesses, Bertrand Russell Archives II (BRAII), McMaster University; Bertrand Russell to J.B. Neilands, 7 September 1967, Box 10.4, 373 IWCT: Investigation Teams and Witnesses, BRAII, McMaster University; J.B. Neilands to Bertrand Russell, 15 September 1967, Box 10.4, 373 IWCT: Investigation Teams and Witnesses, BRAII, McMaster University; Arthur Jay Klinghoffer and Judith Apter Klinghoffer, *International Citizens' Tribunals: Mobilizing Public Opinion to Advance Human Rights* (New York: Palgrave Macmillan, 2005), 132; Tariq Ali, *Street Fighting Years: An Autobiography of the Sixties* (New York: Verso, 2018), 124-125; Mehta, *People's Diplomacy of Vietnam*, 191.

241. Levin, "Bertrand Russell," 57.

name served only to attract participants to this "Alice-in-wonderland version of legalism."[242]

"Russell attracts, Schoenman acts," Lewis wrote succinctly about the men who began working together in the late 1950s after Schoenman graduated from Princeton and began studying at the London School of Economics where he participated in Russell's Campaign for Nuclear Disarmament. It was his views, however, that she highlighted to explain the bastardization of Russell's legacy. His sympathy for the assassin Lee Harvey Oswald, demands to bomb American industry, and zealous antagonism toward American imperialism in general bent his adulation for Russell toward fanaticism. The younger's praise of the elder, she wrote, brought the two even closer when Russell came to believe that his activism could shape human history. The mentorship had merged into one that bordered on adult adoption, according to the *Life* story, where Schoenman managed the BRPF and heavily restricted access to Russell. Schoenman was not present when she finally spoke with Russell at his house upon publication of *War Crimes in Vietnam*. He later chastised her in his BRPF office, saying "You write articles that are toilet paper in two weeks. We have ways to deal with you. You are disgusting."[243]

Articles ridiculed the tribunal for being led by an aging leftist and passed over the tribunal's aims and objectives. Sulzberger described Russell as a "pitiable…corpse on horseback" even though the philosopher did not attend the hearings.[244] The journalist wrote

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242. Lewis, "The Tragedy of Bertrand Russell," 30.

243. Ibid., 31, 35.

244. Bosch, *Judgment on Nuremberg*, 191-2; Sulzberger, "Corpse on Horseback," 46; Levin, "Bertrand Russell," 68.

that Russell led the tribunal forward "as a totem of the extreme left" just as the Moors would strap a deceased king's body upon a horse to guide his soldiers into battle.[245] Such articles portrayed the philosopher as too old, too slow, and too frail. Most journalists avoided the word "dementia" even as they danced around the issue. A *Life* photographer felt that during an interview Russell had struggled to display any conventional expression that usually accompanied lively conversations, recalling that he would become quiet with a "vacancy in the bright eyes" as if he had forgotten that his guests were even in the room.[246]

Some foreign newspapers and magazines joined the attacks on the tribunal. Austrians who opposed the Vietnam War also criticized the IWCT for its anti-American nonsense antithetical to the objectivity of judicial courts. In *Salzburger Nachtricten,* a pro-American newspaper founded by U.S. troops during World War II, Clemens M. Hutter wrote an article titled "The Tribunal of Moral Charlatans," that mocked the trial's subjectivity and supposed secretiveness as it operated behind closed doors to manipulate the facts. He accused the tribunal of using the names of world leaders to advance a leftist agenda without their permission—to which he also declared that such chicanery bolstered his defense that the court was built on "lies and dishonesty." Calling the tribunal members "red peace doves," Hutter wrote that they should be ashamed of themselves for relying on

245. Levin, "Bertrand Russell"; C.L Sulzberger, "Untitled," *Sacramento Bee*, 17 May 1967.

246. Lewis, "The Tragedy of Bertrand Russell," 33.

Russell's reputation to promote their activities just as it is "shattering" that a man of his stature should lend his name to the tribunal.[247]

Russell's response to *Salzburger Nachtricten,* which did not appear in the paper, called the editorial "scurrilous and shameful" and corrected Hutter by affirming that the tribunal had been open to the public and had welcomed the media, including the paper for which he wrote. He insisted that the tribunal members were highly regarded for their objectivity despite, perhaps, their political affiliations or personal biases. He had rigorously selected them based on how their experience would benefit the court before sending out invitations. No one had been forced to serve on the tribunal nor had they been selected based on their dedication to pro-Communist or anti-American principles. This, he argued, undermined the previous author's message that the IWCT existed only as a puppet court for the Communist party. Additionally, the presentation of evidence before an open hearing undermined the original author's statement that the facts would be tampered with behind closed doors. His most critical response came as a retort to the suggestion that the Viet Cong in South Vietnam were the only "terrorists." This argument guaranteed that they would have supported the Nazi perpetrators against the armed Jewish resistance during World War II as those who resist imperialist powers must, in the eyes of Hutter and those with like-minded views, be only seen as "terrorists."[248]

Americans who read articles about the tribunal might well have concluded not only that it could damage American credibility abroad but that it might also harm the president.

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247. Clemens M. Hutter, "Das Tribunal Moralischer Scharlatane," *Salzburger Nachricht*, 3 May 1967.

248. Bertrand Russell to the Editor of the *Salzburger Nachtrichten*, 25 May 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

Some citizens expressed to the Federal Bureau of Investigation (FBI) their concern that the radical extremists listening to the IWCT's information might try to assassinate Johnson to end the Vietnam War. In a letter to Director J. Edgar Hoover dated near the end of 1966, a veteran wrote that news about the tribunal deeply worried him and his many friends. "Mr. Hoover, you know there is a [sic] element of people who *believe this sort of thing*," he wrote with emphasis, "and I think something should be done about it before some one [sic] does harm to our President (such as was done to 'Mr. Kennedy')."[249] Another LBJ supporter sent newspaper articles to Hoover with large scribbled handwriting at the edges stating that "as an adopted Texan and admirer of 'LBJ' I don't like it." An arrow drawn down the length of the paper pointed to an image of Bertrand Russell next to a question asking "What will the United States Do on the Day They Try to Hang LBJ In Paris?"[250]

A campaign to discredit the tribunal swept the world at the end of 1966 and into 1967. Negative coverage focused predominantly on Russell, the anti-Americanism of the tribunal's members, and the illegitimate status of the IWCT as a judicial body. In no instance did coverage highlight the tribunal's concern for Vietnamese human rights or war crimes committed against Vietnamese civilians. While Russell had hoped that the media would highlight the tribunal's evidence, Ball's interagency group must have rejoiced at the spread of negative coverage at least in part as a result of their efforts.

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249. Unknown to J. Edgar Hoover, Federal Bureau of Investigation, 21 January 1967 (Obtained under the Freedom of Information Act from Federal Bureau of Investigation).

250. "What Will the United States Do on the Day They Try To: Hang LBJ In Paris?" *Western Voice*, 22 December 1966, Federal Bureau of Investigation (Obtained under the Freedom of Information Act from Federal Bureau of Investigation).

3.3 The LBJ Administration Pressures European Countries to Stop the IWCT

The Johnson administration also employed the State Department to subvert the tribunal by using diplomatic instruments to restrict the movement of its members and convince foreign leaders to keep it from meeting on their territory. A State Department cable in late 1966 ordered all embassies to refrain from publicly or privately commenting on the tribunal and leave the stories to the journalists. Ambassadors were instructed to refer to a supplied information packet when cornered by a journalist. They should rely on their own diplomatic expertise to convince their foreign counterparts to spurn the tribunal's advances.[251]

As early as 1965, Prime Minister Harold Wilson had warned Johnson that Britain was experiencing "widespread anti-Americanism" from "America losing her moral position" as a result of the war. Claiming rather shockingly that the U.S. could not win militarily in Vietnam, British diplomats attempted to spearhead peace negotiations to inspire domestic political confidence in the Labour Party and restore Great Britain as a world leader.[252] Dissidents protesting in London convinced Labour Party leaders to accept American advice regarding the tribunal to satisfy their power ambitions and maintain good standing with their trans-Atlantic partner.

In late 1966, Ball warned British Home Secretary Roy Jenkins that the tribunal might undercut the U.S. ability to oversee secret peace negotiations with Hanoi. British

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251. Tom Wells, *The War Within: America's Battle over Vietnam* (Berkeley, CA: University of California Press, 1994), 142-3.

252. Fredrik Logevall, *Choosing War: The Lost Chance of Peace and the Escalation of War in Vietnam* (Berkeley, C.A.: University of California Press, 1999), 255, 276-279; Rhiannon Vickers, "Harold Wilson, the British Labour Party, and the War in Vietnam," *Journal of Cold War Studies* 10, no. 2 (2008): 42-3.

attempts to end the war through special envoys and backroom diplomacy had failed, with one scrambled attempt led by junior minister Harold Davies as a "one-man mission or errand or overseas trip."[253] The end of 1966 coincided with a pair of secret attempts to broker peace in Vietnam led by Poland and Italy in one case and England in another.[254] The State Department convinced an already agreeable Wilson to reject attempts by Russell to secure visas and a meeting space in London for the tribunal's sessions. Jenkins rejected the request for space in each of the four letters sent to the Prime Minister, stating that it would "not be in the national interest to grant the facilities you seek."[255] Wilson himself urged a frustrated Russell to recognize that the Labour Government prioritized peace in Vietnam and the tribunal would only frustrate that goal. "The basis of our approach has

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253. "Mr. Wilson Backs One-Man Mission to Hanoi," *The Times (London)*, 9 July 1965, 12.

254. The Polish-Italian attempt (Operation Marigold) and the British attempt (Operation Sunflower). James G. Hershberg, *Marigold: The Lost Chance for Peace in Vietnam* (Stanford, C.A.: Stanford University Press, 2012); George C. Herring, ed., *The Secret Diplomacy of the Vietnam War: The Negotiating Volumes of the Pentagon Papers* (Austin, T.X.: University of Texas Press, 1983), 373-497; John W. Young, "The Wilson Government and the Davies Peace Mission to North Vietnam, July 1965," *Review of International Studies* 24, no. 4 (1998): 545; John Dumbrell and Sylvia Ellis, "British Involvement in Vietnam Peace Initiatives, 1966-1967: Marigolds, Sunflowers, and 'Kosygin Week,'" *Diplomatic History* 27, no. 1 (2003): 113-114.

255. Roy Jenkins to Bertrand Russell, 5 January 1967, in Duffett, *Against the Crime of Silence*, 20; George W. Ball to Lyndon Johnson, "Items for Evening Reading," 16 September 1966, Papers of William C. Gibbons, Box 21, LBJ Library; "Entry Visas (Vietnamese National Liberation Front," 27 April 1967, Volume 745, UK Parliament, House of Commons Hansard, Commons Chamber - Oral Answers to Questions - Home Department, accessed 15 April 2021, https://hansard.parliament.uk/commons/1967-04-27/debates/660ace0b-0687-478c-9434-f06e9db308ab/EntryVisas(VietnameseNationalLiberationFront).

been to refuse to single out the suffering caused by acts of war on one side alone," Wilson explained his approach to getting to the negotiating table without pointing fingers.[256]

The solidity of Anglo-American relations put Johnson at ease, and he later recalled that he "could always count on the UK during any crisis."[257] Wilson in turn called on other NATO allies to support the United States and the pursuit of peace by opposing the tribunal.[258] A few of his cabinet members and rank-and-file parliamentarians in the Labour Party worried about appeasing an administration conducting an unjust and immoral war. Speaking on behalf of his colleagues, the leader of the House of Commons, Richard Crossman, told Jenkins that the war had inspired domestic unrest and opposition to the Labour Party and should be carefully handled. Jenkins sharply retorted that respected politicians should not wax philosophical when thinking about such ethical and moral concepts in foreign policy while dealing with domestic issues at home.[259]

Ball carefully reviewed the letters Russell sent to Johnson, Wilson, and other heads of state regarding the tribunal's need for visas and sponsorship.[260] Upon closer inspection, he realized that the correspondence came not on official IWCT letterhead but on paper displaying the BRPF logo alongside a list of the foundation's directors. A particular

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256. Feinberg and Kasrils, *Bertrand Russell's America*, 278-9.

257. John Callaghan, *The Labour Party and Foreign Policy: A History* (New York: Routledge, 2007), 279-80.

258. Feinberg and Kasrils, *Bertrand Russell's America*, 278-9; Callaghan, *The Labour Party*, 279-80.

259. Callaghan, *The Labour Party*, 279-80; Duncan Tanner, "Richard Crossman, Harold Wilson and Devolution, 1966-70: The Making of Government Policy," *Twentieth Century British History* 17, no. 4 (2006): 557-8.

260. See BRAII, box 9.51.

notation caught his eye as he scanned the upper left side of the document: a list of major donors. Among the names were members of the British aristocracy, highly esteemed academics, and foreign heads of state. He wanted to know if these people supported the tribunal and, if not, he wondered would they feel that those associated with the BRPF and the IWCT had abused their verbal and financial backing.[261] Suspecting that the truth lay more with his latter assumption, Ball authorized the State Department to contact the embassy closest to the residences of those listed in the BRPF letterhead. The Secretary of State wanted donors to know that their names were being abused by a communist-inspired tribunal antagonistic toward the Johnson administration and the United States.[262]

U.S. officials soon honed in on the non-aligned countries of Senegal, Ethiopia, Zambia, Tanzania, Pakistan, and India. Each had been seeking to build an independent nation in a post-colonial world while also using American and Soviet aid to fund development projects. Countries associated with the Non-Aligned Movement (NAM) refused to commit to either the American or Soviet bloc and sought "peaceful co-existence" and at other times "active co-existence" that prioritized economic development and what historian Vijay Prashad calls "internationalist nationalism."[263] In response, the Eastern bloc

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261. Bertrand Russell to Lyndon Johnson, 25 August 1966, Name File (NF), WHCF, Box 339, LBJ Library.

262. George Ball and Robert McNamara, 3 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; George Ball and Robert McNamara, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; George Ball and Adam Yarmolinksi, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; George Ball and Richard Helms, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library.

263. Instead of using the term "Third World" as a self-signifier, many leaders like Nehru, Sukarno, Nasser, Tito, and others used the term Non-Aligned Movement (NAM) as rooted in the ideas formed at Bandung and formalized in Belgrade in 1961. Here they refused to fully commit to one side or another in the bipolar world system and instead sought to

(primarily the Soviets and the Chinese) as well as the Atlantic bloc (primarily the US and to a much lesser extent Great Britain and France) spent an inordinate amount of money courting these countries in hope they would lean to their side. "[We are] prepared to accept external aid from any source provided that such aid does not involve us in any way whatsoever in political or economic commitments," stated Zambian President David Kaunda. Or in simpler terms: "Whoever comes to help us, we shall be happy."[264]

State Department officials assumed that the leaders of those non-aligned countries would not commit to either side for fear of financial and other kinds of retaliation by the other. The embassies were instructed to speak candidly to each head-of-state, show them copies of the BRPF letter, and ask whether or not they disavowed American support for Communist allegiance. Officials in the six countries received dossiers that still remain highly sanitized today but contain information on the tribunal members and the IWCT itself (these documents were also sent to U.S. embassies in Great Britain, France, Denmark, Sweden, Switzerland, Italy, Japan, and Uruguay). Ambassadors were told to use the information to put "pressure" on leaders to condemn the tribunal as a communist front.[265] Ball informed LBJ that the State Department was telling NAM countries "that the

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cooperate with one another while pursuing independence, cooperative nationalism, internationalist nationalism, peace, and prosperity. Vijay Prashad, *The Darker Nations: A People's History of the Third World* (New York: New Press, 2008), 12, 13-15, 95-96.

264. Kaunda as quoted in Andy DeRoche, "Non-Alignment on the Racial Frontier: Zambia and the USA, 1964–68," *Cold War History* 7, no. 2 (2007): 230, 238.

265. Julius Nyerere of Tanzania, Kenneth Kaunda of Zambia, Haile Selassie of Ethiopia, and Leopold Senghor of Senegal. George W. Ball to Adam Yarmolinsky, 5 August 1966, Personal Papers of George W. Ball, Box 7, LBJ Library; Dean Rusk to Lyndon Johnson, 17 February 1967, Country File: Vietnam, NSF, Box 191, LBJ Library; Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 116, 225.

'Foundation' has been captured by a group of extreme left-wingers of the pro-Chicom stripe, several of them American citizens, who are using the 94-year old Russell's name, perhaps without his full comprehension."[266]

The interagency group would celebrate the success of the State Department's clandestine operation in November 1966 when it learned that the BRPF letterhead alone had convinced leaders in Senegal, Ethiopia, Zambia, Tanzania to denounce the foundation and revoke their "membership" because they did not support its "pro-Communist, anti-American propaganda."[267] President Julius Nyerere of Tanzania publicly decried the BRPF's use of his name in pursuit of its mission. "I object to a serious matter like the Vietnam situation being dealt with by trickery and dishonesty," he publicly stated. Privately, he told Russell that he did not support the tribunal because it could negatively impact backroom negotiations seeking to end to the conflict.[268]

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266. The use of the term "Chicom" as jargon in government cables is slang and a disparaging term that referred to a Chinese communist. George W. Ball to Lyndon Johnson, "Items for Evening Reading," 16 September 1966, Personal Papers of William C. Gibbons, Box 21, LBJ Library.

267. It could have been possible that the Soviets or the Chinese might have interpreted this disassociation and pronouncements as leaning more toward the Western bloc. It is more likely that they paid little attention to it given that the same countries would likely have made similar statements denouncing "pro-American, anti-Communist propaganda." Distancing their countries from came at little cost for these newly developing nations. Put simply, such public statements involved no financial recourse and maintained good relations with the U.S. by giving the Johnson administration something small that it requested. Gibbons, *The U.S. Government*, 434; Stewart, "Too Loud to Rise Above the Silence": 1.

268. Julius Nyerere quoted in Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 116; Letter, Joan Wicken to Bertrand Russell, 19 October 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Ralph Schoenman to President's Office in Tanzania, 26 October 1966, Box 9.53, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Julius Nyerere, 27 October 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Joan Wicken to Ralph

Russell was surprised to see these African nations leave the BRPF and denounce the IWCT while using language that seemed to show their abandonment of non-alignment and, at times, socialism itself. Prime Minister Nyerere had overthrown British colonialism and united Tanganyika and Zanzibar as Tanzania as a socialist leader calling for national self-reliance, but he strengthened his relationship with the Chinese. He had criticized the U.S. for violating the principles of self-determination and celebrated the Vietnamese as "fighting heroically against foreign intervention."[269] Russell had good reason to believe he could rely on Nyerere's support. "Coming from Nyerere, such an assertion was a hard blow to the tribunal" writes historians Arthur Jay Klinghoffer and Judith Apter Klinghoffer, "since he was Africa's most respected statesman and had strongly denounced American policy in Vietnam."[270]

U.S. Ambassador to India, Chester Bowles, spoke to President Sarvepalli Radhakrishnan about the tribunal in January 1967 and shared the intelligence his embassy had received from the State Department. Although he opposed the American bombing

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Schoenman, 01 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Julius Nyerere, 07 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; "Julius Nyerere Press Release," 17 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University.

269. As Klinghoffer and Klinghoffer discuss, the withdrawal of support from these African nations came at a huge cost to the tribunal's designers who not merely relied on their support but expected that the Third World would rally behind the IWCT's agenda, *International Citizens' Tribunals*, 119; Lawrence Fellows, "Nyerere Upholds Chou View of U.S.," *The New York Times*, 9 June 1965; Godfrey Mwakikagile, *Nyerere and Africa: End of an Era* (Pretoria, South Africa: New Africa Press, 2010), 142; Sylvia Ellis, *Britain, America, and the Vietnam War* (New York: Praeger, 2004), 104; Young, "The Wilson Government": 550, 557.

270. Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 116-17; Young, "The Wilson Government": 550, 557.

campaign in North Vietnam, particularly after the July 1966 attacks on Hanoi and Haiphong, his vehement anti-communism, desire to oversee a peace settlement, and need for American financial support and food aid led him also to resign from the BRPF.[271] After receiving a note from the Americans asking for a public statement, he declared that neither "he nor the Government of India is in any way associated with the activities of the [Bertrand Russell Peace] Foundation in respect of the so-called International War Crimes Tribunal."[272] This news came as yet another blow to Russell because the Indian government had called for a cessation of American bombing by invoking the Geneva Conventions. Like other NAM countries who relied on American aid for development projects, the Indians and Pakistanis received millions of tons of food aid at a time of rising poverty and historic droughts.[273] Aid came with a diplomatic price tag, and one which led these leaders to separate themselves from Russell's initiative.

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271. Indian ambassador to the US B.K. Nehru eagerly approached Rusk in January 1967 after he had learned from North Vietnamese counsel general Ngu Yen Hoa that the North would be willing to cease hostilities so long as the U.S. stopped its northern bombing raids. This rapidly turned into Operation NIRVANA as U.S. officials cautiously awaited the potential for a peace deal with Vietnam. Mark Atwood Lawrence, "The Limits of Peacemaking: India and the Vietnam War, 1962–67," *India Review* 1, no. 3 (2002): 43.

272. Quoted in Stewart, "'A New Kind of War'": 259. For more on Indian policy during this time period, see Ramesh Thakur, "India's Vietnam Policy, 1946-1979," *Asian Survey* 19, no. 10 (1979): 964-965.

273. Concerned about regional security, territorial integrity, and economic stability, the Indian government called for a cessation of American bombing and renewed Geneva convention that permitted North and South to coexist. This ongoing "private Indian acceptance of US policy" in Vietnam, according to Mark Atwood Lawrence, resulted in successive prime ministerships acquiescing to American demands even though they privately disagreed with the Vietnam War. Lawrence, "The Limits of Peacemaking," 53-54, 58-62.

Some BRPF withdrawal letters confirmed Russell's suspicions that the Johnson administration had worked behind-the-scenes to sabotage the IWCT.[274] One letter arrived on Russell's desk with a copy of his BRPF letter to Johnson. He knew at once that the administration had used his correspondence to subvert the tribunal.[275] Italian Danilo Dolci also resigned as an IWCT jurist on grounds that decisions were being made without him being consulted.[276]

3.4 Controlling the Movement of Tribunal Members

The State Department also sought to restrict the travel of individuals associated with the tribunal. The media campaign launched by Marks from the interagency group combined with the diplomatic pressures placed on foreign governments by the State Department and its embassies were helpful, but ultimately could not stop activists from meeting nor prevent IWCT members from discussing their findings with American anti-war groups. Officials thus turned to border control mechanisms such as passport and visa restrictions to limit the travel of possible subversive activists.[277]

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274. Benjamin H. Read, 14 November 1966, "State Department Activities Report," Personal Papers of William C. Gibbons, Box 222, LBJ Library; Stewart, "Too loud to rise above the silence," 6-7.

275. Russell, *The Autobiography*, 238.

276. "Dolci Resigns as War Crimes 'Judge'," *Daily Mail* 16 November 1966.

277. The state monopolized the regulatory authority over individual travel while using such travel documents to differentiate between citizen and non-citizen and to control the flow of information within and without the issuing state. John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge University Press, 2000). Travel documents also created systems of identity within the United States that allowed individuals to classified and sorted according to their status in society. As a result, various

"[W]e should see travel documents as integral to a system of interlocking and overlapping regimes of control," writes historian Mario Daniels, "we have to understand passports and visas - the governmental control *par excellence* to keep tabs on its citizens - as key instruments to policing national borders[.]"[278] Travel restrictions accompanied a series of internal security laws passed in the 1950s and known as the McCarran Acts to protect the U.S. against Communist infiltration. These laws gave broad discretionary powers to officials who wanted to detain anyone labeled a Communist. In compliance with Section 212(a)(27) of the 1952 Immigration and Nationality Act, 8 U.S.C. § 1182(a)(27), for example, the Attorney General could deny entrance to the U.S. of any individual who seeks "solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States."[279]

The Johnson administration restricted the travel of Americans and non-Americans on the grounds that the IWCT proceedings would harm the U.S. conduct of the war in

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forms of citizenship emerged as the state authorized papers identifying who someone was and who someone wasn't. It came to identity individuals with the opening of borders and allowed the United States to create a system of surveillance to monitor Americans, enemies and friends alike. Craig Robertson, *The Passport in America: The History of a Document* (New York: Oxford University Press, 2010).

278. Mario Daniels, "Controlling Knowledge, Controlling People: Travel Restrictions of U.S. Scientists and National Security," *Diplomatic History* 43, no. 1 (2010): 57–82.

279. Letter, Hugh R. Manes to Mr. David Rein, 10 February 1968, Folder 10, Box 02, Hugh Manes Collection, VCSJ, Texas Tech University. Historian Mario Daniels also argues that during the Cold War the U.S. bureaucratic system controlled the flow of information, knowledge, and goods through both visa restrictions and export controls that they aimed not at random aliens but at those who might use the knowledge to subvert US national interests. Mario Daniels, "Restricting the Transnational Movement of 'Knowledgeable Bodies': The Interplay of US Visa Restrictions and Export Controls in the Cold War," in *How Knowledge Moves: Writing the Transnational History of Science and Technology*, ed. John Krige (Chicago: University of Chicago Press, 2019), 35–61.

Vietnam. Passports and visas served as "documentary surveillance" in a centralized, administrative state to protect national security through the issuance and revocation of travel papers.[280] A report from the Commission on Government Security of 1957 stated

> the passport is an important instrument in support of the recognized technique of communication by personal contact…It had been a device for the movement of Soviet spies into and out of the United States and other free nations of the world…A passport security program is necessary to deter travel abroad by subversives bent on missions detrimental to the United States and to narrow as much as possible the sphere of Soviet international activity in the field of espionage and propaganda.[281]

The interagency group labeled IWCT as a threat to national security and worked with federal agencies to prevent its members from traveling across borders to attend its sessions. The State Department's Passport Office received expedited requests from the interagency group to flag and even revoke the passports of these individuals before they again departed from a U.S. airport.[282] They continued this practice even after the first and second tribunals when they arrested Chairman and President of the IWCT sessions, Vladimir Dedijer, after he attempted to enter the U.S. on a speaking tour.[283]

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280. Daniels, "Controlling Knowledge": 62-64; Raymond C. James, "The Right to Travel Abroad," *Fordham Law Review* 42, no. 4 (1974): 838–51; Paul Lansing, "Freedom to Travel: Is the Issuance of a Passport an Individual Right or a Government Prerogative," *Denver Journal of International Law and Policy* 11, no. 1 (1981): 15–35.

281. Daniels, "Controlling Knowledge": 62-3.

282. Special Agent in Charge (SAC) New York to FBI Director. Subject: Proposed War Crimes Tribunal Organized by Bertrand Russell Foundation, London, England. Secret. Federal Bureau of Investigation. 02/01/1967. 2 pp (Obtained under the Freedom of Information Act from FBI).

283. "Head of the Russell Tribunal Denied Visa for U.S. Trip," *The New York Times,* 9 January 1968; "Letter from Hugh R. Manes to Mr. David Rein," 10 February 1968, Folder 10, Box 02, Hugh Manes Collection, VCSJ, Texas Tech University.

The State Department also provided the interagency group the means to limit the travel of American and non-American IWCT members where the U.S. Passport Office had no jurisdiction. Just as ambassadors used internal dossiers to convince foreign heads of state to oppose the tribunal, so too they encouraged leaders to deny anyone participating in the tribunal's sessions entrance into France, England, Sweden, and Denmark. To be sure, the U.S. also prevented American citizens from traveling to Vietnam as did so many of the tribunal's members with the investigating team. Those caught going in and out of Hanoi could have their passport privileges revoked and would not be permitted to travel internationally. U.S. travel bans to Vietnam would not be lifted until 1991 when the U.S. normalized relations with Vietnam.[284] Those American tribunal members who attempted to travel to Hanoi were caught at the border by border agents who intervened on behalf of the U.S. to stop their movement.[285]

U.S. ambassadors also used diplomacy to prevent the tribunal from meeting. In no place was this clearer than France where the IWCT had originally planned to hold its first meeting in 1967. Ambassador Charles E. Bohlen —surprisingly—found a receptive audience in President Charles de Gaulle who had already made known his friendly attitude toward the Americans on this subject despite his staunch opposition to the war in Vietnam. A discussion among French officials in the Foreign Affairs Ministry ensued to the ultimate detriment of the tribunal. Roger Frey, the Minister of the Interior in charge of internal

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284. Eleanor Albert, "The Evolution of U.S.-Vietnam Ties," Council on Foreign Relations, accessed 10 April 2020, https://www.cfr.org/backgrounder/evolution-us-vietnam-ties.

285. This happened to Dellinger and Schoenman on multiple occasions. David Dellinger to Ralph Schoenman, 23 September 1966, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University.

security and law enforcement, also exclaimed that it was "unthinkable" for public intellectuals to stand in the place of qualified jurists, and he personally guaranteed that the IWCT would not meet in Paris. The Director of the Asian sector of the French Ministry of Foreign Affairs, Etienne Ma'anach, astutely warned of the consequences "if America ended up believing that French authorities let their leaders be 'put on trial' on our territory at a moment where, up against serious difficulties, they are particularly sensible to foreign reactions."[286]

Having issued a "discreet warning" to tribunal planners to find a location outside of France, officials in the Foreign Ministry and Ministry of the Interior probed the *Code Civile* for statutes that would forbid the IWCT from taking place in Paris. Just as the Americans attempted to breathe life into the Logan Act, the French tried to revive an antiquated Press Law from 1881 that made it illegal to insult a foreign head of state or official. Lawyers agreed that the application of this law against the tribunal would violate rights and liberties as laid out in the 1789 Declaration of Human and Civil Rights. When the Minister of the Interior stated that he could simply label the IWCT a threat to public order, his critics retorted that he would have to do the same to protestors marching against de Gaulle.[287]

The Interior Minister had only recently received a report by the Direction Centrale des Renseignements Généraux (DCRG) showing an increase in American expats, military deserters, and visitors who stood in solidarity against the Vietnam War. Historian Moshik

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286. Bethany S. Keenan, "Vietnam Is Fighting for Us: French Identities and the U.S. - Vietnam War, 1965-1973" (Ph.D. Dissertation, The University of North Carolina at Chapel Hill, 2009), 207.

287. Quoted in Keenan, "'Vietnam is fighting for us'," 206-208.

Temkin writes that the interaction between American political travelers and the French security apparatus created a "transnational zone of political activity" that encouraged French citizens to become more internationally oriented while also being domestically engaged. Already in the streets, French protestors resisted de Gaulle's domestic and foreign policies, and the DCRG report claimed they were inspired by foreign instigators. The State Department kept Frey updated on intelligence regarding the IWCT as he concurrently received reports that the French and non-French alike collaborated to protest in Paris. He, the DCRG, and the Direction Générale de la Police Nationale tightened border restrictions on foreigners while specifically refusing IWCT members entrance to the country and revoking visas from those already in France.[288]

Despite fears that the U.S. might invoke the Logan Act against American tribunal members, Russell worked diligently to get visas for them and for visiting Vietnamese civilians for the first meeting in Stockholm. De Gaulle argued that international law could only be handled by the state and thus refused to issue visas for visiting IWCT participants. By November 1966, tribunal organizers were in a panic since the first session was to occur in a few months. While searching for a location, they also had to consider whether or not

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288. Moshik Temkin, "American Internationalists in France and the Politics of Travel Control in the Era of Vietnam," in *Outside In: The Transnational Circuitry of US History*, ed. Andrew Preston and Doug Rossinow (New York: Oxford University press, 17), 247-268. As Russell dignitaries perused Paris for potential sites to hold the tribunal's sessions, de Gaulle's administration quietly contacted each venue and persuaded the owners to refuse to host the IWCT. The Maison de la Mutualité and the Continental Hotel both contacted the BRPF and revoked their collaboration with the tribunal in April stating that they could not cooperate with anti-American activists. In reality, the French state had convinced the owners to cancel the booking stating that it was illegal for the tribunal to occur in a public space. "Russell 'Tribunal' Loses Paris Hotel 'Courtroom,' *The New York Times*, 12 April 1967, 2.

the host country would sponsor visas for both the members and the Vietnamese victims.[289] Once again, Russell's persistence undercut his goals when his unrelenting visa requests to British, French, and Swedish leaders for IWCT members swayed French Foreign Ministry officials to conclude that the simplest way to prevent the meeting from taking place anywhere in France would be to deny their application for entrance into the country. These officials delivered the greatest blow to the IWCT not only by denying visas to its members, but also by refusing to admit any Vietnamese person who planned to attend the tribunal as an eyewitness or as a victim of American bombing. The American interagency group no doubt cheered a report published by *Le Monde* in October stating that the French had refused to issue visas to IWCT participants, and that President Johnson would not be tried in Paris.[290]

A clash between tribunal leaders and the French government ensued when de Gaulle defended to IWCT Executive President Jean-Paul Sartre his government's decision to prevent dissidents and amateurs from administering the law as amateurs.[291] Sartre fumed in a series of public denunciations and private letters to the French President when Dedijer, the tribunal chairman, was given only a one-day transit visa. De Gaulle explained that his

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289. Bertrand Russell to Charles de Gaulle, 25 November 1966, Box 9.44, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Hans Peter Tschudi, 25 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Tage Erlander, 25 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Roy Jenkins, 25 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University.

290. Nicholas D Katzenbach to Lyndon Johnson, 17 February 1967, Country File: Vietnam, NSF, Box 191, LBJ Library; Keenan, "'Vietnam is fighting for us'," 207; Stewart, "'A New Kind of War'," 260.

291. Charles de Gaulle to Jean-Paul Sartre, 19 April 1967 quoted in Keenan, "'Vietnam is fighting for us'," 209-210.

government's decision was based on the idea that "justice, in its principle as well as in its execution, belongs only to the State." His patience over the tribunal issue ended as he explained why the French government would deny visas to those wishing to participate. His solution was to force the tribunal to move to a location outside France.[292] "[T]hey have no power whatsoever, nor are they the holders of any international mandate," he wrote to Sartre in April 1967, "therefore they are unable to carry out any legal action."[293] Sartre publicly retorted in an article published by *Nouvel Observateur* "[W]e pose a problem that no western government wants posed: that of war crimes, which once again all [governments] want to reserve for themselves the power to commit."[294]

De Gaulle had pulled France from NATO in 1966, criticized America's role in Vietnam, and distanced himself from the U.S. to bolster his image as a major world leader.[295] Historian Eugenie M. Blang writes that while European countries were indeed envious of America's power, they worried more about national self-interest and the rebuilding of European strength. This was especially true with De Gaulle. He warned U.S.

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292. Max Paul Friedman, *Rethinking Anti-Americanism: The History of an Exceptional Concept in American Foreign Relations* (Cambridge: Cambridge University Press, 2012), 212.

293. Letter, Charles de Gaulle to Jean-Paul Sartre, 19 April 1967, in Duffett, *Against the Crime of Silence*, 28; Jean Paul-Sartre, "Sartre a de Gaulle" in *Le Nouvel Observateur*, April 25, 1967; Maurice Vaisse, "De Gaulle and the Vietnam War," in *The Search for Peace in Vietnam, 1964-1968*, ed. Lloyd C. Gardner and Ted Gittinger (College Station, T.X.: Texas A&M University Press, 2004), 164; Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 121; Keenan, "'Vietnam is Fighting for Us'," 208-210; Stewart, "'A New Kind of War'," 265.

294. "Le General et le particulier," *L'Express* 1-7 May 1967; "L'interdiction du 'Tribunal Russell' en France" *Le Monde,* 25 April 1967.

295. Bertrand Russell to Charles de Gaulle, 25 November 1966, Box 9.44, 320 BRPF: World Affairs, BRAII, McMaster University.

officials based on France's own defeat in Indochina that the Americans could not win this war. In Phnom Penh on 31 August 1966, he delivered a blistering critique of the U.S. role in Vietnam and urged American leaders to formulate an exit plan with a negotiated settlement. He made clear, as Blang concludes, that he had departed NATO to re-strengthen French power on the international stage.[296] Despite De Gaulle's critique of U.S. foreign policy, he refused to let Paris host the tribunal, claiming that a civilian could not act as a lawyer. An October 1966 article in *Le Monde* said that the French Government thought the tribunal "unthinkable" and that "'judging' President Johnson in France was not a possibility."[297]

Behind the scenes, Sartre pressed De Gaulle on his supposed criticism of American leaders and the Vietnam War and implied that the French president was not as opposed to imperialism as he professed. De Gaulle may have insisted in April 1967 that while the tribunal represented his personal views on the conflict, his government could not formally endorse the tribunal by offering a meeting space and visas for its members.[298] Although he admitted he could not prevent them from gathering in Paris via "their usual liberty of assembly and expression," his "government has decided to oppose the Tribunal's meeting

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296. Eugenie M. Blang, *Allies at Odds: America, Europe, and Vietnam, 1961-1968* (New York: Rowman & Littlefield, 2011), *2*, 4, 103.

297. "Le Président Johnson ne sera pas 'jugé' à Paris," 8 October 1966 in Keenan, "'Vietnam is Fighting for Us'," 208-210

298. "A propos de l'initiative de Bertrand Russell," 11 October 1966 in Keenan, "'Vietnam is Fighting for Us'," 208-210

in our country since, through its very form, the Tribunal would be acting against the very thing which it is seeking to uphold."[299]

Sartre, however, called this bluff and argued instead that De Gaulle was not a genuine anti-imperialist opposed the U.S. only to improve France's global image.[300] He claimed that De Gaulle must be under the influence of American blackmail or domestic conservative backlash, and that the French President felt that he alone guided France's government despite the fact that the public disagreed with his policies. "He believes he holds the power and doesn't need to align it with the interest of the people." He even blamed De Gaulle for conspiring against the tribunal by convincing other foreign leaders to deny its request to meet in their country. "We may even finally be forced to meet on a boat anchored outside territorial waters, like the pirate English radio stations," he concluded, "In any case, it is certain that we will meet."[301]

As de Gaulle and Sartre sparred, an even more stubborn Schoenman defied French travel restrictions and continued to move through Paris to the agitation of French and American officials. "[They are doing] everything to stop the proceedings such as 'keeping Schoenman out of Paris'" reported the American embassy to the State Department on

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299. De Gaulle to Sartre, 19 April 1967, in Duffett, ed., *Against the Crimes of Silence*, 27-28.

300. Jean-Paul Sartre, "Sartre à de Gaulle," *Le Nouvel Observateur*, April 26, 1967, 35.

301. Jean Paul Sartre, "Answer and Commentary to DeGaulle's Letter Banning the Tribunal from France," *Nouvel Observateur* (undated), in Duffett, ed., *Against the Crimes of Silence,* 29-36.

behalf of their French counterparts.[302] French authorities intercepted Schoenman's attempt to enter the country in January 1967 in search of a venue. When he claimed that he was on his way to a second flight for Prague, they personally escorted him to the plane. They made clear that they would not risk losing face with their American counterparts by allowing the tribunal's primary organizer entrance into their country prior to the first meeting. He again refused entry in April 1967 and found himself detained in handcuffs for 24-hours at Orly airport. French officials boasted that this arrest came as a "friendship gesture" to their American friends.[303]

U.S. officials surely loathed Schoenman's perseverance as the State Department repeatedly attempted to limit his travel privileges. The U.S. had first restricted his travel in 1963 when he violated regulations by boarding a plane bound for North Vietnam. Never one to kowtow to American power, he succeeded in traveling to Vietnam in 1966 and 1967 while accompanying IWCT investigatory expeditions. Irritated by his obstinate non-compliance, State Department officials collaborated with their Danish colleagues to prevent him from searching for locations to host the second tribunal session in late 1967. When the Danes barred his entrance into their country, he looked for alternative paths across the border. U.S. intelligence officers tailed him and thwarted his persistent attempts to enter Denmark. Finally, Swedish police arrested him and physically carried him onto a

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302. Quoted in Stewart, "'A New Kind of War'," 263; for more on the crackdown on American visitors who protested French policies, see Temkin, "American Internationalists in France," 247-268.

303. " Russell Aide Detained at Airport by French," *The New York Times*, 12 January 1967; Statement by French Tribunal committee, undated, Box 10.15, 384 IWCT: Essays, Meetings, and Reports, BRAII, McMaster University; Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, 121.

plane headed to the U.S. Passengers refused to board with him when rumors spread that a bomb had been planted on the airplane.[304]

3.5 Conclusion

The interagency group allowed Johnson the plausible deniability usually reserved for unconscionable (if not illegal) activities that could result in a president's indictment. Ball and his associates designed a disinformation campaign to inform the American public that the IWCT operated as a communist front led by anti-American agitators. At the same time, traditional diplomatic approaches reminded world leaders of the quid-pro-quo system that governed some of the U.S.'s Cold War foreign policies in the postwar years.

U.S. officials believed they had sabotaged the tribunal as it scurried to find a location only months prior to its meeting. The State Department searched for "legal remedies" to halt the tribunal's proceedings, but ultimately concluded that the best strategy included the dissemination of information on the key members gathered by the CIA, FBI, and embassy staff. These subversive techniques allowed the administration to convince leaders of some foreign countries to withdraw their support of the tribunal, revoke passports and visas, and resist efforts to host the first and second sessions.

On 17 February 1967, Undersecretary of State Nicholas Katzenbach reported to the president the continued success of the group he had inherited from Ball. Along with the barrage of negative press strengthened by the widely read pieces written by Levin and the

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304. "Schoenman Barred from Denmark," *The Times (London),* 21 November 1967, 4; "Schoenman Arrested in Finland," *The Times (London)*, 22 November 1967, 6; "Schoenman in Airport Tumult," *The Times (London),* 24 November 1967, 6.

distribution of propaganda to American embassies, the undersecretary told Johnson that each step had been executed by the "careful approaches of our Embassies." Ambassadors had succeeded not only in convincing leaders to revoke support of the BRPF and denounce the IWCT but had also influenced key decision-making regarding the tribunal's sponsorship in London, Paris, and elsewhere.[305]

Tribunal organizers worked tirelessly to find a location for the first and second sessions and a country willing to provide visas for all visiting members. When France fell through in March, Russell turned to Switzerland, Sweden, and then London again.[306] The Swiss Federal Council voted against hosting the tribunal meeting because "it involves partisan political attitudes of [the] Viet-Nam conflict and would not serve any true efforts toward peace" and "it in no way constitutes a tribunal established by a recognized competent international judicial authority."[307] A very concerned Swedish Prime Minister, Tage Erlander, responded to Russell that he could not understand how the IWCT would contribute to the peace. "I beg to inform you that I cannot see that the holding of such sessions as mentioned in your letter can in anyway contribute to the furthering of a peaceful solution of the tragic situation in Vietnam and I urge you not to choose Sweden as a site

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305. Nicholas D. Katzenbach to Lyndon Johnson, 17 February 1967, Country File: Vietnam, NSF, Box 191, LBJ Library.

306. Bertrand Russell to Charles de Gaulle, 25 November 1966, Box 9.44, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Hans Peter Tschudi, 25 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Tage Erlander, 25 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Roy Jenkins, 25 November 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University.

307. Stewart, "'A New Kind of War'," 263.

for such meetings."[308] Erlander reasserted that "the government does not want the Tribunal to have its meetings in Sweden." Unlike his foreign colleagues who dug deep into domestic legal codes to use against the tribunal, Erlander admitted that nothing in Swedish law could prevent the tribunal from securing a location and holding a trial. [309] This meek concession was all the tribunal needed to begin planning for the May session in Sweden. Erlander's consent came at a cost. "Sweden stains its neutrality and compromises its claim on American friendship by offering hospitality to Bertrand Russell's 'war crimes' trial," the *Washington Post* asserted.[310] His reticence gave way to those in the country who wanted to keep Sweden neutral as well as maintain good standing with the U.S.[311]

This Swedish slight alerted the Johnson administration to the ongoing threat posed by the tribunal. One of his aides conceded that even if the administration felt little less threatened by anti-war activism in general, any event no matter the size would encourage

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308. Tage Erlander to Bertrand Russell, 09 December 1966, Box 9.53, 320 BRPF: World Affairs, BRAII, McMaster University.

309. Organizers finally found space in Stockholm, but not before Prime Minister Tage Erlander restricted the tribunal from operating as a legal courtroom under threats from the State Department that allowing the tribunal to take place would damage U.S.-Swedish. Cable, American Embassy Stockholm to Secretary of State, 25 April 1967, Country File: Vietnam, NSF, Box 191, LBJ Library; Public Statement, "Swedish official view as to Russell's 'Vietnam war crimes tribunal,'" 26 April 1967, Country File: Vietnam, NSF, Box 191, LBJ Library.

310. "Shame on Sweden," *The Washington Post*, 27 April 1967, A20.

311. Lyndon Johnson Daily Diary, 25 April 1967, The President's Daily Diary, 4/16/67-6/30/67, Box 11, LBJ Library; Walt W. Rostow to Lyndon Johnson, 27 April 1967, Memos to the President, NSF, Box 15, LBJ Library; For more on Swedish-American relations during the Vietnam War, see Fredrik Logevall, "The Swedish-American Conflict over Vietnam," *Diplomatic History* 17, no. 3 (1993): 421–46; Stewart, "'A New Kind of War'," 267; Fredrik Logevall, "The ASPEN Channel and the Problem of the Bombing," in *The Search for Peace in Vietnam, 1964-1968*, ed. Lloyd C. Gardner and Ted Gittinger (College Station, T.X.: Texas A&M University Press, 2004), 192-194.

the attention of the media and again draw the world's attention toward the IWCT.[312] The National Security Council reported that the IWCT had a "pretty clear propaganda field" prior to the first session in 1967. They advised the administration to continue working to "discredit it" even though any effort was "not likely to impede seriously the propaganda impact of the tribunal if it does take place."[313] The fact that it would eventually take place represented a bigger failure for the interagency group.

U.S. officials worried about the tribunal's success even as they celebrated their own work. Embassies admitted that the tribunal's frequent blunders implied internal turmoil, but that its commencement in Stockholm held greater value than the public display of disorder. "From [an] organizer's standpoint only two main facts are important," wrote the U.S. embassy, "a) [that] sessions [are] held in Western democracy, [and] b) [the] final report of session will therefore hopefully become a basic document for all [of the] world [as the] most sophisticated and [the] most honest.'"[314]

Even more than the tribunal, however, American officials viewed attacks against the IWCT as an attack against Hanoi's propaganda machine. The CIA reported that Hanoi had ultimately failed to promote a groundswell of international opposition to the Vietnam War or to force the Johnson administration to the peace table. "If Hanoi's leaders expected a year ago that a ground swell of international opinion would eventually overwhelm the US, they must now be quite disappointed," the CIA Director of National Estimates wrote

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312. Wells, *The War Within,* 70.

313. D.W. Ropa to Walt W. Rostow, 12 December 1966, Country File: Vietnam, NSF, Box 191, LBJ Library.

314. Wells, *The War Within*, 142-3.

to Helms before tacitly turning to a more tempered perspective, "It is perhaps indicative of the state of affairs, that outside of the Communist world, Bertrand Russell is currently Hanoi's loudest and most colorful champion."[315]

315. CIA Director of National Estimates to Helms quoted in Stewart, "'A New Kind of War'," 258.

CHAPTER 4. "WE INVESTIGATE IN ORDER TO EXPOSE. WE DOCUMENT IN ORDER TO INDICT": THE FIRST SESSION OF THE INTERNATIONAL WAR CRIMES TRIBUNAL, 2-10 MAY 1967

The International War Crimes Tribunal (IWCT) claimed to be a people's tribunal that created to objectively analyze evidence from North and South Vietnam that the U.S. had committed war crimes against civilians. Seeking to tell the "truth" about the Vietnam War, Russell tasked his colleagues to conduct an "exhaustive investigation to document and compile the full record…so that every fact will serve to arouse passionate resistance."[316] As an International Nongovernmental Organization (INGO), the tribunal hoped to spark a global dialogue about war crimes and human rights' violations that would hold U.S. officials accountable for atrocities throughout Indochina. In doing so, they revealed for the first time the use of cluster bombs and geographically demonstrated how the Americans developed and utilized these weapons against civilian in throughout Vietnam.

Some scholars who work with organizational and administrative theory have largely examined the tribunal's form while overlooking its content, emphasizing that it ritualized space and used theatrical performance as a form of social criticism and antiwar resistance.[317] As an organizer and supporter of the global antiwar movement, the IWCT went beyond mere performance by engaging with and influencing the institutionalization

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316. Bertrand Russell, "Speech to the First Meeting of Members of the War Crimes Tribunal," in Ken Coates, Peter Limqueco, and Peter Weiss, eds., *Prevent the Crime of Silence: Reports from the Sessions of the International War Crimes Tribunal Founded by Bertrand Russell, London, Stockholm, Roskilde* (London: Allen Lane, 1971), 25.

317. Javier Pérez-Jara, "Ritual and Myth in the Russell War Crimes Tribunal on Vietnam" (Centre of Governance and Human Rights, University of Cambridge, 2015), accessed 15 April 2021, https://www.repository.cam.ac.uk/handle/1810/247675.

of human rights norms during the Vietnam War and relying on non-state actors to gather, analyze, and publicize U.S. war crimes. Additionally, historians and social scientists who have focused too much on the legal elements of human rights overlook the movement of these ideas as a foundation for moral activism. This perspective too easily dismisses the IWCT as a "kangaroo court" because it operated outside of legal organizations and was not interested in prosecuting perpetrators but spreading awareness to hold leaders accountable; what some have called "human rights from below."[318]

This chapter analyzes the presentation of evidence before the tribunal through observation and experience with the goal of raising awareness about U.S. methods of war in Vietnam. Tribunal members listened to those who had either experienced the war as victims, participated in it as perpetrators, or observed it as bystanders to better understand whether or not the U.S. had harmed civilians. Evidence presented during the 2-10 May 1967 hearing may have better informed those members who presided over the tribunal. But the main purpose remained to publicize U.S. war crimes in North and South Vietnam by staging a public trial that would propagate knowledge about the conflict among international anti-war activists who would infuse their own protest movements with information about the criminality of the war. This open forum allowed the tribunal to document the destruction of schools, hospitals, and residential centers with the use of anti-

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318. Historical examples include Carol Anderson, *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (New York: Cambridge University Press, 2003). Theoretical approaches include James Griffin, *On Human Rights* (New York: Oxford University Press, 2013); Debra L. DeLaet, *The Global Struggle for Human Rights: Universal Principles in World Politics* (Stamford, C.T.: Cengage Learning, 2015), 205-219; Koen De Feyter and Stephan Parmentier, "Introduction: Reconsidering Human Rights from Below," in *The Local Relevance of Human Rights*, ed. Koen De Feyter et al. (Cambridge: Cambridge University Press, 2011), 1–10.

personnel bombs that seemed designed only to kill humans. In so doing, the tribunal argued that the U.S. sought to "kill anything that moves" to erode the will of the North Vietnamese people and nation to continue fighting against the Republic of Vietnam and their American allies.[319]

4.1 Investigating War Crimes in North and South Vietnam

Tribunal members assembled for a preliminary 16 November 1966 meeting in London where they set parameters for the first official session in May 1967 and the second in October.[320] They chose London as the preliminary meeting site, although the location would soon come into question when British Prime Minister Harold Wilson's government denied visas to tribunal members. In the meantime, they set out to answer the first three questions given to their investigation that would be considered at the first meeting in Sweden:

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319. For more, see Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (New York: Picador, 2013).

320. H.A. DeWeerd, "Lord Russell's War Crimes Tribunal," *RAND Collection P-3561* (March 1967), 3.

The First, Second and Third Questions:

1. Has the U.S. and its co-belligerents (Australia, New Zealand and South Korea) committed aggression according to international law?
2. Has the U.S. bombarded targets of a purely civilian character?
3. Has the U.S. made use of or experimented with new and/or weapons prohibited by the Laws of War?

Figure 14 The IWCT first session's first three questions.

In January 1967, members of the IWCT's Commission of Inquiry travelled throughout North and South Vietnam in the first of three investigatory trips during which, among other issues, they looked into America's air war firsthand and collected evidence to answer the tribunal's questions. British union leader Lawrence Daly led the trip, along with Puerto Rican lawyer Juan Marie Bras, French medical doctor Abraham Behar, an American philosopher and journalist named John Gerassi, the editor of *Viet Report* and a student of chemical warfare named Carol Brightman, U.S. Student Non-Violent Coordinating Committee (SNCC) member Courtland Cox, and, of course, Ali and Schoenman.[321]

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321. All evidence is detailed in "Record of Visit to Vietnam with the Bertrand Russell Peace Foundation Delegation," Report to War Crimes Tribunal, Undated, Folder 01, Box 01, Hugh Manes Collection, The Vietnam Center and Sam Johnson Vietnam Archive (VCSJ), Texas Tech University; Ralph Schoenman to Lawrence Daly, 28 December 1966, Box 10.01, 371 IWCT: Members' Correspondence, Bertrand Russell Archive II (BRAII), McMaster University; IWCT to Lawrence Daly, 12 December 1966, Box 10.01, 371 IWCT: Members' Correspondence, Bertrand Russell Archive II (BRAII), McMaster University; Deirdre Griswold to Lelio Basso, 19 January 1967, Box 10.01, 371 IWCT: Members' Correspondence, Bertrand Russell Archive II (BRAII), McMaster University; IWCT to Lawrence Daly, 12 December 1966, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University; Ralph Schoenman to Lawrence Daly, 28 December 1966, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University; Dana Adams Schmidt, "Briton Accuses U.S. on Bombing," *The New York Times*, 23 February 1967;

The escalation of the Vietnam through the deployment of U.S. ground troops in South Vietnam and a steadily expanding air war in North and South Vietnam allowed the investigatory group to frame the tribunal's session around the "means of war." By 1967, the 525,000 U.S. troops in Vietnam were supported by bombing campaign called Operation Rolling Thunder as the U.S. military tried to prevent North Vietnamese Army (NVA) troops from infiltrating into the South and supplying the National Liberation Front (NLF) guerrilla fighters. In 1965, there were 25,000 sorties bombing North Vietnam and this number climbed to 108,000 in 1967 as 226,000 tons of bombs fell from the sky.[322] Yet, the improvisational nature of the war, the lack of clear strategic aims, and even Vietnam's trying climate shaped the bombing raids in a country with too few legitimate military targets which resulted in widespread civilian death. Even as the U.S. administration denied targeting civilian populations, the CIA estimated in 1967 that the estimated 2,800 casualties killed each month included a high number of civilians, with Secretary of Defense Robert McNamara claiming privately that around 1,000 were killed every month.[323]

American air strategy emphasized attrition, hoping that it would force the retreat of the NVA from South Vietnam and allow for the U.S. and South Vietnamese Army (ARVN)

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322. George Herring writes that by 1967 each B-52 raid cost $30,000 per sortie, bringing the 1965-1967 bombing raids to more than $1.7 billion. George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975*, Fifth edition (Boston: McGraw-Hill Education, 2014), 185.

323. Ibid., 178-180. For more on B-52 bombing and the air war, see William S Turley, *The Second Indochina War: A Short Political and Military History, 1954-1975* (London: Routledge, 2019); Raphael Littauer and Norman Thomas Uphoff, eds., *The Air War in Indochina* (Boston, MA: Beacon Press, 1972). See also Mark Clodfelter, *The Limits of Air Power: The American Bombing of North Vietnam* (Lincoln, NE: University of Nebraska Press, 2006).

to locate and isolate the NLF through the sustained use of bombs and herbicides from above to clear the forests while U.S. General William Westmoreland practiced a policy of "Search and Destroy" south of the 17th parallel. He allowed field commanders to autonomously expand the war around Saigon with a force of 450,000 soldiers and another 431,000 to come by mid-1967. As a way to demonstrate the army's success in the battlefield and to convince Johnson to send another 542,000 troops by the end of 1967, the Department of Defense asked for body count reports from search and destroy missions that flushed the enemy out of hiding in to free-fire zones where American combatants could fire without first seeking approval from their superiors.[324] The demand for higher kill ratios to reach what Westmoreland called the "crossover point" encouraged soldiers to kill civilians and to count them as the enemy in their reports. U.S. Marine Philip Caputo later recalled being told "as a rule of thumb" that "If it's dead and Vietnamese, it's VC."[325] In January 1967 the U.S. launched a major campaign called Operation Cedar Falls in the Iron Triangle north of Saigon where Westmoreland had mobilized 30,000 troops. They were backed up by C-47 transports firing 18,000 rounds a minute and B-52s that between 1965 and 1967 dropped more bombs on the South than in the North, totally over a million tons in two years.[326]

This is the context in which the investigators arrived the city of Than Hóa some 150 kilometers south of Hanoi in early January 1967 where they listened to the roar of engines throughout the sky and looked up to watch U.S. planes head toward the next village

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324. Christian G Appy, *Working-Class War: American Combat Soldiers and Vietnam* (Chapel Hill: The University of North Carolina Press, 1993), 153-156.

325. Philip Caputo, *A Rumor of War* (New York: Henry Holt & Company, 2014), xviii.

326. Herring, *America's Longest War,* 185-198.

on their itinerary. These U.S. reconnaissance planes were the first in a three-wave attack that would begin with photos of the region and end with anti-personnel bombs. The first wave reported details about the province and its inhabitants back to their commanding officers as villagers looked nervously to the skies and their memories triggered the physical and emotional trauma of recent bombings that appeared again to wreak havoc on their lives. The noise overhead gave way to an eerie silence that was soon shattered by the scream of a siren that alerted locals to an approaching wave of aerial bombardment that would soon raze their city. Civilians scattered, taking cover inside their homes as they nervously awaited the second wave that would target those who sought refuge from napalm and bombs and flush those taking cover into the open. Napalm gel ignited buildings and foliage, bombs turned houses into rubble, and those who survived the second wave of attacks rushed into the streets to avoid being burned alive. They mourned over the newly deceased while trained medical teams filled the streets to begin triage on the injured. The third wave's aim was to kill all who remained by dropping what were colloquially known as "guava" and "pineapple" bombs that exploded a few feet above the ground, releasing tens of thousands of steel pellets designed to pierce the soft tissue of human flesh, bone, and internal organs. These open targets grieved as their city erupted in flames, knowing that this final wave would bring sorrow to those who survived and death to the rest.[327]

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327. J.B. Neilands, "Report from North Vietnam on Civil Bombardment," in John Duffett, ed., *Against the Crime of Silence Proceedings of the Russell International War Crimes Tribunal, Stockholm, Copenhagen.* (New York: Bertrand Russell Peace Foundation, 1968), 272; Zenshiro Hara, Masahiro Hashimoto, and Asami Zenkichi, "Combined Report on Anti-Personnel Bombs: Testimony by members of the Japanese Scientific Committee," in Duffett, *Against the Crime of Silence*, 263; Tariq Ali, "Report from Cambodia and North Vietnam," in Duffett, *Against the Crime of Silence*, 133.

The North Vietnamese guides refused to transport IWCT investigators to the area that had just been bombed out of concern for their safety. Later in the afternoon they finally arrived at the village that only that morning had been bombed. They found a hospital with a Red Cross logo on its facade in flames and the deceased scattered around the ruins where anti-personnel bombs had been deployed. This scene could be often recounted across North Vietnamese cities and villages between 1965 and 1968 as the U.S. increased its aerial bombardment. On 18 January 1967, anti-personnel bombs carrying steel pellets dropped from the sky to rip through the flesh of a seventeen-year-old whose blood ran out onto the ground after shrapnel pierced his arms, legs, and intestines. Later in August, a fourteen-year-old female received multiple wounds from the pellets, including one lodged under the skin of her forehead. Not long after, pellets entered the cranium of a thirty-five-year-old man farming in a field, causing paralysis down the right side of his body, before he realized that a two-centimeter pellet had also penetrated his five-year-old son's skull and sliced through his brain. A thirty-five-year-old mother of five children may have rushed to this dying toddler's aid had she not been paralyzed by a single pellet at the base of her brain. An unborn fetus experienced the tragedy of war as a pellet entered into his mother's womb and perforated its spinal cord.[328]

Later, in the Dinh Gia province in South Vietnam, a highly industrialized region surrounding Saigon, investigators recalled experiencing "the most depressing day" of their travels. Their Communist guides reluctantly agreed to transport them to this region after some intense handwringing about the dangerous conditions there and the likelihood they

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328. J.B. Neilands, "Report from North Vietnam on Civil Bombardment," in Duffett, *Against the Crime of Silence*, 271-2.

might join the growing list of victims. With only the moon lighting their path, the team arrived to discover that a multitude of recent attacks had flattened schools and villages. "There could be no doubt whatsoever that this was deliberate," Ali remarked. He blamed that aircraft from the U.S. 7th Fleet for bombings not far from nearby coastal villages that had experienced the brunt of the attacks. His group spoke with villagers of all ages who desired to tell their stories, but within the framework of demanding answers about why the U.S. so violently attacked civilians in its war against Vietnamese communists. "I had just returned from school and was about to have a bath when the aircraft came from the direction of the sea," twelve-year-old Nguyen Thi Tuyen explained through an interpreter. "A bomb fragment hit my brother in the stomach and killed him [and] another fragment cut my leg off, as you can see for yourself." She begged the investigators to explain why the Americans believed it necessary to attack innocent people. Similarly, 23-year old Nguyen Thi Hien lost her husband and four-year-old son in an attack that also sliced off her toes. "I hate Americans. I really hate them! How can you expect me to forgive them? We don't kill their women or destroy their cities, but they come and destroy us. If they come to bomb us again, I will hate them even more. There will be more bitterness and more hatred," she cried.[329]

Daly kept a detailed record of everything they witnessed during what became a five-week tour. He reported that bombing carried out by the most powerful country in the world had systematically destroyed North and South Vietnamese villages. "The United States [Navy] is bombing this small country so intensively that in the first nine months of

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329. Tariq Ali, "Report from Cambodia and North Vietnam in Duffett, *Against the Crime of Silence*, 133-134.

last year, the bombardment was greater than in the entire Second World War in the whole Pacific theatre," he claimed. He criticized the U.S. for using such immense firepower against a small country the size of two U.S. states, particularly when the targets were villages and civilian infrastructure, and entire populations were killed. When attacking roads, railway stations, communication towers, and other key targets, the U.S. also destroyed villages, hospitals, and schools nearby. "Hospitals in provinces, scattered and often remote, were sought out by American aircraft and destroyed in systematic raids involving the use of 3,000 pound bombs," he further claimed.[330]

Other explosives, such as anti-personnel, fragmentation, and "guava" bombs were designed to pierce concrete and steel – materials that villages rarely used. Daly continued to record what they witnessed: “One bomb contains 300 grenades and each grenade contains 300 pellets, making a total of 90,000 pellets in each bomb...which, along with the fragments of the balls, tear through the air with a speed I was told was greater than that of bullets." These small steel pellets would do little damage to large structures, meaning that they were purposefully used against the civilian population as an easy way to inflict maximum damage on the human body. "One pellet perforates most of the organs in the individual victim, severs nerves, lodges in the spinal column and renders medical treatment or operation virtually impossible," he wrote. He unequivocally blamed the U.S. for

330. Schmidt, "Briton Accuses U.S. on Bombing"; "5 on Russell 'Crime' Panel in Cambodia on 10-Day Visit," *The New York Times*, 13 January 1967; Wilfrid Fleisher, "'War Crime Trial' Delay Asked," *The Washington Post, Times Herald*, 1 May 1967; Lawrence Daly to Gosta Wennstrom, 25 February 1967, Box 10.01, 371 IWTC: Members’ Correspondence, BRAII, McMaster University; "Investigation of U.S. War Crimes In North Vietnam," undated, Folder 10, Box 01, Hugh Manes Collection, VCSJ, Texas Tech University.

perpetrating war crimes in violation of human rights agreements to advance the capitalist interests of western nations. "I don't see any conclusion except that the bombing of civilians is a deliberate policy of the Pentagon, presumably in hopes of inducing them to bring pressure on their Government to surrender, in the sense of accepting negotiations without a promise of permanent cessation of bombing."[331]

Daly pressed the IWCT's members to rapidly examine this evidence to stop additional atrocities from occurring in Vietnam and elsewhere. He criticized the U.S. government for lying about the war's goals and the means. As a leading labor leader in the United Kingdom whose father co-founded the Communist Party of Great Britain, he went even further than Russell and others when he criticized U.S. imperial-capitalism for desiring the natural resources of a small peasant nation while razing entire communities. "The results of the exploitation carried out by American and Western European capital in hungry parts of the world are used to strengthen the system which oppresses us," he argued. The Vietnam War equally exploited working class peoples in the U.S. and Europe as they toiled to "finance such wars of aggression and atrocity." He demanded that an international movement must oppose the war and that union leaders should lead the way. "If ever the word 'solidarity' or the idea of internationalism had life and meaning in our movement,

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331. Lawrence Daly to Gosta Wennstrom, 25 February 1967, Box 10.01, 371 IWTC: Members' Correspondence, BRAII, McMaster University; Schmidt, "Briton Accuses U.S. on Bombing"; "5 on Russell 'Crime' Panel in Cambodia on 10-Day Visit," *The New York Times*, 13 January 1967; Wilfrid Fleisher, "'War Crime Trial' Delay Asked," *The Washington Post, Times Herald*, 1 May 1967; Lawrence Daly to Gosta Wennstrom, 25 February 1967, Box 10.01, 371 IWTC: Members' Correspondence, BRAII, McMaster University; "Investigation of U.S. War Crimes In North Vietnam," undated, Folder 10, Box 01, Hugh Manes Collection, VCSJ, Texas Tech University.

then we must draw on those ideas and lessons to defend our brothers in Vietnam now," he called for "working men and women" to support the IWCT.[332]

Those with the expeditionary fact-finding group returned to their respective homes at the end of January and used their evidence to claim that the U.S. was "undertaking an intensive and systematic bombing of the civilian population."[333] In particular, they compared official U.S. statistics showing minimal "collateral damage" against the information collected by the fact-finding missions. Such evidence suggested that U.S. bombing strategies took aim at hydrological systems, hospitals, schools, churches, and villages without any credible intelligence that a military instillation resided in that vicinity. For example, the U.S. disclosed what they termed a "successful operation" that had destroyed a strategic railroad used as military transport in Nam Dinh. Investigators confirmed not only that U.S. bombers had indeed blown up key infrastructure in this region but had also missed the railroad which continued to operate without disruption. In fact, this attack had destroyed a dike as shrapnel from the bombing flew through the straw huts of local villagers.[334] Tribunal members interpreted these bombings as deliberate and argued that the U.S. government had deceived world opinion about its strategy of not targeting

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332. Lawrence Daly to Gosta Wennstrom, 25 February 1967, Box 10.01, 371 IWTC: Members' Correspondence, BRAII, McMaster University.

333. "A Paris: la première commission d'enquête du 'tribunal international' présente son rapport", *Le Monde*, Feb. 4, 1967, 2.

334. "'Tribunal Hears Reports of U.S. Attacks on Civilian Targets," *The New York Times*, 4 May 1967; "Bertrand Russell Tribunal," December 1967, Folder 05, Box 07, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University.

civilians and non-military infrastructure in North Vietnam. The United States bombed indiscriminately.[335]

4.2 Investigating U.S. Atrocities By "Means of War"

The IWCT commenced its first session in Stockholm, Sweden on 2 May 1967 to analyze the impact of the Vietnam War on civilians.[336] Professor John Brian Neilands, a biochemist at the University of California at Berkeley who travelled with the IWCT's inquiry group, painted a horrific scene of atrocities on Vietnamese civilians before a table of tribunal members. He explained how remote villages often contained no military targets and that the locals had a self-sustained economy focused on agricultural production. Yet, the U.S. policy of indiscriminate bombing in these regions eradicated lives across all generations, slaughtered medical teams who courageously rushed into the peril, and destroyed medical supplies, homes, and crops that helped to sustain life in North Vietnam.[337] "Isn't it possible that the U.S. military made a mistake?" he pondered aloud. "Was I brainwashed? How does one account for not being present when the U.S. dropped the bombs?" He asked these rhetorical questions believing in the veracity of what he saw.

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335. "'Tribunal Hears Reports of U.S. Attacks on Civilian Targets," *The New York Times*, 4 May 1967; "'War Crimes Tribunal' Views Film" *The Washington Post*, 4 May 1967.

336. "Sartre on Panel to 'Try' U.S. Leaders," *The New York Times*, 3 August 1966; Bertrand Russell, *War Crimes in Vietnam*, 2nd ed. (London: George Allen & Unwin Ltd., 2009), 126-127.

337. Neilands, "Report from North Vietnam on Civil Bombardment," in Duffett, *Against the Crime of Silence*, 271-73.

These repeated accusations haunted the tribunal as the first session focused on creating a knowledge-producing INGO to bolster global moral resistance against America's escalation of the conflict. The reoccurrence of civilian massacres could rest on the tribunal's shoulders, and the cessation of such killings might finally result from a thorough but rapid distribution of information about U.S. war crimes based on close examination of what happened. "Overwhelming evidence besieges us daily of crimes without precedent," Bertrand Russell stated before the tribunal. "Each moment greater horror is perpetrated against the people of Vietnam. We investigate in order to expose. We document in order to indict. We arouse consciousness in order to create mass resistance. This is our purpose and the acid test of our integrity." Russell urged members in his opening statement to resist pressure by the U.S. government and criticism by journalists who had labelled the IWCT a kangaroo court. "How frantic is the United States Government to stop us. Lies are hurled like napalm bombs," Russell stated. "The fragments of these planned untruths find their way into the media of communication so responsible for the deception of ignorant men."[338]

Jean Paul Sartre's opening statement added that the tribunal's legitimacy rested on its new existence. Just as Nuremberg had come into being by enraged members of the global community who sought to judge and condemn Nazism and its genocidal practices, the tribunal, too, would attempt *a posteriori* to examine evidence from the war and pass judgment on those countries involved. He argued that the tribunal could shape international humanitarian law from *jus ad bellum* (laws on the use of force) to *jus contra bellum* (laws

338. Bertrand Russell, "Opening Statement to the First Tribunal Session," in Duffett, *Against the Crime of Silence*, 49.

on the prevention of war) by providing new frameworks to prevent war crimes in the future. Critics of Nuremberg had asserted that the trials were flawed from the start because victorious nations had assumed the authority to punish those they had vanquished. Sartre agreed that the Nuremberg trials lacked legitimacy because of their subjective nature. They further lost legitimacy when the international community failed to replace them with a more permanent international criminal court, a loss that seemed to indicate that biased judges sought only to punish Germany and cared nothing about creating a body to prevent future war crimes. "Thus the hurried and incomplete provisions made by the Allies in 1945 and then abandoned have created a real lacuna in international life," Sartre opined, "There is a cruel lack of that institution - which appeared, asserted its permanence and its universality, defined irreversibly certain rights and obligations, only to disappear, leaving a void which must be filled and which nobody is filling."[339]

Sartre claimed that the IWCT represented a turning point for international tribunals by shifting from judgment by countries to a more modern citizen-led approach. He argued that "the people" as non-state actors could bring greater objectivity and legitimacy to criminal courts as they were ultimately without influence at the international level and could therefore remain free of state influence. "We are powerless: it is the guarantee of our independence," he maintained, "We receive no aid - except from our supporting committees, which are, like ourselves, associations of private individuals. Representing no government and no party, nobody can give us orders…No one of us can say, today, how the proceedings will go, or if we will reply by a yes or a no to the accusations, or if we will

339. Jean-Paul Sartre, "Inaugural Statement to the Tribunal," in Duffett, *Against the Crime of Silence*, 41-42.

not reply - considering them perhaps well-founded by not conclusively proved."[340] This statement allowed Sartre to again distance himself from the Russell supporters by suggesting the tribunal use legalism to condemn imperialism and hold leaders accountable for violating international law and human rights.[341]

Accepting its powerlessness allowed the tribunal not only to seek out truth, but also to emphasize that it had no authority to sentence criminals and instead relied on a movement of people to use its evidence to hold American leaders accountable for war crimes in Vietnam. "What we wish to maintain, thanks to the collaboration of the press, is a constant contact between ourselves and the masses who in all parts of the world are living and suffering the tragedy of Vietnam," he continued, "We hope that they will learn as we learn, that they will discover together with us the reports, the documents, the testimony, that they will evaluate them and make up their minds about them day by day, together with us." In due course, the public could "punish" the aggressors by accepting the evidence as "truth" and demanding resolutions to stop and prevent war crimes wherever they occurred. This, he argued, would allow for *jus contra bellum* to be reborn after what he called its "still-birth" at Nuremberg, and to do so *a posteriori*.[342] That is to say, the IWCT as an INGO would help the world better understand the laws against war through the collection of knowledge acquired from experience.

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340. Ibid., 41-3.

341. He made this case in an article published just prior to the tribunal's start. Jean-Paul Sartre, "Sartre à de Gaulle," *Le Nouvel Observateur*, April 26, 1967.

342. Sartre, "Inaugural Statement," in Duffett, *Against the Crime of Silence*, 41-45.

The evidence of such widespread indiscriminate attacks stood before the tribunal to tell their story and help focus on the "means of war" as a way to paint the Vietnam conflict as a human rights crisis. A thirty-seven-year old North Vietnamese farmer stood before the tribunal and removed his clothes to reveal his charred body. A translator explained that the man had been plowing a field when an American plane swooped overhead and dropped phosphorus bombs on his family farm in Quang Nam, a province in South Vietnam home to Da Nang where U.S. marines had first landed in 1965 and where the NLF had established a stronghold. His blistered skin and blackened scabs supported claims that American air strategy included indiscriminate bombing that sometimes attacked the enemy, but more frequently inflicted violence on North and South Vietnamese civilians. Additional audio-visual recordings and live testimony from scientific experts, U.S. military officers, lawyers, doctors, and professors helped corroborate facts emerging from Vietnam and presented during the 10-day hearing. Paired with eyewitness accounts from the tribunal investigators, the evidence presented at Stockholm helped tribunal members better visualize a Vietnam ravaged by what they viewed as American war crimes.[343]

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343. "'Tribunal' Hears Reports of U.S. Attacks on Civilian Targets," *The New York Times*, 4 May 1967; Dana Adams Schmidt, "Russell Aide Accuses U.S. of Genocide in Vietnam," *The New York Times*, 8 May 1967; "A Tale of Three Agents," 1970, Folder 12, Box 02, Douglas Pike Collection: Unit 03 - Technology, VCSJ, Texas Tech University.

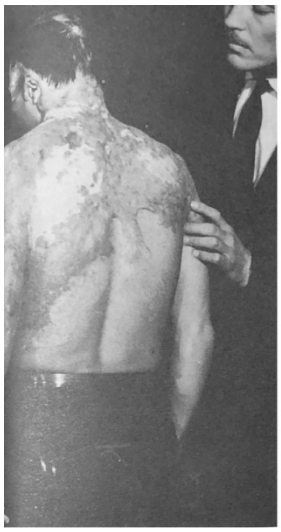

Figure 15 A Vietnamese victim of Napalm shows his scars to the tribunal.

Figure 16 A Vietnamese victim of Napalm shows his scars to the tribunal.

The tribunal's military expert, Former Office-In-Charge of Armaments Inspection of the French Army and the Director of Research at the National Center for Scientific Research Dr. Jean-Pierre Vigier of the University of Paris, claimed that the evidence

proved that the U.S. had experimented with chemical warfare like napalm and frequently used Vietnam as a "testing ground" for new military technologies.[344]

Vietnamese victims described how these weapons killed their families and destroyed their livelihoods as their villages turned to embers. Those who remained could expect to receive a visit from U.S. military interrogators who swept through villages looking for the enemy and torturing civilians for information. IWCT member Tariq Ali had been on one of the Commissions of Inquiry prior to the first tribunal session and had heard firsthand about the sudden death of Cambodian villagers by American special forces teams who would hunt for information about the North Vietnamese enemy. In Phnom Penh and along the Cambodian and South Vietnamese border, he spoke with individuals who described terrifying situations where US helicopters would sweep in under the cover of darkness to capture those who might serve as informants. They were then hauled to secret locations where US and South Vietnamese Special Operations forces used torture to secure information. Victims recounted how "snakes and sticks [were] forced up their vaginas, water poured into their lungs, electric shocks to their genitals, napalm welding their limbs or chins to their bodies, babies torn from their arms and dashed to the ground, their children strafed from the air."[345]

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344. "Paris AFP article no title (incomplete)," 12 January 1967, Folder 11, Box 06, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University.

345. Quoted in David Dellinger, *From Yale to Jail: The Life Story of a Moral Dissenter* (Eugene, OR: Wipf and Stock Publishers, 1993), 244-245. US torture methods were again confirmed in 1970, Press conference: torture in Vietnam of prisoners and civilians by U.S. servicemen.; "Peace rally in New York Central Park," 27 June 1970, J. C. Gathings Collection, VCSJ, Texas Tech University.

Twenty-nine-year-old Cambodian Muy Tith described being captured by the US before being ruthlessly beaten by both Americans and South Vietnamese who demanded to know the location of the Viet Cong in his Soc Noc village. He shouted "No! No! No!" when asked questions because he could not understand Vietnamese or English. In between interrogations, they would tie him up while torturing him through beatings that lasted hours at a time. They returned him to Soc Noc without having acquired any significant knowledge about the location of the enemy. Ali spoke with other villagers who described the kidnapping of twelve individuals who never returned. "The list was incredibly long, and it would have taken us hours if we had stayed there and taken every name down. It was clear that the village had been attacked, that its citizens had been terrorised and killed, and that some of its citizens had been taken away for interrogation."[346]

One former American interrogator, Peter Martinsen, confirmed with the tribunal that the U.S. Army Intelligence School taught interrogation strategies that violated the Geneva Conventions. "Interrogators participated in actual torture," he said, before commenting on how those methods occasionally resulted in the death of Vietnamese prisoners of war. "It's so horrifying to recall an interrogation where you beat the fellow to get an effect, and then you beat him out of anger, and then you beat him out of pleasure," Martinsen added. Three additional U.S. interrogators confirmed Mortinsen's testimony and submitted their own to the court.

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346. Tariq Ali, "Report from Cambodia and North Vietnam," in Duffett, *Against the Crime of Silence*, 130-31.

Figure 17 Former American interrogator Peter Martinsen.

The investigatory team also met with a master sergeant, Muong Ponn, who had defected from the South Vietnamese army after 19-years of service and fled to Cambodia. Using a translator, he described the process of search and destroy missions. He served as a part of a unit charged with "mopping up" after the carnage to guarantee no survivors. An American led his unit as they landed inside villages via helicopter under orders to shoot on sight until the area had been cleared. He argued that all orders came from U.S. commanders who also participated in the massacres. On 12 April 1967, he and his fellow troops parachuted into the village of Phum Oc Yum in South Vietnam near the Cambodian border immediately following a targeted bombing by F-105s. The remaining survivors, he recalled, included mostly women and children apart from a few elderly men. He claimed that the commanding officer U.S. Major Marchand gave an order to "shoot at everything that moved." The troops killed sixty civilians before refusing orders to kill the remaining women and children who the commander had lined up in a single line. "The Khmer soldiers refused and it was the Americans who did the shooting," Ponn sadly admitted.[347]

347. "Questioning of a Khmer Mercenary," in Duffett, *Against the Crime of Silence*, 146.

Such testimony claimed that the U.S. practiced a policy of "killing anything that moves."[348] Operation Rolling Thunder against the DRV, sustained bombing raids and the use of widespread herbicides throughout the south, and search-and-destroy missions in the south had created a type of warfare throughout Vietnam that blurred the lines between civilian and enemy territory. The death of noncombatants seemed to strengthen the will of the Vietnamese to resist the Americans by joining the Viet Cong's resistance. This also pushed Hanoi's leaders to work diplomatically to support organizations like the IWCT that could publicize such widespread destruction at the hands of U.S. forces. Nevertheless, U.S.-South Vietnamese actions up to 1967 did little to stop the North's infiltration of the south, pushing these allies to step up their war of attrition. "Considering that Vietnam is a small country no larger than one or two American states," Daly wrote, "it is evident that this massive bombardment is an atrocity and, beyond question, the saturation bombing of the civilian populations."[349]

4.3 Exposing America's Use of Cluster Bombs Against Civilian Targets

Tribunal members particularly focused on the U.S. use of advanced weaponry manufactured to harm the human body in areas populated by civilians. Two types of anti-personnel cluster bomb units (CBUs) used by the U.S. Navy and Air Force caught the

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348. Turse, *Kill Anything That Moves, 58.*

349. Lawrence Daly to Gosta Wennstrom, 25 February 1967, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University;" A Tale of Three Agents," 1970, Folder 12, Box 02, Douglas Pike Collection: Unit 03 - Technology, VCSJ, Texas Tech University, ; "Bertrand Russell International Tribunal Closes its First Session," 12 May 1967, Folder 15, Box 06, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University.

tribunal members attention because they seemed intended to inflict mass human casualties. These "area weapons" covered huge swaths of countryside and indiscriminately targeted any one in its path. The IWCT's investigations revealed for the first time that this bomb—called colloquially a "guava bomb"—maimed and killed civilians to the point of appearing purposeful.[350] Those tribunal members who had visited Vietnam such as Brightman, Behar, and Ali reported that the use of these bombs was "systematic," which revealed an uneasy truth that the U.S. relied on the indiscriminate killing of civilians to advance its aims.[351] This weapon was designed to be used solely against humans and represented another way in which the IWCT referred to the "means of war" to define Vietnam as a human rights crisis.[352]

Dr. Vigier also testified about these weapons. The first, a one and a half pound "pineapple" bomb measuring 6.7 centimeters in diameter and 6.8 centimeters in height and containing 300 steel pellets measuring 6.3 millimeters in diameter, were packed into a missile-style tube in the amount of 20 bombs and loaded onto F-105 aircrafts. Under

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350. Guenter Lewy, *America in Vietnam* (New York: Oxford University Press, 1980), 266-267; Carl Oglesby, *Ravens in the Storm: A Personal History of the 1960s Anti-War Movement* (New York: Scribner, 2014), 137-138; Abraham Behar, "Extracts from the Summary Report on the Bombing of the Civil Populations in the North," in Duffett, *Against the Crime of Silence*, 148; George C. Herring, ed., *The Secret Diplomacy of the Vietnam War: The Negotiating Volumes of the Pentagon Papers* (Austin, T.X.: University of Texas Press, 1983). 847.

351. Y. Ischijima, "Non-Military Targets and Methods of Attack," in Duffett, *Against the Crime of Silence*, 161-2.

352. Lewy, *America in Vietnam*, 266-267; Michael Krepon, "Weapons Potentially Inhumane: The Case of Cluster Bombs," *Foreign Affairs* 52, no. 3 (1974): 595-611; Richard A. Falk and Stefan Andersson, *Revisiting the Vietnam War and International Law* (New York: Cambridge University Press, 2018), 146.

microscopic examination, the pellets resembled a double-edged machete.[353] Upon release six wings would spring out into an upward position to stabilize each bomb as it fell vertically upon the target. If the six wings successfully stabilized the vertical fall of each bomb, the base would hit the ground and trigger the release of several detonation hammers to activate an explosion. The detonation is said to have been three times the force of TNT, which next released the steel pellets in a "sun-burst pattern" with a range of 10 to 15-meter radius. The area covered by the release of these bombs from the aircraft could be as much as 500 meters long by 250 meters wide.[354]

Figure 18 An anti-personnel cluster bomb unit called a "pineapple" bomb.

CBUs were first tested in April 1966 against North Vietnamese targets and entered widespread use by the summer of 1966 as a way to render inoperative Soviet-supplied antiaircraft units and to provide cover for U.S. aircraft. They were ordered to be used for flak suppression shortly thereafter when Director of Operations for the Joint Chiefs of

353. John Takman and Axel Hojer, "Bombardment of Civilians in North Vietnam," in Duffett, *Against the Crime of Silence*, 166.

354. Jean Pierre Vigier, "Technical Aspects of Fragmentation Bombs in Duffett, *Against the Crime of Silence*, 249-50; Zenshiro Hara, Masahiro Hashimoto, and Asami Zenkichi, "Combined Report on Anti-Personnel Bombs: Testimony by members of the Japanese Scientific Committee," in Duffett, *Against the Crime of Silence*, 259.

Staff, Vice Admiral Lloyd M. Mustin, witnessed their killing capacity and asked, "How many can we make?"[355] The decision to label cluster bombs it as a conventional weapon and not a "classified munition" meant that the U.S. could sidestep questions about their ability to cause civilian harm and possibly their use. Mustin later revealed the extent to which the Joint Chiefs went to hide this weapon from the public out of fear that politicians would be forced to ban it. "We in J-3 [Directorate for Operations] had ways of exchanging information with our subordinate echelons all the way out to pilots on the line," he later said, "And we just said, 'As far as we know, that's authorized to you, you've got 'em, use 'em when you want, and keep your mouth shut, or somebody will tell you that you can't.'"[356]

Soon the U.S. adopted the CBU-24, a one-pound "guava" bomb more reliable in detonation and more precise in the release of steel pellets upon explosion. Sometimes also referred to as a "ball bomb", this 6.8 by 6.1 centimeter weapon, unlike the pineapple bomb, did not rely on highly precise contact to explode. It detonated once the centrifugal forces within the bomb stopped spinning and released the trigger hammers. One of nineteen "mother bombs" containing either 300 or 640 guavas (depending on the size of the mother bomb) were released from the aircraft before splitting above the target and releasing the internal guavas. Six hundred and forty of these bombs could be stuffed inside the "mother bomb" and packed each with around 300 steel pellets measuring 5.5 millimeters in diameter. They were fired with an impact radius of 600 meters long and 300 meters wide

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355. Michael Krepon, "Weapons Potentially Inhumane: The Case of Cluster Bombs," in *The Vietnam War and International Law, Volume 4: The Concluding Phase*, by Richard A. Falk (Princeton University Press, 2015), 598.

356. Lloyd Mustin quoted in Krepon, "Weapons Potentially Inhumane," 266–82.

if dropped at an altitude of 1 kilometer which is significantly a wider range of impact than the pineapple bomb. Upon detonation, a "sun-burst" explosion with a distance of 15 meters sent the steel shrapnel in every direction. Also, unlike the pineapple bomb, which required vertical contact with the ground to explode, the guava bomb exploded once the rotating axis stabilized, thus allowing it to explode in the sky, upon hitting the ground, or landing lopsided on a thatched roof. Similarly, this bomb could not damage concrete and steel, but instead aimed to tear through the flesh of human bodies.[357] In fact, experiments conducted by the tribunal's scientists, later supported by reports released by the International Committee of the Red Cross, showed that on average 30 steel pellets penetrated each human within the contact radius.[358]

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357. Vigier, "Technical Aspects of Fragmentation Bombs," in Duffett, *Against the Crime of Silence*, 250-2; Hara, Hashimoto, and Zenkichi, "Combined Report on Anti-Personnel Bombs," in Duffett, *Against the Crime of Silence*, 259-60.

358. Hara, Hashimoto, and Zenkichi, "Combined Report on Anti-Personnel Bombs," in Duffett, *Against the Crime of Silence*, 260; "Paris AFP article no title (incomplete)," 12 January 1967, Folder 11, Box 06, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University; International Committee of the Red Cross, *Weapons that May Cause Unnecessary Suffering or Have Indiscriminate Effects* (Geneva, 1973), accessed 21 March 2021, https://www.loc.gov/law/mlr/pdf/RC-Weapons.pdf.

Figure 19 A "mother bomb" holding smaller "guava" bombs.

Figure 20 A "guava" bomb sometimes described as a "ball" bomb.

U.S. anti-war activist David Dellinger interrupted Vigier's survey of weaponry to ask pointed questions about the impact of these bombs on civilians. He noted the overkill of dropping all of these mother bombs, which in sum contained a total of about 192,000 steel pellets, none of which had the ability to penetrate a sandbag. He criticized the Johnson administration for using the inaccurate phrase "pinpoint bombing" when describing the use of bombs in North Vietnam because it belied the widespread and haphazard damage afflicted on the Vietnamese. "The only way you can use this expression is that such guavas, when they explode, produce very small craters; you can call that a pin-point if you want," he added, "On walls you can see the trace but the pellets never go through concrete or even

ordinary sandstone, they just produce a 'pock mark' which is half a centimeter deep." Daly added that the steel pellets could have the same velocity as a speeding bullet. "One pellet perforates most of the organs in the individual victim, severs nerves, lodges in the spinal column and renders medical treatment or operation virtually impossible," he recalled from observations taken during his investigation in Vietnam.[359] These weapons were not useful on the traditional battlefield, Vigier added, but only helpful if you could use high-explosive bombs or chemicals to flush individuals from their hiding positions before using these weapons to attack them. "C.B.U.'s [cluster bombs] can only be effective as weapons over very densely populated regions," he continued. "This is very clear because if there is nobody in sight the little pellets just spread and are completely useless." In other words, the U.S. military designed technologies to harm Vietnamese individuals and not simply attack military targets or infrastructure.[360]

Physicians like Dr. Behar and others helped the tribunal members better understand the "trauma pathology created by anti-personnel pellet bombs." They confirmed first that the pellets travelled across a total of some 15 meters with great velocity, had a high impact

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359. Lawrence Daly to Gosta Wennstrom, 25 February 1967, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University; Schmidt, "Briton Accuses U.S. on Bombing"; "5 on Russell 'Crime' Panel in Cambodia on 10-Day Visit," *The New York Times*, 13 January 1967; Wilfrid Fleisher, "'War Crime Trial' Delay Asked," *The Washington Post, Times Herald*, 1 May 1967; "Investigation of U.S. War Crimes In North Vietnam," undated, Folder 10, Box 01, Hugh Manes Collection, VCSJ, Texas Tech University; "A Tale of Three Agents," 1970, Folder 12, Box 02, Douglas Pike Collection: Unit 03 - Technology, VCSJ, Texas Tech University; "Bertrand Russell International Tribunal Closes its First Session," 12 May 1967, Folder 15, Box 06, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University.

360. Vigier, "Technical Aspects of Fragmentation Bombs," in Duffett, *Against the Crime of Silence*, 253.

on the human body, and were useless on anything other than humans. The internal organs of each victim suffered the most from the pellet ricocheting in zig-zag patterns instead of making a straight entrance and exit through the body. Their accumulated findings showed that the nervous system was most vulnerable to these pellets as the skull and additional vertebrae were not dense enough to act as a barrier to internal organs. Victims also suffered the most from eye injuries as pellets either entered directly into the organ and lodged within the eye socket if not passing through the cranium. Internal organs were also among the most vulnerable parts of the body as any penetration could lead to immediate infection, peritonitis, and death if not treated quickly and carefully.[361]

The Director of the Stockholm Child Welfare Board, Dr. John Takman, and Sweden's delegate to the United Nations World Health Organization, Dr. Axel Hojer, implied that these weapons bordered on a cultural genocide by targeting the educational infrastructure. In addition to the destruction of schools, the U.S. eliminated industries that produced goods consumed by students such as paper mills that produced textbooks.[362] Within the Phu Tho province some 75 kilometers northwest of Hanoi, the Viet Tri Papermill had been attacked five times with cluster bombs weighing around 1200lbs. With each attack, more individuals would lose their job if not their life. The medical doctors explained the ubiquity of the attacks as witnessed by the employees who continued to work even though sirens warned of another bombing.

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361. F. Mazas and J. Zucman, "Effects of Anti-Personnel Bombs on the Human Body," in Duffett, *Against the Crime of Silence*, 266-7.

362. John Takman and Axel Hojer, "Bombardment of Civilians in North Vietnam," in Duffett, *Against the Crime of Silence*, 166.

Loudspeakers would announce the proximity of U.S. bombers when they were within 80-100 kilometers. Yet, villagers would continue to go about their business. They had become accustomed to hearing the warning and listening to nearby airplanes drop bombs. They learned that the planes usually would not arrive for another ten minutes. The bombings would commence as per the multi-wave attack to draw as many individuals as possible out of hiding. At times, villagers would either miss the loudspeaker or not take cover before the arrival of the aircraft. Thirty-year old Nguyen Khac Dan had been with his wife and two children when a CBU bomb mortally wounded his wife by striking her head, thus leaving the children motherless. Forty-nine-year-old Bu Thi Sung was boiling water which supposedly drowned out the sound of distant sirens. It was only when she heard the planes that a bomb crashed through the roof of her house and steel pellets pierced her five-year-old's head, her seven-year-old's neck, and her fourteen-year-old's wrist.[363]

4.4 Portraying the "Means of War" as a Premeditative Act

Takman and Hojer further emphasized the importance of pre-meditation in their analysis of the "means of war" which allowed them to broadly assign responsibility for the crimes they reported. Investigators were able to examine the undetonated bombs in North Vietnam to better understand their construction and the details regarding their manufacture to determine original intent. They placed particular significance on the loading date written on the bomb's facade. Those bombs that were dropped in the Phu Tho province in North Vietnam had a loading date of November 1966 and January 1967. When the order date,

363. Takman and Hojer, "Bombardment of Civilians in North Vietnam," in Duffett, *Against the Crime of Silence*, 166,168.

manufacturers delivery, and the loading date were all considered, it appeared as if the bombs dropped would have been ordered two to three years prior to the drop date. The U.S. thus plainly engaged in the pre-meditated massacre of civilians with anti-personnel weaponry that had been designed years in advance.[364]

One organization created to independently support the tribunal —the Japanese Committee for the Investigation of U.S. War Crimes in Vietnam—launched its own inquiry and sent investigators to North and South Vietnam to film, record, and document evidence to be presented before the IWCT.[365] Japanese medical doctors visited North Vietnamese hospitals to review lab results and x-rays concerning the use of CBU's against humans. They found that the steel pellets would enter the human body and spin out of control without always leaving an obvious exit wound. Meanwhile, perforated internal organs spilled blood and toxins into the human cavity as doctors struggled to locate the source of the damage. What appeared to be a tiny entry wound on the outside of the body belied a level of carnage on the inside of the body not visible prior to surgery. "This type of weapon is all the more inhumane because once the projectile penetrates the human body, it is extremely hard to remove," Doctors Hara and Hashimoto explained.[366] The size of the pellets combined with the extent of internal injury made it difficult to find every pellet,

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364. Ibid., 167.

365. Japanese Committee for the Investigation of U.S. War Crimes in Vietnam, "Testimony of Truth," 2 May 1967, C-SPAN: Reel America, accessed, 23 March 2021, https://www.c-span.org/video/?462782-1/testimony-truth.

366. Hara, Hashimoto, and Zenkichi, "Combined Report on Anti-Personnel Bombs," in Duffett, *Against the Crime of Silence*, 258.

which if left behind could be fatal due to the high toxicity of the iron, copper, zinc, lead alloy.[367]

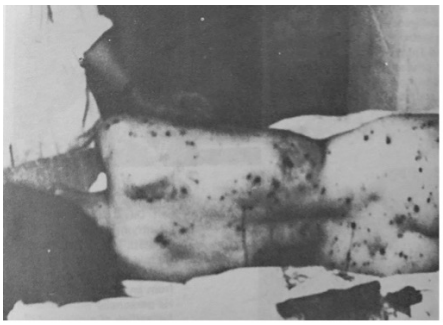

Figure 21 "Victim #1" showing the entrance and exit wounds caused by the CBU's steel pellets.

Figure 22 "Victim #2" showing the entrance and exit wounds caused by the CBU's steel pellets.

In Hanoi in early 1967, the Japanese investigators interviewed an American prisoner of war, Navy Lieutenant Commander Charles Tanner, who claimed to confirm without intimidation by North Vietnamese officials that the U.S. bombings against non-military targets were "pre-calculated and organized." That the testimony was hand delivered on a pre-recorded audio tape implies that North Vietnamese officials did not want

367. Hara, Hashimoto, and Zenkichi, "Combined Report on Anti-Personnel Bombs," in Duffett, *Against the Crime of Silence*, 263.

to release the POW to speak to the tribunal and that his testimony may have been forced and unreliable. Nevertheless, he “confessed” to ordering his sorties to "first destroy dwellings by bombs, then burn out shelters by napalm, and then kill or wound with CBU's all the people who would be driven out of their shelters by the napalm." They concluded that the U.S. conducted a sustained offensive war against civilian populations as proven by the sheer number of non-military targets destroyed in recognizable residential regions and defined by the destruction of "shops, farm houses, hospitals, schools, public nurseries, kindergartens, churches, temples, and irrigation facilities." In particular, they confirmed that these regions were destroyed primarily through the use of both napalm and CBU's.[368]

Such testimony has to be taken with a grain of salt because North Vietnam was engaged in a global propaganda campaign to further expose America’s ever-widening credibility gap, to turn world opinion against American leaders. Some U.S. service members later reported that Hanoi often tortured them to get them to confess to nonexistent crimes before a camera.[369] This is not to say that the tribunal’s evidence should be dismissed because it was fabricated under the careful eye of Hanoi officials who determined what they wanted and did not want the world to see and hear. On the contrary, future revelations about the extent of American war crimes in Vietnam by way of My Lai in 1968 and the Winter Soldier Investigations each independently verified the existence of widespread human rights violations in North and South Vietnam during the war. Even

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368. Y. Ischijima, "Non-Military Targets and Methods of Attack," in Duffett, *Against the Crime of Silence*, 161, 163.

369. Steven V. Roberts, "Former P.O.W.'s Charge Torture by North Vietnam," 30 March 1973, *The New York Times*, 81; Craig Howes, *Voices of the Vietnam POWs: Witnesses to Their Fight* (New York: Oxford University Press, 1993).

outside of the tribunal—such as with the Japanese group—Hanoi engaged in a widespread campaign of people's diplomacy that infiltrated anti-war movements and supported groups critical of America's occupation with information damaging to the U.S. campaign.[370]

Tribunal members still listened to the harrowing descriptions of multiple medical case files submitted by the Japanese Commission on audio and via a film titled, "Testimony of Truth," which graphic images recorded during their own investigation in late 1966 and early 1967.[371] They handed over medical records from the autopsy of a 36-year old man named Nguyen Van Tho, who had died during an air raid while working at the Than Lon tobacco factory in Hanoi. The files revealed he fell victim to two guava bombs that detonated to both his immediate north and south. In addition to shrapnel from the bomb itself, steel pellets coursed through his body by entering the middle right back before crisscrossing through his chest and piercing the main artery of his heart before coming to rest within his inner chest cavity. A different pellet made a relatively clean entry and exit wound through his brain.[372]

The death of Nguyen Van Tho might be seen as collateral damage since he was a male of military age working in Hanoi, but other cases elaborated the horrifying extent of the U.S. bombing strategies. One three-month old infant fell victim to these bombs in the Tran district near Hanoi on 14 March 1967 when a bomb exploded and caught both of her

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370. Max Hastings, "The Hidden Atrocities of the Vietnam War," *The Wall Street Journal*, 4 October 2018, accessed 15 April 2021, https://www.wsj.com/articles/the-hidden-atrocities-of-the-vietnam-war-1538664997.

371. Japanese Committee for the Investigation of U.S. War Crimes in Vietnam, "Testimony of Truth," 2 May 1967, C-SPAN: Reel America.

372. Hara, Hashimoto, and Zenkichi, "Combined Report on Anti-Personnel Bombs," in Duffett, *Against the Crime of Silence*, 263.

legs on fire before pellets fractured several bones in her tiny body. Ten-year old Tham Thi Thung had just left school and was beginning to help her family to harvest rice when her village was bombed within the Phuu Tho Province on 11 March 1967. The bomb exploded in front of her as at least 14 pellets penetrated her abdomen. Surgeons managed to remove all steel pellets before suturing her small intestines and diaphragm. Eleven-year old Nguyen Tien Toan had just arrived at school when a bomb sent several steel balls into the right side of his abdomen, perforating the liver, the duodenum, and the jejunum. Surgery required the partial removal of his liver and sutures on his intestines.[373]

Specialists presenting before the tribunal continued to describe the means of war as a premeditated act that bordered on cultural genocide and represented the deliberate annihilation of a Vietnamese generation. Photos, film, and data presented at the tribunal showed that children suffered as much as adults when bombs fell from the sky. Razed schools from every province were littered with the dead bodies of children. The North and South Vietnamese people described a cultural massacre that would further stunt an already underdeveloped nation. Schools suffered the most as the destruction of educational facilities eliminated the attempt by educators to eradicate illiteracy among rural Vietnamese. From survivors, investigators learned that nearly every bombing occurred during school hours while students occupied the classroom. If students were lucky enough to hear a siren or get warning of an incoming attack, they would rush to nearby trenches that provided them only the false security of safety. Attacks on rainy days might cause mud spills to flood the trenches and drown any child that hid unknowingly within their own

373. Hara, Hashimoto, and Zenkichi, "Combined Report on Anti-Personnel Bombs," in Duffett, *Against the Crime of Silence*, 263, 265

tomb. At other times, bombs would crash through the ceiling upon unsuspecting classrooms and kill everything within the vicinity while burying the bodies of the pupils and their teachers under the smoking rubble. While in Tan Thanh in the province of Ninh Binh, investigators learned of a school that had been targeted by an air-to-ground missile that killed a teacher during a lesson. "The purposiveness of this school attack - hit under such circumstances - makes one think that the objective which this plane was aiming for was specifically that school." The commissions counted 391 schools struck by U.S. bombs in every region of North Vietnam.[374]

The assault on children signified the long-lasting damage of such war crimes on future generations. Generational trauma can remain with human beings either as physical scars or as a mental illness. Infants might live through the war but be marked by the physical scars of its violence. Doctors from the Institut national de la Institut national de la santé et de la recherche médicale in France (INSERMA) reported that fetal injuries from these steel pellets topped the most frequented injury associated with the anti-personnel bombs. They showed how pellets would enter the wombs of the mother and the child's body, doing permanent damage. In one case, a pellet penetrated the womb and became lodged within the infant's cheek. Doctors removed the fragment upon birth, but physicians noticed eight months later that the child suffered debilitating neurological development. Tests uncovered a fragment of the pellet that had crossed through the neck and had lodged within the spinal cord, thus causing significant damage to the central nervous system.[375]

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374. Abraham Behar, "Extracts from the Summary report on the Bombing of the Civil Populations in the North," in Duffett, *Against the Crime of Silence*, 152-3.

375. Mazas and Zucman, "Effects of Anti-Personnel Bombs on the Human Body," in Duffett, *Against the Crime of Silence*, 267

4.5 Conclusion

The tribunal ended on 10 May 1967 after eight long days and more than 15 witnesses who testified to, among other things, the use of cluster bombs and America's destructive air war on civilian life. Citing the failure of the international community to enforce the 1954 Geneva Accords, to prevent war crimes via the 1949 Geneva Convention, and follow the precedent of punishing aggressors at Nuremberg, members agreed that the evidence presented a clear picture of the extent to which the U.S. had committed war crimes and crimes against humanity both in North and South Vietnam. Returning to the questions that had been assigned to them at the start of the tribunal, each member affirmed "YES."

> 1. Has the United States Government (and the Governments of Australia, New Zealand and South Korea) committed acts of aggression according to international law?
> 2. Has the American army made use of or experimented with new weapons or weapons forbidden by the laws of war?
> 3. Has there been bombardment of targets of a purely civilian character, for example hospitals, schools, sanatoria, dams, etc., and on what scale has this occurred?[376]

As each member provided their closing remarks inside of the conference hall, the sounds of anti-war protestors grew louder in the streets as activists showed up to support the IWCT's work in its final days. Just a few days earlier they had marched toward the American embassy in Sweden to protest the war, chanting "American murderers!"[377] There

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376. Duffett, *Against the Crime of Silence,* 58-60.

377. Dana Adams Schmidt, "Russell Tribunal Is 'Astonished' By Denial of Attack on Civilians," *The New York Times*, 7 May 1967, Pg. 3.

could be little doubt that even with such widespread criticism at the tribunal's start, that they its findings would help mobilize public opinion against the war.

The first tribunal session used the "means of war" to argue that the U.S. had violated human rights agreements and international law by knowingly committing war crimes against North and South Vietnamese civilians. Operation Rolling Thunder and the expanded bombing campaign in the South indiscriminately targeted civilians in the broader war against enemy combatants. Furthermore, the secret use of previously undisclosed technology called CBU's helped the tribunal to demonstrate the ways in which Americans targeted humans and failed to differentiate between enemy and non-combatant. Russell had first labeled the Vietnam War an "atrocity" in 1963, and the tribunal used evidence to support this claim by depicting it as a cultural massacre bordering on genocide. Such Manichean terms offered a way to mobilize public opinion against the U.S.—a country Russell called the "universal empire of evil."[378]

The members spread of these findings through op-eds in western newspapers, underground newspapers, and by widely distributed information packets and pamphlets printed and funded by the BRPF, could not damage the already declining credibility of the Johnson administration. Perhaps this is why Secretary of Defense Robert McNamara, who had frequently denied that the US deliberately attacked civilians, warned President Johnson on 19 May that world opinion was turning against America's air war. "The picture of the world's greatest superpower killing or seriously injuring 1,000 non-combatants a week, while trying to pound a tiny, backward nation into submission on an issue whose merits

378. Russell, *War Crimes in Vietnam*, 73.

are hotly disputed, is not a pretty one," he ominously warned.[379] He would resign in less than a year to become President of the World Bank.

379. Robert McNamara to Lyndon Johnson, 19 May 1967, quoted in Herring, *America's Longest War,* 224.

CHAPTER 5. "THE BLOODY CARNIVAL OF VIETNAM": THE SECOND SESSION OF THE INTERNATIONAL WAR CRIMES TRIBUNAL, 20 NOVEMBER – 1 DECEMBER 1967

The second proceeding of the International War Crimes Tribunal (IWCT) in Roskilde, Denmark, 20 November - 1 December 1967, asked its members to investigate three questions remaining from the first session in May. Russell continued to hope that by focusing on the "means of warfare" the tribunal could assign responsibility for U.S. war crimes, mobilize public opinion against the war, and hold American leaders accountable for violating international law. During this session, attendees evaluated the development of contemporary law in response to atrocities during the 20th century to claim that the U.S. military had violated human rights in North and South Vietnam. To do so, they used an "atrocity paradigm" to focus on victims' experiences while supporting their stories with testimony by former American soldiers who felt morally responsible to expose war crimes against civilians and POWs. The second session, built on the first session, and sought to boost the transnational activist network it had been working to construct throughout 1967. It did so by focusing more intimately on the details of violence against Vietnamese civilians and providing those victims a forum to recount their experiences to express their grievances in person or through written testimony. Combining the immorality and illegality of the war necessarily influenced activists who believed that it represented more than the war itself and instead represented the horrifying impact that American imperialism had on the daily lives of oppressed people everywhere.

Perhaps even more than the first session, the Roskilde meeting relied on the analysis of international lawyers who used the Nuremberg trials and Geneva Conventions to argue that the U.S. had violated war crimes. This represented a divide between tribunal members

who supported Russell or Sartre: the former hoped to use the tribunal to mobilize public opinion against the war; the latter insisted that the IWCT "had been created to allow the citizen to participate in justice."[380] Framed as a legal battle, Sartre hoped to use the genocide question to prove the criminality of American officials while also giving dissident soldiers the opportunity to use international law and human rights agreements in their own defense as conscientious objectors. This moral versus legal dialectic worked its way into the second session as Sartre demanded that the tribunal hold the U.S. accountable to the human rights law it supposedly had supported. "It was extra-legal international legality," writes historian Bethan S. Keenan.[381]

5.1 The Second Session of the IWCT

Members present in Roskilde began investigating the two final questions. The goals were to find out how the war impacted North and South Vietnamese civilians and POWs, and to better understand whether America's actions in Vietnam constituted genocide.

380. Jean-Paul Sartre, "Sartre à de Gaulle," *Le Nouvel Observateur*, April 26, 1967.

381. Bethany S. Keenan, "Vietnam Is Fighting for Us: French Identities and the U.S. - Vietnam War, 1965-1973" (Ph.D. Dissertation, The University of North Carolina at Chapel Hill, 2009), 201.

The Fourth, Fifth and Sixth Questions:

4. Have prisoners of war captured by the armed forces of the U.S. been subjected to treatment prohibited by the Laws of War?

5. Have the armed forces of the U.S. subjected the civilian population to inhuman treatment prohibited by the Laws of War?

6. Do the combination of crimes imputed to the Government of the United States in its war in Vietnam constitute the crime of Genocide?

Figure 23 The IWCT second session's first three questions.

The same members from the first meeting sought answers to these questions to further mobilize public opinion against the war and provide the global anti-war movement with evidence about U.S. war crimes. "We are not judges. We are witnesses," Russell had written in the opening statement read by Ralph Schoenman. "Our task is to make mankind bear witness to these terrible crimes and to unite humanity on the side of justice in Vietnam."[382]

Following Russell's prewritten statement, American member Carl Oglesby, former president of Students for a Democratic Society, mounted the podium to deliver an address titled, "Greetings to the Tribunal from American supporters." He praised the tribunal for the success of first session in pushing student activists toward rebellion against the war in the U.S. and around the world. "I'm very happy to be able to bring greetings to the Tribunal from a new and different America," he said, "an America which stands apart from that America which chooses to wage such an intolerable war on the people of Vietnam." He

382. Bertrand Russell, "Opening Statement to the Second Tribunal Session," in John Duffett, ed., *Against the Crime of Silence Proceedings of the Russell International War Crimes Tribunal, Stockholm, Copenhagen.* (New York: Bertrand Russell Peace Foundation, 1968), 315.

reassured the members that their hard work had helped the U.S. anti-war movement by exposing the war as a human rights crisis and by sending protestors and organizations information about the war crimes revealed in Sweden.[383]

Oglesby had described Vietnam as the new "Guernica" in a June 1967 article published in *The Nation* and republished again in *New Left Notes*, a label that evoked Pablo Picasso's powerful 1937 anti-war oil painting that raised public awareness of the Fascist violence against innocent women and children during the Spanish Civil War. He used the first tribunal's evidence that America's air war and weaponry had followed a scorched-earth policy that held little regard for civilian atrocities.[384] He titled his piece "Vietnam: This is Guernica," and affirmed that the tribunal was but one attempt to shed light on America's war crimes using international law created after World War II to prevent future atrocities. Like Picasso, he argued, the tribunal sought to inspire rebellion against a new war's architects. "[We] ought to remember the source and the purpose of the laws we are invoking, and reflect that laws written by a culture for the purpose of guaranteeing its survival will never be used by that culture to guarantee its defeat."[385]

His opening statement framed the second proceeding by focusing on what scholars call an "atrocity paradigm," the use of civilian perspectives as "moral witness" to label the

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383. Carl Oglesby, "Greetings to the Tribunal from American Supporters," in Duffett, ed., *Against the Crime of Silence*, 318; Van Gosse, *Rethinking the New Left: An Interpretative History* (New York: Palgrave Macmillan, 2005), 6, 26-30;Maurice Isserman, *If I Had A Hammer: The Death of the Old Left and the Birth of the New Left* (New York: Basic Books, 1987), 127-169; Carl Oglesby, *Ravens in the Storm: A Personal History of the 1960s Antiwar Movement* (Scribner, 2008), 128.

384. Oglesby, *Ravens in the Storm*, 135.

385. Carl Oglesby, "Vietnam: This is Guernica," *The Nation,* 5 June 1967, 718.

war as genocide.[386] In addition to Nuremberg's emphasis on aggression, the IWCT foregrounded atrocity by putting a light on victims' experiences.[387] In this way, they found U.S. leaders culpable of wrongdoing and framed their hearing around the "ethos of Nuremberg" which supported what Oglesby called the "Resistance Movement," a connection of activists organized to denounced violations of international law, expose American war crimes, and hold leaders accountable for human rights violations in Vietnam.[388] American activists had expressed "revulsion and rebellion" at the shocking news that the U.S. had developed and used anti-personnel weapons against civilians.[389]

Oglesby also described the tribunal in terms that international relations experts have labeled "transnational advocacy networks" that set itself up as an INGO to organize resistance to the Vietnam War through established networks used to spread information

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386. Claudia Card, *The Atrocity Paradigm: A Theory of Evil* (Oxford: Oxford University Press, 2005).9-10; Samuel Moyn, "From Aggression to Atrocity: Rethinking the History of International Criminal Law," in *The Oxford Handbook of International Criminal Law*, ed. Kevin Jon Heller et al. (New York: Oxford University Press, 2020), 341–60; David Luban, "The Legacies of Nuremberg," *Social Research* 54, no. 4 (1987): 779–829; Carolyn J. Dean, *The Moral Witness: Trials and Testimony after Genocide* (Ithaca, N.Y.: Cornell University Press, 2019); Richard A. Falk, "International Law and the United States Role in the Viet Nam War," in *Revisiting the Vietnam War and International Law: Views and Interpretations of Richard Falk*, ed. Stefan Andersson (New York: Cambridge University Press, 2018), 30–67; Richard A. Falk and Telford Taylor, "Nuremberg: Past, Present, and Future," *The Yale Law Journal* 80, no. 7 (1971): 1501-1528; Samuel Moyn, "From Antiwar Politics to Antitorture Politics," in *Law and War*, ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Stanford, CA: Stanford University Press, 2018), 156-7.

387. Nuremberg provided for a victor's justice by focusing on the perpetrators and less on the experiences of the victims.

388. Luke Jonathan Stewart, "' A New Kind of War': The Vietnam War and the Nuremberg Principles, 1964-1968" (PhD Dissertation, University of Waterloo, 2014), 1-12.

389. Oglesby, "Greetings to the Tribunal from American Supporters," in Duffett, ed., *Against the Crime of Silence*: 318, 322; Oglesby, *Ravens in the Storm*, 129, 152.

about human rights violations. Along with other western media outlets, the "good gray *Times*," as he called *The New York Times,* withheld facts about the war out of loyalty to the Johnson administration and the country. To those who criticized the tribunal members for being too biased and for abetting Hanoi's global propaganda campaign, Oglesby indicated that the war's truth lay with those civilians who had appeared before the tribunal to describe the trauma of war on their everyday lives.[390] The investigators who had travelled to Vietnam in December 1966 and January 1967 helped the IWCT set up a "clearing-house of information about the war" to counter what he saw as the government's muddled and distorted narrative by providing an "accurate picture of what actually happens in Vietnam."[391]

The IWCT offered a crucial source of information for anti-war activists, pacifists, and anti-imperialists around the world leading up to the second session in late November. In the United States, the surging rallies, riots, and protests had come to a head on 21 October when anti-war activists marched on the Pentagon, the first truly national demonstration against the war. The National Mobilization Committee to End the War in Vietnam (NMCEWV), informally known as "The Mobe" and led by IWCT member Dave Dellinger and others, orchestrated a protest at the Lincoln Memorial that eventually evolved into a march to the Pentagon as an act of resistance against U.S. actions in Vietnam. U.S. marshals arrested hundreds of activists who approached the Pentagon. This is where the "levitate the Pentagon" incident occurred when activists Abbie Hoffman and

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390. Oglesby, "Vietnam: This is Guernica," 715-717.

391. Oglesby, "Greetings to the Tribunal from American Supporters," in Duffett, ed., *Against the Crime of Silence*: 320-323.

Jerry Rubin decided than an acid-induced exorcism would eliminate American evil from Washington. Activists also hoisted a National Liberation Front flag high above the protestors as they participated in an act of disobedience and a display that thousands of Americans identified with the pro-Communist Vietnamese call for national self-determination.

5.2 Using International Law to Establish Blame

French activist and attorney Yves Jouffa, an expert on human rights and international law who had fought in the resistance during WWII, followed Oglesby and set the tone for the second session by providing members with a survey of the "Law of War." Using international law as a basis for the tribunal's criticism, he condemned the American air war in North and South Vietnam as a grave threat to human rights due to the recklessness of U.S. bombing in civilian regions. He analyzed evidence presented during the first tribunal that U.S. forces had used anti-personnel weapons against non-military targets and civilians.[392] He argued that the sustained bombing inflicted ongoing numbers of non-combatant casualties, particularly in regions that lacked military targets. He sketched a brief history of contemporary international law as it related to air warfare and the conventions that had attempted to limit its harmful effects on civilians.[393]

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392. By 1977 he would argue that such "acts of terrorism" are all "crimes against humanity." Robert Horvath, "'The Solzhenitsyn Effect': East European Dissidents and the Demise of the Revolutionary Privilege," *Human Rights Quarterly* 29, no. 4 (2007): 895.

393. Yves Jouffa, "Report on the Law of War," in Duffett, ed., *Against the Crime of Silence*: 324-325.

The 1907 Hague Convention, he explained, established the world community's "desire to diminish the evils of war" as they came to harm humanity.[394] Articles 23 and 25 explicitly forbade "arms, projectiles, or material calculated to cause unnecessary suffering," and prohibited the "bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended." The International Committee of the Red Cross established customs supported by the 1925 Geneva Protocol on Gas, Chemical and Bacteriological Warfare ("Geneva Protocol") that regulated the use of poisonous gas during war. This built upon the 1923 Hague Rules of Air Warfare which affirmed in Articles 22, 24.1, and 24.3 that bombs were "legitimate only when directed at a military objective - that is to say, an object of which the destruction or injury would constitute a distinct military advantage to the belligerent." This built upon the original Hague Convention by arguing that war should be confined as much as possible to military targets. Such targets must be "identifiable...[and]...carried out in such a way that the civilian population in the vicinity not be bombed through negligence." Even the most cursory analysis revealed the gaping holes in these "new principles."[395] American soldiers in Vietnam reported struggling to find enemy troops hiding among the civilians. While lawyers might debate the meaning of "belligerent" and "distinct military advantage" to the

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394. "Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907," *International Committee of the Red Cross*, accessed 17 August 2019, https://ihl-databases.icrc.org/ihl/INTRO/195.

395. Judith Gardam, *Necessity, Proportionality and the Use of Force by States* (New York: Cambridge University Press, 2004), 55-56.

ultimate demise of these agreements, these rules and protocols did attempt to prevent the indiscriminate destruction of civilians.[396]

Jouffa also discussed the creation of the United Nations after World War II and the approval of the U.N. Charter. The U.N. Declaration of Human Rights (UNDHR) created a new codified framework of "accepted principles of humanity" for the importance of human rights at the global level during war and peace.[397] Although not a legal document, it stated that the general assembly held the international community accountable for committing crimes against humanity. In 30 articles, it established that a "common understanding of these rights and freedoms is of the greatest importance." It described the inalienable rights of all peoples such as "life, liberty, and security."[398] Articles 8 and 9 seemed to legitimize the tribunal's work by stating that "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law" and that "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."[399]

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396. Yves Jouffa, "Report on the Law of War," in Duffett, ed., *Against the Crime of Silence*: 324-325; International Committee of the Red Cross, "Customary IHL Database," accessed 19 August 2019, https://ihl-databases.icrc.org/customary-ihl/eng/docs/home.

397. United Nations, "Charter of the United Nations," 24 October 1945, accessed 19 August 2019, http://www.unwebsite.com/charter.

398. United Nations, "United Nations Declaration of Human Rights," 10 December 1948, accessed 19 August 2019, https://www.un.org/en/universal-declaration-human-rights/; JJill Lepore, *These Truths: A History of the United States* (New York: W.W. Norton & Company, 2018), 483, 502-503, 491-2, 514-515; Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, MA: Belknap Press of Harvard University Press, 2005), 71-72.

399. Yves Jouffa, "Report on the Law of War," in Duffett, ed., *Against the Crime of Silence*: 324-325; United Nations, "United Nations Declaration of Human Rights," 10 December

A series of military tribunals formally called the Charter of the International Military Tribunal (CIMT) (more commonly known as the Nuremberg and Tokyo Trials) took place at the end of World War II to punish the defeated Axis. Article 6 established legal grounds to prosecute those who had committed crimes against peace, war crimes and/or crimes against humanity during war time.[400] Jouffa pointed to Article 6(c) to explain that, "under international law, criminality may arise not only because an act is forbidden by international agreements, but also when it is 'inherently criminal and contrary to accepted principles of humanity as recognized and accepted by civilized nations'."[401] In other words, countries could and should be tried for criminal acts based not exclusively on established international law, but on the general agreement that the world must respect human rights.

Jouffa's presentation occurred at the beginning of the IWCT not to bore the members with an extensive analysis of historical topics but to provide them with an understanding of international law as it had developed over time. He described international law not as a path to punish perpetrators, but as a process to defend all of mankind against immoral and illegal atrocities. Vietnam served as yet another turning point

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1948, accessed 19 August 2019, https://www.un.org/en/universal-declaration-human-rights.

400. Jouffa, "Report on the Law of War," in Duffett, ed., *Against the Crime of Silence*: 324-325; Margaret E. Mcguinness, "Peace v. Justice: The Universal Declaration of Human Rights and the Modern Origins of the Debate*: Peace v. Justice," *Diplomatic History* 35, no. 5 (2011): 749-51; "Nuremberg Trial Proceedings," The Avalon Project, Lillian Goldman Law Library, Yale Law School, accessed 19 August 2019, https://avalon.law.yale.edu/imt/imtconst.asp.

401. Jouffa, "Report on the Law of War," in Duffett, ed., *Against the Crime of Silence*: 326; Richard A. Falk, *The Vietnam War and International Law*, vol. 3 (Princeton, N.J.: Princeton University Press, 1972), 257.

in the 20th century in which a peoples tribunal formed in the image of Nuremberg could invoke human rights law and agreements to resist the horrors resulting from American imperialism.

5.3 Herbicides and the Ecological Cost of War in Vietnam

The IWCT sought to learn how civilians experienced the war, and it listened to journalists, scientists, and doctors who had been to Vietnam and witnessed the impact in North and South Vietnam's urban and rural areas. Through the widespread use of chemical weapons and the indiscriminate U.S. bombing of residential areas, it concluded, the Americans and their allies were waging an indiscriminate war that disregarded the safety of noncombatants. Sometimes, the war killed civilians directly through chemical attacks, bombing, and raids. Others, it impacted civilians by secondary means, such as when chemicals in defoliants contaminated foodstuffs. Regardless, the evidence displayed was intended to prove that the U.S. military had disregarded international conventions, laws, and human rights agreements that Jouffa had discussed at the outset.[402]

American military might was on full display for those investigators who observed the widespread devastation from the bombing campaigns in the North and South and the use of herbicides against guerrillas in the South that also impacted noncombatants. Through Operation Ranchhand, U.S. C-123 planes sprayed 20 millions of gallons of herbicides across South Vietnam between 1962 and 1971. U.S. planes dropped twice the tonnage of bombs on the South than on the North between 1965 and 1967. Some 14 million tons left

402. Carl Oglesby, *Ravens in the Storm*, 138.

behind “moonscape-like craters” across the landscape. Giant “Rome Plows” cleared trees and crops from the South Vietnamese forests to reveal the enemy. Increasingly indiscriminate bombing by B-52s targeted logistical networks in the North and South supported by Hanoi as well as the extensive underground tunnels used by enemy combatants in the countryside surrounding Saigon. The climbing death rate among the enemy combatants and civilian casualties was exacerbated by America’s use of ecocide against the South’s agricultural industry, the primary source of survival for workers and families.[403]

The IWCT designated the use of herbicides as “environmental warfare” against North and South Vietnamese victims and spotlighted testimony that highlighted their suffering. French physician Dr. Abraham Behar had revisited South Vietnam after the first tribunal to observe firsthand how chemical weapons were being used there. During the first tribunal, he had reported the use of anti-personnel weapons such as the "guava" and "pineapple" bombs. In Denmark, he described America’s. use of toxins "forbidden by written and unwritten laws" such as poisonous gas, defoliants, and incendiary weapons

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403. Peter Sills, *Toxic War: The Story of Agent Orange* (Nashville, T.N.: Vanderbilt University Press, 2014); Arthur H. Westing, *Arthur H. Westing: Pioneer in the Environmental Impact of War*, volume 1 (New York: Springer, 2013), 40; R. Scott Frey, “Agent Orange and America at War in Vietnam and Southeast Asia,” *Human Ecology Review* 20, no. 1 (2013): 1, 2–3; David Zierler, *The Invention of Ecocide: Agent Orange, Vietnam, and the Scientists Who Changed the Way We Think About the Environment* (Atlanta, G.A.: University of Georgia Press, 2011), 85; William A. Buckingham, Jr., *Operation Ranch Hand: The Air Force and Herbicides in Southeast Asia, 1961-1971* (Washington D.C.: United States Air Force, 1982); George C. Herring, *America’s Longest War: The United States and Vietnam, 1950-1975*, Fifth edition (Boston: McGraw-Hill Education, 2014), 189-90, 223.

such as "napalm, supernapalm, magnesium bombs, and white phosphorous."[404] Behar and French biologist Edgar Lederer both described how U.S. herbicides caused human suffering by destroying civilians' living space and food supplies, actions prohibited by the Geneva Protocol.[405] Those crops that were not eradicated might eventually find their way into digestive systems and cause death. Chemicals used to destroy food supplies also entered the soil and water consumed by people, animals, and fish. [406] Behar and Lederer argued that the direct use of any chemical weapon to hurt civilians and should be regarded as an abuse of human rights: "The notion of toxicity, that is to say, impairment of health with the possibility of death, is applicable to both groups of substances."[407]

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404. Abraham Behar, "Incendiary Weapons, Poison Gas, Defoliants used in Vietnam," in Duffett, ed., *Against the Crime of Silence*: 327; Anthony A. D'Amato, Harvey L. Gould, and Larry D. Woods, "War Crimes and Vietnam: The 'Nuremberg Defense' and the Military Service Resister," *California Law Review* 57, no. 5 (1969): 1085; Edwin A. Martini, "Hearts, Minds, and Herbicides: The Politics of the Chemical War in Vietnam," *Diplomatic History* 37, no. 1 (2013): 58-61.

405. Karen Hulme, *War Torn Environment: Interpreting the Legal Threshold* (Boston, M.A.: Brill, 2004), 5; Eliana Custao, "From Ecocide to Voluntary Remediation Projects: Legal Responses to Environmental Warfare in Vietnam and the Spectre of Colonialism," *Melbourne Journal of International Law* 19, no. 2 (2018): 500-505.

406. "Report of the Sub-Committee on Chemical Warfare in Vietnam," in Duffett, ed., *Against the Crime of Silence*: 373.

407. Behar, "Incendiary Weapons," in Duffett, ed., *Against the Crime of Silence*: 328. In two years, the U.N. General Assembly would be spurred by international outrage to re-examine their harmful impacts on the environment and civilians. On 16 December 1969, 80 nations in the U.N. General Assembly officially rejected this type of warfare in resolution 2603 by reaffirming the League of Nation's 1925 Geneva Protocol that prohibited the use of chemical and biological weapons in war. Not until 1971 did international backlash against the use of herbicides like Agent Orange convince the Pentagon to cease Operation Ranch Hand.[2] The military and the American Chemical Society lobbied the Senate to reject the Geneva Protocol until its final ratification in 1975 after the Vietnam War. International Committee of the Red Cross, "Rule 76. Herbicides," Customary International Humanitarian Law Database, accessed 19 August 2019, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule76; "1925 Geneva

Behar and his fellow scientists also condemned the use of potent gasses used on the ground to flush the enemy out of hiding spaces such as the Viet Cong's elaborate underground tunnel system. Often referred to as "tear gas" and "riot-control gas," these gasses CN (tear gas) combined with DM (adamsite) at potent levels and within cramped spaces could cause eye-irritation, nausea, pulmonary constrictions, and even death among the young and old. "C.N. (chloroacetopheneone), in an air suspension, produces a transitory irritation of the cornea and the appearance of tears at the weak concentration of 1/10,000 mg. per liter of air and death through acute inflammation and pulmonary edema at strong concentrations of 10 to 15 mg. per liter of air," he stated.[408] One Canadian doctor reported that adults died at a 10 percent rate while child mortality was 90 percent.[409] French Professor of Pediatrics at Port Royal Hospital, Dr. Alexandre Minkowsky, described just one incident in the South Vietnamese hamlet of Vinh Quang in Binh Dinh province where American soldiers sprayed toxic gases into residences while searching for the Viet Cong. They encountered roughly 60 individuals among whom 35 had died by suffocation and 25 were poisoned. Post-incident evaluations revealed that 28 of the 60 individuals who died by gas inhalation were children.[410] In the fight to prevent a Communist takeover of South

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Protocol," The United Nations General Assembly, United Nations Office for Disarmament Affairs, accessed 19 August 2019, https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/.

408. Behar, "Incendiary Weapons," in Duffett, ed., *Against the Crime of Silence*: 330.

409. D'Amato, Gould and Woods, "War Crimes and Vietnam": 1094.

410. Alexandre Minkowsky, "On Chemical and Biological Warfare in Vietnam," in Duffett, ed., *Against the Crime of Silence*: 329.

Vietnam, the American military did great harm to the surviving humans by using defoliants and chemical warfare.[411] "So much for the children," Minkowsky concluded.[412]

The indiscriminate use of chemical weapons inside the extensive and elaborate Viet Cong underground tunnel system meant that civilians frequently felt the brunt of the war when seeking shelter.[413] Twenty-five-year-old U.S. Army Specialist Fourth Class David Kenneth Tuck of the 25th Infantry Division confessed that he and his fellow soldiers would drop tear gas into tunnels to flush out the enemy at the expense of those civilians taking refuge. Those lucky enough to escape were often captured as enemy combatants. Most were women and children who exited the tunnels with swollen, teary eyes to avoid suffocation.[414] A 1966 *New York Times* article described the use of toxins and bombs within the tunnel systems as a system of indiscriminate warfare. "One of the limitations of B-52 saturation bombing attacks was that little or no damage was done to the Vietcong troops unless a direct hit was made on a tunnel or bunker in which they were hiding," the article

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411. The Vietnamese people continue to suffer from exposure to Agent Orange and other chemical agents used during the Vietnam War as of this writing in 2019. NGO's and international health organizations have studied the problem and make regular attempts to help the afflicted. Susan M. Booker, "Dioxin in Vietnam: Fighting a Legacy of War.," *Environmental Health Perspectives* 109, no. 3 (2001): A116-A117. Behar, "Incendiary Weapons," in Duffett, ed., *Against the Crime of Silence*: 336-7.

412. Behar, "Incendiary Weapons," in Duffett, ed., *Against the Crime of Silence*: 334-5.

413. The tunnels of Cu Chi within the Iron Triangle were particularly strategic for the V.C. and, according to George Herring and others, provided a major tactical advantage to the V.C. during the Tet Offensive. George C. Herring, "Vietnam Remembered," *The Journal of American History* 73.1 (1986): 154-5; Tom Mangold and John Penycate, *The Tunnels of Cu Chi: A Harrowing Account of America's "Tunnel Rats" in the Underground Battlefields of Vietnam* (New York: Random House, 2013); D'Amato, Gould, and Woods, "War Crimes and Vietnam": 1094-1095.

414. "Testimony and Questioning of David Kenneth Tuck," in Duffett, ed., *Against the Crime of Silence*: 407.

explained, "The purpose of the gas attack was to force the Vietcong troops to the surface where they would be vulnerable to the fragmentation effects of the bomb bursts."[415]

Former POW and 541st Military Intelligence Detachment, Peter Martinsen, confirmed at the tribunal that when U.S. soldiers discovered a tunnel full of individuals taking cover and hiding from capture, they operated on the assumption that they were Viet Cong. The U.S. military would flood the tunnel with tear gas and concussion grenades to force the Vietnamese to run deeper underground as assumed enemy combatants searched for potential exits. Once, Martinsen explained, U.S. soldiers called tunnel rats participated in a 24-hour chase through a dark and intricate tunnel system in pursuit of fleeing Vietnamese. Standing near an exit point, he witnessed dozens of civilians emerging red-faced, swollen, and severely coughing in ways that suggested lung damage. Most of them were women ages 16-20 who worked as nurses, teachers, and laborers. One of them, a young, wheezing female, fell ill as she rested on a damp, dirty floor back at base camp. Martinsen called the field doctor and warned how she was showing signs of worsening pneumonia. The doctor and the commanding officers refused to let her be seen by a medical team because it was the policy of the interrogation units to speak with every captive. They eventually transferred the girl to Lai Khe where she died from complications associated with the gas. "I denounced the stupidity of the doctors and the stupidity of the commanders for trying to keep her there to interrogate her," Martinsen stated, "and I almost got court-martialed for it. That was one of the most odious things I saw there."[416]

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415. "U.S. Explains New Tactic," *The New York Times*, 22 February 1966, 2.

416. "Testimony and Questioning of Peter Martinsen," in Duffett, ed., *Against the Crime of Silence*: 432.

5.4 Questioning the Credibility of the Second Tribunal's Sources

Australian journalist Wilfred Burchett walked into the Hong Bang Ward in Haiphong at 11pm on 17 October 1967. One of three wards inside the city, Hong Bang was the most densely populated with over a million residents. It was only seventy miles from Hanoi. Burchett mingled with civilians who stood next to their razed houses as he surveyed mountains of destruction expanding miles ahead of him. A known Communist sympathizer, he toured with the Deputy-Chief of the Haiphong Provincial War Crime Commission Thanh Tam. He had been among the first journalist to visit Hiroshima in 1945 to assess the damage done by the atomic bomb and record the horrors inflicted on civilians. On this day, he viewed the damage done to another Asian country by American forces.[417]

Warned by officials that the region was dangerous because of the frequency of air attacks and the proximity of American carriers some 30 kilometers off the coast of Haiphong, Burchett worried about his own life and the lives of those who remained in the ward. Entire residential blocks had been reduced to rubble along with market stalls, local fishing industries, and an automobile factory. In a matter of seconds, Thanh Tam stated, a warning sound would alert residents to an incoming attack before the bombs rained from the sky. Burchett testified:

> Regular bombing raids on Haiphong started on June 29, 1967...ostensibly against oil storage depots but in which the village of Cam Lo on the outskirts of the City was wiped out and the ward of Hong Bang also suffered. In Haiphong province, of

417. Wilfred Burchett, "Patterns of Bombing Civilians in the North," in Duffett, ed., *Against the Crime of Silence*: 382; Jamie Miller, "The Forgotten History War: Wilfred Burchett, Australia and the Cold War in the Asia Pacific," *The Asia-Pacific Journal* 6, no. 9 (2008): 2, 4-5, 12-13.

> which Haiphong city is the capital, there are 161 communes of which 150 have been bombed. The district capitals of An Lao and An Hai have been completely wiped out. Throughout July and August 1967, attacks were intensified especially in that part of the province situated midway between Haiphong and Hanoi. In the first eight months of 1967, over 6000 High Explosive bombs were dropped, 400 CBU's ("mother" bombs each containing about 300 "guava" fragmentation bombs), 130 missiles were fired and over 4000 rockets.[418]

Burchett described to tribunal members having seen attacks at 12:30am, 1:30am, 2:30am, and later. He was witnessing firsthand the terror associated with Operation Rolling Thunder.

Italian journalist Antonello Trombadori described similar scenes he had witnessed during his October-November 1967 trip to the DRV where he saw firsthand the U.S. expanded bombing in and around Hanoi and Haiphong as well as in Viet Tri and Thai Binh. "The first thing I thought of were documentary films of the Second World War from Berlin, Warsaw or Coventry," he reflected upon his own experience and the scenes standing before him, "The [Haiphong Quarter no. 1] was completely razed to the ground. There was not *one* single important road in the vicinity of this area, and not *one* single transportation installation which in any way - could justify 'military grounds' for the American aggression against the DRV."[419]

Like others during the first session, Trombadori turned the tribunal's attention to the bombing of dikes during Operation Rolling Thunder, a claim that had been advanced

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418. Burchett, "Patterns of Bombing Civilians," in Duffett, ed., *Against the Crime of Silence*: 382.

419. Antonello Trombadori, "Escalating Bombardment of North Vietnamese Cities" in Duffett, ed., *Against the Crime of Silence*: 388.

by Hanoi and its sympathizers, but continued to hold little credibility.[420] In early October, when the summer season ended in the parts of North Vietnam closest to the tropical zones and most susceptible to typhoons during the monsoon season, dikes held back the rainfall so that through a complicated system of irrigation farming, farmers could slowly use the dam and lock controls to manage the flow of water. This area was essential to the large population in the Red River Delta. U.S. officials denied allegations that bombers targeted these elaborate water systems. President Richard Nixon would insist in 1972 that "We have orders out not to hit dikes because the result in terms of civilian casualties would be extraordinary." Still, tribunal investigators continued to argue that U.S. bombs did, indeed, target or fall near North Vietnamese dikes between 1965 and 1967. The World Council of Churches rejected the immorality of bombing the dikes based on their assessment of western journalism and eyewitness reports that included even the Swedish ambassador to Hanoi who called this strategy a "policy of annihilation."[421] While it is possible that the dikes were hit even if they were not directly target, the tribunal's acceptance of this evidence shows again how the DRV's propaganda campaign penetrated the IWCT's professed objectivity bubble.[422] Nevertheless, it is important to consider these claims to

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420. Robert A. Pape, Jr. writes that Hanoi's propaganda campaign showed that the US deliberately targeted dikes and argues that they were "never methodically targeted" and "only a handful appear to have been hit accidentally." Robert A. Pape, Jr., "Coercive Air Power in the Vietnam War," *International Security* 15, no. 2 (1990): 114, 119, 125.

421. "Bombing the Dikes," *The New York Times*, 22 July 1972; Mark Clapson, *The Blitz Campaign: Aerial Warfare, Civilians and the City since 1911* (London: University of Westminster Press, 2009), 161-2; Marilyn B. Young, "Bombing Civilians from the Twentieth to the Twenty-First Centuries," in *Bombing Civilians: A Twentieth-Century History*, ed. Yuki Tanaka and Marilyn B. Young (New York: The New Press, 2009), 166.

422. Pape, Jr. "Coercive Air Power in the Vietnam War," 114, 119, 125.

show more broadly the ways in which evidence guided and manipulated tribunal members as they weighed evidence against the U.S.

Trombadori and Burchett were both communist sympathizers, and they corroborated each other's notes on the American bombing of North Vietnamese cities. Trombadori told the tribunal how the increased volume of attacks in 1967 focused on "all of North Vietnam's six largest cities...20 out of the 30 important provincial towns, 59 out of 97 district towns and villages, as well as hundreds of communes and hamlets."[423] He counted hundreds of dead and wounded civilians from the bombing of residential areas. Haiphong alone, he observed, between July and August 1967, experienced a 44-day siege of thousands of bombs, anti-personnel weapons, and rockets that destroyed 600 homes, 3 hospitals, and 3 schools. The increased use of anti-personnel weapons, delayed-action fragmentation bombs, and other advanced weaponry demolished hundreds of hospitals, schools, seminaries, and churches where children, teachers, and religious practitioners had perished. They both delivered statistics compiled by DRV officials showing that from August 1964 to September 1967, 3,232 residential buildings, 7 hospitals, 3 infirmaries, 16 schools, 3 kindergartens, 9 pagodas, 8 hectares of rice fields, a cinema, a state library, a post office, 2 electrical and water structures, the entirety of the city's administrative buildings, 27 meters of irrigation canals, and 22 meters of dikes had all been destroyed by American air raids within only Than Hoa. These actions were repeated in Thong Ke, Phu To, Viet Tri, Doan Kiet, and other cities.[424]

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423. The six largest cities being Hanoi, Haiphong, Nam Dinh, Thai Bin, Viet Tri, and Vinh. Trombadori, "Escalating Bombardment," in Duffett, ed., *Against the Crime of Silence*: 385.

424. Ibid., 385, 389-390; "Investigation of U.S. War Crimes In North Vietnam," undated, Folder 10, Box 01, Hugh Manes Collection, VCSJ, Texas Tech University.

Burchett claimed that these attacks were strategically "aimed at exterminating life in the residential areas, at isolating Haiphong city from the rest of the province and from the other provinces; it is meant to paralyse all communications, to prevent aid from socialist countries from reaching the DRVN and from being distributed." From August 1967, Trombadori informed the tribunal, "80% of the American bombing missions against the DRV have been directed against Haiphong." He had witnessed how the bombers had purposefully avoided escalating Cold War tensions by staying away from the harbor where Soviet and other ships anchored. "What primarily amazes a stranger visiting Haiphong is that the harbor, docks, and estuary, where Soviet, Chinese, Polish, English, Greek, and ships from other countries lie at anchor, have never been massively attacked," he said, suggesting that the U.S. wanted to avoid escalating tensions with either the Soviet Union or China. Instead, they directed their attacks "against other zones of the city with the aim of paralysing the harbor and paralysing the lines of communication to the hinterland and breaking the people's morale."[425]

Burchett and Trombadori reiterated evidence presented at the first tribunal concerning the three-wave attacks used by the U.S. Seventh Fleet planes: the reconnaissance flyover, the actual bombing, and the "clean-up" attacks with anti-personnel bombs that targeted individuals running for help or medical officials entering the attacked regions to provide aid to the injured.[426] Between September and October 1967, 604 U.S. planes attacked the city from the northeast and southwest, using this three-wave attack to

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425. Trombadori, "Escalating Bombardment," in Duffett, ed., *Against the Crime of Silence*: 386.

426. Burchett, "Patterns of Bombing Civilians," Duffett, ed., *Against the Crime of Silence*, 384.

drop fragmentation bombs, missiles, and rockets onto primarily civilian areas. Between 3-7 October, 220 planes dropped "620 high explosive bombs, 45 fragmentation bombs, 530 rockets, and 30 'Bullpup' and 'Shrike' air-to-ground missiles on Haiphong, resulting in an attack on 156 of the 161 communes in the Haiphong province." This caused rampant homelessness among 1500 families and joblessness as work in the coal and furniture industry and medical and educational fields had been eliminated. They reiterated reports from the DRV that two hundred people died in this October strike.[427]

North Vietnamese tour guides appointed by Hanoi provided Burchett and Trombadori with a list of dates, locations, and time stamps to show how these raids affected the daily lives of Haiphong residents. Delayed time bombs that fell upon the city had to be destroyed to maintain a steady flow of traffic for those wishing to get to work. At other times, children's hospitals were attacked, and schools destroyed. On 12 September 1967, for example, 68 sorties dropped at least 163 "High Explosive" bombs, missiles, and rockets on an already evacuated No. 8 Secondary School and the French Martyr Memorial Hospital. On 18 September, 110 sorties flew overhead in the three-wave cycle and struck the Tam Ky Children's Clinic, a part of the Czech-Vietnam Friendship Polyclinic Hospital. He also listed the bombing of civilian structures such as residential housing, marketplaces, hospitals, schools, and even highways and roads to prevent the movement of people and goods. This, of course, included strategic targets that were key to the North's military efforts such as industrial sites, railway lines, and docks.[428]

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427. Trombadori, "Escalating Bombardment," in Duffett, ed., *Against the Crime of Silence*: 387-9.

428. Burchett, "Patterns of Bombing," in Duffett, ed., *Against the Crime of Silence*: 383-4.

The credibility of these accounts is suspect precisely because the DRV supplied the evidence and framed the bombing in terms that only emphasized civilian tragedy. Historians have shown how North Vietnamese and NLF officials fabricated accounts to support their propaganda war.[429] While it is possible that some bombing unintentionally damaged North Vietnamese dikes and irrigation systems, the historical records seem to support the argument that dikes formed the crux of North Vietnam's global propaganda campaign to undermine U.S. efforts. An 18 January 1966 memo written by Assistant Secretary of Defense for International Security Affairs John T. McNaughton, for example, shows that such an attack would result in "widespread starvation" among the North Vietnamese civilian population to the point that future peace negotiators would have a hard time rectifying "at the conference table."[430] DRV officials continued to claim the alternative throughout August 1972, leading even anti-war activists and celebrity Jane Fonda to famously criticize what she saw as purposeful attacks during her own tour of the North in July.[431]

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429. Neil Sheehan, "Conversations with Americans," *The New York Times*, 27 December 1970; Neil Sheehan, "Should We Have War Crimes Trials?," *The New York Times*, 28 March 1971; Marc Jason Gilbert, "From Tonkin to Tikrit: Communist Propaganda, the Wars in Vietnam, and Modern World History," World History Connected, accessed 21 March 2021, https://worldhistoryconnected.press.uillinois.edu/5.1/gilbert.html.

430. The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam, vol. 4 (Boston: Beacon Press, 1971), 43.

431. Colby Itkowitz, "How Jane Fonda's 1972 trip to North Vietnam earned her the nickname 'Hanoi Jane'," *The Washington Post*, 21 September 2018, accessed 21 March 2021, https://www.washingtonpost.com/news/retropolis/wp/2017/09/18/how-jane-fondas-1972-trip-to-north-vietnam-earned-her-the-nickname-hanoi-jane/; Seymour M. Hersh, "War Foes See No Evidence of Deliberate Dike Attacks," *The New York Times*, 24 June 1972, 3.

What is clear is that millions of Vietnamese civilians fled for their safety and landed in overcrowded refugee camps set up in the South. More than 3 million civilians were displaced by the war between 1965 and 1969, creating a huge "refugee problem."[432] The U.S. and South Vietnam had created refugee camps for those civilians fleeing the bombing, although these spaces rarely complied with international standards for the proper care of refugees.[433] According to Article 13, 14, and 15 of part two of the 1949 Geneva Convention, warring parties were to take appropriate measures to protect the civilian population "without distinction" and ensure that "sanitary and security zones and locales are provided for the wounded, the sick, invalids, old people, children under fifteen years of age, and pregnant women[.]"[434]

Burchett and Trombadori claimed—and American soldiers confirmed—that many of these refugee camps were unsanitary and unsafe though in some cases the U.S. and South Vietnamese tried to transform them into nation-building projects.[435] Reports from

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432. "U.S. Doubles Viet Refugee Aides," *Boston Globe*, 16 October 1967, 3; Solange Bouvier Ajam, "Juridical Report on the Treatment of War Prisoners and Civilians," in Duffett, ed., *Against the Crime of Silence*: 398-9; Sam Vong, "'Assets of War': Strategic Displacements, Population Movements, and the Uses of Refugees during the Vietnam War, 1965–1973," *Journal of American Ethnic History* 39, no. 3 (2020): 75; Richard H. Shultz, "Breaking the Will of the Enemy During the Vietnam War: The Operationalization of the Cost-Benefit Model of Counterinsurgency Warfare," *Journal of Peace Research* 15, no. 2 (1978): 121; Matthew Adam Kocher, Thomas B. Pepinsky, and Stathis N. Kalyvas, "Aerial Bombing and Counterinsurgency in the Vietnam War: Bombing and Counterinsurgency in Vietnam," *American Journal of Political Science* 55, no. 2 (2011): 205; Herring, *America's Longest War,* 197.

433. "U.S. Doubles Viet Refugee Aides," *Boston Globe*, 16 October 1967, 3.

434. Ajam, "Juridical Report," in Duffett, ed., *Against the Crime of Silence*: 398-9.

435. Michael E. Latham, "Redirecting the Revolution? The USA and the Failure of Nation-Building in South Vietnam," *Third World Quarterly* 27, no. 1 (2006): 28; Shultz, "Breaking the Will," 121.

the DRV told of starving children who rummaged through garbage to find scraps of food. Made of wood and tin huts constructed upon a dirt ground with no vegetation, camps were surrounded by barbed wire with but one entrance to monitor those coming and going. These camps were not segregated according to sex, as was required by the Geneva Convention, and the occupants slept on crowded filthy floors. Refugees found wandering outside after curfew might be assumed to be Viet Cong and shot. An unnamed American soldier told French lawyer and member of the leftist International Association of Democratic Lawyers Solange Bouvier Ajam that he frequently carried garbage from the base to a trench close to a refugee camp that had been situated near a Special Forces camp. Ajam told the tribunal that when the soldier did so, he would see starving refugees—primarily children—seemingly awaiting his arrival. He would dump the trash into the pit and walk away, looking over his shoulder and seeing "a horde of children" who had "literally jumped into this sump and fought like animals for the garbage." It was then that he knew that those living in these camps had little to no access to food.

Although the tribunal members did not question the legitimacy of this testimony, it provided a clear example of the extent to which the North Vietnamese propaganda campaign attempted to infiltrate the anti-war movement and help guide resistance against the war. Seen as a violation of international law and presented in terms that transgressed human rights, the bombing of dikes and the displacement of North and South Vietnamese people convinced those on the tribunal to see the war as an atrocity that could more easily be deemed a genocide.

5.5 The Evidence of Dissident U.S. Soldiers

The tribunal's legal experts next sought to show how the U.S. and South Vietnamese had violated international law by abusing POW's. French attorney Solange Bouvier-Ajam had worked with Amnesty International, the United Nations, and other non-governmental organizations to bring justice to those POW's who had been treated inhumanely.[436] She argued that the 12 August 1919 Geneva Conventions built upon the Hague agreements by defining the POW as "not a criminal, but merely an enemy prevented from rejoining the fighting, who should be liberated at the conclusion of hostilities, and treated with respect and humanity as long as he is a prisoner." It further explained that all POWs should be treated humanely during interrogation, provided with proper living quarters, given a job, allowed to write letters, and be protected from harmful and humiliating treatment. "Unanimous opinion agrees that humanitarian agreements drawn up according to the dictates of world conscience are binding unilaterally on the contracting parties which have ratified them and, more generally, on anyone subject to public international law, to the extent that they are an embodiment of common law and custom," she explained. In other words, by ratifying these conventions the U.S. and any signatories must ensure the humanitarian treatment of POW's.[437]

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436. "Amnesty International Conference Opens at UNESCO in Paris with Mandate for Action Program to End Torture Epidemic," *Amnesty International Newsletter*, December 1973, accessed 31 July 2019, https://www.amnesty.org/download/Documents/204000/nws210121973en.pdf.

437. Ajam, "Juridical Report," in Duffett, ed., *Against the Crime of Silence*: 394-397; "Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907," International Committee of the Red Cross, accessed 17 August 2019, https://ihl-databases.icrc.org/ihl/INTRO/195.

The tribunal also heard testimony from American soldiers who felt morally compelled to break their silence against U.S. war crimes even if it meant that they might be court-martialed and punished for speaking out. The experiences recounted by soldiers David Tuck, Donald Duncan, and Peter Martinsen showed the U.S. violating the Hague and Geneva agreements, specifically as it involved those related to section two, articles four through twenty of the "Convention Respecting the Laws and Customs of War on Land" which describes the methods that must be taken to guarantee that all POW's are "humanely treated."[438] Tuck, Duncan, and Martinsen admitted to committing atrocities and creating a "cover-up" system to keep them out of sight. All three confessed that they were anti-communist and not pacifists. They appeared before the tribunal as "moral warriors," believing that the war had violated their own consciences and that their country should be brought to justice. Some demurred at being called activists and insisted that they were simply "independent radical[s]"; others sought to destroy the myth of American benevolence by showing that actions it took abroad were not always moral.[439]

Twenty-five-year-old David Kenneth Tuck of the 3rd Brigade of the 25th Infantry Division in A Company, 1st Battalion, 35th Infantry Division, stood before the white-draped table of IWCT jurists to describe his harrowing journey through South Vietnam and to answer questions about U.S. actions during his tenure between 1966-1967. At their

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438. "Convention (IV) respecting the Laws and Customs of War on Land and its annex."

439. "Testimony and Questioning of Peter Martinsen," in Duffett, ed., *Against the Crime of Silence*: 455; Donald Duncan, "Testimony and Questioning of Donald Duncan," in Duffett, ed., *Against the Crime of Silence*: 458. These were not the only individuals to discuss the role of interrogations, war crimes, etc. Along with mainstream books written by Donald Duncan, see Donald Duncan and Peter Bourne, *Men, Stress, and Vietnam* (New York: Little, Brown & Company, 1970) and in the historical non-fiction account in Robin Moore, *The Greet Berets* (New York: Crown Publishers, 1965).

orientation in Hawaii, Tuck's unit had learned that the war was being fought to save the Vietnamese people from communism. Pamphlets described the Vietnamese as equals who deserved to be treated with respect and dignity. At an Army training camp in Fort Sill, Oklahoma, Tuck was given a "Nine Rules" pocket card written by Military Assistance Command, Vietnam (MACV) that explained how to humanely interact with the Vietnamese people. A second card, "The Enemy In Your Hands," stated that the American soldier must comply with the Geneva Prisoner of War Convention of 1949 and through a series of bullet points described what a soldier "can and will" do and "cannot and must not" do to a POW.[440] One portion of the card stated that the Americans were to treat the Vietnamese with utmost humanity. "When it came time to giving them the right of way," Tuck told the tribunal, "we should always give the Vietnamese the right of way."[441]

Former interrogator Martinsen also divulged that the U.S. Army Intelligence School in Maryland taught methods that violated the Geneva Conventions. Many of the advisors who went to Vietnam prior to the American escalation in 1965 were interrogators conducting reconnaissance missions. They were instructed that "torture was not permitted in the Army" and that "prisoners must not be tortured nor mishandled, nor harassed, coerced or forced into doing something." A different reality quickly emerged. Commanders

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440. William Peers, "Report of the Department of the Army Review, of the Preliminary Investigations into the My Lai Incident, Volume 1: Exhibits M-2, M-3," (Washington, D.C.: Government Printing Office, 1970), 9-11; James S. Olson and Randy Roberts, *My Lai: A Brief History with Documents* (Boston, M.A.: Palgrave Macmillan, 1998), 38-41; U.S. Military Assistance Command, Vietnam, "U.S. Military Pocket Cards Describe the Rules of War," SHEC: Resources for Teachers, accessed 15 April 2021, https://shec.ashp.cuny.edu/items/show/804.

441. "Testimony and Questioning of David Kenneth Tuck," in Duffett, ed., *Against the Crime of Silence*: 408-10.

turned a blind eye to atrocities and violated the rules of war on their own. When asked about the use of torture, Martinsen told the IWCT: "The instructors say privately, 'Yes, I know they do it in Vietnam, but we don't officially admit it.'" Classified Army field manuals explained how to use enhanced techniques called "counterintelligence interrogation" that began with a friendly and positive conversation with the prisoner and eventually escalated toward torture.[442] "I cannot think of an interrogation that I saw in Vietnam during which a war crime, as defined by the Geneva Conventions, was not committed," Martinsen confessed. All "interrogators had participated in actual torture," which occasionally resulted in the death of Vietnamese POWs.[443]

Martinsen believed that every human could commit evil acts, especially when ordered to do so by a superior. He described a case study that would have satisfied psychologist Stanley Milgram who, in 1963, had tested whether individuals would torture another human if so, ordered by a superior.[444] Philip Zimbardo's 1971 Stanford Prison Experiment, randomly assigned everyday individuals as either prison guards or prisoners. In a matter of days, he had to shut down the test when "guards" began to mentally and physically abuse the "prisoners." He called the human capacity for evil the Lucifer

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442. This information was released in 1997 via a Freedom of Information Act request filed by The Baltimore Sun. The document shows that the CIA concocted counterinsurgency strategies used during interrogations that informed the interrogator how to employ "threats and fear," "pain," and "debility." Central Intelligence Agency, "KUBARK Counterintelligence Interrogation," Manual, July 1964, Electronic Briefing Book No. 122, The National Security Archive, Washington, D.C.

443. "Testimony and Questioning of Peter Martinsen," in Duffett, ed., *Against the Crime of Silence*: 433-452.

444. See Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper & Row, Publishers, Inc., 1974).

Effect.[445] Martinsen further explained how individuals might derive some twisted amusement from torturing others. "It's so horrifying to recall an interrogation where you beat the fellow to get an effect, and then you beat him out of anger, and then you beat him out of pleasure," he added.[446]

Once a student like Tuck and Martinsen, Duncan, a Green Beret officer in Vietnam in 1964-1965, later taught interrogation courses that were highly confidential and tightly guarded and whose existence was denied.[447] To provide plausible deniability, they studied the Soviet Union's People's Commissariat for Internal Affairs (N.K.V.D.) manual on countermeasures. Oftentimes, confused students would ask why they were studying how an enemy conducted counterintelligence and whether this was an endorsement of torture. "For the official record, if somebody said: 'you're teaching methods of torture,' they say, 'no, no, no, no, all we're teaching is what the enemy does." His job was to "imply" that "other" interrogation strategies were to be used with a noncompliant prisoner. "They are very conscious, first of all, of the Rules of Land Warfare. And very conscious that they can be brought to task for these things. so they bend over backwards to at least, give the outward

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445. See Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007).

446. Quoted in David Dellinger, *From Yale to Jail: The Life Story of a Moral Dissenter* (Eugene, OR: Wipf and Stock Publishers, 1993), 244-245.

447. The average age and mental acuity of the Special Forces meant that soldiers had to be well trained, they had to have advanced in Army, and they had to take tests to check for the intellectual acumen. Duncan informed the tribunal that an entering class preparing to train for the Green Berets were not "naive 18-year-old boys" but were well-trained Army soldiers who were at a minimum a sergeant and who had successfully passed multiple qualifying examinations that included physical and mental tests. Duncan, "Testimony and Questioning," in Duffett, ed., *Against the Crime of Silence*: 459, 463.

appearance of legality and adherence to such things as the Kellogg-Briand Pact and the laws of land warfare."[448]

Such mixed signals only contributed to the "fog of war" when it came time for soldiers to decide how to handle a POW or civilian.[449] Duncan often heard instructors use a phrase thrown around the classroom as a sarcastic response but that ultimately permitted war crimes in Vietnam. They would provide a lesson in countermeasures and then tell students that "We cannot teach you that because the mothers of America would not approve." A witty response to the unwitting student. This neither confirmed nor denied the use of torture. Nor did it provide students with an accurate answer whether they were permitted to use enhanced interrogation. Nevertheless, the NKVD manual taught soldiers how to interrogate prisoners by inflicting pain upon their genitals, physically beating them with objects, exposing them to prolonged isolation or shocking them with electricity. The key, Martinsen pointed out, was to avoid leaving any recognizable scar or bruise on the body.[450]

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448. Duncan, "Testimony and Questioning," in Duffett, ed., *Against the Crime of Silence*: 461-3; Duncan wrote about his experience in Donald Duncan, *The New Legions* (New York: Random House, 1967), 156-9. See also Donald Duncan, "The Whole Thing Was a Lie!" *Ramparts*, February 1966, 14; Luke Stewart, "'I Quit!' The Vietnam War and the Early Antiwar Activism of Master Sergeant Donald Duncan," *Revue Française d Etudes Américaines* 147, no. 2 (2016): 100–116.

449. Carl von Clausewitz wrote about the Fog of War in his 1832 study of war strategy, *Vom Kriege*. This is explained as situational uncertainty during military operations, Carl von Clausewitz, *On War*, ed. Michael Eliot Howard and Peter Paret (Princeton, N.J: Princeton University Press, 1989), 101; Kenneth Payne, *The Psychology of Strategy: Exploring Rationality in the Vietnam War* (New York: Oxford University Press, 2015), 28.

450. Duncan, "Testimony and Questioning," in Duffett, ed., *Against the Crime of Silence*: 463-4.

Another strategy used during interrogations to shift blame for violating the Geneva Conventions was to use South Vietnamese (ARVN) soldiers to carry out the torture. The goal, Duncan explained, was to have them commit the worst crimes such as executions. The Americans would turn their head and light a cigarette until the physical assault of the prisoner had ended. "For instance, in training, you are told that you should never torture a prisoner; let your counterpart do it. You should never kill a prisoner; let your counterpart do it. This doctrine is not put forth on a moral issue, but a very pragmatic issue. The idea being that, since you are an American, it could be resented - you're torturing or killing these people."[451]

International conventions contained two rules designed to prevent the unlawful treatment of POWs. The Department of the Army's own handbook, *The Law of Land Warfare*, reiterated these laws, stating that "murder in any form: assassination, summary executions, tortures, extreme punishment, or cruel treatment" was forbidden by Article 3 of the Geneva Convention and by Article 23B of the Hague Convention. Secondly, no country could suspend domestic law of the invaded country as stated in Article 23H and 50 of the Hague. Significantly, the Geneva Convention reevaluated previous agreements considering the atrocities committed by the Axis powers and held against them at the Nuremberg and Tokyo tribunals before rewriting how civilians should be treated and how domestic law should be upheld in occupied territories. The U.S. ratified these conventions, and the U.S. Army included them in its *Law of Land Warfare* manual published on 20 July

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451. Ibid., 471-473.

1956.[452] Therefore, attorney Bouvier-Ajam concluded, "The United States Government, bound by its own law, cannot bring forward any valid argument against the application on that law, nor can it invoke the legal fiction that the American armed forces are merely assisting the puppet Saigon Government." The subsequent violation of agreements the U.S. had signed constituted a war that violated humanitarian law.[453]

Tuck was assigned to Camp Holloway outside of Pleiku when he arrived in Vietnam. One day, he saw a VC combatant tied in ropes spread-eagle on the ground as U.S. soldiers instructed their South Vietnamese counterparts to shove a sharpened knife underneath his toenails and into the soles of his feet before inflicting pain on his eyeballs and the "more sensitive parts of the body" if he refused to divulge information. Still unable to get the prisoner to reveal the VC's location, they placed him in a previously used barbed wire cage—still hog-tied—so that if he moved even an inch the blades would penetrate his flesh. Here the man remained for two days. When Tuck returned a few days later from another assignment, the man was no longer at the camp. "I assume that they had turned him over to the South Vietnamese to execute him."[454]

The Americans, he claimed, never touched the VC prisoner, they taught the South Vietnamese how to interrogate him using violence. This meant that the blame fell entirely upon the South Vietnamese military and the U.S. avoided violating international

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452. Department of the Army, "The Law of Land Warfare," Department of Defense, 15 July 1976, accessed 19 August 2019, https://www.loc.gov/rr/frd/Military_Law/pdf/law_warfare-1956.pdf.

453. Ajam, "Juridical Report," in Duffett, ed., *Against the Crime of Silence*: 398, 400-402.

454. "Testimony and Questioning of David Kenneth Tuck," in Duffett, ed., *Against the Crime of Silence*: 404-405, 415, 422.

conventions. It seems, Tuck stated, that the Americans had a degree of plausible deniability if they used a translator to convey messages without having to commit the act on their own. "[T]here were very few U.S. forces who were able to speak Vietnamese, so a U.S. officer, I believe it was the captain at the time, he was giving orders to the Vietnamese interpreter and he was relaying them on to the man who was doing the actual torturing." Tuck's stated, implying that the Americans—and not the South—should be held accountable for its use of torture of enemy combatants.

Martinsen began torturing Vietnamese POWs at his base camp at Lon Giao in November 1966 shortly after arriving in Vietnam. Infantrymen would make captures in the field and send their POWs to him or another intelligence unit for interrogation. "We had absolute power over our prisoners - absolute power," he divulged, "we were the judge, the jury and the god." On this first occasion, a man with no known identification was assigned to Martinsen. "I started to question him and he kept saying that he was not a V.C., that he didn't know where the V.C. was, etc.," Martinsen explained his first exposure to the use of torture. He assumed the V.C. was lying and proceeded to strike him in the face with his fist. Martinsen's commanding officer soon joined him in attempting to pry information from the individual. He grabbed the Army field telephone, which was attached to a battery with high electrical voltage to enable important phone calls in the field. He removed the phone from the battery, attached the cables to the man's testicles, and turned on the battery as he continued to ask questions. Some prisoners died as the voltage caused heart failure.[455]

Operation Cedar Falls, a major U.S.-South Vietnamese offensive in early 1967, sent around 30,000 American soldiers into the NLF stronghold called the "Iron Triangle" north

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455. Ibid., 427-9, 453.

of Saigon. Martinsen admitted that during this operation he “witnessed more torture than I had seen on any special operation in Vietnam.” A captured NLF captain claimed he did not work for the VC but was instead an ARVN soldier. Another interrogator was present with Martinsen and his lieutenant. After great pressure to secure information, Martinsen's colleague grabbed a bamboo shoot and hammered it between the man's fingernail and skin. The interrogator was criticized because the Vietnamese man now had scars and had bled onto the floor. "It was understood," Martinsen commented, "that if we did not leave marks, we could do exactly as we pleased." Thousands of other prisoners were tortured and interrogated during this operation by "wiring."[456]

During Operation Manhattan in the Ho Bo Woods of South Vietnam in May 1967, Martinsen recalled that he used psychological torture when he failed to get a POW to speak about his experience with the VC During a routine "sweep" of the village in which the U.S. military attempted to separate civilians from the enemy, they found this individual hiding in a tunnel with a weapon in his hand, suggesting that he was working with the VC. After a brutal clubbing with a mallet found in one of the huts, Martinsen put a gun to the man's head and forced him to dig his own grave while counting off the minutes left in his life. "This is what is known as 'breaking the prisoner'," he stated, as he described the man falling to his knees in tears, begging for his life. "I have read the 1949 Geneva Convention on the treatment of prisoners of war. Coercion is quite illegal. It is a war crime. It is specifically stated that the prisoners must not be harassed or coerced," he said of his own actions.[457]

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456. Ibid., 427-429.

457. "Testimony and Questioning of Peter Martinsen," in Duffett, ed., *Against the Crime of Silence*: 430-31.

Martinsen admitted that torture often failed to yield useful information either because the prisoners refused to talk or because they provided false information to satisfy the interrogator. "If you torture a prisoner, a prisoner will tell you everything he thinks you want to know, to keep you from giving him pain. He will tell you anything that he thinks you will believe." Interrogators were trained to gather information by whatever means necessary and learned to do so without any concern for the human being before them or sense of morality regarding the use of torture. The interrogator was supposed to distance himself from the violence in hope that he "might yield information that might save lives."[458]

On 2 March 1966, Tuck and his infantrymen of the 3rd Brigade entered a village about fifty miles north of Ban Me Thuot where they engaged in a firefight with the V.C. Although reports indicated that some 100 enemy were killed in action, eleven Americans were also killed, the first deaths witnessed by Tuck. As the Americans wept over their fallen brothers, they became enraged at the Vietnamese survivors who had either participated in the fight or who had been in the wrong place at the wrong time. Tuck admitted that a Japanese American staff sergeant by the name of Sergeant Takahatchi approached a wounded individual who had been struck by a bullet in the chest, drew out his machete, and beheaded the Vietnamese captive in retaliation for the deaths of his comrades. He grabbed the man's head by the hair and launched it into the air toward the other wounded as a warning never again to attempt to kill American soldiers.[459]

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458. Ibid., 432-3, 453.

459. "Testimony and Questioning of David Kenneth Tuck," in Duffett, ed., *Against the Crime of Silence*: 403-404.

Mistreatment of POWs continued when Tuck boarded a Huey helicopter departing Plei Jrirang Special Forces camp in November 1966 to return to base camp for a few days rest and transport two dead Americans along with two North Vietnamese prisoners. One of the POWs began to laugh while looking at the American bodies. It is difficult to know whether his staring inconveniently coincided with a laughable conversation that he was having with his captured comrade, but the pilot was angered by the soldier's disrespect. He told the machine gunner to pick up the bound POW and throw him out of the chopper as it soared through the sky at approximately two thousand meters. Without hesitation, the soldier followed the pilot's instructions. "[S]uch a thing is an everyday thing," Tuck reported, "You know, we did not think too much about it."[460]

Regarding the execution of POWs by Americans in the field, Duncan informed the tribunal that the command was usually to "get rid of them" if their presence posed problems for the Green Berets. In An Lao in 1965, for example, he and his team of eight Green Berets had entered into a region previously controlled by the NLF. Here they encountered individuals that soon became prisoners just as an act of confronting the Americans. At this point, however, they had taken four Vietnamese prisoners in a team of only eight soldiers. Duncan asked command for guidance. The orders were clear: "get rid of them." Duncan "pretended" to ignore the command because he felt uncomfortable executing these individuals. He instead called for a helicopter to transport them to base camp. Upon arrival, the commander informed Duncan that his intention had been clear: kill them. "The captain that gave the order would not in all good sense, ever say directly over the radio, to 'kill the prisoners.' Because again, these radios are monitored, and if there should be some legal

460. Ibid., 405, 410.

ramification later, he could always deny that he ever gave them such an order. It would be considered an illegal communication, in the Army, to say such a thing."[461]

These types of criminal acts often went unreported and undocumented. Without eyewitness reports and testimony, they were lost to history. Tuck's admission preserved that event for the historical record and lent evidence to the tribunal. When asked by one member whether or not the soldier who committed this murderous act had to file a report on the missing POW, Tuck responded "Well, yes, it is true that he would have to write a report saying that one of the prisoners had disappeared…But you could always get around this by saying that the man attempted to escape and we had to shoot him or the man was suicidal and he jumped out of the helicopter." Tuck implied that there was a culture of lying within the ranks so that soldiers could commit crimes against humanity without fear of punishment. As long as everyone kept quiet, they had a level of plausibility protected those war crimes aggressors.[462]

More troubling was the designation that soldiers placed on North Vietnamese regulars or Viet Cong guerrillas and their superiors. Tuck explained how it was standard operating procedure in his outfit to capture only North Vietnamese officers. As indicated in the helicopter incident, this left open an empty space whereby it was equally common to kill everyone except officers. "Even if one prisoner was missing," Tuck explained, "it would not have mattered all that much because, unless the prisoner was an officer or something like this, no one would really have cared anyway." These actions became even

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461. Duncan, "Testimony and Questioning," in Duffett, ed., *Against the Crime of Silence*: 473-474.

462. "Testimony and Questioning of David Kenneth Tuck," in Duffett, ed., *Against the Crime of Silence*: 406.

more egregious toward wounded enemies. Many officers used this "standard operating procedure" to be "fanatical" in their killings. "They believed that the only good Vietnamese was a dead Vietnamese," he said. Wounded Vietnamese enemies were rarely flown to medical camps and instead were executed on the spot. "I have also seen other cases in which a wounded prisoner was laying there supposedly waiting for an evacuation helicopter, and I have seen several G.I.'s just go over and shoot him in the head just to be done with it."[463]

The testimony of these former soldiers illuminated the tribunal's understanding of the "means of warfare" and allowed members to start assigning blame and personal responsibility. Sartre and Russell hoped to mount several legal challenges against the U.S. in American and international courts using the information presented during this section of the proceeding. They believed that they could use Tuck, Martinsen, and Duncan's testimony to support conscientious objectors and draft evaders by making the claim that they did not have to serve a country clearly supporting the violation of international law and human rights agreements.[464] Historian Samuel Moyn explains that the global anti-war movements concern with international law allowed them to add antitorture to their agenda, which brought the war's legal ramifications into public debate in the future.[465] Indeed, the use of international law during the second tribunal session allowed Sartre to conclude that

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463. Ibid., 406, 411.

464. See John F. Bannan and Rosemary S. Bannan, *Law, Morality and Vietnam: The Peace Militants and the Courts* (Bloomington, I.N.: Indiana University Press, 1974).

465. Moyn, "From Antiwar Politics to Antitorture Politics," 158; Stewart, "Too loud to rise above the silence": 3.

only "by means of legalism that their eyes can be opened" in reference to the global resistance movement.[466]

5.6 On the Issue of Genocide

Genocide in Vietnam became the most controversial issue put before the IWCT's second session and opened the door for critics to argue that "leftist intellectuals" had gone too far.[467] The word "genocide" was first used in 1942 by Raphael Lemkin, a Polish lawyer, who championed the cause of the anti-genocide movement and initiated the Convention on the Prevention and Punishment of the Crime of Genocide unanimously adopted by the U.N. General Assembly on 9 December 1948 as General Assembly Resolution 260 and entered into force in January 1951.[468] The IWCT had already examined the ways in which the U.S. had violated the convention that made genocide a punishable crime under international law when it could be proven that a country committed an act with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

> (a) Killing members of the group;
> (b) Causing serious bodily or mental harm to members of the group;
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> (d) Imposing measures intended to prevent births within the group;

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466. Tor Krever, "Remembering the Russell Tribunal," *London Review of International Law* 5, no. 3 (2017): 488-9; Moyn, "From Antiwar Politics to Antitorture Politics," 156-7.

467. Gérard Prévot, "Correspondance," *Le Monde*, 1 December 1966; "A Paris: la première commission d'enquête du 'tribunal international' présente son rapport," *Le Monde*, 4 February 1967, 2; Thierry Maulnier, "Violence et Conscience: un tribunal de combat," *Le Figaro*, 2 May 1967.

468. See Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002).

(e) Forcibly transferring children of the group to another group.[469]

Although the term has been highly politicized since its adoption and has even evolved to contend with the multitude of atrocities that have taken place since the Holocaust, it was originally defined as having "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."[470]

This final issue of the tribunal—genocide—made a putative case that the U.S. may have intended to commit a genocide in South Vietnam and that the evidence would need to be considered to provide a suitable answer. The two paradigms placed on the tribunal—Russell's moralism and Sartre's legalism—both tried to hold the U.S. accountable for war crimes while also providing dissidents and draft evaders with sound legal footing to oppose the war. Sartre wanted to criminalize the Vietnam War and made this clear at the start when he wrote that he wanted the IWCT to enhance the anti-war movement by "supplementing their moral judgments with legal means."[471] Sartre used the evidence presented at Roskilde to argue that the U.S. had presented a pattern of genocidal thinking toward the Vietnamese people and that the tribunal served as a warning to the mass annihilation soon to follow.

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469. United Nations General Assembly, "Convention on the Prevention and Punishment of the Crime of Genocide," 9 December 1948, Office on Genocide Prevention and the Responsibility to Protect, United Nations, accessed 15 April 2021, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

470. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Concord, N.H.: The Rumford Press, 1944), 79.

471. Jean-Paul Sartre, "Le Crime," *Le Nouvel Observateur* 30 November 1966 quoted in Keenan, "Vietnam Is Fighting for Us," 214.

Historian Bethan S. Keenan puts it more succinctly: "The U.S. had not YET committed genocide, but its actions indicated that it could and probably would."[472]

Sartre may have forced the tribunal to consider the issue of genocide as an extenuation of his critiques against imperialism by seeing a "continuity and symmetry" between French war crimes in Algeria and American aggression in Vietnam.[473] He explained the Vietnam War in these terms to oppose not just the U.S. but any aggressor that resisted independence movements around the world. "The Vietnamese fight for all men and the American forces against all," he explained at the end of the tribunal's second session.

> Neither figuratively nor abstractly. And not only because genocide would be a crime universally condemned by international law, but because little by little the whole human rice is being subjected to this genocidal blackmail….This crime, carried out every day before the eyes of the world, renders all who do not denounce it accomplices of those who commit it, so that we are being degraded today for our future enslavement."[474]

Yet, as Sartre emphasized the tribunal's legal dynamic, moral activists kept their eyes on supporting the transnational dimensions of antiwar protestors who could hold their leaders accountable using what social scientists call "verbal sanctioning" or "public shaming." The genocide question may have allowed tribunal members to flex their moral authority by relying on international legal precedent but also by relying on anti-genocidal rhetoric to in a way that would garner the most support from the war's opponents.[475] Using

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472. Keenan, "Vietnam Is Fighting for Us," 216.

473. Ibid., 214-15.

474. Jean-Paul Sartre, "On Genocide," in Duffet, ed. *Against the Crimes of Silence*, 626.

475. Kathryn Sikkink, "Restructuring World Politics: The Limits and Asymmetries of Soft Power," in *Restructuring World Politics: Transnational Social Movements, Networks, and*

the term "genocide" allowed tribunal members, anti-war activists, and draft evaders to identify and publicly shame the Johnson administration for forcing American soldiers to commit war crimes that violated international law and human rights agreements.[476] This broadened the tribunal's examination of mass killings and allowed those like Sartre to explain Vietnam as a consequence of imperialist interventions during the Cold War.

In addition to the use of herbicides and bombs, the testimony of Tuck, Martinsen, and Duncan also convinced the tribunal that soldiers could theoretically invoke Article I of the Genocide Convention to refuse induction into the U.S. armed services. Article I states that "genocide, whether committed in time of peace of in time of war, is a crime under international law" which is punishable by the international community. Even though the U.S. had avoided signing the Genocide Convention and would not do so until November 1988, normalizing the use of the phrase "genocide" to criticize the war and refuse induction into the U.S. armed services might publicly shame U.S. leaders for engaging in unconscionable crimes opposed by the public opinion of the world.[477] In this way the IWCT

Norms, ed. Khagram Sanjeev, James V. Riker, and Kathryn Sikkink (Minneapolis, MN: University of Minnesota Press, 2002), 312; Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd Edition (New York: Cambridge University Press, 2011). 21.

476. Matthew Krain, "J'accuse! Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?," *International Studies Quarterly* 56, no. 3 (2012): 574–89; Hellen Fein, "Discriminating Genocide from War Crimes: Vietnam and Afghanistan Reexamined," *Denver Journal of International Law and Policy* 29, no. 1 (1993): 31; Paul R. Bartrop, ed., *Modern Genocide: Analyzing the Controversies and Issues* (Santa Barbara, CA: ABC-CLIO, 2018), 90; R.J. Rummel, "Democracy, Power, Genocide, and Mass Murder," *The Journal of Conflict Resolution* 39, no. 1 (1995): 4.

477. D'Amato, Gould, and Woods, "War Crimes and Vietnam": 1066-74; Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, N.C.: Duke University Press, 1991), 93.

helped facilitate a network of transnational activism that weaponized human rights norms against the Johnson administration and any government that allowed for imperialism to wreak havoc throughout the Third World.[478] Sartre and other tribunal members ultimately hoped to ameliorate the severity of the war in Vietnam by exposing the extent to which the U.S. may have intended to commit a genocide against the South Vietnamese people.

5.7 Conclusion

The testimony of the three soldiers, the presentation and analysis of international law, and the examination of continued bombing and the use of herbicides allowed the IWCT to reach an inevitable conclusion on 1 December, unanimously finding the U.S. "guilty on the remaining charges which included including genocide, the use of forbidden weapons, maltreatment and killing of prisoners, violence and forced movement of prisoners" in Vietnam.[479] Nguyen Van Thien, an IWCT delegate from the NLF, gifted the "court" a Vietcong flag while Pham Ngoc Thach, delegate from Hanoi, presented it with a metallic cup molded from the wreckage of a U.S. aircraft shot down over North Vietnam.[480]

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478. Adam Jones, ed., *Genocide, War Crimes, and the West: History and Complicity* (New York: Palgrave, 2004), 355; Zachary Manfredi, "Sharpening the Vigilance of the World: Reconsidering the Russell Tribunal as Ritual," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 9, no. 1 (2018): 85.

479. "Russell 'Tribunal' Finds U.S. Guilty of War Crimes," *The New York Times*, 2 December 1967; " Pham Van Bach Report on U.S. War Crimes," 08 July 1967, Folder 01, Box 07, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCSJ, Texas Tech University; "Summary and Verdict of the Second Session," in Duffett, ed., *Against the Crime of Silence*: 643-650.

480. "Russell 'Tribunal' Finds U.S. Guilty of War Crimes," *The New York Times*, 2 December 1967.

They were peace offerings to remind advocates of the horrors that they were trying to prevent, and was also a reminder that the communists had kept a close eye on the proceedings and may even have supplied false information to benefit the DRV.[481]

Closing remarks by Dellinger reinforced the need for a broad social movement to change policy. "The Nuremberg Tribunal asked for and secured the punishment of individuals," he observed. "The International War Crimes Tribunal is asking the peoples of the world, the masses, to take action to stop the crimes. At Nuremberg the accused rested safely in jail, and the focus was on the past; our Tribunal is quite different. Unless the masses act, and act successfully, we stand only at the beginning of war crimes and genocide - genocide that could bring down the cities and destroy the populations of the world."[482]

The sobering tale of American atrocities in Vietnam had been supported by testimony from scientific and legal experts and backed up by former interrogators and soldiers in the U.S. military. It was at least exaggerated. Nevertheless, the tribunal attempted to show that the U.S. had committed war crimes in Vietnam, and in so doing, support the global anti-war movement with evidence against the U.S. The tribunal's conclusion brought hope to its members and, especially Russell, who hoped that it might help spur global protest the war. The tribunal members continued to believe that a worldwide anti-war movement would serve as the official judge to hold the U.S. accountable. The judges, stated Sartre during the first session, were "the peoples of the

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481. Oglesby, *Ravens in the Storm*, 138.

482. "Appeal of the Tribunal to World and American Public Opinion," in David Dellinger, *Revolutionary Nonviolence* (Garden City, N.Y.: Anchor Books, 1971), 109-111; Dave Dellinger, "Appeal to American and World Opinion," in Duffett, ed., *Against the Crime of Silence*: 650-652.

world, and in particular the American people. It is for them that we are working."[483] Just as Dellinger had explained at the start of the tribunal's second session, American anti-war activists had already escalated their opposition to the war and did so with the support of the IWCT. On the streets and on university campuses, many reconsidered resistance in light of revelations that poured out of Vietnam via the tribunal, GI statements, and investigatory teams.[484]

483. Sartre, "Inaugural Statement," in Duffett, ed., *Against the Crime of Silence*, 45

484. Gunther Anders to Bertrand Russell, 06 January 1968, Box 10.02, 371 IWCT: Members' Correspondence, BRAII, McMaster University; Bertrand Russell to Gunther Anders, 26 January 1968, Box 10.01, 371 IWCT: Members' Correspondence, BRAII, McMaster University; Bertrand Russell, "Bertrand Russell's Final Address to the Tribunal - Copenhagen, December 1967," in Duffett, ed., *Against the Crime of Silence*: 653-4.

CHAPTER 6. "WE CANNOT BE SILENT BYSTANDERS": THE INTERNATIONAL WAR CRIMES TRIBUNAL AND TRANSNATIONAL ACTIVISM AGAINST THE VIETNAM WAR, 1967

Members of the International War Crime Tribunal's (IWCT) investigation team travelled to Vietnam between December 1966 and February 1967 where they investigated claims of U.S. war crimes north and south of the Demilitarized Zone. Russell's public editorials in western newspapers and magazines after 1963, the formal announcement of the tribunal's founding in 1966, and its members subsequent investigatory trips drew the attention of anti-war activists worldwide who wrote to the IWCT and BRPF requesting more information about alleged U.S. war crimes. The unsolicited and solicited proliferation of the tribunal's literature even prior to the first meeting in May 1967 received global attention as it spread through disparate communities and supported peace activists in alliance with the Vietnamese revolutionaries resisting American imperialism. Tribunal members used the time between its public announcement and the first session to publicize the investigation's findings and rally support for the IWCT as an international nongovernmental organization (INGO) capable of supporting the global antiwar movement. Most of the transnational connections occurred prior to the first meeting and may make the two sessions seem irrelevant.

The tribunal set up a global network prior to the Stockholm hearing to establish legitimacy for the two meetings and draw attention to the public display of U.S. war crimes. Having drawn attention to American atrocities in Vietnam prior to the first meeting, Russell, Sartre, and other tribunal members advanced a human rights dialogue to frame the Vietnam War as an atrocity to "reawaken the consciousness of mankind" if not convince

world leaders to hold the Johnson administration accountable for violating international law and agreements such as those signed at the 1949 Geneva Convention.

This chapter explores the transnational connections forged by the IWCT to turn public opinion against the U.S. war in Vietnam. Tribunal members relied on the language of human rights to describe war crimes in Vietnam and inspire moral resistance to the air and ground wars in North and South Vietnam. They drew support from peace activists who opposed the war as well as non-state actors in the less developed world who stood with the Vietnamese people in solidarity against American aggression. Russell endorsed and backed a network of support communities that popped up around the world to collect and circulate the tribunal's preliminary findings to protest groups. Americans living abroad encountered this material in conventional and underground newspapers and magazines which prompted many to confront their own identity as it clashed with the moral ideals professed by U.S. leaders. At the same time students, faculty, anti-war activists, and everyday individuals requested information from the IWCT and BRPF to support their individual resistance against the war, American imperialism, and oppression in their home countries. The sudden rise of global antiwar protests in late 1967 and into 1968 convinced the tribunal members that they had, in some small way, aroused global consciousness against U.S. crimes against humanity in Vietnam.

6.1 The Language of Human Rights and the Vietnam War

On the final day of the tribunal's second session, David Dellinger delivered his closing remarks. He compared the moral weight of his and his colleagues' decisions to those of the prosecutors at Nuremberg before clarifying that, unlike its predecessor,

Russell's tribunal had no authority to hold American officials accountable. The IWCT instead relied on the mobilization of public opinion by those who used its evidence to promote justice through protest. In doing so, he said, the world could stand in solidarity with the Vietnamese and any other individual or state facing off against the U.S. "The International War Crimes Tribunal is asking the peoples of the world, the masses, to take action to stop the crimes," Dellinger concluded, "At Nuremberg the accused rested safely in jail, and the main focus was on the past; our Tribunal is quite different: unless the masses act, and act successfully, we stand at the beginning of war crimes and genocide—genocide that could bring down the cities and destroy populations of the world."[485]

Dellinger's call to action framed the Vietnam War as a human rights crisis that could impact other countries and victims throughout the developing world. Doing so would allow the tribunal to advance a set of moral values that necessitated collective action from any person or organization defending global human rights. Social scientists who study "framing" as a part of social movements argue that it allows groups of people to align disparate interests behind a set of common understandings about an issue to better generate information and mobilize action around a set of accepted norms, ideas, and discourse.[486]

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485. David Dellinger, "Appeal to American and World Opinion," in Duffett, ed., *Against the Crime of Silence,* 650-651.

486. Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks in International and Regional Politics," *International Social Science Journal* 51, no. 159 (1999): 133-35; Sidney Tarrow, "Mentalities, Political Cultures and Collective Action Frames: Constructing Meanings Through Action," in *Frontiers in Social Movement Theory*, ed. Aldon D. Morris and Carol McClurg Mueller (New Haven, C.T.: Yale University Press, 1992), 197; Doug McAdam, John D. McCarthy, and Mayer Zald, eds., *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (New York: Cambridge University Press, 1996), 5;

Political scientists and international relations experts Margaret E. Keck and Kathryn Sikkink describe framing more succinctly when they write that "activist groups frame issues simply, in terms of right and wrong, because their purpose is to persuade people and to stimulate them to take action."[487] The IWCT, therefore, used charges of war crimes and anti-genocidal rhetoric as a common reference point from which to frame the Vietnam War as a human rights violation in a way that mobilized public opinion against it.

In "framing" the war this way, the IWCT more easily contextualized U.S. war crimes in Vietnam in terms of those committed by the Nazis during World War II. The memories of mass violence against civilians during the Second World War enabled the tribunal's leaders to make a compelling case against American methods of war. For Russell, Ralph Schoenman, Dellinger, and others, invoking Fascist imagery to explain American actions evoked postwar guilt and fear that could inspire protest against any "Government which is organizing mass massacres of mankind."[488] Additionally, the "anti-genocide norm," as historian Daniel Solomon defines it, allowed "organizations explicit or implicit expression of opposition to the past, present, or future occurrence of genocide."[489]

David A. Snow et al., "Frame Alignment Processes, Micromobilization, and Movement Participation," *American Sociological Review* 51, no. 4 (1986): 464.

487. Keck and Sikkink, "Transnational Advocacy Networks in International and Regional Politics": 71.

488. H.A. DeWeerd, "Lord Russell's War Crimes Tribunal," *RAND Collection P-3561* (March 1967), 3; Holger Nehring, *Politics of Security: British and West German Protest Movements and the Early Cold War, 1945-1970* (New York: Oxford University Press, 2013), 102.

489. He writes that "Implicit expressions consist of analogies between instances of violence or repression and canonical genocidal events, in particular the Nazi holocaust." Daniel Solomon, "The Black Freedom Movement and the Politics of the Anti-Genocide Norm in

Vietnam was in no way unique but yet another manifestation of the sort of imperialist aggression seen throughout the first half of the 20th century and likely to be experienced again after its conclusion.[490] Violent oppression accompanied superpower intervention in ways that Solomon writes had become a "ubiquitous feature of the postwar order."[491] This framework brought together those in the Global North and South with non-state activists to protest similar forms of state violence.

Unlike Nuremberg, which had a legal mandate to prosecute and punish wartime aggressors, the IWCT had no judicial authority and could therefore only assert its own "moral authority."[492] This allowed tribunal members to "judge' America's actions on informal moral terms that were rooted in international human rights norms.[493] This process

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the United States, 1951 - 1967," *Genocide Studies and Prevention* 13, no. 1 (2019): 130-43.

490. For the confrontation between interventionist ideologies and revolutionary movements that helped provoke them in a global cold war, see Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (New York: Cambridge University Press, 2005) and Odd Arne Westad, *The Cold War: A World History* (London: Penguin Books, 2018).

491. Solomon, "The Black Freedom Movement," 138-9.

492. For "moral authority," see Kathryn Sikkink, "Restructuring World Politics: The Limits and Asymmetries of Soft Power," in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, ed. Khagram Sanjeev, James V. Riker, and Kathryn Sikkink (Minneapolis, MN: University of Minnesota Press, 2002), 312; Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd Edition, Cambridge Studies in Comparative Politics (New York: Cambridge University Press, 2011), 21; Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 889.

493. Arian M. Gallagher, "Genocide and Its Threat to International Society" (Ph.D. Dissertation, University of Sheffield, 2010), 39-40; Robert Jackson, "International Relations as a Craft Discipline," in *Theorising International Society: English School Methods*, ed. Cornelia Navari (New York: Palgrave Macmillan, 2009), 22.

of "leverage politics," as Keck and Sikkink describe it, allows advocacy networks to mobilize, shame, and demand accountability via public scrutiny.[494] The tribunal sessions ritualized the process of publicly shaming the Johnson administration and its allies for violating the human rights norms the United States historically had professed to uphold. In other words, the IWCT's proceedings and the subsequent publication of its evidence exposed the gap between American human rights discourse and practice. "This is embarrassing to many governments who may try to save face by closing the distance," write Keck and Sikkink.[495] It might also humiliate those still apathetic to the war by making clear the categories by which one could be a perpetrator, a victim, or a bystander to human rights violations. Dellinger's criticism was directed at those who had yet to take a side regarding the Vietnam War by placing them in a category of historical actors who permitted atrocities to occur in the first place. Nuremberg presented an ideal historical reference point to claim that the Americans had violated previously agreed upon human rights agreements and to build global grievances against U.S. imperialism.

Finally, the language that activists hereafter used against the Vietnam War was shaped by the human rights lexicon advanced by the IWCT. Historian Samuel Moyn argues that "most people had never heard of 'human rights'" before U.S. President Jimmy Carter's inaugural address in 1977, but this interpretation ignores the panoply of phrases that helped to describe activists' work in what has been called the long 1960s.[496] To be sure, some

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494. For more on the use of accountability and leverage by transnational advocacy networks at the international level, see Snyder, *Human Rights Activism,* 78-9.

495. Keck and Sikkink, "Transnational Advocacy Networks," 73.

496. Samuel Moyn, *Human Rights and the Uses of History* (London ; Brooklyn, NY: Verso, 2014), 69.

peace activists later allowed that they did not know they were "doing human rights work." They rarely used that phrase to describe their movement, and their shifting vocabularies ran parallel to and overlapped issues important to international law and agreements.[497] But to dismiss human rights activism simply based on their use of words would be to follow a red herring.[498] Indeed, a spectrum of phrases spoke on behalf of individual rights and allowed for a moral movement to resist imperialism outside of the realm of international law. "This language," writes Cargas, "enabled the edifice of today's human rights system."[499] This expansive discourse spoke of "murder," "torture, "atrocity," and "genocide" to protest the invasion of Vietnam's sovereignty and the use of force against civilian populations.[500] Even though IWCT participants and anti-war activists described human rights in terms that did not always align with those set forth in the UNDHR, their reference helped shape an expansive lexicon that broadened the world's understanding of war crimes and crimes against humanity committed by the U.S. and other nations during the Vietnam War.[501]

Historians Sarah Snyder and Cargas have separately surveyed scholarly databases and popular media for the appearance of human rights language and to determine whether

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497. I, for one, spoke with Tom Hayden in 2015 who said that he and other activists used the phrase "human rights" to describe their work in the 1960s. Snyder specifically refers to Joseph Eldridge and Ronald D. Palmer. Snyder, *From Selma to Moscow,* 170.

498. Sarita Cargas, "Questioning Samuel Moyn's Revisionist History of Human Rights," *Human Rights Quarterly* 38, no. 2 (2016): 414; Kenneth Cmiel, "The Recent History of Human Rights," *The American Historical Review* 109, no. 1 (2004): 117–35.

499. Cargas, "Questioning Samuel Moyn's Revisionist History," 414.

500. Snyder, *From Selma to Moscow*, 3; Cargas, "Questioning Samuel Moyn's Revisionist History," 414.

501. Snyder, *From Selma to Moscow,* 3, 171.

intellectuals and the lay public were focusing on human rights before 1977. In a review of scholarly publications on World Cat and JSTOR, Cargas found that the number of books catalogued under "human rights" rose from 496 in 1963 to 1,293 in 1968.[502] Even more, the appearance of human rights and its adjacent vocabularies increased in the 1960s in *The New York Times* and in other popular books and magazines. Snyder and Cargas found in the *Times* an increase in use of the phrase in 1967. Cargas determined that a phrase which appeared only 60 times in 1930 jumped to 625 in 1968. "This data means, on average, the reader of the *New York Times* would have read about human rights in one to three articles every single day from the late 1940s onward," writes Cargas.[503] Snyder independently confirmed the data, writing that the phrase "was used on average 2.4 times more per year during the 1960s than during the eight years of the years of the Eisenhower administration."[504] Undeniably, human rights appeared often before the eyes of lay readers during the Vietnam War and 1970s and persisted even outside of intellectual communities.[505]

A human rights framework thus allowed the tribunal to attract supporters from a diverse cast of characters and range of organizations who may never have cooperated at the global level. Russell's statements were aimed squarely at the U.S. and its actions in Vietnam, but they were still broad enough to criticize any form of oppression against

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502. Cargas, "Questioning Samuel Moyn's Revisionist History," 423.

503. He shows that in 1930 there were sixty articles, 81 in 1940, 571 in 1948, 494 in 1950, and 260 in 1955, Cargas, "Questioning Samuel Moyn's Revisionist History," 424-5.

504. It more than doubled between 1961 and 1976 with some fluctuations, Snyder, *From Selma to Moscow,* 3.

505. Cargas, "Questioning Samuel Moyn's Revisionist History," 424-5.

helpless civilians. He insisted that the IWCT "intended to expose the true nature of the Vietnam War," with emphasis not on the conflict itself or even its specific war crimes, but on the nature of war as the mainspring from which atrocities occurred.[506] The tribunal's defense of human rights began in Vietnam, but the broader struggle depended on the "solidarity of the oppressed" lest the world bear witness as "the rights of others are trampled in a similar way," as Russell, Schoenman, Sartre, Dellinger, and other tribunal members saw it.[507]

The Democratic Republic of Vietnam (DRV) and the National Liberation Front (NLF) saw the struggle in these terms too and used their own public diplomacy to support the rise of a global revolutionary movement against the U.S. by way of the BRPF and the IWCT.[508] North Vietnamese leaders invested heavily in the global anti-war movement and

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506. Bertrand Russell, "An Appeal to Trade Unions from Bertrand Russell," 4 March 1967, Box 10.02, 371 IWCT: Members' Correspondence, Bertrand Russell Archive II (BRAII), McMaster University.

507. Bertrand Russell, "An Appeal to Trade Unions from Bertrand Russell," 4 March 1967, Box 10.02, 371 IWCT: Members' Correspondence, Bertrand Russell Archive II (BRAII), McMaster University.

508. Bob Brigham first argued that the NLF operated independent of Hanoi with its own diplomatic administrative structure before Pierre Asselin more recently considered the "people's diplomacy" of the NLF even though he dismisses any semblance of their support for the tribunal as a legitimate vessel of activism during the Vietnam War, Robert K. Brigham, *Guerrilla Diplomacy: The NLF's Foreign Relations and the Viet Nam War* (Ithaca, N.Y.: Cornell University Press, 1998); Pierre Asselin, "'We Don't Want a Munich': Hanoi's Diplomatic Strategy, 1965-1968," *Diplomatic History* 36, no. 3 (2012): 547–81. For more on North Vietnam's "people's diplomacy" see Harish C. Mehta, "North Vietnam's Informal Diplomacy with Bertrand Russell: Peace Activism and the International War Crimes Tribunal," *Peace & Change* 37, no. 1 (2012): 64–94; Harish C. Mehta, "Restoring Agency to Informal Diplomats in Narratives of the Vietnam War: Restoring Agency to Informal Diplomats in the Vietnam War," *History Compass* 13, no. 6 (2015): 263–74; Lien-Hang T. Nguyen, "Revolutionary Circuits: Toward Internationalizing America in the World," *Diplomatic History* 39, no. 3 (2015): 411–22;

facilitated the exchange of information within the protestor's networks not because they believed that such activism could actually end the war, but because the mobilization of public opinion could, in the words of historian Lien-Hang Nguyen, "constrain, though not stop, western leaders from waging war."[509] Ho Chi Minh publicly stated that the tribunal's efforts helped "contribute to the awakening of the conscience of peoples of the world against American imperialism" and to intensifying "the movement of protests among the peoples of all countries in order to demand the end of this criminal war and the withdrawal of troops of the U.S. and their satellites."[510] Prime Minister Pham Van Dong agreed and in December 1967 claimed that the IWCT had successfully constructed a "world movement of solidarity with the Vietnamese people's struggle against U.S. imperialist aggressors."[511]

6.2 The IWCT and Support Communities

Historians cannot approach the outbreak of global protest in the late 1960s and early 1970s without understanding the ways in which the human rights agenda was directly infused into the movement.[512] The IWCT was but one of many voices espousing the belief

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509. Nguyen, "Revolutionary Circuits," 415.

510. Ho Chi Minh quoted in Salar Mohandesi, "From Anti-Imperialism To Human Rights: The Vietnam War And Radical Internationalism In The 1960s And 1970s" (Ph.D. Dissertation, University of Pennsylvania, 2017), 94-5.

511. "DRV Premier thanks Lord Russell for Tribunal," 31 January 1968, Hanoi VNA International Service, JJJ3 in the CIA Daily Report, accessed 16 August 2020, https://www.google.com/books/edition/Daily_Report_Foreign_Radio_Broadcasts/QOoExnXi7X4C?hl=en&gbpv=1.

512. Several historians continue to resist the idea that the anti-war movement engaged at all with human rights or did not do so enough to create a noticeable impact, most notably is Barbara J. Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge, MA: Harvard University Press, 2014).

that the issue of human rights united the anti-war movements around the world. Yet, it features so prominently in that conversation that a history of global protest in the 1960s cannot be understood without analyzing the ways in which it changed the conversation about the Vietnam War by adding the human rights agenda. The tribunal formed new links with peace groups around the world and exchanged ideas about human rights issues while provoking opposition to the U.S. Although it did not have the means to directly influence policymaking at the international level, it did forge bonds with resistance cells in foreign countries to build solidarity against the war and pressure world leaders to hold the U.S. accountable for its actions. The interaction among these groups makes clear that the IWCT had indeed achieved Russell's goals to reawaken the world's conscience and prevent the crime of silence through the mobilization of public opinion.

The IWCT and its supporters' commodification of information with pamphlets, editorials, and other publishable material enabled evidence concerning U.S. war crimes to move to activists via the creation of what Russell called "support communities." In a way, this established the IWCT and the BRPF as centralized organizations not unlike those human rights institutions that would be founded in subsequent decades.[513] The subsidiary organizations provided information about war crimes to activists on the front lines to hold governments accountable for aiding U.S. imperialism. The construction of a like-minded network of activists fighting for human rights built bridges between North and South Vietnamese civilians, and others experiencing oppression around the world. Keck and

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513. Anderson argues that the antiwar movement grew slowly and disjointedly because it "lacked a centralized organization" to administer or manage protest movements and demonstrations, let alone facilitate a steady stream of anti-war information. David L. Anderson, *The Vietnam War* (New York: Palgrave Macmillan, 2005), 64.

Sikkink argue that these kinds of systems can expand access to information required by activists, strengthen their collective and independent legitimacies, and unify the agenda and aims of the broader movement.[514]

Russell boasted that the tribunal existed as a centralized hub of information built to support anti-war and anti-imperialist activists and organizations during and after the Vietnam War. The BRPF financially and logistically facilitated the distribution of information to such communities who weaponized the tribunal's evidence. Acting as the core support, the IWCT helped to bridge the divide with domestic anti-war groups while connecting them with the broader international anti-war movement. This organizational structure enabled the tribunal, in the words of one group of historians, to become a "major source for all critics of the Vietnam War."[515]

Danish anti-war activists exemplified this model of a successful "support community." Anti-war activism in Denmark originated with the Danmarks kommunistiske parti (DKP, the Danish Communist Party) that began demonstrating outside of the American Embassy in August 1964 after the Tonkin Gulf incident. In 1965, Danish activists attempted to create an umbrella organization to better coordinate mass action behind a common objective. One of these, the Danish Bertrand Russell Council (DBRC), was founded in 1967 in conjunction with the tribunal's second meeting in Copenhagen.[516] Organizers used the tribunal's findings to encourage its members to share the evidence

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514. Keck and Sikkink, "Transnational Advocacy Networks," 72.

515. James Godbolt, Chris Holmsted Larsen, and Søren Hein Rasmussen, "The Vietnam War: The Danish and Norwegian Experience 1964–1975," *Scandinavian Journal of History* 33, no. 4 (2008): 399-400.

516. Godbolt, Larsen, and Rasmussen, "The Vietnam War," 399-400.

with their communities and at rallies. Some editorialized the tribunal's proceedings in Danish newspapers while others printed posters in high-traffic areas around Copenhagen. As in the United States and elsewhere, what appeared on nightly Danish television sets had the widest impact. Ole Wivel, the DBRC leader, claimed in January 1967 that he had carried information from the tribunal's preliminary investigations at the start of the year to Danish broadcasting networks to better inform his fellow citizens about American war crimes in Vietnam.[517]

These support communities also sprouted up across the Atlantic. Canadian anti-war activists at the University of Toronto created the Canadian Committee for the International War Crimes (CCIWCT). Professor D.W. Willmott and Executive Secretary Ken Warren asked Russell in late 1966 after the IWCT's formal announcement how best to circulate evidence in Canada and use the tribunal's findings to mobilize resistance to the Vietnam War. Using its own funds, this committee reprinted the tribunal's mainstay trifold pamphlet and covered the cost of copying any evidence it received as a starting point for future grassroots work. "Support the efforts of the International War Crimes Tribunal - by sending in your donation - by placing your name and address on our mailing list - by circulating this appeal and other material on the work of the Tribunal - by arranging meetings, film showings, picture displays, etc.," read the heading of one newsletter[518]

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517. The leader, Ole Wivel, also told Russell that the DBRC had hoped to use the Danish broadcasting and television networks to speak directly to concerned citizens. Ole Wivel to Bertrand Russell and IWCT, 11 January 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

518. Kenneth Warren to BRPF, 13 December 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Canadian Committee for the International War Crimes Tribunal, "Aims and Objectives of the International War Crimes Tribunal," Undated, Box 2, Folder 2: Canadian Committee, Leaflets, 1966-1967, Series I:

As the CCIWCT demonstrates, these self-sustaining groups may have existed under the IWCT's umbrella, but they operated as a kind of franchise that could raise funds on their own, financially support the tribunal, and manage day-to-day operations, leaving the BRPF and the IWCT to construct and support the transnational advocacy network. The CCIWCT asked the recipients of its newsletters to respond with their banking details and routing numbers along with a financial contribution for the larger international movement.[519] "The response to the tribunal to date has been very positive and encouraging," wrote the CCIWCT organizers in 1967 after collecting the first rounds of donations in their campaign. "Student and anti-war communities across the country have endorsed the tribunal and have made it the recipient of funds and the subject of meetings and rallies."[520]

First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University.

519. Canadian Committee for the International War Crimes Tribunal, "Aims and Objectives of the International War Crimes Tribunal," Undated, Box 2, Folder 2: Canadian Committee, Leaflets, 1966-1967, Series I: First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University. Kenneth Warren to BRPF, 13 December 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

520. Canadian Committee for the IWCT to IWCT, 23 February 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; The National Student Days of Protest occurred between 11-12 November 1966 and was sponsored by the University of Toronto. Eugene Kurz to BRPF, 16 October 1966, BRACERS, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Vancouver Vietnam Day Committee to BRPF, 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Eugene Kurz to BRPF, 16 October 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Vancouver Vietnam Day Committee to BRPF, 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

The Belgian Committee for the Support of the International Tribunal Against U.S. War Crimes in Vietnam and Australia's Vietnam Action Committee imitated the fundraising and self-sustaining efforts of the DBRC by together funding the creation and circulation of 30,000 copies of the IWCT's pamphlets.[521] Support groups in Denmark, Canada, and elsewhere, exemplified the tribunal's ability to bridge the gap between its sessions and anti-war groups around the world, thus helping to spur an international resistance movement.

The IWCT had a shelf-life and would be disbanded after its second session in December 1967. To fill this gap, Russell drafted a constitution for a permanent organization called the World Vietnam Committee (WVC) that would coordinate resistance to American imperialism in Vietnam while leaving open the opportunity to rename itself to represent other future revolutionary groups. He had planned to announce the formation of this non-governmental organization on 1 May 1967 at the start of the first tribunal's session with the goal of institutionalizing the IWCT's founding ideals through a unified apparatus composed of the "support groups." To numerous leaders and revolutionary fighters around the world, he pledged that the WVC would support the "integral movement of resistance

521. Comité Solidarité Belgique-Vietnam to IWCT, 20 January 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University. Belgian anti-war groups already in existence expressed their frustrated with the development of the VWC when leaders of Le Comité de Solidarité Belgique-Vietnam expressed their displeasure with Russell and Mandel's collaboration. They defended their seniority in Belgium as having been established in 1964 long before both the tribunal and Mandel's organization had come into existence, Comité Solidarité Belgique-Vietnam to IWCT, 20 January 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Ole Wivel to Ralph Schoenman, 20 February 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Bob Gould (Vietnam Action Committee) to Ralph Schoenman (BRPF), 14 December 1966, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.,

to American aggression in the world."[522] It would coordinate synchronized global protests to hold American leaders accountable in ways that the world community had not been able to do to that point.[523]

Sociologists and historians who study non-governmental organizations, anti-war movements, and transnational networks argue that organizations like the WVC pursue a range of political action goals such as the spread of information, the use of symbols, using leverage as power, and holding leaders accountable after they agree to international human rights norms.[524] The politics of accountability led IWCT members originally to hold individual Johnson administration officials responsible for violating human rights agreements which the US had committed itself to following World War II. Those few officials who responded to questions about the tribunal's work cited the Geneva

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522. Bertrand Russell to Archbishop Makarios, 7 April 1967, Box 9.43, 382 BRPF: World Vietnam Committee, BRAII, McMaster University; Bertrand Russell to Norodom Sihanouk, 7 April 1967, Box 9.42, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Francisco Caamano of Deminican Republic Embassy UK, 7 April 1967, Box 9.44, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Francisco Caamano of Kwame Nkrumah, 7 April 1967, Box 9.46, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Francisco Caamano of Gamal Abdel Nasser, 7 April 1967, Box 9.49, 320 BRPF: World Affairs, BRAII, McMaster University.

523. Russell and United Nations Secretary-General U. Thant discussed the problem of Vietnam with the latter confirming that there was little the UN could do to restrain American power. Bertrand Russell to U Thant, 25 April 1964, Box 1.60, 650 Heads of State, Bertrand Russell Archives I (BRAI), McMaster University; U Thant to Bertrand Russell, 26 February 1965, Box 1.60, 650 Heads of State, Bertrand Russell Archives I (BRAI), McMaster University; Comité Solidarité Belgique-Vietnam to IWCT, 20 January 1967, Box 10.09, IWCT: General Correspondence (by country), BRAII, McMaster University.

524. Keck and Sikkink, "Transnational Advocacy Networks," 70-72. For more on symbolic politics, see Alison Brysk, "'Hearts and Minds': Bringing Symbolic Politics Back In," *Polity* 27, no. 4 (1995): 559–85.

Conventions to fend off criticism.[525] The WVC would harness outrage against the war and leverage its evidence with U.S. leaders to hold them and their allies accountable in ways that the U.N. had not been able to do.[526] Neutralist Norodom Sihanouk of Cambodia, President Ho Chi Minh of North Vietnam, Prime Minister Fidel Castro and revolutionary guerrilla leader Che Guevara of Cuba, and other notable figures supported the WVC after seeing the impact of the IWCT on rallying international support for revolutionary movements and the anti-imperialist agenda. Russell informed each that the WVC would "augur the creation of an integral movement of resistance to American aggression in the world, capable of harnessing the potential but incalculable strength of the hundreds of millions of people who, oppressed beyond endurance, yearn to accomplish their liberation."[527]

Even without the VWC, peace activists spawned their own hearings as offshoots to hold their respective governments accountable for complicity in the Vietnam War. Japanese pacifists worked closely with the IWCT to host their own tribunal and conduct

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525. For more on the use of accountability and leverage by transnational advocacy networks at the international level, see Snyder, *Human Rights Activism,* 78-9.

526. Russell and United Nations Secretary-General U. Thant discussed the problem of Vietnam with the latter confirming that there was little the UN could do to restrain American power. Bertrand Russell to U Thant, 25 April 1964, Box 1.60, 650 Heads of State, Bertrand Russell Archives I (BRAI), McMaster University; U Thant to Bertrand Russell, 26 February 1965, Box 1.60, 650 Heads of State, Bertrand Russell Archives I (BRAI), McMaster University; Comité Solidarité Belgique-Vietnam to IWCT, 20 January 1967, Box 10.09, IWCT: General Correspondence (by country), BRAII, McMaster University.

527. Bertrand Russell to Norodom Sihanouk, 7 April 1967, Box 9.42, 320 BRPF: World Affairs, BRAII, McMaster University; Bertrand Russell to Norodom Sihanouk, 31 May 1967, Box 9.42, 320 BRPF: World Affairs, BRAII, McMaster University; Central Intelligence Agency "Peace Movements In Foreign Countries" 14 February 1968 quoted in Stewart, "A New Kind of War," 236.

their own fact-finding investigation in Vietnam to collect film footage, photographs, and extensive notes to share with their western counterparts. Japanese anti-war activists had the most experience with the horrors of Hiroshima in 1945 and repeatedly compared America's aggression in Vietnam to its "war without mercy" in the Pacific Theater.[528] "As Lord Russell has said that the atrocious acts of the U.S. forces against the people of Vietnam are based on racism similar to that demonstrated in the use of the atomic bombs," wrote King Morikawa of the Japanese Delegation to Investigate the U.S. War Crimes in Vietnam, "the use of atom bombs constitutes a pre-judgment of the atrocious acts of the US forces, and has an important bearing on the damage done by napalm."[529] The Japanese kept the IWCT informed about their own tribunal—which occurred in August 1967—and even offered to send surviving victims of the atomic bomb to the IWCT to demonstrate the destructiveness of American bombing campaigns across space and time.[530] Schoenman worried that the

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528. A Japanese investigatory team covered 3500 kilometers of Vietnamese territory over four weeks collecting notes, photos, film, and audio recordings with the larger goal of sharing them with the IWCT. Japanese Delegation to Investigate the U.S. War Crimes in Vietnam (H. Shiga) to Ralph Schoenman, 16 January 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Kinju Morikawa (Japanese Delegation to Investigate the U.S. War Crimes in Vietnam) to BR (IWCT), 1 March 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University. See also John W. Dower, *War Without Mercy: Race and Power in the Pacific War* (New York: Pantheon Books, 1986).

529. Kinju Morikawa (Japanese Delegation to Investigate the U.S. War Crimes in Vietnam) to BR (IWCT), 1 March 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

530. This took place at Chiyoda Public Hall in Tokyo across three days (28-30 August 1967) where they listened to 30 experts. They concluded that the US did violate "international law and principles of humanity" and that the Japanese were just as guilty. Japanese Delegation to Investigate the U.S. War Crimes in Vietnam "Findings," 9 October 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University. They made it abundantly clear that they were in no way connected to the IWCT and that they only existed in a form of collaboration. Sanuro Kugai (Japanese Delegation

sudden appearance of these separate tribunals would distract from the core mission of the IWCT. He urged supporters and other tribunal sponsors to remain fixed on the IWCT's original mission by focusing exclusively on Vietnam. "I endorse your suggestion concerning victims from the Hiroshima weapons and Nagasaki weapons," he advised the tribunal members, "but emphasize that it must be in connection with weapons now used in Vietnam, rather than a condemnation retrospectively of the atomic bombings themselves."[531] The focus, he argued, must be on circulating information about U.S. atrocities in Vietnam to help turn global public opinion against American imperialism.

6.3 Circulating Information about U.S. War Crimes

The tribunal tasked itself to conduct an "exhaustive investigation to document and compile the full record" of Vietnam "so that every fact will serve to arouse passionate resistance."[532] Those members who engaged in "information politics" placed a primacy on

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to Investigate the U.S. War Crimes in Vietnam) to Bertrand Russell, 13 July 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University. Organizers argued that the American use of Japanese air fields in Okinawa as a departure port for U.S. bombers headed to North Vietnam demonstrated the Japanese government's affirmation of U.S. Policies. "The use of US military bases, with training of experiments with arms and munitions by the US forces and other related matters in Okinawa are closely connected with and provide strong evidence of the aggressive nature of the US Vietnam War," they wrote to the tribunal in 1967, Kinju Morikawa (Japanese Delegation to Investigate the U.S. War Crimes in Vietnam) to BR (IWCT), 1 March 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

531. Ralph Schoenman (IWCT) to Kinju Morikawa (Japanese Delegation to Investigate the U.S. War Crimes in Vietnam), 14 March 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

532. Tor Krever, "Remembering the Russell Tribunal," *London Review of International Law* 5, no. 3 (2017): 483–92.

the human rights lexicon advanced by the tribunal before, during, between, and after its two sessions, with some highlighting the moral nature of their cause and others invoking international law to inspire resistance. Generating politically powerful information for the anti-war movement and other resistance groups relied on both the selective use of evidence from Vietnam and presented before the IWCT and finding venues to circulate facts, testimonies, and other "symbolic information" that could provoke a deeper understanding of the immoral dimensions of America's wars.[533] Russell had designed the tribunal as a "platform, a forum from which the oppressed would hear justice defended." He asked that tribunal members spread their findings in their own countries and urged them to set up permanent connections between domestic anti-war groups and media channels to the tribunal itself.[534]

Even though the IWCT was not "powerful" in the traditional sense of the word, it created a network of information by which activists could contextualize the war within America's larger imperialistic system of oppression throughout the Third World. Tribunal leaders thus engaged in "information politics" to send evidence where it was requested and most needed to aid local protestors and persuade those who remained uncommitted to one

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533. "Imperialist Morality: Interview with Jean-Paul Sartre on the War Crimes Tribunal," *New Left Review* (1967), 7; Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y: Cornell University Press, 1998), 16, 200-201; Richard A. Falk, "International Law and the United States Role in the Viet Nam War," in *Revisiting the Vietnam War and International Law: Views and Interpretations of Richard Falk*, ed. Stefan Andersson (New York: Cambridge University Press, 2018), 30.

534. Lelio Basso to Bertrand Russell, 9 December 1966, Box 10.02, 371 IWCT: Members' Correspondence, BRAII, McMaster University.

side or another to join those in protesting human rights violations.[535] Keck and Sikkink's theories help to explain how the tribunal's information network conveyed "not only facts, but also *testimonies* - stories told by people whose lives have been affected."[536] In this way, the tribunal helped to amplify the voices of those victims experiencing American terror while also connecting testimony heard during the two sessions with activists around the world who could protest in their own place and thus broaden the reach of pleas for help. Such exchange networks provided "information that would not otherwise be available, from sources that might not otherwise be heard, and make it comprehensible and useful to activists and publics who may be geographically and/or socially distant."[537] Russell asked tribunal members to spread their findings in their own respective countries. Many of them took steps to set up a permanent connection between domestic anti-war groups and media channels to the tribunal itself.[538]

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535. Some scholars see such information and knowledge as "currency" within expansive social movements, especially when the information is time-sensitive and relies on a high degree of accuracy to maintain international legitimacy and credibility by its recipients. The information becomes even more weighty when it is transmitted by experts working with think tanks and state-affiliated organizations who directly influence policymakers.[2] Those studies that consider ideas and the end of the Cold War prioritize liberal internationalism but leave out the Vietnam War. To be sure, the tribunal never influenced state decision-making which most likely explains why scholars have overlooked its significance. Keck and Sikkink, "Transnational Advocacy Networks," 67-68, 70; Thomas Risse-Kappen, "Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War," *International Organization* 48, no. 2 (1994): 187.

536. Keck and Sikkink, "Transnational Advocacy Networks," 71.

537. Keck and Sikkink, "Transnational Advocacy Networks," 71.

538. Lelio Basso to Bertrand Russell, 9 December 1966, Box 10.02, 371 IWCT: Members' Correspondence, BRAII, McMaster University.

In late December 1966, months before the tribunal's first session, Russell and his colleagues concluded that the western press would not help share the tribunal's findings with a global audience. Members and non-members alike argued for the creation of a centralized information network to support the transnational advocacy taking shape in the IWCT's wake. Many had become disillusioned by the tribunal's lack of coverage in "conventional presses" in America and Europe. "The press has savagely suppressed news of the proceedings, and in the main has merely reproduced slanders from American press agencies," wrote a member of the Brighton Peace Action Group, Russell repeated his belief that "all newspapers lie." He accused the newspapers of waging a disinformation campaign and helping the Johnson administration's own public relations by distracting readers from the truth about the war.[539] "It is obvious that we cannot depend on the Western Press to adequately inform the public of the crimes being committed in Vietnam," added French mathematician and IWCT member Luarent Schwartz, "nor can we expect it to honestly print the abundant unimpeachable evidence presented to the first session of the tribunal."[540] The tribunal would therefore offer alternative sources of information in formal documents funded, printed, and circulated by the BRPF and by the efforts of IWCT members whose widely spread editorials would fill in what Keck and Sikkink call the "huge gap between telling and retelling." In other words, starting a conversation about human rights violations to mobilize public opinion.[541]

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539. Flora Lewis, "The Tragedy of Bertrand Russell," *Life*, 4 April 1967, 31.

540. Laurent Schwartz to "the American Anti-War Movement," 21 July 1967, Box 10.05, 374 IWCT: French Office, BRAII, McMaster University.

541. Keck and Sikkink, "Transnational Advocacy Networks," 71.

On 15 December 1966, the IWCT began publishing a monthly bulletin containing information about the upcoming tribunal meeting, claims about the war, and articles written by tribunal members. It also republished relevant news clippings from international newspapers showing which information was accurate and which stories were based in false narratives. The bulletin also featured reviews of books such as *Victor Charlie: The Face of War in Vietnam,* that offered analyses of the war from North and South Vietnamese voices. This London-based publication provided a regular summary of the tribunal's happenings while encouraging support from anti-war committees around the world. It sought to tell American doves that world opinion overwhelmingly supported peace and that the tribunal had damning evidence that could supply activists with an arsenal of facts about the war.[542]

The tribunal's most widely shared printed material came in the form of a trifold pamphlet with bold pink letters on the front fold that read "Aims and Objectives of the International War Crimes Tribunal." The BRPF originally produced the document at the foundation's New York headquarters and continued to reprint it throughout 1967. The printing also came in a regular sized 4-page newsletter with the same large heading. Referring to its task as arousing the "conscience of mankind," this pamphlet laid out precisely what the title described by arguing that the war violated "international law and custom" based on Nuremberg precedents. Each pamphlet succinctly described the use of bombs, chemical weapons, and "other sadistically designed and hitherto unknown

542. "Book Review: An Eyewitness Testimony," War Crimes Tribunal Bulletin, No. 5, 10 February 1967, Box 1, Folder 1, Series I: First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University; War Crimes Tribunal Bulletin, No. 5-7, Box 1, Folder 1, Series I: First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University.

weapons" against both the enemy and civilians in Vietnam. Russell's speech, given at the London press conference in November 1966, called for the "moral defense of mankind." The pamphlet concluded with five essential questions that the tribunal would seek to answer.[543]

Russell's *War Crimes in Vietnam*, first published in 1967, heralded the discovery of American crimes against humanity in this collection that included his own essays, speeches, and correspondence regarding the war.[544] His previous books had always been published in the United Kingdom by George Allen & Unwin, Ltd. prior to publication throughout the rest of the world. This time he wanted a U.S. press for the first printing to guarantee speedy delivery to American anti-war audiences. After receiving a mountain of rejections from U.S. publishers claiming that an audience did not exist for such a book and that the information was too politically extreme, he returned to his publisher to assure the book's appearance before the start of the first tribunal session.[545] In January 1967, the leftist press, *The Monthly Review,* published a cloth and paperback version in the U.S. that sold out in only two weeks before being translated into numerous other languages.[546] One such

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543. This pamphlet was so widespread that it can be found in nearly every archive containing information regarding the International War Crimes Tribunal. For the sake of space, I will merely list the Tamiment Library as the source of this one pamphlet. "Aims and Objectives of the International War Crimes Tribunal," Undated, Box 1, Folder 2: First International War Crimes Tribunal: Canadian Committee, Leaflets, 1966-1967, Series I: First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University.

544. See Bertrand Russell, *War Crimes in Vietnam*, 2nd ed. (London: George Allen & Unwin Ltd., 2009).

545. Bertrand Russell, *The Autobiography of Bertrand Russell*, vol. 3 (London: George Allen & Unwin Ltd., 1967), 235-6, 240-41.

546. Russell, *Autobiography*, 235-6, 240-41.

printing came from the Foreign Language Publishing House in Hanoi in the form of *The American Crime of Genocide in South Viet Nam*, which circulated throughout North and South Vietnam along with a foreword by communist officials claiming that "U.S. imperialists and their henchmen in South Vietnam" had engaged in "monstrous crimes."[547]

The mobilization of the tribunal's information within a shared "thought collective" as determined by the human rights frame established by the IWCT created what Peter Haas, Burkhart Holzner, and John H. Marx have called an "epistemic community" whereby experts and authoritative figures who have rigorously tested evidence convey shareable truths throughout its advocacy network in ways that lead to new patterns of behavior.[548] The diffusion of the IWCT's evidence made an authoritative claim of aggression and atrocities by US leaders and the military against civilians in Vietnam and sought to frame the debate toward issues of war crimes and human rights violations by American imperialism more broadly. The formation of such "communicative structures" around the tribunal's findings helped to support the positions of anti-war activists and advanced the IWCT's agenda through discursive exchanges that were both pursued by protestors and freely circulated by the BRPF.[549] This outlook allowed disparate sectors of resistance to stand united against American oppression, imperialism, war crimes, and the war even as

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547. The American Crime of Genocide in South Viet Nam (South Vietnam: Giai Phong Publishing House, 1967), 3, 5, 13, 37-38, 49-51, 54; Russell, *War Crimes in Vietnam*, 47-51.

548. Peter M. Haas, "Introduction: Epistemic Communities and International Policy Coordination," *International Organization* 46, no. 1 (1992): 2-3; Burkart Holzner and John H. Marx, *Knowledge Application: The Knowledge System in Society* (Boston: Allyn and Bacon, 1979); Ludwik Fleck et al., *Genesis and Development of a Scientific Fact.* (Chicago: University of Chicago Press, 1981).

549. Keck and Sikkink, "Transnational Advocacy Networks," 66.

some members focused on Vietnam while others rallied support for South Americans, African-Americans, and more.[550]

Turning against major communications networks and heeding requests from resistance groups around the world, IWCT members agreed that the tribunal must serve as the primary distributor of information to individuals, movements, groups, and organizations resisting American power.[551] An informational ecosystem came to support the advocacy networks as tribunal members as well as those unassociated with the IWCT who requested materials for their own domestic causes used the evidence as political tools. They in turn published their own material in the form of pamphlets, books, and op-eds designed to control the flow of information from the tribunal directly to the anti-war movement. This cut out the middleman—the world press—and allowed the tribunal to speak directly to activists so long as they accepted the distribution of such material.

The IWCT had evolved from a public forum that discussed war crimes evidence to a publisher that distributed knowledge about the war to activists worldwide. The new links

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550. Reaching a broad audience broadens the IWCT as an umbrella organization with a set of norms that speaks to the values of other groups that may focus solely on the Vietnam War, tangentially on the war, and not at all on the war but on the takeaway points such as anti-imperialism. This is a key part of transnational advocacy networks that further their organizational mission through information transmission among "different publics" and by "multiplying channels of institutional access." This binding of members via a centralized network through the distribution of information allows for greater effectiveness. Keck and Sikkink, "Transnational Advocacy Networks," 69. Thomas Kuhn argues that these communities rally around a central frame even though they are made up of "an entire constellation of beliefs, values, techniques, and so on shared by members of a given community" which governs "not a subject matter but a group of practitioners." Thomas S. Kuhn and Ian Hacking, *The Structure of Scientific Revolutions*, Fourth edition (Chicago: The University of Chicago Press, 2012), 174-210.

551. Bertrand Russell to Pham Van Dong, 25 January 1966, Box 10.05, 375 IWCT: Working Correspondence, BRAII, McMaster University.

that the tribunal formed with global peace groups cultivated a growing exchange of ideas about human rights issues and inspired broad opposition to U.S. aggression in the ways that Russell and Sartre had envisioned. Although it did not have the kinds of "high-level advocacy" needed to directly influence policymaking at the international level, the tribunal forged bonds with resistance cells in foreign countries to build solidarity against the war and to use their collective power to pressure world leaders to hold the U.S. accountable for its actions abroad. The interaction among these groups affirms that the IWCT had satisfied Russell's goals first to reawaken the world's conscience and secondly to prevent the crime of silence through the mobilization of public opinion.

6.4 Reconciling the Loss of American Virtue at Home and Abroad

The IWCT's successful transmission of evidence to activists around the world hinged on its ability to get beyond the conventional press. "Attracting attention from nearly every continent, it is striking just how global a reach Bertrand Russell and the Tribunal had in the days before the Internet," writes historian Luke Stewart.[552] Russell, Sartre, Carl Oglesby, Dellinger, Tariq Ali, and many other tribunal members worked tirelessly to build an information network and forge links with anti-war organizations and the Vietnamese people and those protesting on their behalf. In doing so, the tribunal operated as a precursor to the non-governmental organizations that institutionalized human rights activism in the 1970s.

552. Stewart, "Too loud to rise above the silence," 8.

Tribunal members and spectators alike left the May 1967 session feeling an urgency to use the evidence put before them to mobilize public opinion against U.S. actions in Vietnam and around the world. Anti-war activist and journalist Karen Wald, present at the first session, agreed that what she had seen and heard should "be used to recruit and mobilize new people into the anti-war movement."[553] Oglesby returned to his home in Yellow Springs, Ohio, thinking only about how best to incite moral outrage against the Vietnam War. "I remember trying to settle down, but the findings of the tribunal obliged one to pull up one's socks and get busy," he later wrote.[554] Schwartz wrote to the "American Anti-War Movement" specifically, asking that "every group and individual active in the anti-war and black liberation movements do all they can to play an active role in the world of the IWCT." Seeking to unite separate movements behind the tribunal's banner, he urged that they "recognize the importance of the work each of these groups is doing in its own field of activity, but we hope that some time can be set aside to devote to the needs of the Tribunal."[555] Russell called on all "American dissenters, liberals and socialists," to study the grizzly human rights violations in Vietnam and question America's promise of a free world. U.S. war planner's barbarism demanded a severe backlash. "The

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553. Karen Wald, "Implications for the American Antiwar Movement," 11 May 1967, 1, Box 1, Folder 31, International War Crimes Tribunal Records, Series I: First International War Crimes Tribunal, 1966-1972, The Tamiment Library and Robert F. Wagner Labor Archives, New York University; Mohandesi, "From Anti-Imperialism to Human Rights," 98.

554. Carl Oglesby, *Ravens in the Storm: A Personal History of the 1960s Anti-War Movement* (New York: Scribner, 2014), 138.

555. Laurent Schwartz to "the American Anti-War Movement," 21 July 1967, Box 10.05, 374 IWCT: French Office, BRAII, McMaster University.

time for protest is overdue," he concluded, "We may hope it is not too late and that this war of atrocity may be ended."[556]

The tribunal's initial focus had been on the American anti-war movement which seemed to hold the most potential to turn domestic public opinion against congressional leaders and the Johnson administration and even threaten their re-election campaigns. Writing to the "American Anti-War Movement" at the end of the first session, Schwartz urged them to help end the Vietnam War. "Since the need and desire for American participation is so great," he wrote, "we now call upon every group and individual active in the anti-war and black liberation movements to do all they can to play an active role in the world of the IWCT." Common elements such as anti-conscription, anti-racism, and anti-imperialism existed in both the American anti-war movement and the civil rights movement in ways that allowed each group to complement the other. "Certainly, we recognize the importance of the work each of these groups is doing in its own field of activity, but we hope that some time can be set aside to devote to the needs of the Tribunal," he stated. Schwartz reminded Americans that the IWCT could impose no legal authority over the Johnson administration. Rather, "its effectiveness will stem from its ability to influence public opinion, and, in particular, the American people."[557]

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556. Russell, *War Crimes in Vietnam*, 71; "Bertrand Russell Tribunal," December 1967, Folder 05, Box 07, Douglas Pike Collection: Unit 03 - Antiwar Activities, The Vietnam Center and Sam Johnson Vietnam Archive (VCSJ), Texas Tech University.

557. Laurent Schwartz to "the American Anti-War Movement," 21 July 1967, Box 10.05, 374 IWCT: French Office, BRAII, McMaster University.

Pluralism in the US movement split the attention of activists who struggled to serve two causes.[558] Historians have noted that the antiwar movement originated in civil rights and campus protests prior to 1965 before linking its discontent to the military-industrial complex, the draft, and the hypocrisy of using U.S. black servicemen to fight for freedom abroad.[559] Oglesby proudly proclaimed before the tribunal's second session that findings from the May meeting had got into the hands of American activists who had become apprehensive about the moral dimensions of the war. Also encouraging was the rise of the National Emergency Committee of Clergy and Laymen Concerned about Vietnam (CALCAV), which had recruited Reverend Martin Luther King, Jr., to help bridge the divide between the anti-war and civil rights movement as each internationalized their concerns about U.S. oppression against non-white people. The war, King decreed, was "but a symptom of a far deeper malady within the American spirit."[560] Oglesby confirmed that the tribunal's work had "played an important role in the developing of the consciousness which instills this militancy among America's young people."[561]

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558. Samuel Moyn, "From Antiwar Politics to Antitorture Politics," in *Law and War*, ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Stanford, CA: Stanford University Press, 2018), 166-67.

559. Ian R. Tyrrell, Jay Sexton, and Peter S. Onuf, eds., *Empire's Twin: U.S. Anti-Imperialism from the Founding Era to the Age of Terrorism* (Ithaca, N.Y.: Cornell University Press, 2015), 223-4.

560. Martin Luther King, Jr., "Beyond Vietnam," 4 April 1967, The Martin Luther King, Jr. Research and Education Institute, Stanford University, accessed 6 March 2021, https://kinginstitute.stanford.edu/king-papers/documents/beyond-vietnam; Mitchell K. Hall, *Because of Their Faith: CALCAV and Religious Opposition to the Vietnam War* (New York: Columbia University Press, 1990).

561. Oglesby, "Greetings to the Tribunal from American Supporters,' in Duffett, ed., *Against the Crime of Silence,* 98-99.

In a unique turn of events, those tribunal members who had targeted U.S.-based activists did not expect the rising tide of anti-war sentiment to come from Americans who had encountered the IWCT's findings while living and studying abroad. Students and expatriates struggled to reconcile the tensions between their inherited identity and the virtues lost by their home country. Border-crossing interactions came by way of travel, study, and work abroad as well as by those American expatriates who felt disdain for the country they had left behind. Historian Martin Klimke suggests that such students helped to build a transatlantic alliance between peace activism in the U.S. and Europe by establishing local "subsidiaries" linked to the U.S. based anti-war movement such as the "Stop It Committee" in London, the "Paris American Committee to Stop War," and others.[562] Historian Joshua Cochran has also shown that the U.S. government tagged these Americans as national security threats who rejected their assumed role as unofficial ambassadors to the world to challenge U.S. power. These activists in turn came to believe that the Johnson administration had violated U.S. values, and they responded by joining foreign anti-war movements and participating in rallies protesting the Vietnam War to reclaim America's lost virtue.[563]

American students abroad encountered the IWCT's pamphlets and read about the proceedings in foreign newspapers. A few of them became expatriates when they learned more about the war and read the tribunal's description of American violence against

562. Martin Klimke, *The Other Alliance: Student Protest in West Germany and the United States in the Global Sixties* (Princeton, N.J.: Princeton University Press, 2010), 205.

563. Joshua D. Cochran, "Beyond the Water's Edge: U.S. Expatriates and the Vietnam Antiwar Movement" (Ph.D. Dissertation, University of Iowa, 2014), 4-6. Keys, *Reclaiming American Virtue.*

Vietnamese civilians. Informed locals and foreign newspapers alike introduced these students to alternative accounts that they had not encountered while living in the U.S. They came to see the war differently by listening to peace leaders at rallies, hearing new information at protests, and reading stories written by non-American journalists. They viewed American-produced news too loyal to the Johnson administration and learned that the "real" story of the Vietnam War came from articles excoriating U.S. imperialism. Conceptions of American exceptionalism crumbled, opening new gaps in their knowledge that they attempted to fill with information shared by the IWCT.

In August 1967, between the first and second session, expatriate Linda Harrison informed IWCT members that she felt "nauseous and disgusted" having read about American war crimes in Vietnam from her Danish vantage point. "While living in the United States," she admitted, "I must say that I was ignorant of what was going on in Vietnam as far as the use of poison gases, etc." The Danish newspapers were less "pro-government" and were free to discuss the disturbing reality that American soldiers murdered Vietnamese villagers in an imperialist campaign against people fighting for national liberation. She confided in Russell that his work had swayed her to a paradigm shift and that others might do the same if they read the tribunal's materials. "I think if this book could be widely distributed to the American public," she wrote, "more Americans would rise and take action to try and put pressure on the government to stop their inhuman crimes." This expatriate may have been born an American, but her idealist vision clashed with the realities she encountered. The tribunal played a defining role among expatriates by arousing the conscience of a new wave of anti-war activists. "It takes reports like those

found in Bertrand Russell's book to make an indifferent population rise and protest in unity," Harrison concluded.[564]

Expatriates regretfully mourned the loss of their American identity because they believed they must abandon their citizenship when their moral beliefs no longer aligned with U.S. actions. "The war is too important for me - its injustice, its brutality," American student Cornelia Wallis Honchar passionately pronounced when describing her decision to protest, "but most of all it has robbed me of something quite precious - the pride in my country." Honchar was studying at the Sorbonne in Paris when she first concluded that U.S. actions in Vietnam clashed with her view of America. She was working on her graduate degrees in international law and international relations when she heard about the tribunal. She made the drastic decision to defer her studies to participate in letter writing-campaigns, write anti-war articles, and share the IWCT's information with the world. She continued to enlarge her understanding of the Vietnam War by reading a "cross-section" of newspapers instead of reading only one with a single version of the story. She felt better informed when reading *Le Monde, The Times* (London)*, The Guardian, Le Figaro,* and *The Herald.* Taken together, this survey of the daily news provided her with a more comprehensive understanding of what was happening in Vietnam. Having studied American policies from a foreign perspective, she concluded that she could no longer remain associated with a country that inflicted such senseless violence on innocent

564. Linda Harrison to IWCT, 12 June 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

civilians. She stripped herself of her citizenship and protested American imperialism from her Parisian perspective.[565]

Other expatriates shared similar stories with the IWCT, many of them resentful narratives blaming the Johnson administration for destroying America's global reputation. They resolved their inner turmoil by volunteering to work for the tribunal's mission at the local level. American expatriate and Professor Ilse Meyer moved to France to teach English and linguistics where she first read about the tribunal's founding. She listed to Russell in late September her skills and volunteered to do such tasks as transcribing, translating, and note-taking. Another American ex-pat and attorney living in Paris, Ray Miley, wrote in November that he had worked for the American Civil Liberties Union while practicing law in the U.S. and had spent considerable time studying the "carnage in Vietnam" and in particular the "inherent right of an individual to refuse to become a murderer at the behest of his government." Although he could not attend the sessions, Miley agreed to share his legal expertise concerning the U.S. government forcing its soldiers to commit atrocities.[566]

Some of these expatriates reconciled their inner turmoil not by shedding their American identity while living abroad, but by demanding that U.S. leaders uphold traditional values of freedom and defending the oppressed. They formed organizations to protest the Johnson administration for conducting an immoral and violent war against civilians. Thus, there emerged the Americans in Britain Against the War (the Stop-It Committee), the Paris American Committee to Stop War (PACS) in France, the U.S.

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565. Cornelia Wallis Honchar to Bertrand Russell, 16 September 196*, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

566. Ray Miley to Bertrand Russell, 17 November 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

Campaign to End the War in Vietnam in West Berlin, and the American Exiles in Canada.[567] Some, like Stop-It, attempted to emulate their SDS counterparts while others like PACS split from their earlier connection with the Committee for a Sane Nuclear Policy (SANE) to become more inclusive of the political diversity in their ranks. Expatriates eager to strengthen their transatlantic ties with the American peace activists collaborated with Dellinger's National Mobilization Committee to End the War in Vietnam (MOBE) in early 1967 to bring the global anti-war movement to the streets of London, Paris, West Berlin, and other cities around the world.[568]

6.5 Transnational Anti-War Activism

The IWCT also latched onto the trans-Atlantic and transnational spirit of revolt that suffused the student movement as it grew beyond demands for free speech on campus to focus on New Left issues such as the consequences of imperialism and capitalism as exemplified by the Vietnam War. In the US and Western Europe in particular, college students were likely to find crowded campuses thanks to their coming of age as the baby boom generation and the wealth afforded to them by 1960s affluence. Historians have interpreted the crowded spaces, access to resources, exposure to counterculture, and privilege as creating the conditions for students to become radicalized against a common

567. For more on the activism of Stop-It, particularly at the university level, see Sheila Rowbotham, *Promise of a Dream: Remembering the Sixties* (New York: Verso, 2001).

568. Cochran, "Beyond the Water's Edge," 2, 54-5, 73-77, 88, 106-9.

threat such as the war.[569] Students in the U.S., England, France, Germany and elsewhere took to the commons, marched across campuses, and staged sit-ins in university buildings demanding freedom from the institutions self-appointed status as *in loco parentis*. The energy that mobilized students to protest rules governing campus life was then channeled toward broader systematic reforms aimed at racism, sexism, capitalism, and imperialism.[570]

Academics opposed to the war and sympathetic toward the IWCT's mission also supported the anti-war zeitgeist taking place on campuses throughout Europe. To be sure, some academics disagreed with Russell and insisted that he had wandered into unfamiliar territory by making claims on topics about which as a philosopher and mathematician he knew little. Secretary General Umberto Campagnolo of the European Society of Culture, an organization of intellectuals who pursued connections between academics in the East and West, criticized Russell in an article published in *Le Monde* on 2 January 1967 for creating the mirage of a legal tribunal instead of admitting that the IWCT was a

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569. Arthur Marwick, *The Sixties Cultural Revolution in Britain, France, Italy and the United States, c.1958-c.1974* (London: Bloomsbury, 2012); Klimke, *The Other Alliance*; Tor Egil Førland, "Cutting the Sixties Down to Size: Conceptualizing, Historicizing, Explaining," *Journal for the Study of Radicalism* 9, no. 2 (2015): 125–48; Tor Egil Førland, Trine Rogg Korsvik, and Knut-Andreas Christophersen, "Protest and Parents: A Retrospective Survey of Sixties Student Radicals in Norway," *Acta Sociologica* 53, no. 3 (2010): 229–45; Cyril Levitt, *Children of Privilege: Student Revolt in the Sixties: A Study of Student Movements in Canada, the United States, and West Germany* (Buffalo, N.Y.: University of Toronto Press, 1984); John D. McCarthy and Mayer N. Zald, "Appendix: The Trend of Social Movements in America: Professionalization and Resource Mobilization," in *Social Movements in an Organizational Society*, ed. Mayer N. Zald, John D. McCarthy, and William A. Gamson (New York: Routledge, 2017), 337–91;

570. Klimke, *The Other Alliance*; Bernard Edward Brown, *Protest in Paris: Anatomy of a Revolt* (Marristown, N.J.: General Learning Press, 1974); Nick Thomas, *Protest Movements in 1960s West Germany: A Social History of Dissent and Democracy* (New York: Berg, 2003).

"commission of inquiry." Campagnolo urged Russell either to revise the tribunal or cease its operations.[571]

Members of the Society resigned in protest Umberto's editorial. French writer Claude Roy claimed in a fiery letter that the secretary general had done a great disservice to the Society when "you reserved your criticisms, your mockery and irony for Bertrand Russell and his followers." Russell's service to the world in fact better represented the aims of their organization by connecting intellectualism, culture, and morality to the war itself in ways that Campagnolo seemed incapable of doing. "If I am told that a crime is in the process of being committed," Roy insisted, "I will try to prevent it before thinking to ask the person who informed me if he is a member of a tribunal, a committee, a society, of nothing at all." Roy requested that the secretary general disclose his own views about the war, its legality, U.S. means of war, and human rights abuses to better evaluate his moral capacity to lead such a virtuous society.[572]

Students and their professorial allies drew on many of the themes that Russell and other tribunal members had advanced in the months and years leading up to the first and second tribunal sessions in 1967.[573] The Bertrand Russell Archive at McMaster University contains letter after letter from students and intellectuals who felt morally obligated to save the Vietnamese people from the destruction and misery that came with each bomb. College

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571. Umberto Campagnolo, "Le tribunal de Nuremberg et celui de Bertrand Russell," *Le Monde*, 2 January 1967.

572. Claude Roy to Umberto Campagnolo, undated, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

573. Walter Rathgeber (SDS) to Ralph Schoenman (BRPF), 7 June 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

students who hung posters on their dorm room walls with information from the tribunal felt as though it would be a dereliction of their conscience to symbolically participate in the resistance movement yet remain apathetic to the plight of the Vietnamese people.[574] In Germany, for example, activists compared American war crimes to those committed by their nation during World War II. Others invoked anti-genocidal rhetoric to better label U.S. bloodshed in Vietnam as a violation of human rights. Students and their organizations made their requests within the human rights framework established by the IWCT and helped to create the kind of "revolutionary circuits" that allowed for a "global revolutionary consciousness" first against the Vietnam War and later against U.S. imperialism.[575]

Events in May 1967 in Munich that had for years commemorated the city's liberation from Hitler allowed for the Socialisticsche Deutsche Studentbund, a sister to America's Students for a Democratic Society, to declare the resurrection of the Führer and his Fascist policies in the United States. "By supporting the USA the government of the German Federal Republic is guilty of the crime committed in Vietnam," they argued, while also comparing Johnson to Hitler as a war criminal. Germany's SDS and Vietnam Committee for Peace and Liberation Struggle worked with IWCT members Dellinger and Gunther Anders to publish evidence of American war crimes in academic journals, student newspapers, and the mainstream news.[576] In so doing, they also stoked fears about a

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574. Walter Rathgeber to BRPF, 26 June 1966, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University. Walter Rathgeber to Ralph Schoenman (BRPF), 7 June 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

575. Nguyen, "Revolutionary Circuits," 411-413.

576. Peter Gang to Ralph Schoenman, 10 January 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

resurgent Fascism supported by German leaders. "By supporting the USA the government of the German Federal Republic is guilty of the crime committed in Vietnam."[577] German SDS leaders agreed that the IWCT provided the most definitive coverage of American war crimes and its publications served as the best weapon against the Vietnam War.[578]

The faculty at two German universities signed a letter supporting the tribunal for representing the great ideals of the Nuremberg trials. "The teaching staff of the Martin Luther University in Halle and of the Technical College for Chemistry in Merseburg consider this barbaric military campaign to be a war crime. At the Nuremberg Trial the U.S. judges as well condemned the terrible deeds of the war criminals of fascist Germany. But today we again mourn for the victims of a more horrible cruelty." Even Hitler, they wrote, dared not turn to the "ruthless use of chemical and bacteriological weapons" like the Americans had in Vietnam. They also condemned American weapons used against Koreans during the Korean War and against Japan during World War II. "It is now very clear that a heavy responsibility lies with the scientists regarding life and its preservation."[579]

Communist students in the Eastern bloc argued that the revelation of America's war crimes would prove that its imperialism posed the greatest threat to world peace. A global movement aimed at upsetting the world order and tipping the balance of power toward the

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577. Walter Rathgeber to Bertrand Russell, 18 April 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

578. Walter Rathgeber to Ralph Schoenman, 7 June 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

579. Wolf and Bittrich to Bertrand Russell, 1966, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

Soviet Union would, they believed, bring peace to countries like Vietnam that sought freedom from imperial aggression. Bulgarian organizations used their flagship journals and newspapers to spread the tribunal's findings throughout Communist Europe to inspire concerned individuals to fight for peace in Vietnam. Referring to Russell and the IWCT's main goal, the Bulgarian Communist Party, the Region's People's Council, and the Region's Committee of the Fatherland Front published the tribunal's investigatory record in their newspaper, *September Flag*, to help mobilize "the world's conscience against those who threaten the world's peace and do criminal offense."[580]

While their nation was officially neutral as set forth by the 1955 Austrian State Treaty and playing a "special role" as a Cold War mediator, independent socialist groups in Austria such as the Verband Sozialistischer Studenten Osterreichs (Union of Socialist Students of Austria) blamed journalists biases for the failure to expose the violence in Vietnam.[581] "We believe that the information available by Austrian newspapers is incorrect, narrow-minded and insufficient," the leaders wrote prior to releasing a list of fact-checking articles containing research conducted by the IWCT. Students in Austrian universities shared the tribunal's findings with the public via lectures and teach-ins, as well as through exhibitions that featured film and photography to supplement reports in Austrian

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580. Tzvetan Gizdov to Bertrand Russell, 12 January 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Bulgarian Peace Committee to IWCT, 15 March 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

581. Guenter Bischof, "Austrian-American Relations from Cold War to Post Cold War," Austrian Embassy Washington, accessed 6 December 2019, https://www.austria.org/new-page-2; "Neutral European Countries: Austria, Switzerland, Sweden, Finland, Ireland," Slovenia Ministry of Foreign Affairs and Ministry of Defense, accessed 6 December 2019, http://nato.gov.si/eng/.

newspapers. Solidarity amongst Communist sympathizers, they argued, strengthened the anti-war movement in Austria and around the world.[582]

After receiving the tribunal's investigative reports and the BRPFs literature about the upcoming sessions, the faculty at the University of Madrid in Spain released a statement that condemned U.S. intervention in Vietnam and called for a global alliance of support for the Vietnamese battle for self-determination.[583] Faculty members who signed the statement had read the tribunal's press releases and agreed that they could no longer be bystanders to the acts of violence thus revealed. Professors and students enthusiastically created a "Vietnam Week" from 6-11 March that acknowledged the conflict, the victims, and their desire for peace through a variety of teach-ins and protests. Spain's anti-Communist dictator Francisco Franco cracked down on these protests, claiming that they promoted "illegal propaganda" and established "illegal association" with foreign groups. Franco had provided the U.S. some supplies and medical equipment during the war, which only further incited the students to march in front of the U.S. Embassy despite the consequences that could follow.[584] Those in Madrid asked the BRPF for material to enter evidence so that

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582. Union of Socialist Students of Australia to Bertrand Russell, 21 February 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Ralph Schoenman to Union of Socialist Students of Austria, 22 March 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

583. H.B. Martin to Bertrand Russell, 17 February 1967, Box 9.13, 320 BRPF: World Affairs, BRAII, McMaster University.

584. Paloma Marín, "Spain's secret support for US in Vietnam," *El País*, 9 April 2012, accessed 1 September 2020, https://english.elpais.com/elpais/2012/04/09/inenglish/1333979983_253264.html.

Spanish protestors could continue inspiring those who daily faced federal prosecution from the federal government.[585]

What seemed at first a Eurocentric response to the tribunal's call to action spread beyond.[586] At Australia's University of Adelaide, for example, student journalists requested hundreds of copies of the tribunal hearings to circulate on campus and republish in their newspaper. Editor-In-Chief Richard Anderson argued that the promotion of the hearings would invigorate campus activists who opposed the war. The tribunal sent such materials without discussion or invoice.[587] Roy Garner, a 21-year-old college student and co-chairman of the Sydney Conscientious Objectors' Group (SCOG), set up an independent, unauthorized branch of the BRPF in Sydney to help promote the findings of and raise awareness of the tribunal itself. Under Garner's leadership, the SCOG published the IWCT's papers and covered the high cost through fundraisers. The remaining funds were then donated to the BRPF. His identification as a conscientious objector against Australia's National Service Act led him to the courts where he won his case through an

585. H.B. Martin to Deirdre Griswold, 21 February 1967, Box 9.12, 320 BRPF: World Affairs, BRAII, McMaster University.

586. Several historians write that the American anti-war movement is actually rooted in a resistance movement that grew out of Europe, Melvin Small, *Antiwarriors: The Vietnam War and the Battle for America's Hearts and Minds*, Vietnam--America in the War Years, v. 1 (Lanham, MD: SR Books, 2002).

587. Richard Anderson to IWCT, 29 August 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

appeal in August 1967.[588] Meanwhile, the Melbourne University Pacifist Society asked for copies of the hearings to better prepare a study on civilian casualties in Vietnam.[589]

Many faculty and students in Latin America claimed to share a common enemy with the Vietnamese people both in the presence of American power and in the limits on their own freedom. The inclusion of South American voices into the history of transnational activism connected to the IWCT helps to show the blurring of lines between the anti-war zeitgeist and the anti-imperialist movement in non-European countries. Despite the fear of prosecution and risk to their own lives by disseminating the tribunal's findings within their communities and across borders, South Americans participated in the global revolutionary movement taking place in the 1960s as an act of resistance against their own oppressive systems while standing in solidarity with the Vietnamese people.

Correspondence between some Argentinian academics along with the influx of material addressing alleged American war crimes concerned some faculty who worried that their advocacy and outspokenness might damage their professional reputations or even endanger their lives. "People are afraid and under stress and pressures," wrote Professor Richard Frondizi to the BRPF in 1967. "You see this country is virtually an American colony and we're a military government."[590] Still, he took the risk by publicizing photos sent by the IWCT in the press in Buenos Aires showing American soldiers standing over

588. Roy Garner to IWCT, 21 November 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

589. Frances Sewell to BRPF, 09 December 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

590. Richard Frondizi to Deirdre, 8 March 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

dead Vietnamese children. He added that labor syndicates were the only ones to publish the photos or disseminate them. "Remember, dear friend, we have to fight here the local quisling, the almighty imperial dollar, the C.I.A., and Argentine political police whose chief is a general, and a ferocious one I should say."[591] Despite his clear desire to resist American imperialism, Frondizi continued to worry about the dangers of sending literature and letters across the Argentinian border for fear of persecution and censorship. "Allow me to tell you [that] you made a mistake to send me an open letter, dated 19 April. Now they know your name and address and mine as well." Fearless, he asked the tribunal to continue sending important information to the same address as did others whose access to its resources for the first time connected them to a larger network of oppressed people.[592]

6.6 "The people are against the United States"

As the war continued, the tribunal circulated its findings through protest movements around the globe. Activists from ex-pats and soldiers to housewives and students requested information about U.S. war crimes.[593] The IWCT provided structure to the seemingly amorphous revolutionary spirit that reimagined a more virtuous and

591. Richard Frondizi to Deirdre Griswold, 17 March 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

592. Richard Frondizi to Deirdre Griswold, 5 May 1967, Box 10.09, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

593. Walter Rathgeber to BRPF, 26 June 1966, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Jose Bosch to BRPF, 15 January 1968, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Osmund Schwab to Bertrand Russell, 16 January 1967, Box 10.11, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

harmonious world free from bourgeois capitalism, imperialistic oppression, and war. Many of those who secured evidence through the tribunal's global information network sought to resist U.S. power in solidarity with the Vietnamese people. Russell nurtured such transnational solidarity while he and others referred to Vietnam as the new "Guernica" that required international support to stop the oppression, a reference to Pablo Picasso's 1937 oil painting depicting aerial bombing during the Spanish Civil War.[594] "It is a struggle for human rights which has been responsible for every gain and it is solidarity among the oppressed which has permitted them to overcome forces enormously more powerful in terms of material might." Without global resistance, he added, "it will not be long before the rights of others are trampled in a similar way."[595]

Sartre concurrently led a group of French radicals who sought to internationalize the Vietnam War, describing it as a global struggle against American imperialism after the U.S. filled the vacuum left behind by France. Arguing that the anti-war movement should target "American hegemony" and "American imperialism," he explained that the "defeat of the Vietnamese people would be politically our defeat, the defeat of all free people….Their struggle is ours."[596] His phrase became a rallying cry for French radicals who had supported the Algerians against France from 1954 to 1962 and now spoke in support of the Vietnamese fighting against the Americans. In 1967, it had been rendered a slogan by the French Comité Vietnam National (CVN) which, under Sartre, Schwartz, and

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594. Carl Oglesby, "Vietnam: This is Guernica," *The Nation,* 5 June 1967, 718.

595. Bertrand Russell, "An Appeal to Trade Unions from Bertrand Russell," 4 March 1967, Box 10.02, 371: IWCT Members' Correspondence, BRAII, McMaster University.

596. "A la Mutualité, cinq mille personnes ont participé aux 'Six Heures du monde pour le Vietnam,'" *Le Monde*, November 30, 1966.

Vigier's guidance, encouraged grassroots radical resistance to the Vietnam War by spreading the tribunal's findings throughout its auxiliary committees, youth organizations (such as the Jeunesse Communiste Révolutionnaire), and other groups like PACS all of which throughout 1967 and 1968 organized antiwar protests in collaboration with American peace leaders.[597]

The DRV endorsed and supported the IWCT's transnational advocacy network as a part of its own form of "people's diplomacy" first used in 1964 by President Ho Chi Minh to present Vietnamese communism as "a combination of nationalism, anti-colonialism, and internationalism."[598] North Vietnamese leaders of the Vietnam Committee for Defense of World Peace announced via Radio Hanoi that the tribunal was "of great use in denouncing largely and comprehensively the war crimes perpetrated by U.S. imperialists, thus contributing to the mobilization of the world people to push forward their struggle for staying the bloody hand of the U.S. aggressors."[599] The Vietnamese Communist Party relied on entrepreneurs and used the boomerang model because of the limitations placed on its ability to negotiate through formal diplomatic channels. Nguyen argues that people's

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597. Mohandesi, "From Anti-Imperialism To Human Rights," 50-57.

598. Nguyen, "Revolutionary Circuits," 411-415. Harish C. Mehta argues that Hanoi's people's diplomacy settled somewhere between track-two diplomacy and soft power as a means of achieving North Vietnam's objectives at the international level. Harish C. Mehta, "H-Diplo Article Review 590 on 'Revolutionary Circuits: Toward Internationalizing America in the World.' Diplomatic History 39:3," H-Diplo Article Reviews, H-Net: Humanities & Social Sciences Online, 18 February 2016, accessed 6 March 2021, http://tiny.cc/AR590; Mehta, "North Vietnam's Informal Diplomacy," 64–94; Harish C Mehta, *People's Diplomacy of Vietnam: Soft Power in the Resistance War, 1965-1972* (Cambridge Scholars Publishers, 2019); Mehta, "Restoring Agency to Informal Diplomats," 263–74.

599. Quoted in Barry Feinberg and Ronald Kasrils, eds., *Bertrand Russell's America: Volume II, 1945-1970*, vol. 2 (Boston: South End Press, 1983), 271.

diplomacy allowed the North's leaders to speak in "the language of universal humanity" while "adapting their antiwar message to different audiences in the global antiwar movement" which proved "effective at gaining the moral support and sympathy of people who were disinclined against Marxism-Leninism." They used whatever meager resources they had to nurture the "global revolutionary consciousness" by hosting tribunal members as guests in Vietnam, ordering visas for travel, sharing information about the war, and coordinating face-to-face contact between antiwar activists and Hanoi's representatives.[600]

The FBI and CIA had been illegally wiretapping and monitoring domestic and international antiwar activists under a counterintelligence operation called COINTELPRO from 1956 to 1971.[601] U.S. officials noted with concern the size and reach of the IWCT's mobilizing efforts throughout the summer and by November 1967 began to conclude that what they had previously viewed as an amorphous and harmless movement had grown into a cohesive force for change. Intelligence agents began to seriously track the whereabouts of those American tribunal members who had gone to Vietnam on behalf of the tribunal and subsequently incited protests worldwide in the latter half of 1967. The black American activist who investigated war crimes in Vietnam and attended the two sessions, SNCC delegate Courtland Cox, realized that his internationalism drew unwanted attention. "At that point I was put on several lists," Cox remembered returning from Vietnam in January

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600. Nguyen, "Revolutionary Circuits," 415, 422.

601. For more on COINTELPRO, see Ward Churchill and Jim Vander Wall, *Cointelpro Papers: Documents from the FBI's Secret Wars Against Dissent in the United States* (Boston, M.A.: South End Press, 1990); James Kirkpatrick Davis, *Assault on the Left: The FBI and the Sixties Antiwar Movement* (Westport, C.T.: Praeger, 1997); Kames Kirkpatrick Davis, *Spying on America: The FBI's Domestic Counterintelligence Program* (Westport, C.T.: Praeger, 1992).

and after leaving the Stockholm session he stated that the FBI and CIA "followed me wherever I went."[602]

A November 1967 report compiled by CIA, FBI, and NSA titled "International Connections of the U.S. Peace Movement," detailed peace leaders' political agendas as they traveled through Moscow, Peking, and Hanoi. Although U.S. agents admitted that the study was "woefully short of information on the day-to-day activities and itineraries" of the peace leaders, Helms asserted that the "tireless, peripatetic, full time crusaders" were every day growing more mobile and visible as U.S. national security threats. Dellinger and his American associates were effective leaders who skillfully united disparate peoples behind a growing and global anti-war movement. U.S. intelligence struggled to track the movement because of its fragmentation, impermeability, and untraceable foreign financing. Agents speculated that the DRV was laundering money to the global anti-war movement through the BRPF.[603]

Such speculation also haunts historians today as they try to connect the tribunal to specific protest groups and movements around the world. It is hard to comprehensively evaluate the breadth of protest ephemera to better understand how the global antiwar

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602. Courtland Cox, transcript of an oral history conducted in 2011 by Joseph Mosnier, U.S Civil Rights History Project. Washington, D.C. 2011, accessed 15 April 2021, https://www.loc.gov/item/2015669129/.

603. Central Intelligence Agency, 15 November 1967, "International Connections of US Peace Groups," Intelligence File (IF), National Security File (NSF), Box 3, Folder U.S. Peace Groups - International, Lyndon B. Johnson Presidential Library (LBJ Library); "The Bertrand Russell Pease Foundation Its Aims and its Work," undated, Folder 114, Box 07, Social Movements Collection, VCSJ, Texas Tech University; "Report by the Committee on Un-American Activities Communist Origin and Manipulation of Vietnam Week," 31 March 1967, Folder 08, Box 06, Douglas Pike Collection: Unit 03 - Antiwar Activities, VCJS, Texas Tech University.

movement weaponized the IWCT's evidence. It is abundantly clear that diverse groups requested its materials, suggesting that Russell and the tribunal had indeed reawakened the consciousness of humankind at least among leftists. However, it remains a challenge to show precisely how other people and groups used the tribunal's evidence. In this way, IWCT members left the two sessions with a particular "ethos" that inspired them to support and lead protest groups around the world even if it has yet to be shown how evidence of U.S. war crimes manifested in everyday conversation or at every rally. It is even harder to show how these supposed human rights violations influenced individuals to action during the height of Vietnam War protests between the tribunal's sessions.

The American protests that flourished in April 1967 through the Spring Mobilization, and in subsequent months through what would come to be called the Vietnam Summer, encouraged antiwar activists overseas to protest the war in their countries. Tribunal members and their network of supporters worldwide organized "Days of Protest," leading marches outside of American embassies and demonstrating in major cities. "Solidarity with Fighting Vietnam!" echoed in a multitude of languages at separate protest sites. The grouping of students and workers in particular allowed for trade unions and campus-based organizations to bring the tribunal's information to audiences in town squares such as Copenhagen that organized a day of protest on 15 May 1967 to coincide with the conclusion of the first session. Organized in large part by De förenade FNL-grupperna (United NLF Group) and IWCT member Sara Lidman, protestors marched past

the U.S. embassy and the ambassador's residence before occupying Copenhagen's Town Square to order the "U.S.A. out of Viet Nam."[604]

In September 1967, Dellinger and DRV officials began to organize an international conference in Bratislava where peace activists could coordinate antiwar strategies with DRV representatives prior to the second IWCT session.[605] He and others associated with the Mobe—but not Russell—worked with Hanoi to design an international day of protest in the autumn to include rallies and demonstrations outside of American embassies in major world cities.

On 21 October 1967, 35,000 generally peaceful protestors mobilized outside the Pentagon on behalf of the Vietnamese people and against American militarism.[606] Dellinger, a onetime college roommate of Johnson's NSA advisor, the hawkish Walt Rostow at Yale, stated, "there will be no government building left unattacked."[607] The iconic pediatrician and antiwar activist Benjamin Spock told an audience of over 100,000 in front of the Lincoln Memorial that the North and South Vietnamese were not the enemy

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604. Danske Forberedelseskomite to IWCT, 6 May 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University.

605. Simon Hall, *Rethinking the American Anti-War Movement*, American Social and Political Movements of the Twentieth Century (New York: Routledge, 2012), 3.

606. Central Intelligence Agency, 15 November 1967, "International Connections of US Peace Groups," LBJ Library; Christian G. Appy, *American Reckoning: The Vietnam War and Our National Identity* (New York: Viking, 2015), xv; Frederick Schauer, "The Exceptional First Amendment," in *American Exceptionalism and Human Rights*, ed. Michael Ignatieff (Princeton, N.J.: Princeton University Press, 2005), 48; Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (New York: Picador, 2013), 5-6.

607. Quoted in Brian VanDeMark, *Road to Disaster: A New History of America's Descent into Vietnam* (New York: Custom House, 2018), 411.

as they "defended their country against the unjust onslaught of the United States." The enemy, in his view and many others, was President Johnson.[608] They moved their rally to the Pentagon where they were met by over 2,000 military guards and active-duty troops. Secretary of Defense Robert McNamara watched from his office window as security officials tried moving him to a secure location. He would later admit that the rally tugged at his own conscience.[609]

In the weeks leading up to and during the March on the Pentagon, an alliance of more than 150,000 antiwar demonstrators worldwide picketed in front of government buildings in Western Europe, Japan, and Australia. Russell's Campaign for Nuclear Disarmament and the British Council for Peace in Vietnam organized the two largest demonstrations in both Washington DC and outside 10 Downing Street in London. The Vietnam Solidarity Campaign, an organization also sponsored by Russell, organized picketers to march around Trafalgar Square, Australia House, New Zealand House, and the U.S. Embassy in London to protest America's war of aggression in Vietnam. This outpouring of support was the first major manifestation of the IWCT's anti-war accomplishments.[610] Each organization, represented by tribunal members, called for the

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608. Quoted in Hall, *Rethinking the American Anti-War Movement*, 28.

609. VanDeMark, *Road to Disaster*, 411; Simon Hall also writes that the March on the Pentagon is one of two antiwar protests that actually impacted Vietnam War policy—mostly in the form of a counter public relations campaign to influence public opinion. Hall, *Rethinking the American Anti-War Movement*, 28-30. Also see Melvin Small, *Johnson, Nixon, and the Doves* (New Brunswick, N.J: Rutgers University Press, 1988); Simon Hall, "Marching on Washington: The Civil Rights and Anti-War Movements of the 1960s," in *The Street as Stage: Protest Marches and Public Rallies since the Nineteenth Century*, ed. Matthias Reiss (New York: Oxford University Press, 2012), 213–30.

610. Tom Hayden, *Rebel: A Personal History of the 1960s* (Pasadena, C.A.: Red Hen Press, 2008). 185-186; "Pamphlet, National Mobilization Committee - Direct Action in

world's governments to break with U.S. policy in Vietnam, hold the Johnson administration accountable, and stop the human rights violations.[611]

Russell had once claimed that the goal of the tribunal was to "arouse consciousness" and to "prevent the crime of silence" by doing nothing to stop American atrocities taking place in Vietnam and around the world. It is hard to say for certain how much influence the tribunal had, though Russell seemed to believe he and IWCT members had helped support the transnational antiwar movement. "Those who demonstrate in Washington and London, in Norway and New Zealand, do so in order to confront a single foe, just as the guerrillas in South America and the partisans of Vietnam oppose the same cruel power," Russell wrote in a public letter on the same day as the worldwide protests.

> Our debt to Vietnam is enormous. How can we counterbalance the 70 million dollars which America spends every day to enact her crimes? We should not hesitate to proclaim solidarity with the partisans of Vietnam. We must enlist millions of men and women to our cause. Each of us should accept this responsibility. Today's activities are no more than a beginning. So long as a single bomb falls on Vietnam, we cannot be silent. So long as a single American soldier remains in Vietnam, our obligation remains. It is in this spirit that our work should continue around the world. It is only by this dedication that we shall know success in the end."[612]

Washington D.C.," No Date, Folder 27, Box 30, Social Movements Collection, VCJS, Texas Tech University; "Government Ultimatum Makes Us More Determined to Confront the Warmakers," No Date, Folder 27, Box 30, Social Movements Collection, VCJS, Texas Tech University; "National Mobilization Committee - Mobilization Report," No Date, Folder 27, Box 30, Social Movements Collection, VCSJ, Texas Tech University..

611. Dana Adams Schmidt, "Protests Abroad to Back U.S. Rally," *The New York Times*, 21 October 1967.

612. "Intl. Mobilizations October 21," 13 November 1967, *The Militant*, 3, accessed 11 April 2021, https://themilitant.com/1967/3141/MIL3141.pdf.

Having accepted the need to supply "millions" of activists, Russell tasked the IWCT and the BRPF to supply evidence and funds to anti-war rallies organizations worldwide for the duration of the war. Schoenman, Ali, and others would take their anti-imperialist struggle to Cuba and Bolivia where revolutionary communist leaders like President Fidel Castro and guerrilla leader Che Guevara capitalized on the tribunal's findings to criticize imperialist crimes and capitalist aggression.[613]

The Johnson administration tried to counter the rising tide of antiwar activism by downplaying the seriousness of the activists involved, suggesting that attendees who tried to "levitate the Pentagon" were enticed by "writing and painting, good sex, and free marijuana."[614] The public still worried about the increase in civil disobedience which alienated average Americans who may have been for or against the war but did not want to be associated with such "troublemaking deviants."[615] Historian Simon Hall explains that this theatrical style of protesting made the anti-war movement itself more unpopular among

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613. Alberto de los Toyos to Bertrand Russell, 18 January 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Bertrand Russell to Fidel Castro, 26 November 1966, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Laurent Schwartz to "the American Anti-War Movement," 21 July 1967, Box 10.05, 374 IWCT: French Office, BRAII, McMaster University; Robin Blackburn to BRPF, 03 January 1967, Box 10.10, 377 IWCT: General Correspondence (by country), BRAII, McMaster University; Russell Stetler to IWCT, 1 August 1967, Box 10.10, 374 IWCT: French Office, BRAII, McMaster University; Dave Dellinger, "Resistance: Vietnam and America," *Liberation*, November 1967, 3.

614. Report, Justice D. Simon to Ervin Duggan, Undated, "Student Demonstrations: An Exercise in Forbearance," Office Files of Ervin Duggan, Box 2, LBJ Library.

615. Quoted in Hall, *Rethinking the American Anti-War Movement*, 32-33.

Americans than the Vietnam War.[616] Inside the White House, aides and intelligence officials quietly tracked Schoenman and Dellinger whose "Trotskyite tendencies" influenced the already "militant line" of SDS which had played a prominent role in protests throughout 1967. A November 1967 CIA report formalized the administration's concern that these international antiwar networks advanced an "anti-imperialist" worldview that encouraged Americans to "protest the draft, denounce the U.S. presence in Vietnam, 'radically' transform university life and the 'decadent' American Way of Life."[617]

Johnson himself began to doubt that the U.S. could win the Vietnam War even as in the fall of 1967 the administration mounted a major public relations campaign known as the "Optimism Campaign" rally domestic and foreign support for the war effort. Still, the president came to consider his time in office an impediment to victory. On 12 September, CIA Director Richard Helms brought to the White House a sealed, top-secret, and deeply troubling report written by thirty Vietnam experts in the CIA who warned that "an unfavorable outcome in Vietnam" would irreparably harm U.S. credibility abroad and permanently damage Johnson's legitimacy at home.[618] Congressional Democrats—including the president's longtime ally, representative Tip O'Neill of Massachusetts—fearful of the political fallout leading up to the 1968 elections, pressured the president to do something about the falling approval ratings which revealed by October 1967 that only

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616. Hall says that 70 percent of Americans disapproved of the antiwar movement in 1968 while 50 percent viewed the war as a "mistake." Hall, *Rethinking the American Anti-War Movement*, 32.

617. Central Intelligence Agency, 15 November 1967, "International Connections of US Peace Groups," LBJ Library

618. Quoted in VanDeMark, *Road to Disaster,* 407-8.

28 percent approved of Johnson's handling of the war and 46 percent labeled the war a mistake. Although recent reports from Lady Bird Johnson's personal audio files reveal that the president thought about not running for reelection in May 1964 and even considered resigning in the fall of 1965, he most seriously considered leaving after his term ended when out of the blue he asked his advisors on 3 October 1967 how his departure would influence the war.[619] "Our people will not hold out for four more years…I just don't know if I want four more years of this."[620] Neither did his own Secretary of Defense, Robert McNamara, whose son Craig had hung a Viet Cong flag in his bedroom while a bout of severe stomach ulcers spread through the family, decided he would admit defeat. He had reached his own conclusions about the war: it may not be as immoral as the tribunal claimed, but the U.S. needed to reconcile its escalating casualty rate.[621] He would leave the Pentagon on 29 February 1968.

Historian Brian VanDeMark argues that Johnson and McNamara experienced a paradigm shift as they reconsidered the ever-increasing number of American deaths, shifting public opinion, and a rising tide of global antiwar sentiment. O'Neill's turn on the president and Helms's grim report combined with the escalating antiwar movement, all pushed Johnson to consider not running for a second full term in 1968 as he admitted to his closes advisors that he had concluded that the administration could not win militarily, diplomatically, or politically.[622] He had read polls showing that only 35 percent approved

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619. Julia Sweig, *Hiding in Plain Sight: Lady Bird Johnson in the White House* (New York: Random House, 2020), 190-192.

620. Quoted in VanDeMark, *Road to Disaster*, 407.

621. VanDeMark, *Road to Disaster*, 418-19.

622. Quoted in VanDeMark, *Road to Disaster*, 409-410.

of his handling of the war with 50 percent disapproving, 23 percent defining themselves as "doves" and 61 percent defining themselves as hawks. In this poll, he could not even win over the hawkish sectors of society.[623]

On 31 March 1968, Johnson would sit behind his desk in the Oval Office, eyes on the camera before him, as he announced his decision not to run for another term as President. "With America's sons in the fields far away, with America's future under challenge right here at home, with our hopes and the world's hopes for peace in the balance every day, I do not believe that I should devote an hour or a day of my time to any personal partisan causes or to any duties other than the awesome duties of this office--the Presidency of your country," Johnson stated. "Accordingly, I shall not seek, and I will not accept, the nomination of my party for another term as your President."[624]

The tribunal could never single-handedly push Johnson to this decision, but its support of the global antiwar movement and its help in organizing demonstrations outside of American embassies did help erode Johnson's confidence that his administration could bring the war to a close. Sociologists call this a "boomerang" pattern of influence whereby non-state "norm entrepreneurs" amplify victims' voices through the spread of information

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623. Lydia Saad, "Gallup Vault: Haws vs. Doves on Vietnam," Gallup, 24 May 2016, accessed 21 April 2021, https://news.gallup.com/vault/191828/gallup-vault-hawks-doves-vietnam.aspx.

624. Lyndon B. Johnson, "The President's Address to the Nation Announcing Steps To Limit the War in Vietnam and Reporting His Decision Not To Seek Reelection," The American Presidency Project, accessed 6 April 2021, https://www.presidency.ucsb.edu/node/238065.

by proxy in the form of moral authority.[625] Transnational non-state entrepreneurs struggle to influence state and supranational decision-making because the means to shape policy are closed to them.[626] As an act of political theatre, however, demonstrations can morally shame leaders in a public venue and challenge their supposed dedication to international human rights.[627] This theoretical framework explains how the tribunal mobilized public opinion against the US and the Vietnam War by harnessing the collective outrage of activists and channeling it into a transnational advocacy network that globalized the plight of Vietnamese civilians.

American and global protests against the war between 1967 and 1968 made visible the moral dimensions of the Vietnam War and presented war crimes material to audiences outside of Vietnam who empathized with those whose suffering had been caused by American imperialism. "U.S. intervention in Vietnam made Hanoi's war the most visible national liberation struggle in the Third World and revolutionaries in the Global South took heed," writes Nguyen.[628] As American public opinion turned against the war and as

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625. Adam Jones describes a "norm entrepreneur" as "an individual or organisation that sets out to change the behaviour of others," in Adam Jones, ed., *Genocide, War Crimes, and the West: History and Complicity* (New York: Palgrave, 2004), 316-320.

626. Jonas Tallberg et al., "Explaining the Transnational Design of International Organizations," *International Organization* 68, no. 4 (2014): 741–74. On other forms of unofficial diplomacy, see Maureen R. Berman and Joseph Esrey Johnson, eds., *Unofficial Diplomats* (New York: Columbia University Press, 1977); Oran R Young, *The Intermediaries: Third Parties in International Crises* (Princeton, N.J.: Princeton University Press, 2016); Christoph Taucht, "Transnational Professional Activism and the Prevention of Nuclear War in Britain," *Journal of Social History* 52, no. 2 (2018): 442.

627. Gallagher, "Genocide and its Threat to International Society," 40; Keck and Sikkink, "Transnational Advocacy Networks," 68-9.

628. Nguyen, "Revolutionary Circuits," 420.

American soldiers began dying at a rate of over one thousand per month, antiwar demonstrators gathered in the streets of Chicago in August 1968 to protest the Democratic National Convention. The deafening chant of "The Whole World Is Watching" was heard in the streets and on American televisions as the delegates chose Vice-President Hubert Humphrey to be their presidential candidate, Dellinger and a group that would come to be known as the "Chicago Seven" incited a riot met by a violent police response that also aired on live television.[629] Russell called the event "enormous" and released a statement to the global anti-war movement celebrating its resolve in helping to reawaken the world's consciousness to those who struggled against oppressive regimes.[630] At the second session in December 1967, Oglesby spoke for other members when he proudly declared that the tribunal's work had "played an important role in the developing of the consciousness which instills this militancy among America's young people."[631]

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629. A Gallup poll at the time showed that 56% of Americans supported the police response to the protest, showing the growing divide between the anti-war movement and the American public even if support for the war continued to plummet. David Taylor and Sam Morris, "The Whole World is Watching," *The Guardian*, (undated), accessed 13 April 2021, https://www.theguardian.com/us-news/ng-interactive/2018/aug/19/the-whole-world-is-watching-chicago-police-riot-vietnam-war-regan.

630. BRPF, "Message to the Anti-Vietnam War Demonstration,", 27 October 1968, Box 10.07, 313 BRPF: General Correspondence, BRAII, McMaster University; Bertrand Russell to Wolfgang Abendroth, 24 September 1968, Box 10.02, 371 IWCT: Members' Correspondence (by country), BRAII, McMaster University; Nicholas Griffin and Alison Roberts Miculan, eds., *The Selected Letters of Bertrand Russell: The Public Years, 1914-1970* (London: Routledge, 2001), 621.

631. Oglesby, "Greetings to the Tribunal from American Supporters,' in Duffett, ed., *Against the Crime of Silence*, 98-99.

6.7 Conclusion

When Russell first labeled American intervention in Vietnam an "atrocity," he did so by criticizing its professed support for the sovereignty of other nations while waging a barbaric war on the very people who demanded their independence. He insisted that the U.S. sought only to protect its "economic interests in the prevention of far-reaching social reforms" in Vietnam and created the tribunal to publicize "the most brutal and cynical exercise of power by a large military state against a small nation."[632] He then tasked the tribunal to "prevent the crime of silence" and reawaken the world's consciousness to mobilize against U.S. aggression. When the BRPF and the IWCT printed and publicized materials containing information about the tribunal's investigations and discoveries, they opened avenues for readers to make cohesive arguments against the Vietnam War with information from the tribunal's investigatory teams. Having experienced the negative coverage of the trial's preliminary meeting, press conferences, and opening session, Russell acknowledged that it had to create its own information network to distribute its findings. Books, pamphlets, and posters appeared and reappeared in cities around the world as independent organizations used the IWCT's information to support their own anti-war agenda.

If Russell's goal was to reawaken the world's conscience and prevent the crime of silence, he could claim some success by the end of 1967. He facilitated discussions about the Vietnam War in places previously apathetic to America's intervention. The tribunal also helped reframe the war as a human rights crisis. It embraced an anti-genocidal

632. Bertrand Russell to Wolfgang Abendroth, 24 September 1968, Box 10.02, 371 IWCT: Members' Correspondence, BRAII, McMaster University.

narrative leading up to its second session where it focused on intimate details regarding violence against Vietnamese civilians. Even though it may not have changed the outcome of the war, the tribunal helped shape global public opinion by shifting the conversation away from one focused on morality toward a discussion about criminality.[633] This helped change the discourse from anti-war sentiment to a shared discontent with American imperialism.

The IWCT tapped into the transnational anti-war zeitgeist, opening a market made available by leftists who wanted to know more about American methods of war in Vietnam to mobilize against their own elected officials complicit in allowing the war. Russell's "message to the anti-war movement" spoke broadly to the transnational coalition of activists protesting outside of American embassies around the world and made clear the foundation's overarching purpose. The letter spoke about the need to influence reelection campaigns by defeating those politicians who "speak only for compromise with evil" and helping candidates who agreed with the peace movements demands. McNamara's resignation, Johnson's refusal to seek reelection, and the protests outside of the DNC in 1968 may have been tangentially related to the tribunal's findings and its members like Dellinger who channeled his discontent into the year's protests. The growth of the antiwar movement in 1967 and 1968 reminded the world that those leaders who worked with the US and supported the Vietnam War harmed the credibility of their moral character.[634]

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633. Richard Falk had, around the same time, begun to write on international law and the US in Vietnam. See Falk, "International Law and the United States 67; Bannan & Bannan, *Law Morality, and Vietnam*.

634. BRPF, "Message to the Anti-Vietnam War Demonstration,", 27 October 1968.

The tribunal was thus a vital resource for anti-war radicals who opposed U.S. intervention in Vietnam and other Third World countries. Prior to 1967, it focused on ending the Vietnam War, but it gained traction when it shifted to attacking American imperialism more broadly.[635] Having framed the war in these terms, the tribunal was able to garner the support of a wide range of activists including students, academics, communist leaders, expatriates, non-violent and violent revolutionaries, conscientious objectors, peaceniks, Trotskyists, and more. "Although divided by many political and ideological differences, what brought them all together was a commitment to not only ending the Vietnam War, but overturning the very international system that allowed wars like the one in Vietnam to happen in the first place," writes historians Solar Mohandesi.[636] In this way, it was very difficult to remain a silent bystander to the crimes allegedly taking place in Vietnam.

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635. Mohandesi, "From Anti-Imperialism to Human Rights," 99-101.

636. "It was this call for fundamental change, which hinged on connecting the war to imperialism, that turned these antiwar activists into radicals." Mohandesi argues that the revival of Marxism spurred on the anti-imperialist struggle seen in the 1960s as the Vietnam War "enabled a new kind of radical internationalism" in places like France and the United States. Mohandesi, "From Anti-Imperialism to Human Rights," 1, 99-101, 114-116.

CHAPTER 7. CONCLUSION

It was 8 June 1972 when the world again saw a naked South Vietnamese child experience the Vietnam War's barbarity, this time by South Vietnamese planes that dropped napalm on its own troops and civilians near Trang Bang while hunting suspected NVA and Viet Cong combatants. Nine-year-old Phan Thi Kim Phùc had been playing with her younger brothers and cousins at lunchtime when they suddenly heard the all too familiar sound of bombs, sirens, and screaming. "I saw the planes were very fast, very loud," she remembered.

> As a child, I didn't know anything. And I turned my head. I saw four bombs landing…then suddenly, the fire was everywhere around me. I didn't see anybody else. And then the fire burned off my clothes, and I saw the fire on my left arm. I used my right hand to wrap it up. That's why my right hand got burned as well.[637]

Associated Press photographer Nick Utt captured the scene in a photo that would win a Pulitzer Prize, she and her brothers and cousins running with other ARVN soldiers away from what seemed to be a senseless attack on their home. Utt titled the photograph "The Terror of War."

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637. Traci Tong, "How the Vietnam War's Napalm Girl Found Hope After Tragedy," Public Radio International, accessed 10 April 2021, https://www.pri.org/stories/2018-02-21/how-vietnam-wars-napalm-girl-found-hope-after-tragedy.

Figure 24 An 8 June 1972 photo of a napalm bombing on South Vietnamese civilians.

Figure 25 Phan Thi Kim Phùc is examined by South Vietnamese troops.

Three months after the second tribunal concluded its final meeting in Denmark, members of Bravo and Charlie Company marched into a region known to American soldiers as "Pinkville." In less than four hours, they slaughtered over 500 South Vietnamese civilians in My Lai 4, Binh Ty, Binh Dong, and My Khe 4. Operating under the pretense of searching for reported Viet Cong, those following orders from Lieutenant William L. Calley proceeded to rape female noncombatants, raze houses, and "kill anything that moves" in a mass slaughter that included women, children, and the elderly.[638] During an Army hearing in 1970, some soldiers testified to what they witnessed as Calley and Private

638. See Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (New York: Picador, 2013).

First Class Paul Meadlo led the atrocity. Only one American soldier died by a self-inflicted gunshot wound.[639]

The image of young Do Van Ngoc exposing his napalm scars to tribunal members and other subsequent evidence presented by South Vietnamese civilians, military experts, and eyewitness testimony in May and December 1967 did little to stop the atrocities that would come in the following years. My Lai—the "most notorious war crime of the Vietnam era"—seemed to have been replicated throughout South Vietnam as soldiers allegedly murdered civilians during search-and-destroy missions and in free-fire zones.[640] Despite attempts by the global anti-war movement to hold U.S. leaders accountable for violating human rights in Vietnam, soldiers, supervisors, and top officials would go unpunished. Only Calley was sentenced to life in prison, and his case was appealed and overturned in November 1974.[641]

Global attempts to stop the U.S. in Vietnam were matched by the increased suffering of the North and South Vietnamese people. It was journalist Seymour Hersh who first exposed the My Lai massacre in May 1970, forcing an internal Army Staff investigation that culminated in a series of public hearings and over 9,000 pages of private

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639. Howard Jones, "The Lessons of My Lai Still Resonate," *The Washington Post*, 16 March 2018, accessed 10 April 2021, https://www.washingtonpost.com/opinions/the-lessons-of-my-lai-still-resonate/2018/03/15/4d35613a-2708-11e8-874b-d517e912f125_story.html.

640. Max Hastings, "Wrath of the Centurions," *London Review of Books* 40.2 (25 January 2018), accessed 10 April 2021, https://www.lrb.co.uk/the-paper/v40/n02/max-hastings/wrath-of-the-centurions (accessed 10 April 2021); Jones, "The Lessons of My Lai Still Resonate."

641. Seymour M. Hersh, "The Scene of the Crime," *The New Yorker*, 23 March 2015, accessed 10 April 2021, https://www.newyorker.com/magazine/2015/03/30/the-scene-of-the-crime.

reports that considered the extent of U.S. war crimes in Vietnam. The Army quietly declassified these documents in 1990 and stored then in the National Archives until a doctoral student named Nick Turse discovered them some two decades later. He and journalist Deborah Nelson reported in the *Las Angeles Times* that the Army had found "at least 300 allegations of murder, massacre, torture, assault, mutilation and other war crimes," all of which were kept classified from the public.[642]

That the U.S. continued to commit war crimes years after the IWCT meant that the tribunal had little to no impact on the war policies of either Johnson or Nixon administrations. Tribunal members who organized and participated in mass protest and those with the BRPF who helped to distribute its literature must have failed to create a powerful global anti-war movement. They must have failed because their efforts in 1967 did nothing to stop the "industrial scale slaughter" of civilians throughout South Vietnam and through the ongoing bombing campaigns in North Vietnam that had bled into Cambodia and Laos until the U.S. congress ordered its halt in 1973. Pol Pot's own Communist Party of Kampuchea (known as the Khmer Rouge) took its power and committed its own genocide by pointing to the bombing because of American capitalist-imperialism. And, of course, Vietnam would fall to communism when Northern troops entered Saigon in 1975. Or so the historical record has previously indicated.

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642. Ken Silverstein, "Six Questions for Deborah Nelson on Vietnam War Crimes, and Why They Matter Now," *Harper's Magazine*, 2 February 2009, accessed 10 April 2021, https://harpers.org/2009/02/six-questions-for-deborah-nelson-on-vietnam-war-crimes-and-why-they-matter-now/. Also see Deborah Nelson, *The War Behind Me: Vietnam Veterans Confront the Truth About U.S. War Crimes* (New York: Basic Books, 2008); Turse, *Kill Anything That Moves.*

So, what impact did the tribunal have on the war and the global anti-war movement? First, the tribunal dually functioned as a propaganda tool in the DRV's own "peoples diplomacy" arsenal and as an independent INGO looking to support the global anti-war movement with accurate information about the air and ground war in Vietnam. Against critic's claims that the tribunal had been a "kangaroo court" organized by radical leftists and pro-communists, tribunal members were internationally renowned intellectuals, lawyers, and scientists who focused on differentiating between fact and fiction when it came to the war. They came to Sweden and Denmark with personal and political biases, but they also entered the chambers as objective "jurors." In May 1967, Sartre responded to those like historian Staughton Lynd who argued it was unfair to hold only the U.S. accountable for human rights violations when the DRV and the NLF had committed their own atrocities against civilians: "I refuse to place in the same category the actions of an organization of poor peasants, hunted, obliged to maintain an iron discipline in their ranks and those of an immense army backed up by a highly industrialized country of 200,000,000 inhabitants," Sartre responded. "And then it is not the Vietnamese who have invaded America or rained down a deluge of fire upon a foreign people."[643]

Tribunal investigators who travelled to North and South Vietnam in late 1966 and early 1967 were indeed guided by Hanoi officials, but they were still free to reach their own conclusions. Above and below the DMZ, they saw firsthand the indiscriminate bombing campaign that relied on anti-personnel weapons and chemical warfare to ruthlessly pacify the countryside. At times, they even heard and observed American aircraft

643. Kenneth Tynan, "Open Letter to An American Liberal," *Playboy*, March 1968, 100, 135.

fly overhead before subsequently visiting the attacked site to speak with victims. At the tribunal, members and the audience saw photographed and filmed evidence, and listened to oral recordings from local civilians. "As slide after slide of civilian corpses is projected onto the screen, we acquire a sort of immunity to horror," wrote British theater critic and social commentator Kenneth Tynan in a March 1968 report for *Playboy*.[644]

Russell founded the tribunal to reawaken the conscience of mankind to the horrors of America's intervention in Vietnam and he used the IWCT to publicize the civilian cost of the war. The two sessions indeed helped to put a human face on a distant war even before the Tet Offensive of 1968 allowed Americans to accept the possibility that their country was losing the war. South Vietnamese victims bared their bodies before the IWCT to show how this heavily industrialized war had permanently scarred them, destroyed their homes, and separated their families. The second session allowed U.S. service members to talk about their own involvement in the perpetuation of war crimes by acting on their own and teaching ARVN how to interrogate supposed enemy combatants. Even though the trials were criticized for their performative aspects, the tribunal's circulation of evidence throughout the global anti-war community after the investigators travelled to Vietnam helped to paint the war as an atrocity with most concurring that it had the potential to become a genocide.

Yet, even as the evidence should have served "as object lessons to the living," according to Tynan, the IWCT was not able to fully criminalize the war as Russell or Sartre might have liked. Russell had hoped to use the 1949 Geneva Convention and the Nuremberg Trials to help U.S. soldiers avoid the draft. Sartre wanted to assign personal

644. Tynan, "Open Letter to An American Liberal," 100, 135.

responsibility, and he used the second tribunal to label the conflict a genocide. But the Russell Tribunal was not a government body or treaty organization; it had neither the legal authority nor the means to carry out justice after its findings. Its mission was rather to raise awareness about the impact of the war on Vietnamese civilians. "The Nuremberg Tribunal asked for and secured the punishment of individuals," Russell stated during the sessions. "The International War Crimes Tribunal is asking the peoples of the world, the masses, to take action to stop the crimes." The tribunal's European colleagues thought that Vietnam exemplified all that was wrong with American imperialism and used their evidence to support anti-war and anti-imperialist groups around the world. In the end, though, the tribunal may only have helped to show that the war was "militarily a mess and morally a catastrophe."[645]

In this way, though, the tribunal succeeded both in the short and long term. In the immediate sense, the IWCT served as an INGO that used its fact-finding capabilities to collect evidence of U.S. war crimes in Vietnam and circulate these findings to anti-war groups around the world. As a people's tribunal, it was "created for the purpose of examining rights violations whereby civil society believes the violation has not been formally recognized or addressed by the state, community, or legal system." Sartre argued that the IWCT was a "critical space for reflection, gathering of testimony, and documentation that then required additional political processes to determine what actions ought to follow from their findings."[646] Using support communities and its own members

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645. Tynan, "Open Letter to An American Liberal," 100.

646. Zachary Manfredi, "Sharpening the Vigilance of the World: Reconsidering the Russell Tribunal as Ritual," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 9, no. 1 (2018): 75–91.

to organize and lead protests in major cities, the tribunal helped to mobilize public opinion against the war and forced the U.S. into a defensive position even as the Johnson Administration waged a covert war to undermine it and paint it as a pro-communist tool.

The IWCT also served as the first "Russell Tribunal" that—after Russell's death on 2 February 1970—allowed human rights activists like member Lelio Basso to continue creating tribunals in other parts of the world under the umbrella of the BRPF. Far from focusing solely on the U.S., these subsequent interactions investigated claims of human rights violations committed in Argentina and Brazil (1973), Chile (1974-1976), Germany (1978), Iraq (2004) and Palestine (2009-2012). Activists also focused on the "Threat of Indigenous Peoples of America" in the U.S. in 1982 and on the abuses of the psychiatric profession as a fascist tool in 2001. In 1979, Basso founded the Permanent Peoples' Tribunal in Bologna to denounce crimes committed by military dictatorships and to investigate crimes against peace, crimes against humanity, and genocide in lieu of a competent international court. Like the original IWCT, these Russell Tribunals look to hold states responsible and international leaders accountable by investigating and publicizing their evidence as a form of moral justice and reparation. Each followed the dictate originally given by Russell: "Our tribunal, it must be noted, commands no State power. It rests on no victorious army. It claims no other than a moral authority."[647]

Russell wanted to build momentum toward a people-driven, international peace movement that did more than just protest. He hoped that the people—if properly organized and motivated—could hold governments in check. While the tribunal may have only

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647. Bertrand Russell, *War Crimes in Vietnam*, 2nd ed. (London: George Allen & Unwin Ltd., 2009), 73-74, 94-99, 125; "Sartre on Panel to 'Try' U.S. Leaders,' *The New York Times,* 3 August 1966.

tangentially contributed to the kinds of anti-war sentiment that finally pushed Secretary of Defense Robert McNamara out of office in 1968 and even convinced President Lyndon Johnson to call it quits in March 1968, it ultimately did little to influence the outcome of the war in the way that Russell may have hoped. Instead, it supported the global anti-war movement and helped to mobilize public opinion against the war by circulating information about U.S. atrocities in Vietnam. In so doing, it played a larger role in the anti-war movement than has been previously argued. Anti-war, anti-imperialists, and human rights activist worldwide requested the tribunal's findings to support disparate movements, protests, and organizations in major cities in 1967 and 1968.

The IWCT also helped legitimate the anti-war movement's human rights agenda in 1967. Over time, U.S. citizens uneasily faced the "American Way of War": indiscriminate bombing, possible irrational use of nuclear weapons, and an obsession with body counts. Students burned their draft cards and shut down colleges for their alleged complicity in supporting corporations and the government in ways that aided the industrial war machine. The war had irreparably damaged American self-identity. U.S. soldiers followed the lead of those former GIs like Peter Martinsen and Donald Duncan who testified to American war crimes in Vietnam by holding their own Winter Soldier Investigation sponsored by the Vietnam Veterans Against the War (VVAW) from 31 January 1971 to 2 February 1970. In this way, Russell's original mission manifested in the IWCT remained alive even after December 1967 as American GI's publicly spoke about war crimes and awakened American consciousness to the breadth of America's human rights violations in Vietnam. Historian Stefan Andersson has gone so far as to argue that this was Russell getting "his revenge beyond the grave" as his *Appeal to the American Conscience* and the tribunal's

sessions began to circulate through the U.S. Armed Forces and as soldiers and officers came forward to testify.[648] The Winter Soldier Investigation ultimately heard testimony from 109 veterans from each branch of the armed forces about their own involvement in and witness of U.S. war crimes in Vietnam from 1963-1970.[649]

This dissertation has looked anew at the IWCT to understand how it helped to infuse the global anti-war movement with human rights ideas as a way to mobilize public opinion against the Vietnam War. I argued that the tribunal became an INGO that supported transnational activism using the language of human rights to oppose the Vietnam War. In doing so, I claim that the IWCT reawakened humankind to the possibility of American war crimes and inspired activists during the war who would lead the human rights movement in the 1970s. This dissertation framed the Vietnam War as a human rights crisis during the Cold War and explained how tribunal members used their own moral authority to proselytize in the name of humanity. Although they were unable to end the war on their own terms, they ultimately contributed to the global anti-war movement that internationalized the war and inspired anti-imperialist and human rights movements that looked to constrain American aggression during the remainder of the Cold War.

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648. Stefan Andersson, "The Legacy of the Russell Tribunal," *Russell: The Journal of Bertrand Russell Studies* 34, no. 2 (2012), 188.

649. See Vietnam Veterans Against the War, *The Winter Soldier Investigation: An Inquiry into American War Crimes* (Boston, M.A.: Beacon Press, 1972); Richard Moser, *The New Winter Soldiers: GI and Veteran Dissent during the Vietnam Era* (New Brunswick, N.J.: Rutgers University Press, 1996); Gerald Nicosia, *Home to War: A History of the Vietnam Veterans' Movement* (New York: Crown Publishers, 2001); Richard Stacewicz, *Winter Soldiers: An Oral History of the Vietnam Veterans Against the War* (Chicago: Haymarket Books, 1997).

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Selected Professional Publications

"Did America Commit War Crimes in Vietnam?" In The New York Times Editorial Staff, eds. *Casualties of War*. Rosen Publishing, 2020, 202-206.

"The Simpson Family: A Political Dynasty." In Kathleen Gronnerud and Scott Spitzer, eds. *American Political Dynasties: A Study of Power, Family and Political Influence*. Praeger, 2018, 287-294.

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