

# ***Open Secrets of American Policy***

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## **OPEN SECRETS OF AMERICAN POLICY**

### **I. INTRODUCTION**

Although "open secrets" seems a self-contradictory phrase, it seems also to be good English. My usage is I think less subject to criticism than most. In this essay I will be dealing with some areas in American foreign policy in which the conventional wisdom is not only wrong, but can be disproved from open sources like newspapers. In some cases I will bring in from open sources things that will surprise the "usually well informed" people although I will criticize ignorance rather than error.

Like most people I have been reading about the abysmal historic ignorance of the products of our educational system. Indeed I have a good example. I wanted to send a letter to Lord Bauer and told my secretary she could send it to the House of Lords. She asked for its address, and somewhat surprised, I said "London" would do. She wanted a Zip and a little further conversation revealed that she had never heard of the institution.

Still, the fact that newspapers carry stories in which they report ignorant answers to historical questions under the apparent impression that most, or at least many, of their readers will know the correct answer is good evidence that the history of our country is not totally a closed book to many citizens. Although the bulk of this collection deals with foreign policy, in some cases it will deal with domestic matters. Thus there should be a lot of "well informed" people who will realize there are holes in their information when they read the further chapters.

I should say that I think that these "revelations" have some political relevance, but not much.

There will be people who lower their opinion of certain historic figures, but I don't imagine this will shift many votes. Its effect on history books might be somewhat larger, but even there it is merely further revision in periods that have been subject to many revisions. Altogether, I think the main value of this study, like that of most historical writing is entertainment. Since I enjoy history and read a lot of it, I do not regard that as a criticism.

As far as sources are concerned, except where I have noted otherwise, the reader can confirm my factual information from contemporary newspapers. Where it is drawn from more obscure sources, I have footnoted them. Mainly, however, I suggest the reader trust me or consult the New York Times Index. Nothing contained here in will bring the world, or even a political party, to destruction.

## **II. PEARL HARBOR**

In order to understand Pearl Harbor it is necessary to go back to 1904. In that year the Japanese started their war with Russia with a surprise torpedo attack on the Russian far eastern fleet at Port Arthur. Their accuracy wasn't very good, but they did cripple the fleet so that it was not able to interfere with the movement of Japanese troops into Manchuria. These troops were able to take Port Arthur by land assault thus making the Russian attempts to repair their ships nugatory.

The Russians undertook the very difficult task of moving their Baltic fleet to the Pacific. It arrived after the fall of Port Arthur and was destroyed at Tsushima while attempting to reach Vladivostok. The Japanese success resulted from two factors, one of which, of course, was their achievement of surprise. The other was the fact that although the Russian fleet was markedly bigger than the Japanese it was divided. If the Russians had concentrated both fleets in Port Arthur, it is very doubtful that the Japanese would have dared attack. As the great naval theorist Mahan pointed, however, if they had been concentrated in the Baltic it would have been also very dangerous for the Japanese to attack. They would have had temporary command of far eastern waters, but would have faced almost certain defeat when the combined Russian fleets arrived.

The American navy knew this history and their war plans took it into account. The bulk of the fleet was concentrated in the Pacific with only three elderly battleships, a carrier, which was new, but had a serious design defect and some minor ships in the Atlantic. This Pacific fleet was markedly superior to the Imperial Navy. On receipt of a war warning, in order to minimize the chances of surprise, the war plans called for the Pacific fleet going to sea and taking a course intended to make it hard for the Japanese to find them. With both fleets looking for the other, and the American bigger, it was more likely that they would first miss, which would mean no surprise, or the American fleet would locate the Japanese before the Japanese located it, or each locate the other which would also mean no surprise. If, by chance, the Japanese located the American fleet before it located the Japanese fleet, The Americans would be on the alert and well able to defend themselves.

All of this was changed by a decision to move one battleship division and half of the scouting forces to the Atlantic. This made the surface fleet inferior to the Japanese and the carrier forces very much inferior. Instead of six carriers they now had only three. The Chief of Naval operations wanted to base the fleet in San Diego where it would probably have been safe from surprise attack. Roosevelt removed him and installed Stark who was less obstructive to presidential wishes. For the same reason he removed the commander of the pacific fleet and replaced him with the more cooperative Kimmel. Shortly after Pearl Harbor King was appointed Commander of the Navy and Stark was more or less ignored for the rest of the war. Kimmel was blamed for the success of the Japanese attack and also removed. There are many who feel this was unjust and an apology is due. So far none has been offered and it is far enough in the past so the most people have forgotten it.

Note that if they had moved the whole fleet, or most of it, to the Atlantic, this would have been equivalent to keeping the whole Russian fleet in the Baltic in 1905. The Pacific fleet was

vulnerable, but threatened Japan's drive to end the European empires in the Indies. If the whole fleet had been in the Atlantic, it would have taken long enough to move it into the Pacific so that Japan could "liberate" (of which more below) what is now Indonesia thus giving them an adequate petroleum supply. The American navy had been planning for some time a naval drive directly across the Pacific. This would not take place at the beginning of the war because the Japanese conscripted army in their navy islands was very much larger than the American forces that had only just begun adopting conscription. In any event the remaining American Pacific fleet would still have been too weak. President Roosevelt wanted to maintain the fleet as a threat to Japan, although it was weak enough so that the threat was rather weak. It is not clear what he thought the ships he transferred could do in the Atlantic against the German submarines. They were not designed for antisubmarine warfare, nor were they easily converted to the type of ship needed to keep convoys safe.

Roosevelt's policy of threatening Japan in hopes they would withdraw from China was certainly risky, particularly after the Pacific fleet had been weakened. There is here possibly a very good bit and information on American and British foreign policy. The Germans maintained a listening post in the Channel Islands with good code breaking capacity. A three-volume report of the intercepts was published after the war. I will be quoting the intercepts play should be pointed out that they may be a postwar fake. Temporarily assuming that they are genuine, Roosevelt came to believe that he could trap the Japanese into an attack that would mean war. He discussed this with Churchill in these coded telephone messages that, may be, were intercepted and decoded by the Germans. He wanted to get into the war, and told Churchill that public opinion was overwhelmingly against. He thought that a Japanese attack would change that<sup>1</sup>.

Sometimes I hear, mainly from far right speakers, that Roosevelt deliberately caused the

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<sup>1</sup> Gestapo Chief: The 1948 Interrogation of Heinrich Muller. Joseph Bender, Publ. There are several printings carried by Amazon. The conversations do not seem to have been recorded by

destruction of our fleet at Pearl Harbor. At a lesser, and more probable level, I have heard that Secretary of War Stimson said that we would be willing to sacrifice 3 cruisers to get into the war but not 5. This might be true, but neither Stimson nor Roosevelt wanted to lose our entire battle line for that purpose.

The Russian mistake of 1904 was being repeated in spades. The Japanese were offered another opportunity to defeat their opponent in detail. A series of communication failures then led to Honolulu army and navy commanders not being warned although naval intelligence suspected the attack. Indeed the British also knew and Churchill warned Roosevelt in one of their purported telephone conversations<sup>2</sup>.

The Navy apparently thought, with the weakened fleet, it would be dangerous to go to sea, particularly with the carrier fleet halved. They choose to stay in Pearl even after the receipt of a war warning. One special factor which made this appear particularly sensible was the fact that air-dropped torpedoes were thought to be unusable in shallow water, and Pearl Harbor was shallow. The successful British attack on Taranto, also shallow, should have warned us that some torpedoes could be used in shallow water<sup>3</sup>.

Roosevelt, if the intercepts are to be trusted, mentioned the shallow nature of Pearl to Churchill as an argument that the fleet was safe, when Churchill said that British intelligence thought the Japanese were planning a carrier attack on Pearl<sup>4</sup>.

Unfortunately the Japanese had invented a torpedo which could be used in shallow water (as had

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either the American or Russian government. The conversations relevant to our present subject are a small part of the three volumes.

<sup>2</sup> op. cit.

<sup>3</sup> Taranto was not as shallow as Pearl Harbor. It was much harder to repair the Italian ships resting on the bottom at Taranto than at Pearl because they were farther down in the water.

<sup>4</sup> Mueller, op. cit.

the British). But it should be pointed out that the only battleship which the Americans admitted had been sunk, the Arizona, was a victim not of torpedoes, but of a conventional bomb.

The casualties at Pearl were concealed from the American people, but not from the Japanese. They flew a plane with night photography equipment over the Harbor on the night after the attack. They got excellent pictures and even published some of them in Tokyo papers. Pearl Harbor is rather shallow and although the entire fleet was resting on the bottom, most of it in two years or so could be repaired. In this it was like the Russian fleet at Port Arthur, although there was no army approaching Honolulu from the rear.

Why we had offered the Japanese this opportunity to defeat our fleet in detail is not obvious. In the post-war investigations some Republican congressmen implied it was deliberate in order to get into the war. The division of the fleet and the decision to keep it at Pearl rather than in the much safer (and better equipped) harbor at San Diego looks suspicious, but it was probably stupidity, not villainy.

I can offer an explanation from my own experience. At the time I was a student at the University of Chicago with a hobbyist's interest in foreign and military affairs. I remember reading our November 26 note in the New York Times in Harper library. I put the paper down and said; " My God, we are at war". Then sanity returned, and I thought: "The Japanese would not dare attack the United States". I suspect that somewhat the same thought pattern dominated Washington. But it should be kept in mind that I was not a professional and did not know that the Pacific fleet had been weakened.

In any event, the only people disciplined were the Navy and Air Force commanders in Hawaii, both of whom had simply obeyed orders. No one in Washington suffered, perhaps because the actual source of the stupid decision to weaken the fleet was the President. At a lower level, the



failure to inform the commanders at Honolulu is more mysterious. The Americans had deciphered the Japanese diplomatic code. It specified time of delivery of the message starting war to the department of state and a tiny equivalent to 7 in the morning of December 7th. Everyone of importance in Washington, various army commands, and even MacArthur in far off Manila knew of the Japanese war message several hours before the attack<sup>5</sup>.

Why the commanders in Honolulu were not informed is a mystery, which was not cleared up even by the Republican Congressional investigation after the war. Apparently it was the result of a communications glitch, but no one was ever disciplined for it. The commanders, having been kept in ignorance, were publicly blamed for the defeat and removed.

But Washington was not the only source of stupid decisions. Another was Vice Admiral Nagumo. The three remaining American carriers had been sent out to deliver planes to Wake Island. They were returning and according to custom flew off their planes as soon as they were in range of Hawaii in order to give the pilots an extra day of leave. The planes were trying to land when the attack on the airfield was delivered.

There were thus three carriers within flying range west of Hawaii that were temporarily deficient in aircraft. Further, getting their planes back without breaking radio silence would be most difficult. Their planes having entered Hawaiian airspace during the attack by the Japanese attacking planes should have been seen and the Japanese radio personnel should have detected them, thus giving away the presence of the carriers. Even if neither of these methods worked, Nagumo certainly should have looked for them. He did not and thus lost an opportunity to halve our carrier force.

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<sup>5</sup> Stinnett, p 391

In keeping with the deliberately deceptive report that only one battleship had been sunk, the newspapers were told that the American carriers had been ordered to search out and destroy the Japanese force. Presumably this was also meant for the public and not a serious order. Approaching Nagumo's force would have been extremely dangerous, particularly until our carriers had recovered their planes.

Nagumo continued to fail. He took his carriers north of Australia and, rather pointlessly bombed Darwin and then entered the Indian Ocean. The English had assembled a sizable fleet to keep control of the Indian Ocean, particularly the Bay of Bengal. Admiral Conningham had put to sea with the intent of engaging and defeating the Japanese fleet, leaving his chief of staff ashore. When the Chief of Staff realized how strong the Japanese force was, he sent a message to London feeling sure that Conningham would take it in. In this message he said that the British faced the likelihood of the worst defeat they had suffered since the long ago Dutch wars<sup>6</sup>.

Conningham took in the message and realized he should avoid action. Instead of turning away from the Japanese, however, he turned toward them. He felt that the Japanese reconnaissance would be at maximum range and hence would not find him at closer range. There was the chance that Nagumo would search nearer areas also, and planes going out to search or returning might overfly him by accident. Conningham spent the day watching the Japanese search on his radar (the Japanese did not yet have it) and worrying. Nagumo destroyed some minor ships and withdrew, thus for the second time missing an opportunity for a sizeable victory. Granted the number of planes he had, he should have searched more widely, not only in the area he thought was most likely.

The Japanese hoping to win a further victory decided to attack Midway on the theory that the

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<sup>6</sup> Main Fleet to Singapore

Americans would have to defend it. Their battle plan was most peculiar, but that was Yamashita's fault, not Nagumo's. Yamashita divided his carriers sending 2 of the 6 off to the Aleutians. This left only 4 that was only slightly stronger than the American force if we realize that the airport at Midway also had planes which could have participated in the defense. Nagumo, although under Yamashita' command was in charge of the carriers. Yamashita took his battleships along, but made no use of them.

I believe we were reading the Japanese messages and Nimitz knew about the division of the Japanese carriers. If he had known the whole Japanese fleet had been concentrated, I suspect he would have let Midway go as he had previously let Wake go.

Battleships are of little use against carriers that can always stay out of range of gunfire. Midway, however, had no such maneuverability and could have been wrecked by gunfire. The carriers could then have been reserved for use against the American carriers that, hopefully, (and in accord with the Japanese plan) would try to defend Midway. The battleships, however, stayed back and Midway was bombed by carrier planes. This was not only inefficient, the fact that the torpedo-bombers were armed with bombs not torpedoes caused difficulty when it was realized that there were American carriers in the area.

The Japanese sometimes sent scouting planes out alone or sometimes in pairs. In an account that I read the carrier personnel were reported as wondering which method would be used and being mildly surprised at the choice of single planes. The scouting planes were a new type that had been rushed through for this mission. New planes sometimes have glitches, and the plane that overflew the American carriers had a radio failure with the result that the first indication that there were American carriers in the area reached the Japanese in the form of a surprise attack. Once again Nagumo's reconnaissance had failed.

It is not clear what the outcome would have been had Nagumo detected the American carriers earlier. Counting the airport at Midway as part of the American forces the two fleets were not too far from equal in air power. Still, it could hardly have been worse for the Japanese than what actually happened.

In all three of these cases, Nagumo's reconnaissance failed. One failure of reconnaissance can be put down to bad luck, two to very bad luck, but three show incompetence.

One of the peculiar features of the attack on Pearl Harbor is continuing conversely over our being surprised. After I had written the first draft of the above paper I read Stinnett's "Day of Deceit". This is a strong and recent revival of the Roosevelt plot theory of Pearl Harbor. David Kahn gave it a very strong and negative review in the New York Review of Books. This review did not succeed in killing it; in fact, I bought a paperback copy from a pile in the Des Moines airport shop. From all of this I deduce that Kahn's review was not very effective. Further there was an afterword and reproduction of some of the documents used by Stinnett that were not in my original hard back. Under the circumstances I thought it is a good opportunity to discuss both the plot theory and the general situation at the time.

Stinnett is newspaperman and does not understand, or, at least appreciate, scholarly footnote systems. Kahn complains, justly, about the impossibility of tracking down some of his sources. On the other hand, Kahn himself is not free from error. For example he says: "Stinnett claims that bearings were taken from the Philippines and Alaska and that the fix or fixes were transmitted to Hawaii." On the other hand, a little farther down in his article he says; ' Stinnett seems unaware that a single bearing does not fix a vessel's location. The line of bearing from the Philippines runs not only through the Kurile islands north of Japan, from which the strike force sailed, but also through the home waters of the Japanese fleet so it cannot be said to have located the strike force". Clearly he was sufficiently emotionally upset that he did not notice the contradiction.

This was a case in which there were many strong emotions. Devout admirers of Roosevelt could not concede that he was at fault even if the fault was an error rather than a conspiracy.

Opponents of Roosevelt like to think of him as deliberately setting off the attack. Nowhere in Kahn's account is there any admission that Roosevelt was in error. Similarly Stinnett does not look for mistakes, but conspiracy.

There certainly were enough mistakes. The special message from Marshall about the Japanese diplomatic preparations did not reach Pearl Harbor although it did reach Manila. This was a communication failure for which no one was punished or even criticized in public. Further the radar on the island detected the approaching Japanese planes. The lieutenant in charge thought they were American planes coming from California and failed to pass the message on. As a third example, in Hawaii a guard destroyer at the entrance to Pearl Harbor sank a midget submarine trying to get into the harbor and reported this fact several hours before the air attack. So far as I know this is not been investigated, but I presume his higher officers thought that he had attacked a floating log.

A Japanese Air force squadron destroyed the bulk of the American Air Force in the Philippines by an air raid on Clarke field several hours after the attack on Pearl Harbor. There's never been any explanation for MacArthur's letting this happen, but he may have had no alternatives. His Air Force was weak and prospects of either attacking Japan or successfully concealing it at other airports was probably small.

We can also ask what Kimmel could have done if he had been warned. Granted that his carriers were far to the West he could probably not have made much use of them at the time of the attack. Of course if he had advanced warning he could have seen to it that at least they retained their aircraft. It is not clear that he would have been wise to put to sea, he was after all outnumbered

particularly in carriers and if his ships had been sunk in deep water it would have been impossible to repair them. Putting them on alert would probably have been a waste of time granted the inaccuracy of the anti-aircraft equipment at that time. One of the battleships, as a matter of routine, always went to battle stations at dawn. It was sunk just like the other battleships whose anti-aircraft guns were not manned when the attack started.

If he'd known the exact time of the attack the Army commander could have put his planes in the air to defend the air space. They would have been heavily outnumbered however, and probably would only have moderated the attack. Altogether, even without the failure to get warning the weak fleet in Pearl Harbor would probably have been lost. The basic errors were made in Washington not in Pearl Harbor, but the idea of a plot rather than ineptitude is absurd.

### **III. THE COLLAPSE OF NATIONALIST CHINA**

The current intellectual view of the Communist victory in China is well summarized by Lars-Eric Nelson in a paragraph at the beginning of an article on another subject<sup>7</sup>.

Brogan was writing in the context of the debate over 'Who lost China?', which was premised on the assumption that the convulsive Chinese Communist revolution, a forty-year struggle involving hundreds of desperate people could have been thwarted, or at least turned in a positive direction, by adroit diplomacy in Washington. The inanity of the China debate was instantly apparent, yet the illusion thrives".

This is a pastiche of errors. The Manchu dynasty was overthrown in 1911. Incidentally, ineptness on the part of President Taft was one of the factors, although not the decisive factor, in this overthrow. As had happened many times before in Chinese history, the fall of the dynasty was succeeded by an armed struggle for dominance among various people and groups to establish a

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<sup>7</sup> Clinton and His Enemies, The New York Review of Books, Jan 20, 2000, p 18.

new centralized government. The country fell into a disastrous civil war with warlords controlling provinces or other local areas and at perpetual war with each other.

The Nationalists led by Chiang Kai Shek and with much Russian aid drove north from Canton and took the lower Yangste Valley. It should be emphasized that not only was the Nationalist army given much aid by Russians, but also it was then allied with the Chinese Communist Party. Further, much of the territory nominally under control from Nanking was actually ruled by local warlords, some of whom rejoicing in formal commissions as local governors.

At this point Stalin revealed his normal paranoia. He ordered the Communists in China to overthrow the then national government and take formal power. This was very badly timed and planned with the result that the Chinese communists were literally beheaded on the mud flats outside Shanghai. There were a few high ranking Communists who were safe in Moscow, and some lesser communists holding small areas in south central China. Among these later was Mao Tse Tung.

Chiang began what he hoped would be the destruction of all the other warlords and the establishment of a true central government under his control. Among the armies he wished to destroy were the communists in south central china, but they were far from his principle preoccupation. His reduction of the power of the various province governors was reasonably successful, but only reasonably. With time he might have succeeded, but he did not get that time.

His campaign did include the Communists in their enclave in south central China and was successful enough so that they decided to move to a location near the Russian (Outer Mongolian) border. Chiang made little effort to stop them; they were in essence withdrawing from a part of China where he could replace them. The warlords controlling the provinces through which they marched, in general, were willing to let them pass without much fighting as long as it was clear

they didn't intend to stay. Eventually they reached a rather poor and lightly populated area around Yen-an where the Russians could supply them.

The most powerful warlord in China had been the "Old Marshall" in Manchuria. In the 20s he had made an unsuccessful effort to establish himself as sole ruler of China, and on the way back to Manchuria was assassinated by the Japanese. His son, the Young Marshall, succeeded to the throne. He was less tactful than his father, and got into an unsuccessful war with the Russians by trying to reduce the special privileges of their old sphere of influence in northern Manchuria. He then began irritating the Japanese in their sphere in southern Manchuria. His army had been permitted to deteriorate and had demonstrated incompetence in its attempt to resist the Russian invasion that followed his efforts to establish full sovereignty in Northern Manchuria. Incidentally, the Russian invasion of Northern Manchuria was the first violation of the Kellogg-Briand pact.

The Japanese invaded southern Manchuria but politely stayed out of the Russian sphere in the north for some time. Stalin was busy domestically, and the Japanese, after a wait, took the north too. They established a puppet empire there and paused for a time.

Chiang continued his campaign to establish control over the rest of China. The elimination of the powerful Manchurian warlord regime by the Japanese was to some extent a help in this. The Chinese Communists, safe in far distant Yen-an demanded war with Japan, but Chiang who appreciated the strength of the Japanese army confined himself to protests. He surely intended war after he had been able to unite and strengthen China.

The Japanese, however, did not give him time, they continued to press into North China and in 1937 Chiang was forced, partly by Communist intrigues, to declare war. The Japanese promptly invaded and demonstrated their military power by seizing all the major cities, the Yangtze valley, and the land along most of the scattered railroads in China. The Nationalists retreated to the



provincial capital of Chungking. The Communists stayed in Yen-an, and the Japanese, who talked about anti-communism, made no real effort to eliminate them. Presumably they knew that the sensible thing to do when your enemies quarrel is to help the weaker.

The Japanese strategy, like that at Midway, was peculiar. They occupied the lower Yangtze and the land on its banks, most of the northern railroads and the coast including Canton. They then stopped and made no effort to take the rest of China until 1945, when it was too late. The railroad network was not very dense and there were large areas between the railroads and the rivers that the Japanese did not occupy. These areas remained under Chinese control and the Communists seized some of them. Incidentally, the western press referred to the communists as guerillas and either did not mention the other Chinese forces in the other unoccupied areas or called them bandits.

The Communists and the "bandits" mainly left each other alone. Both types of Chinese, after December 7<sup>th</sup>, thought that the United States would win the war for them and hence did little fighting with the Japanese. There was some fighting between the Communist and Nationalist forces trying to get in good position for the time after what they thought was the inevitable defeat of Japan, but it was minor. Neither was able to do much in Manchuria, where the Japanese were in firm control.

The point of all this, which may seem irrelevant to later events, is to show that the "40 year struggle" was fairly minor. In 1945, not only were the Communists present, but also there were many former or still warlords masquerading as provincial governors. The American Newspapers normally simply ignored the phenomenon and counted most of them as part of Chiang's government.

With the collapse of Japan and the invasion of Manchuria by Russia, everyone tried to occupy the

newly vacated areas. The Communists withdrew the bulk of their forces into Manchuria where they were re-equipped by the Russians, mainly with Japanese arms. They also acquired the Japanese armament factories there. The Nationalists moved to replace the Japanese and Communists in the rest of China although some Communists still remained south of the Great wall. The Provincial governors-warlords also took advantage of the opportunity. Most of them held formal commissions in the National army or civil service.

The Nationalists then moved north and invaded Manchuria. The Communists tried to stop them and at Su Ping Kai the Nationalists won a major victory. The United States quickly slammed an arms embargo on the Nationalists. What led General Marshall to do this is has never been explained.

Its ostensible objective was to force the Nationalists to form a coalition government with the Communists. At this time preventing such coalitions in France and Italy was a major objective of American foreign policy.

I remember seeing a newsreel in which reporters asked President Truman why he was trying to set up a coalition with the Communists in China and trying to prevent similar coalitions in France and Italy. He responded simply by saying that a coalition between the Nationalists and Communists in China was very important and did not mention France and Italy.

Chiang, now being short of ammunition stopped his offensive in Manchuria and began efforts to negotiate a coalition with the Communists, essentially because he thought it was necessary for even reasonably good relations with the United States. He even arranged to elect a national assembly. The embargo stayed on. The Communists, having plenty of ammunition refused to negotiate on a coalition and switched to the offensive. They also withdrew their negotiators from Nanking. The embargo stayed on. The Communist offensive drove Chiang to Taiwan, and the

embargo stayed on. It was only relaxed after the outbreak of the war in Korea.

It is not obvious that the Nationalists would have won without the embargo, but clearly we not only failed to support them diplomatically or materially, we took measures which greatly weakened them. None of this was a secret but seems to have vanished into the memory hole. A whole generation of China specialists did not mention it and, for a time favored the "agrarian reformers". The widespread massacre of "opposition elements" in the countryside was downplayed, but when mentioned normally approved. Apparently, many intellectuals regarded being a landlord as a capital crime.

I sometimes hear that the United States gave the Nationalists \$10,000,000,000 in arms after the Japanese surrender. I have been unable to find a printed explanation of the "gift", but I think I know what it was. As a sort of sop to those "reactionary" Americans who were not in favor of the Chinese revolution, all of the equipment left on the Pacific isles when our troops went home was given to the Nationalists about two years later. This may have been carried on our inventories as worth some thing like the above sum.

It had, however, simply been abandoned when the troops left. It had been subject to a rather wet, hot climate, and unguarded against theft. The Nationalists sent out a technical mission, which concluded it was junk. It was auctioned off to junk dealers in the United States with bids solicited for "Military equipment on Ulithi," etc. The total receipt from the auctions was about \$200,000,000. Since this money was in the United States, it was subject to the embargo and could not be used to buy ammunition or other military supplies. It had no effect on the fighting, but was useful for the Nationalists in other ways.

Whether the Nationalists would have won without our arms embargo, or even if we had given them real aid, is not clear. What is clear is that we more or less made their success impossible.

They had to economize on ammunition and the Communists, supplied by Russia, did not. Further, our obvious antagonism was bad for their morale. Our continuous pressure for them to make concessions, together with our lack of interest in getting Communist concessions, was a continual burden.

But why did we fail to help the Nationalists? At the time we were working very hard to keep Communists out of governments elsewhere in the world. Further, why the myth that we helped them as much as possible? The quotation above, which is very recent, does not take that extreme position, but it does more or less say there was nothing we could do. Let me take up these questions one at a time.

Firstly, why did we not help the Nationalists? I was in Tientsin as a Vice Consul at the time it was taken by the Communists, so I can give part of the answer from my own experience. At the time I arrived in Tientsin, about a year before its capture, everyone in the Consulate General except myself and the Commercial Attaché thought that the Communists were likely to win and produce a markedly superior government. Both of us were recent arrivals, a matter whose importance will become apparent after a few paragraphs. The Consul General himself thought he was a personal friend of Chou En-lai, the Communist foreign minister. After Tientsin was taken he quickly found out that was untrue, and the lower level Communist officials took various actions that made his life difficult.

Most of my other colleagues were similarly disillusioned. One Vice Consul told me that he had been a mild socialist until the take over, but after a few weeks he began feeling that Senator Taft could bear watching. He was typical and my immediate colleagues were representative of our whole diplomatic establishment in China. Further, our English, French, and Italian fellow diplomats had more or less the same experience.

Let me give a couple of examples of this attitude. A Fellow Vice Consul with whom I later worked in Hong Kong had been in an aid mission to China right after the war. He reported that he had continual difficulties with the Nationalist officials, but got along well with the Communists. On questioning I discovered that what he and the rest of the aid mission objected to in Nationalist behavior was that the grain being shipped into their areas was regarded by them as something they could use to pay peasants to repair various war damaged facilities instead of being distributed free with the repairs being made either by conscripting the peasants or taxing them. This was apparently a violation of regulations, but clearly sensible, even if the US agency objected.

He said that the Communists didn't do this. They did take the label which said "Gift of the American People" off, but their officials explained to him they had to in view of their political position. Children, he said, sometimes threw stones at them in Communist villages but this also was explicable given what the children were told by the local communist government. Clearly his position depended not upon the different behavior, but on a different initial position. I should say that he was not basically pro-Communist, but he was strongly anti-nationalist.

My second example involves Fu Tso-Yi who controlled, more or less autonomously, a north china province west of Peking. With the withdrawal of the Japanese he moved to Peking and was recognized by the Nationalist government as controller of that area and commander of the military there. He had acquired some foreign exchange and with the deterioration of the Nationalist position in Manchuria, he decided to get some new arms. In view of the embargo he planned on getting them from Sweden. The American Ambassador, Stuart, denounced the whole project in a circular message that I decoded as saying he was not going to permit warlords to flourish. Incidentally, the Swedish Ambassador took the same view.

Note that in essence Ambassador Stuart was choosing the Communists rather than a warlord who

was at least allied with the Nationalists. Fu took the obvious course of action.. He made a deal with the Communists in which he turned over Peking and the rest of the area held by his army to the Communists in return for being made a Minister in their government. At the time I thought he had made bad deal since I expected the Communists would get rid of him at the earliest opportunity. I was wrong. They left him in his Ministerial post until his retirement.

Both of these are merely examples of the general attitude. Nor was it confined to diplomats. Missionaries looked forward to the arrival of militant atheists, and businessmen contemplated the arrival of socialist opponents of private property with glee. The Department of State did not warn Americans to leave China, but merely said that during the changeover there might be disorder and suggested temporary precautions that might involve moving until the fighting had passed their area.

Why this attitude? Something similar had developed with the Taipings in the mid 19th century, the Boxers at the change of the century and with the 1911 overthrow of the Manchus. In my opinion, and as far as I know I am the only person who holds this opinion, it was a fundamental dislike of some aspects of Chinese culture. Further, if my theory is right, most people of western culture feel this way.

Different cultures normally differ in many ways; their moral codes are similarly different. The Chinese governments, by following the Chinese moral system were violating ours. They were, therefore, wicked and disliking them was the logical outcome. Our moral code requires toleration of different culture, but also condemning wicked practices. The two aspects of our moral code were dealt with by most of the orientalist that I knew by simply misinterpreting the Chinese moral code. In those areas where the Chinese did things that were wicked by our code, it would simply be alleged that the Chinese, with the exception of certain villainous government officials, felt the same way we did. Toleration of their differences was confined to toleration of minor items, with

sometimes references to situations where their moral code resembled ours but was stricter.

Thus the American (and British, French, etc) could claim toleration of differences while still condemning the "natives" for their "corruption", etc. I should say that native opponents of the existing regime normally repeated these criticisms to foreigners, essentially for political reasons.

Very few Americans had much experience with the Communists, and the same could be said about the Taipings and Boxers. Since they opposed the "corrupt" regime, they must really be on our side morally, and hence we supported them. Now that we are getting more contact with the Communists, we are beginning to show the same attitude to them. The people who so strongly opposed the Nationalists, however have not forgiven them. Hence the quotation at the beginning of this essay, and the continuing antagonism to the remnant Nationalists on Taiwan. In both the civil war in the late 40s and the present situation, realpolitik considerations lead and will lead to some halfhearted realization that the Communists are not our friends and hence some support for their opponents is sensible. As we learn more about the Chinese communists (if they survive) no doubt our antagonism will grow. It is essentially, although never explained in this way, intolerance of another moral system.

There were always American partisans of the Nationalists on the right, so our policy has not been unrelentingly anti-nationalist. Now that Taiwan is democratic their former enemies on the left have even begun to show tolerance for their government. Further, another historic western attitude to China has revived. In the 19th century the vast size of the Chinese market attracted many economic groups. It was said that if the Chinese added a foot to the length of their shirts, it would keep Lancashire busy for years. The low labor cost in China also attracted, and attracts, industrial interest. So far no one has made much money from this apparent opportunity, but it still clearly affects both our policy and intellectual opinion<sup>8</sup>.

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<sup>8</sup> See "Oil for The Lamps of China", a novel but a realistic picture of business in China.

#### **IV. THE KOREAN WAR AND THE ARMY OF THE REPUBLIC OF KOREA**

It is not really a secret, but also little known, that we forced the Republic of Korea to keep their army at about 100,000 men until mid 1952. Further, they were not permitted to have a real air force until well after the armistice. This is one of the reasons our forces were so severely outnumbered. Supply difficulties would not have permitted the Chinese Communists and the North Koreans to much expand the forces they had in North Korea. President Rhee wanted 2,400,000 men in the ROK army, and the manpower would have been available. After the expansion of the ROK army was put in hand in the summer of 1952, the ROK army rose to 600,000 men by the summer of 1953, well after the end of the fighting. It obviously could have been larger, although probably not 2,400,000.

How did this happen? The first thing to talk about is President Rhee. He was undoubtedly a genius. He had passed high on the old civil service exams modeled after those in Imperial China. He then went on to Japan to get a more modern education. He returned to Korea, was arrested and tortured by the royal regime. When I knew him his hands still showed signs of the thumbscrews. He then went to the United States. Eventually he got a PhD in Theology from Princeton. He was elected President by the group that tried to overthrow Japan right after World War I and was sent abroad to represent them while they engaged unsuccessfully in peaceful non-resistance against the Japanese. The first treaty between the Republic of Korea and the United States was sealed with the seal he had been given so long ago in Seoul.

He remained President in exile, living mostly in the United States and marrying a German woman who was active in Seoul politics when he returned. He came back to Korea after the war and immediately began a very popular campaign against the armistice system, including the American forces as part of it. He was a very intelligent man and with his long residence in the United States he thoroughly understood our politics. The Korean whom he made ambassador in Washington



had lived in the United States even longer and perhaps understood our politics even better.

He wanted Korea to be united and one of his favorite slogans was "March north". The Northerners also wanted it united, but under other auspices. This led to a number of armed clashes along the 38th parallel. The Americans were concerned about his starting a war with the Chinese and perhaps the Russians involved and hence kept his army small (100,000 men with no air force). At the time this wasn't a bad idea if it was assumed that the small size of his army, together with the fact that he was not given decent anti-tank weapons prevented his "March North". Unfortunately it gave the north a wonderful opportunity of which they took advantage. The poor state of the American occupation army in Japan together with an almost pathologically stupid intelligence chief who consistently underestimated the northern forces led to the early success of the Northern armies.

Diplomatically the Communists negotiated an agreement, now publicly available, between Stalin, Mao, and Kim under which the invasion would start, China would enter and Russia would provide air cover. Their air cover, incidentally, led to almost the only time that American and Russian military men exchanged shots in the whole of history. After the start of the war, the Russians provided aircraft and training to air forces for both China and North Korea, and when their air forces were adequate for the rather minor operations intermittently carried out south of the Yalu, the Russian air force, which had been badly shot up, withdrew. All three of these air forces operated out of airfields in Manchuria, which we did not bomb. We prevented the ROK from having an air force until well after the armistice.

The agreement between Mao, Stalin, and Kim specifically provided that China would enter so it was not our crossing the 38th parallel which brought them in. But all of this was largely offset by the fact that Russia was boycotting the UN and hence could not veto the Security Council resolution ratifying our entrance. Whether, if they had been present and cast a veto we would

have refrained from military action, I do not know. Recently we have been violating the UN Charter and ignoring the Security Council in many military operations, and we might have started in 1950 if we had been tempted by a veto.

Oddly, we kept the restrictions on the ROK army. President Rhee introduced conscription and put a lot of men in camps, but we refused to arm them. As mentioned above, he wanted 2,400,000 men in his army, which would be about the proportion of the adult population that France, England, Germany and Russia mobilized for World Wars I and II. We kept him to 100,000 legally although General Van Fleet cheated on his orders from Washington and got it up to about 120,000. This restriction on the ROK army is the open secret of this chapter. It is almost entirely unknown in the United States. The North with a much smaller population put about 4 times as many men into combat.

Our intelligence listed the North Korean army also as about 100,000. It could have hardly been more wrong. Nevertheless, on the basis of this poor guess, our pre-war policy was not hopelessly stupid. I should, however, say that in my opinion the estimates were formed to support the policy, not the policy based on the estimates.

But when the war broke out and the superiority of the northern forces was obvious to every newspaper reader, we stuck to our policy and G2 stuck to their 100,000-man estimate for several weeks. At the time I was studying Chinese at Cornell, and when the newspapers said that Chinese soldiers had been captured in Korea, I realized that the Chinese were in. Thus beating G2 by several weeks. G2 took the view that they were "stragglers" although what they were straggling from was not stated. This error was one of the major reasons why MacArthur disposed his troops in the north in a formation with his right flank uncovered. Peng Te Huai took advantage of the gap.

The southern army remained limited to 100,000 men. General MacArthur asked for arms to raise it to 225,000 and Washington replied that they just couldn't find the necessary arms. This absurd statement was believed, not only by the American press, but also, surprisingly, by General MacArthur. Further, when the Russian air force entered the war, G2 briefing officers made major efforts to convince the press that they were Chinese and Korean pilots who had been trained by the Russians and hence always used Russian on their radios. The Russians did eventually withdraw their air division that had been badly shot up. In the later part of the war Chinese and Korean pilots, using Chinese and Korean on their radios, took the casualties inherent in flying the Migs. We continued to prohibit the development of a ROK air force.

One of the extraordinary features of this situation is that there was little press criticism, or even mention of it. I have looked at the rather few histories of the Korean war and they normally ignore the situation until the time General Eisenhower brought it up in the course of his campaign. This led to an interesting denouement. Apparently the fact that he was going to mention it leaked and the newspapers reported his plans about a day before he spoke.

The administration, reading the papers, immediately sent off an order to Korea for the expansion of the ROK army. When Eisenhower spoke on the subject, a few hours after the orders had been changed, General Bradley said, "General Eisenhower is wrong, the expansion of the Korean army has been put in hand." The armistice negotiations had already started and it was in a real sense too late, but by the summer of 1953 when the war officially stopped the ROK army numbered over 500,000 men,. Since they were mainly just inducted, they were not very well trained, of course.

As mentioned above, General Van Fleet had cheated on his orders and actually added about 20,000 men to the ROK army before the campaign incident. He was always rather unenthusiastic about the Army high command's policies and this may have been why he remained a Lieutenant General until his retirement, although he commanded the forces longer than anyone else and, on

the whole, was more successful than the others, all of whom were full generals.

This is a bit of non-history. As I said, I have looked at the few histories of the war and none of them criticized the restriction, although it must have cost many American lives. Some did, however, mention the eventual expansion which was said, correctly, to be politically inspired. Later Van Fleet, the American general who had the most experience with guerillas, and a mostly successful experience, was being sent to Vietnam when he made some off-the-record remarks about Stephenson. A reporter printed them and Van Fleet was left in his Florida retirement. Perhaps this cost even more lives.

Many years after the end of the war I met a former colleague in political section of the American Embassy in Korea at a Far Eastern Society meeting. I remarked that it was astonishing that most historians seemed to leave out this restriction on the ROK army. He responded, "Of course, he would have marched north".

The restrictions remained on for a long while. The air force was kept weak to non-existent and post armistice precautions were taken to make sure that the petroleum supplies in Korea were very small. The ammunition supplies were also limited. Altogether the bad relations between the Republic of Korea and us continued.

As a final bit of evidence, I am a member of the Asian Studies Association that publishes a journal complete with many book reviews. It is notable that there were few books on Korea reviewed until recently. Now that there are many Koreans in the American academic community the situation has changed and Korea now gets adequate attention.

## **V. THE WAR OF THE AMERICAN REVOLUTION**

The title of this piece may surprise most readers who are accustomed to merely calling it the American Revolution. In fact it was a world war with major naval battles in the Indian Ocean, and

almost the whole of Europe involved. Militarily the American theater was a sideshow. Further, what little fighting there was in that theater normally resulted in American defeats. Washington was a very good strategist, but a poor tactician and our troops rarely stood up to a British bayonet charge.

In order to understand the war, it is necessary to give a little earlier history. The Stuarts had normally gotten on well with France, but William was violently anti-French and devoted his reign to trying to destroy them. Anne, who followed, was a Stuart and after some time made peace. The Hanoverians who followed her picked up the feud and were in general successful. Some historians refer to a "second hundred years war". The war of the American Revolution was the last of this series of wars, although American historians normally do not deal with it in those terms.

What we call the French and Indian war is called the 7 years war in Europe. England with only the support of Prussia took on almost the whole of Europe. Frederick the Great was a brilliant general, but his army was small. At one point he lost Berlin to the Russians. Surprisingly England won, taking Canada and a lot of small but important sugar islands, and most of the French posts in India from Louis XV. In India Clive won a major victory over Indian forces at Plassey with the result that England could take over Bengal, the first major European holding on the subcontinent. Spain lost Florida and the Balerics. On the continent Frederick retained Silesia. Altogether England became the most powerful nation in Europe. In an outburst of tactless bad manners, the English Ambassadors all over Europe insisted that they precede the French on ceremonial occasions.

As a result the balance of power led to a coalition against the strongest power, England. Those powers that did not actually declare war against England formed a "League of Armed Neutrality"<sup>9</sup>.

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<sup>9</sup> Students of the balance of power sometimes refer to the need for a "balancer" and say that England took that role. Necessarily they ignore the war of the American Revolution in these discussions.

Even Prussia joined. It occurred to France that since a third of the English lived on the west shore of the Atlantic, it might be possible to stir them up so that they became independent, thus greatly weakening England. Agitators, money and arms were employed to this end. Whether the American colonies would have revolted even without this support is unknown. Certainly their success would have been dubious<sup>10</sup>.

In any event the uprising was apparently popular. The elected colonial legislatures everywhere supported it and, apparently local governments did so also<sup>11</sup>.

Further, the British were unable to place small garrisons in the countryside, which made it impossible for them to get the area under their control. Their experiment in New Jersey led to the small garrisons in Princeton and Trenton being beaten by Washington's army. This was, incidentally, his only real victory before Yorktown. His strategic ability, which led him to realize the importance of an army in being which made it impossible for the British to divide their army up into small local garrisons was vital.

Why, then did the French not immediately enter the war which they had done much to stir up? I have not read any serious attempt to answer this question, so I offer my own. They distrusted the fighting capacity of the American forces. American troops could apparently not withstand a British bayonet charge. Although the British suffered heavy losses at Bunker Hill, they did take it. Franklin was welcomed in Paris, and money and supplies continued to be furnished to the

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<sup>10</sup> The next few paragraphs are based on: "A Diplomatic History of the United States", Samuel Flagg Bemis, 3rd ed., Holt, New York, 1953.

<sup>11</sup> The popularity of the revolt is sometimes denied on the basis of a 19th century statement by Adams. He said the revolution was favored by about 1/4 of the Americans, opposed by about 1/4 and the remainder didn't care much either way. Since he was talking about the French revolution, the relevance of the quotation is dubious.

revolting colonists, but France did not enter the war until Saratoga. When Burgoyne surrendered to Gage, France promptly declared war and convinced Spain they also should enter. The rest of Europe did not actually declare war, but the "armed neutrality" prevented an efficient blockade. The large Dutch navy cooperated with France and Spain<sup>12</sup>.

And they pushed the British fleet out of the channel in preparation for an invasion of the Isle of Wight. The late Bourbons were not very efficient, however, and the army was not ready, and by the time it was the allies had changed their minds. DeGrasse took a powerful fleet to the Caribbean to retake the sugar isles which had been lost in the 7 years war, and the Spaniards sent an almost equally strong force to retake Florida.

In what eventually became the United States, little happened. The British army marched from Philadelphia, beating Washington on the way to New York, which Clinton held for the rest of the war. He was watched by Washington and, after a time by Rochambeaus' French forces. There was little fighting, but the British decided they might have more popular support in the South and Cornwallis was sent there with a small force. After his successful landing, and the surrender of General Lincoln's army he faced only minor, irregular opposition from Marion. Cornwallis decided to march north and was able to brush aside Marion's forces. Major Ferguson's detached cavalry column was wiped out at Green Mountain and an American force stopped a British detachment at Cowpens. Cornwallis was however, able to continue his march north and eventually reached Yorktown.

In Yorktown he was in a familiar position for a British general, in possession of a port and awaiting the Royal Navy to reinforce or evacuate him. Washington, here demonstrated his fine strategic sense He arranged for De Grasse to come up from the Indies, thus interrupting his campaign to

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<sup>12</sup> The combined French and Spanish fleets were stronger than the British, as they were at Trafalgar.

reclaim the sugar isles, and with Rochambeau he marched south, managing to get away from New York without fighting. The march was uneventful except that the American troops refused to go on until they had been paid. The French provided the money.

The joint army at Yorktown was almost 4 times as large as Cornwallis's force. Further, although Cornwallis might have been willing to take on an American force larger than his, half of them were French. Meanwhile, the other part of Washington's plan brought DeGrasse's fleet to blockade Yorktown. A British fleet under Graves met DeGrasse off the Virginia capes, but after a brief cannonade, withdrew, Cornwallis was doomed. This tiny naval action should be listed as one of the decisive battles of history, but normally is not.

After Cornwallis' surrender the war continued, mainly without much fighting in the American Colonies, but with active naval campaigns. Suffren, the French commander in the Indian ocean, was the only French admiral who won Mahan's full approval. The largest battle of the war was fought off The Saints in which Rodney beat DeGrasse. In a way this British victory permitted the English to sign a most unfavorable peace without too much loss of face. Granted the odds against them, the British did well, but nevertheless, they were beaten. Historians frequently refer to the first and second British Empires, we were the first and the rest which, with a few exceptions, were taken after 1784, make up the second. The Caribbean and Indian situations were restored to the situation before the British victory in the 7 years war, although the British retained Bengal which had not been taken from the French originally. Spain got back Florida but the British retained Canada.

The independence of the American colonies, which was the principal French objective, was achieved. It seems likely that had the French revolution not broken out, they would have been partitioned by the European powers. Certainly the Continental Congress was worried enough to make Hamilton a lieutenant General to organize their defenses.



## VI. THE JAPANESE MOVE SOUTH

In the summer and fall of 1941 the Japanese had more or less decided to enter the war and the only major problem debated in their councils was whether they should attack north into Siberia or south into the European colonial empires. They decided to move south and a Russian spy reported that to Stalin who accordingly moved part of the army that was guarding Siberia against the Japanese to Europe. This had much to do with Hitler's failure to take Moscow in the fall of 1941.

The Navy thought it would be dangerous to move south with the American Navy free to intervene. Politically, I doubt that we would have directly intervened, but the Japanese analysis was far from stupid. We had arranged what amounted to a blockade on Japan which had no domestic sources of petroleum. The British and Dutch did not want war with Japan but they felt totally dependent upon the United States and went along with our wishes. We flatly refused to accept a compromise with Japan on China and, since blockades are normally thought of as acts of war (it was possible to do it at long range, like the British blockade of Germany in World War I. It could be argued that we initiated the war. In any event, a Japanese attack on the colonial empires with the American fleet at full strength would certainly have been dangerous.

Not long ago I read a newspaper account of a visit of Japanese veterans to Malaya. The American reporter was astounded at the statements by these veterans that they had liberated Malaya. In fact, the native populations generally greeted the Japanese with enthusiasm, although the Chinese immigrants didn't like them because of the invasion of China. They set up governments that the American press referred to as puppets, and which were certainly, not completely self-governing, but the natives were certainly more in control of the government than they had been under the former empires.

Consider the situation in France, Belgium and Italy when large allied forces were present. The local governments had varying amounts of autonomy ranging from France, where DeGaulle was hard to control to Italy where the Royal government was quite weak. The same could be said in the territories to their south occupied by Japan. In general, the governments that we regarded as puppets seem to have been accepted. After the war the leaders of these governments were not punished by the natives, and in most cases remained in or returned to power, which is fairly good proof that they were not regarded locally as merely puppets.

Long after the war, when these countries discovered that they could get funds out of Japan by complaining, the history of the wartime period was revised. Japan paid some reparations, possibly in part because the industries providing the exports to that area wanted them.

Let us go through the Imperial territories overrun one at a time. The Philippines had been promised independence in 1943 and had a local government complete with a President and an army (Commanded by MacArthur and with many American staff officers). The Army fought the Japanese, holding out at Bataan for a fairly long time, and the President accompanied MacArthur first to Bataan and then to the United States. The Japanese established the leader of the principle opposition party, Jose P. Laurel as President. After the war he returned to being head of the principal opposition party and his son succeeded him. Mr. Aquino finally ended the Laurel dynasty, but there could not have been strenuous opposition to the Japanese puppet among the Filipinos, regardless of the view of the American press.

The American forces held a war crimes trial with several Japanese generals sentenced to death. One of them, interestingly, was a member of Korean Royal house. The commanding general, Yamashita, was executed after the court martial had been appealed to the United States Supreme Court. In a dissent Murphy pointed out that Yamashita had nothing to do with the specific war crime for which he was executed.

When MacArthur landed, he quickly occupied the central Luzon plain. Yamashita withdrew his forces into the northern mountains quickly enough so that no significant part of his army was cut off by the invasion. He then held out until the end of the war. Unfortunately, a small naval unit failed to follow his orders and remained in Manila. What inspired this small ship repair unit, about 300 men under the command of an admiral, to remain is unknown.

They were not equipped with combat arms, and made themselves some spears. Using these spears they attacked several hundred Filipino civilians, mainly female, and killed most of them. They were themselves then killed. None of them survived to explain what they thought they were doing. Not only were they disobeying Yamashita's order to withdraw north, they also disobeyed his orders to treat the Filipinos as allies, not enemies. No troops actually under his control committed atrocities in the Philippines, a fact which Murphy emphasized in his dissent. Although this was a trial that the United States certainly cannot be proud of, it apparently was popular with at least some Filipinos, mainly relatives of the victims of the massacre.

Moving further south Soekarno and Hatta had been in a rather unpleasant detention center in the New Guinea jungles. As part of their defense preparations, the Dutch took them out and gave them minor positions in their government. When the Japanese arrived they were put in charge of the new government. The Indonesians and the Japanese seem to have gotten along reasonably well. The principle problem faced by the Indonesians during the war was the activities of the American submarines which cut off almost all trade.

Toward the end, when the Japanese defeat was becoming obvious, there was some tendency to abandon them, although Soekarno gave a very strong pro Japanese speech right after the signing of the surrender. Presumably information was not getting around very quickly.

In what was then known as French Indo-China the Japanese left the French in general control. The French a set of their own puppets including a nominal emperor in Viet Nam, a nominal King in Cambodia, and a set of native "rulers" in Laos. After the fall of France, Cambodia and Laos fell under Thai control. They had been taken from the Thai earlier. A few months before the end of the war the Japanese replaced the French in Vietnam, and in so doing improved the status of the native rulers. When they surrendered they let these native rulers, like Emperor Bao Dai, take complete control and it was some time before the English got troops in The French took even longer to get there and they never re-established the kind of control they had before the war.

As an interesting sidelight, Ho Chi Minh was in Nationalist south China during most of the war. He apparently thought that the French *deuxieme* bureau made it too dangerous to go into Vietnam. When the Japanese liquidated the French colonial government, he thought it was safe and went in. The initial occupation force in north Vietnam was Chinese, and they left both him and the French remnants undisturbed. When French troops arrived, the Chinese Nationalists withdrew and took no further part in Vietnam politics.. Once again, there was no effort to "punish" the people who had "collaborated" with the Japanese.

Moving to the west, Thailand was under control of a dictator, Pibul Songram, in 1941. He joined the Japanese in a rather halfhearted way. He formally declared war and made no objection, to the Japanese expeditionary force that landed in southern Thailand en route to Malaysia. He permitted the Japanese to use Thailand for logistical support, but his troops took no significant part in the war. The American air force bombed Bangkok. At the end of the war he withdrew into private life, but a few years later he returned to politics and once again became dictator. There was no sign that the Thai people found the "collaborators" in any way criminal.

In the Malay peninsula the native princes were in nominal control of most of the area, much like the native princes in India. The Japanese left them in control and after the war the British made all of them abdicate because of their collaboration. There was no sign of popular opposition to

them, and after a period they all withdrew their abdications. They remained in much the same situation as before the war until the British withdrew. At the beginning they played a major part in the new independent government, but they have been pushed into a mainly ceremonial role by the new government.

The small areas under direct English rule returned to that status at the end of the war. Singapore, Chinese in population and basically anti-Japanese, was also returned to direct British control. In spite of the Japanese invasion of China, which was resented by the Chinese population of Singapore, the Japanese seem to have gotten along reasonably well with the Chinese there.

Burma was invaded by the Japanese who immediately set up a government of Burmese who had been kept down by the British. An army was established with Burmese officers and in general the two nations got along well. When it became obvious that the Japanese would lose, the higher-ranking officers of the army prepared to change sides. They withdrew to northern Burma and converted their forces into the Burmese anti-fascist army. When the British took over the country, they kept control of the hills in the north, and eventually negotiated independence with the British.

The treaty of independence was negotiated in London by 6 high ranking members of the army that had been organized by the Japanese, but had, at the end, split of and formed the Anti-Fascist army. When the treaty was presented to the Commons for ratification, Churchill, then leader of the opposition, pointed out that of the 6 delegates three had been murdered and that the other three were in prison on charges of murdering them. The Labor benches chorused "shame" but I think they did not think the murders were shameful, but Churchill's mentioning them was.

India was not actually invaded. When the officers of the Indian Independence army suggested that to Togo, he said that an election was coming up and he couldn't afford to pay for such an operation at that time. This was fortunate for England because the entire Congress party had

welcomed the Japanese advance and Gandhi said he would welcome them in India. The English responded by putting the entire higher level of the Indian Congress party in jail where they remained for the rest of the war<sup>13</sup>.

Lower level members of the party were able to organize various local pro Japanese disturbances, but the British police and army were able to keep them under control. The British were not polite in their methods. Demonstrators were machine gunned, sometimes from the air.

The Japanese had made rather poor use of various Indian units they had encountered in the part of the empire they had overrun, but the numbers were quite small. Nevertheless, the Indian Independence Army was able to slip saboteurs into India to add to the popular disturbances.

Subhas Chandra Bose, a leading Indian politician who was something of a thorn in the side of the Congress party in early 1941 succeeded in disguise in reaching Kabul. He tried the Russian Embassy for aid, but they refused to even speak to him. He then turned to the Germans who arranged to get him to Germany. There he encountered an unexpected problem, Hitler was against independence for India. Nevertheless, Hitler arranged his transfer to Japan by submarine. He became the leader of the Indian Independence army. He engaged in radio propaganda and his forces, although of little actual numerical strength, took steps to encourage desertions by Indian troops from the army of the Raj.

He was killed in an airplane accident a few days after the armistice. He apparently intended to continue his activities from somewhere in South East Asia. If he had fallen into British hands, probably nothing would have happened to him. The other commanders of the Indian independence army were tried in India after the war. This was a major public relations fiasco for

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<sup>13</sup> For a discussion of the British Labor party attitude on the matter see "The Last Years of British India" , Michael Edwardes, Cassel, London, 1963, pp.82-3.

the British. They were defended by Nehru (an attorney) and other high-ranking members of the Nationalist party. They were found guilty and sentenced to death, but Mountbatten commuted the sentence.

The Muslims had been showing discontent with the Congress party, but Gandhi, Nehru, etc had been able to keep the movement minor. With Gandhi, Nehru, and most of the other leading members of the party in jail, Jinnah who supported the English war effort, was able to greatly strengthen his party and his demands for Muslim independence. After the war the country was partitioned, amidst an outburst of bloodshed, which looks positively Communist in magnitude if not in ideology.

Interestingly the actual partition line was drawn in such a way as to basically favor India, not Pakistan. The British left, now in power, was not interested in rewarding support of the Empire. They no doubt thought that Jinnah was on the right, and hence he and his followers should not be advantaged.

Altogether, the Japanese idea that they came as liberators was not either foolish or wicked. What would have happened had they won is hard to say. Granted what did happen when they lost, the long civil war in Vietnam and the other parts of former French Indo-China, the short but violent war in Indonesia, followed by the mass murder of the Chinese, the long guerilla campaign in Malaysia, the many misfortunes of Burma, and the long but minor guerilla war in the Philippines, its hard to feel certain the result would have been worse.

## **VII. THE PINOCHET EFFECT**

In an Editorial on the Chilean Supreme Court's decision to waive Pinochet's immunity, the Washington Post Editorial<sup>14</sup>, Persecuting Gen. Pinochet discussed "a momentous international

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<sup>14</sup> Aug 20,2000, page A28

debate on the question of whether the signatory countries of international conventions on crimes against humanity may exercise what amounts to universal jurisdiction, including ex-heads of state, from outside their own borders. Rulings by the British Law Lords, Great Britain's highest legal authority, seems to strengthen the principle of Universal jurisdiction..." It was clear what side the Washington Post took in that debate.

In the same issue Jim Hoagland<sup>15</sup> said, "International tribunals have begun to proliferate to handle the extreme cases that outrage and/or terrify international public opinion." Interestingly he then went on to say that they had also to praise the not guilty "finding by a committee that investigated war crime allegations against NATO's commanders and pilots for their 72-day bombing campaign against Serbia" This is particularly interesting because the bombing campaign was a clear cut violation of the United Nations Charter and hence a war crime. It was the use of military forces without the sanction of the Security Council and without any colorable claim of self-defense. Of course, it was not a first. We had done the same thing in Vietnam, Grenada, and Panama. We were not the only violator.

In order to clear myself of possible attacks, I should like to deviate from the main stream of this piece in order to say that I believe that most of the charges against Pinochet are true. It is also hard to like Milosevic. The theme of my argument is not that they are nice people, but that their crimes have little to do with their "legal" difficulties. They are being attacked not because of their crimes, which are real, but not remarkable in that terrible century, but because of their politics.

But returning to Pinochet, Chile was one of the few countries in Latin America that did not have a long history of coups and dictatorships. The Pinochet overthrow of the government, nevertheless, looks very much like the Latin American standard in this respect. His predecessor, who had been elected with only 36% of the vote (the two other candidates split the rest) was showing signs of

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<sup>15</sup> Ibid. Page A29



what the president of their northern neighbor called a "self coup". Whether he actually planned that is unknown, but suspicion was clearly not irrational. Further he seemed to be organizing a separate military force that might replace or subordinate the existing services. There is nothing immoral about that, but that it would make the regular forces angry is clear.

They carried out, as I said, a rather typical Latin American coup. These things tend to be rather bloody. Not only are the supporters of the outgoing administration likely to be killed, but some innocent bystanders are in real danger. Further, once established they tend to use unpleasant police methods to stay in power. Compared to Stalin, Pol Pot, Mau Tse Tung, the Viet Minh or Hitler, they are mild, but that does not mean that they respect our bill of rights.

Pinochet fitted into this pattern, but he did more. Chile, like most Latin American states was rather socialistic. He moved rapidly toward capitalism. Tariffs were cut, industries were privatized, and the social security system was also privatized. With respect to the last, the incompetence of his predecessors made radical reforms easy. The combination of inflation and mismanagement meant that the real value of the expected pensions for most Chileans was quite low. Pinochet simply issued government bonds for the "debt". He then established a pensions system based on compulsory savings and an annuity in old age.

In all of these things he was a pioneer. Privatization, low tariffs, and some sort of privatization of the old age pension system are all the rage in the present day world. The political left is in two minds about this. Really they don't like it, but they realize that nationalization of the economy failed. Consider the situation of Jack Straw who was Home Minister in the present Labor government. In his youth he demonstrated against Pinochet. He became a minister in a government that, rather tentatively, is copying his reforms. He then found himself deeply involved in settling the future of the man who introduced many of these ideas.

Pinochet, although not the beau ideal of the Chilean people, was not particularly unpopular during his reign. I was in Chile for a few days and saw him drive by. I presume his car was armored, but he had only 4 motorcyclists as an escort. I was in Jerusalem when Clinton visited it and saw him also drive by. His security precautions were a high multiple of those of Pinochet. Pinochet did not find it necessary to close off the street in front of his house. He finally put his continuance in office up to a vote, and although he lost, he didn't do badly. His policies are not only being adopted in Europe by nominally socialistic, governments, but his successors in Chile have mainly continued them.

Now all of this does not indicate that the specific charges against him are false, indeed I think they are mainly true. But I also think that these charges have little to do with his legal difficulties. In my opinion, it is his general image as a rightist that causes the trouble. No person on the left has been similarly been charged even though many of them have committed similar acts. To take but one example, Castro was in Spain when the Spanish magistrate tried to extradite Pinochet. The Chilean government promptly requested the extradition of Castro on exactly the same charges. The newspapers reported this at the time, but it was quickly forgotten. Since Castro makes Pinochet look like a piker, this would at first seem surprising. But Castro has what may be the most socialistic (and unsuccessful) government in the world. His immunity is not surprising if the actual gravamen of the charge is not killing or torturing, but successful capitalizing.

The newspapers sometimes publish lists of potential defendants in these trials. Interestingly, none of them (except Pol Pot to be discussed below) are on the left. Wulfe in Germany is a particularly interesting case. He was in charge of the East German equivalent of the Gestapo. The deal entered into by Kohl to get the Russians to leave not only involved a large sum of money to build officers quarters for the Officers who left, it also provided that no one could be convicted on the basis of activity which was legal at the time.

This not only excused all the numerous crimes of the occupation forces, it verbally meant that guards at Auschwitz were protected. There aren't very many of them around, but this aspect of the agreement seems to be completely ignored. I feel sure that if they find a German who carried out the Nuremberg laws, he would not be protected in spite of the literal meaning of the agreement.

At the time I was writing the first draft of this paper there was, in fact, an example. An 84-year-old Austrian man who was accused of being a guard at Sachsenhausen was ordered deported to Austria by a US court. The judge made it clear that this was because of his guard service<sup>16</sup>.

Of Course, an agreement by Kohl would not bind an American court. No guard from the Gulag or its East German equivalent has been charged although that would be much more recent. In any event an effort was made to prosecute Wulfe the head of the East German equivalent of the NKVD on the grounds that he had ordered the border police to shoot people escaping, even if they had got across the wall before they were seen. They would then be in West Germany, even if only by a foot or so, at the time. The German courts held that the amnesty held in this case too. Interestingly, although this was reported in the Washington Post, they did not seem much perturbed. Wulfe had killed or tortured far more people than Pinochet, who also held a legal amnesty, but the Post apparently drew a political distinction. Wulfe, however, did not get off entirely free. Before 1933 he had been a Communist activist in Berlin, and in that capacity had killed two Germans who disagreed with the Communists politically. This was not concealed in East Germany, in fact he was proud of it. The Amnesty did not cover acts before the conquest of east Germany so he was finally tried, convicted, and imprisoned for a few years. The prison would be much less unpleasant than the ones he supervised.

The Communists in the rest of the former Russian Empire have been given a complete free ride

since many of their atrocities occurred long after the end of the Third Reich, they would appear to be more easily prosecuted. Ex guards that are much younger than 84 would be available. The current head of the Russian government was a rather high official in the secret police in East Germany. He joined the service well after the death of Stalin when it had become much milder. Nevertheless he, and his colleagues who he has appointed to various high positions were far from safe from the kind of charge being used against Pinochet, except, of course, that they were in what is now perceived as the left.

In the various areas that are now considered east Europe, the situation is similar. Former members of the Communist apparatus are not prosecuted. Indeed many of them have been elected to positions of power in such places as Poland and Serbia. The United States and its allies who prohibited similar developments in Germany and Japan after the war, made no attempt to keep politicians in their more recent enemy regimes from high positions in the successors. The mere fact that a man was involved in the Great Proletarian Cultural Revolution, or pushing the boat people out to sea off Vietnam is not regarded with anywhere near the revulsion given a simple guard in a German Concentration Camp.

Pol Pot and Hen Sen were officials, in Pol Pot's case the dictator in the government of Cambodia during the period of the mass torturing and murders. Although they did not kill as many as Stalin or Mau Tse Dung, as a percentage of the population they hold the world record. After these murders Pol Pot decided to purge his own machine. Some of his officials, including Hen Sen got over the border to Vietnam in time to escape torture and death. Later when Vietnam attacked Cambodia they brought Hen Sen along in their baggage train and made him puppet ruler. When they withdrew he became dictator. Notably he and his colleagues held public denunciations of Pol Pot and those of his officials who had survived the purge in Cambodia.

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<sup>16</sup> A Reuters dispatch carried more or less unchanged by both the Washington Post and the Washington Times. In the Times it appeared on page A7, Aug 16, 2000

Eventually Hen Sen made the mistake that dictators frequently do make. He thought he was popular and held a fairly open election. He, of course, lost, but he simply stayed on as Prime Minister. For a while Cambodia had two, but the elected Prime Minister not only had no power, he began to think he would be killed and left Cambodia. No one has suggested that Hen Sen be arrested and taken to The Hague. Pol Pot, old, probably senile, and having lost all of his followers is in some danger

Milosevic is another victim of the same phenomenon. He was in fact an elected official, but in a government which is now perceived as rightist. He is far from a nice man, but he did permit an opposition to exist and hold demonstrations. They had newspapers that did face difficulties, but still existed. It is possible to argue that Serbia was as democratic as Chicago.

Milosevic did not start the ethnic cleansing in former Yugoslavia, although he participated. He and some of his officials are the only ones threatened with criminal prosecution for it. Interestingly Holbrook in his book "To End A War" mentions his effort to get the Croats to advance into territory inhabited by Serbs in full knowledge that they would carry out ethnic cleansing without the slightest signs of feeling guilty<sup>17</sup>. Nor has he been criticized for it.

Returning to South America, a minor but significant case of the violation of amnesties for rightist occurred in Argentina. During the dirty war both sides committed fairly numerous crimes. It was ended by a treaty in which the military were given an amnesty for their fairly numerous killings. For reasons that have always rather puzzled me, they did not announce the names of people they killed, and hence the term "disappearances". In some cases these people had children, and the

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<sup>17</sup> Footnote needed

military arranged for them to be adopted. At the present day this set of acts which, given what had happened to their parents, seems more or less virtuous, is being called kidnapping and the amnesty did not specifically cover kidnapping. As a result a number of officers who would have been quite safe if they had simply killed the children are in danger of imprisonment.

In Chile an equally bizarre legal method is being threatened. There too they did not announce the executions and the current government (on the left) is threatening them with charges of kidnapping unless they can prove that they actually killed their victims and hence are covered by the amnesty. Think what this would mean for former members of the Communist establishment. They normally buried their victims without any identification.

Altogether, Pinochet's difficulties come, not from his ostensible crimes, but from a worse one. He favored capitalism and proved that it worked. He will never be forgiven.

### **VIII. THE FIRST WAR THE UNITED STATES LOST?**

One of the things that are said about the Vietnam War is that it was the first war the United States lost. The people who said this were usually, but not always opponents of the war. Thus they normally did not mention the bloodshed after the end of the war or the fact that living standards fell sharply (they gave up the consumer society to quote a prominent reporter). But ignoring the merits or demerits of the war, it was the third or fourth war the United States lost. These figures do not include the various Indian campaigns in some of which our troops were less than outstandingly successful.

The very first war the United States fought, the war with the Barbary pirates, was a clear-cut loss<sup>18</sup>. The background is fairly simple. Adams had been building a navy, but when Jefferson

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<sup>18</sup> There had been a few minor clashes between frigates of the French Republic and our navy, but these never were considered a war

took over he stopped construction on the ships of the line<sup>19</sup>, kept the frigates in commission and preserved every single naval shore station, apparently for purely pork reasons. The United States thereby became a very minor naval power.

The Dey of Tripoli had a habit of sending out his ships to capture merchantmen of countries who could not protect them, and the United States was obviously an example. The ships were captured and the crew enslaved, although he was normally anxious to have them ransomed. He was willing to stop the behavior for any country that was willing to make him regular payments, and some of the other minor powers made such payments.

The Americans took up the slogan "Millions for defense, but not one cent for tribute" and sent what was left of the navy out to attack Tripoli. They based themselves in Malta and from time to time sailed to Tripoli where they bombarded the city. Although this attack on civilians rather resembled our air war in World War II, it was obviously much less effective. The guns fired round shot and the city was mainly mud brick and hence easily repaired.

In the course of one of these raids the Philadelphia ran aground and was captured by the Tripolitan forces which floated it into Harbor and put its now enslaved crew at work improving the fortifications of Tripoli. In a daring raid, indeed the only daring raid of the war, Decatur succeeded in burning the Philadelphia at anchor.

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<sup>19</sup> They were burned in their stocks by the British in the war of 1812

The Dey showed no signs of being other than mildly annoyed by the bombardment and the war might have gone on indefinitely had not the US army taken a hand. An army officer, with a few Marines<sup>20</sup>, collected another potential heir to the throne in Cairo, moved across the desert taking the second city of the kingdom, Derna, en route, and approached Tripoli with the intention of attacking it. The advance created a crisis, first for the Dey who was apparently uncertain of his ability to defend the city, granted that his relative would have some supporters within the walls, and, more importantly, for the navy which did not want the army to win the war after the navy had spent so much time with nothing to show for their efforts.

An emergency peace was patched up in which the United states paid a large ransom for the Americans held by the Tripolitanians. Thus we ended up paying tribute and clearly lost the war. We were down the tribute and one frigate while the Dey of Tripoli got the money and had his defenses strengthened by the labor of his American prisoners. The part of the wall they had worked on was called the Philadelphia bastion in remembrance of their labor. The millions for defense was responded to by laying up most of the frigates, although the pork rich shore installations were retained.

Jefferson decided he would try to put pressure on England. The English held Canada, which we wanted and had a habit of stopping American ships at sea (including at least one American frigate) and removing seamen who they claimed were deserters from the Royal navy. Modern historians agree that there were many such seamen on our ships, but it is not obvious that the Naval Officers were good at distinguishing them from native-born Americans. This led to an outburst of indignation on the part of the Americans.

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<sup>20</sup> Hence "to the sands of Tripoli"



Before Jefferson became president, Adams sent our leading diplomat, John Jay, to England to negotiate a treaty on the matter. Under the treaty a commissioner in each American port would issue a certificate that there were no English deserters on a given ship after having inspected it to make sure. For some reason this also led to an outburst of indignation, and Jefferson never even sent it to the Senate for ratification. He invented the embargo that has caused so much difficulty in the diplomatic history of the United States. The absurd idea that a third rate power, without a real navy, could coerce the then two leading powers, France and England was absurd. It did cause more difficulty for the English than for Napoleon, but England did not stop impressing our seamen<sup>21</sup>.

The situation remained in a more or less deadlock with the principle people injured being the maritime interests in New England. They were mainly federalists, so Jefferson and his successor Madison were well able to withstand their pain. Finally, just as Napoleon was marching on Moscow, We entered the war on the French side. Our major objective was Canada, but preventing impressment of our seamen was also thought important. England fought a war that strategically was defensive although tactically it sometimes involved taking the offensive. They had fought a major war with France for twenty years, and the United States had more than doubled in population since independence. Actually occupying it would have been an immense task and they didn't want to try.

Our navy consisted of a small set of very good frigates and some half built ships of the line. Our frigates distinguished themselves, but were only an annoyance to England. The British blockade of our coast together with occasional landings was also mainly an annoyance, but a more severe one than that inflicted by our miniature navy on them.

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<sup>21</sup> The Republicans were rather pro-French while the Federalists were rather pro-English

The effort to take Canada was a frost, mainly because of the poor quality of our generalship. Scott, a very young and junior general did well, thus starting what was to be a long and distinguished career. The quality of Madison's other appointees is illustrated by a general in command of 1200 soldiers near Niagara who surrendered unconditionally to an English general with 300. The American general was the only one of our generals sentenced to death by court martial. Unfortunately, Madison commuted the sentence.

The war continued badly and the treaty of peace did not mention any of our war objectives. I remember that my high school history text emphasized our defeat. Politically, however, Madison did well and was able to hand on the Presidency to another member of his party.

The third war that we did not win was the Korean affair. The North Koreans drove us back to Pusan, we then drove them back more or less to the Yalu when the Chinese, aided by the Russian air force entered and drove us back nearly to Pusan. We then recovered and moved back north to an approximation of the pre 1950 dividing line. The American generals were seriously handicapped by the fact that Maclane was the Officer in the British Embassy in charge of liaison on the Korean War. He kept the Russians and through them the Chinese fully informed on our plans. MacArthur thought somebody was betraying his plans because the enemy so often pre-empted them. At the time, there was a tendency to discount this, but we now know it was true.

In any event, the war ended more or less where it had started. After much death and destruction, nothing had been gained. We may not have lost, but we certainly did not win.

#### **IX. DID KENNEDY HAVE MORE POPULAR VOTES IN 1960?**

The table below was taken from America Votes and purports to show the popular votes in 1960. You will note that Kennedy had only slightly more votes than Nixon and neither had a majority.

Kennedy had only slightly over 20, 000 votes more than Nixon.

State	Alabama
Electoral Vote	
Republican	/
Democratic	5*
Total Vote	570, 225
Republican	237, 981
Democratic	324, 050
Other	8, 194
Plurality	86, 068D

\* Indicates six Alabama Democratic electors cast their votes in the Electoral College for Senator Harry Flood Byrd for President.

The top line on the table, Alabama, looks odd, however. "Other" got 6 electoral votes with only a little more than 8,000 popular votes while the Republicans with about 238 thousand such votes got none and the Democrats with about 324, thousand got 5. Clearly, something is wrong, and the only comment on the figures offered by the editors is that the six votes were cast for Senator Byrd.

1960 was a peculiar year. The south was in revolt against the national Democratic party and in a number of states there were electors who opposed the national party. In Mississippi they won and all of their electoral votes went to Senator Byrd<sup>22</sup>.

In Alabama the situation was more complicated. Alabama had a primary for electors and two slates one pro and one anti Kennedy ran. Five pro Kennedy electors and 6 anti Kennedy won. They were all listed on the ballot as democrats. The anti Kennedy electors carried on a strenuous campaign and the pro Kennedy electors stayed home. On election day, 324,050 voters followed

local tradition by voting a straight democratic ticket. Granted the situation at the time, and in particular the primary vote, it is not very obvious whom they thought they were voting for.

My suggestion is to say that they spoiled their ballot by not indicating whom they favored. This would give Nixon more popular votes than Kennedy, although not changing the electoral votes. It would be the second case in which a Presidential candidate with more popular votes was the loser in electoral votes.

There are two other possibilities. One is to divide the "other" vote between the two candidates in accordance with the electoral vote, giving 6/11ths of the vote to "other" and 5/11ths to Kennedy. Or we could divide the "Other" vote according to the vote in the Primary. Either of these methods would, again, give Nixon more popular votes than Kennedy.

The Newspapers and the America Votes gave all of these votes to Kennedy. This is not obviously wrong, but it is peculiar. I can think of three motives, other than dispassionate search for truth, for this allocation. The first is a feeling that we should not admit that person who stood second in popular vote was elected President. This would cast doubts on our democracy. A second is that Kennedy is a hero to most intellectuals and Nixon a villain. The anti democratic democrats in the South, most of whom were racists, were another group we would not expect intellectuals to give an even break. But although there are reasons for suspecting prejudice, probably the Scotch verdict of "not proven" will be most people's decision. Note that both sides are "not proven".

These are not the only questions about the election. Illinois was very close with the democratic vote only about 10,000 more than the republican. There have been rumors that Joseph Kennedy used his Mafia connections to get the Chicago machine to produce this majority. This is, however,

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<sup>22</sup> Senator Byrd was not running. The decision to vote for him was an effort to get revenge on the

silly. There probably has been no mid century election in which the Chicago democratic machine has not produced More than ten thousand votes from the honored dead and other illegal sources. No Mafia connection was necessary.

Texas is another state where the election system is corrupt. Further "Landslide Johnson" was on the Democratic ticket. Here the difference was greater, over 150,000, but certainly it was not beyond the bounds of possibility that the miscount was that large.

#### **X. DRUGS AND SOME REMARKS ON THE CONSTITUTION.**

I should begin by confessing my personal attitude on drug consumption. I see no reason why people cannot be permitted to consume them if they want. I have had this attitude since the 1930s although have never taken anything stronger than alcohol. It is possible to argue that drugs are a sort of trap into which it is possible to fall, and hence, that people should be protected from it. The scientific studies on the subject seem to be poor, however, and I would suggest further research rather than prohibition.

That is my personal position, but it is offered only to warn the reader. The bulk of this essay is devoted to methods of getting rid of drug addiction, not because I want to do so, but because our present methods are expensive, ineffective, and lead to severe foreign policy problems. There are cheap, effective, methods that would not necessarily lead to difficulties with foreign nations. I suggest that if we are to try to "solve the problem", we turn to these.

Before World War II, neither England nor the United States had large numbers of drug addicts. My first suggestion is that we consider their procedures. They used different methods, but both were far more successful than we are today.

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national Democratic Party. This decision was made after the election

Beginning with England before the war, any one who was addicted could get a certificate of addiction, and using it he could go to a doctor for drugs by prescription. The doctor was theoretically treating him with the intention of his eventually stopping drug consumption. The addict, however, could normally find a shady doctor who would simply give him as much as he wanted. The addict was a highly profitable patient since he paid his fee without putting the doctor to much trouble.

The drugs purchased on the prescription would be cheaper than the smuggled product and of greater purity. Thus there would be no market for the illegal drugs and the illegal drug trade would (and did) disappear. There would be no one who could profit from addicting any one, and hence no trade. The total number of certified addicts in the whole of England was around 100; most of them were medical personnel who had succumbed to temptation to sample their own supplies. In essence the procedure sacrificed the existing addicts to prevent the creation of more.

The United States followed a different and more expensive method. Drug addiction was a crime and any one arrested for it was sentenced to one of two special institutions maintained by the federal government. They were called hospitals, but were actually rather unpleasant prisons. The addict would spend about a year being gradually dried out by slowly decreasing doses. This was the standard cure method then and was very unpleasant. At the end of the cure the former addict would be released. He would have lost his physical addiction, but not his physiological one. Most of them simply stopped taking drugs at this time.

The police would watch the former addicts and if they saw signs of addiction, would arrest and test them. I am told that addicts can be detected by observation. In any event there is no great harm in being tested if the former addict is genuinely "former". He would have lost his contacts with his suppliers while in detention, and the suppliers would know that he was being watched and likely to

once again cease to be a customer shortly after they resumed the relationship. Under the circumstances, the drug trade was small, and unprofitable. The Mafia stayed away. The total number of addicts was a small part of the number at present. In both nations the "drug problem" was minor compared to today.

Adopting these procedures today in the United States would be possible, but I think very unpopular. The English procedure would involve certifying literally millions of people as addicts. The illegal trade would shrink or die, but there would be millions of certified addicts at large. Gradually they would either die of or stop their addiction voluntarily. It would, however, take a long time. The total number of addicts would be less than today, but they would be more conspicuous. My guess is that politically the procedure would fail.

The system is no longer working in England due to a peculiar by product of the National Health Service. Doctors in the service are not paid by the call. They have a list of clients and provide medical services for them as needed without specific reimbursement per time. With this fee system, the drug addict is an unprofitable customer. The doctor must give him prescriptions fairly frequently and is paid only by the year he has him on his list. Under the circumstances the doctor is likely to actually try to cure him by gradually reducing his dose. Thus there is a market for the illegal supply of drugs and a trade is gradually developing.

Attempting to apply the pre-war methods to the United States would require the building of many, many specialized prisons and training medical personnel. The cost would be immense and it seems most unlikely that it would even be feasible. Thus although these two methods worked before the war, we must either let people freely take drugs (the course I favor) or continue our present ineffective methods or turn to something new. There is another method that would work better than our present methods and I am about to outline it.

First, however, I must say something about the constitution. Most lawyers would say that the method that I propose is unconstitutional. This requires a brief constitutional discussion. The constitution is a fairly brief document, but there is an enormous library of judicial decisions interpreting, misinterpreting and applying it. Lawyers regard all of this as constitutional law, but there is a distinction. The courts having made a decision can always change it. Indeed they do so quite often. Thus a suggestion that the courts overrule one of their decisions is on quite a different standing than mending the document itself. The proposal I am about to make could be made constitutional by either method.

The problem is "search and seizure". Our constitution provides that a warrant must be obtained before search or seizure except in a limited set of situations that are not relevant to our present concerns. This is the national constitution, but many states have similar provisions in their constitutions. My discussion will be limited to the national document.

The original constitution had a massive loophole in the prohibition of non-warrant search and seizure. Customs officers may search anyone in the general vicinity of the docks. Since the federal government had little jurisdiction in the interior, and mainly lived on customs duties, it seems unlikely that the search and seizure provision seriously limited the powers of the government.

In any event, tax collection has always been given special privileges in the courts. When I was in law school we read a case in which the judge said that taxes were necessary to support the government, and in particular pay the costs of courts. Thus strict protection of the taxpayer was not necessary. Anyone who has dealt with the Internal Revenue Service or the local real estate assessment procedure will be able to testify to that from experience.

Until a little after the turn of the 20th century, the federal restriction had little effect. If the federal



officer undertook a search far from the docks without a warrant he was guilty of a minor crime, but there was no other consequence. It was easy to get warrants so the problem rarely arose. The Supreme Court, however, changed that by ruling that the "fruit of the poisoned tree" i.e. evidence obtained improperly, could not be used in court. Since this applied only to federal cases, and they were rare, the matter was unimportant.

In the days just before I was drafted and sent to Europe, my teacher of criminal procedure, an old fashioned liberal, expressed discontent with the ruling. He said that if a policeman conducted an illegal search, then the prosecuting attorney had two potential customers, the criminal and the policeman, but the criminal "should not profit from the constable error". This was my opinion, and I think very widely held.

The argument on the other side was that the prosecuting attorney would probably not prosecute the policeman, and hence illegal searches would not be deterred. There was no empirical evidence on the point, but state courts dealt with most crimes, so the matter was of little importance until the late 50s and the Mapp case. In this case, the Supreme Court held that the "fruit of the poisoned tree" precedent applied also to state courts. Some of the states had, of course, been applying similar doctrine on the basis of their own constitutions, but this decision made it nationwide.

It is interesting that at about the same time that the courts began imposing strict rules on searching people suspected of crimes, searches of all sorts of completely innocent persons, suspected of no crime or misdemeanor suddenly became routine. This originally came from a burst of aircraft hijackings, but there were also some cases of bombs on aircraft. Originally, the searches were manual, and would have led to immediate dismissal of the charges if they had been used on people suspected of other crimes without "reasonable cause".

The use of electronic procedures rather than physical search has now become common, but physical searches are still used in some cases after the electronic search. These special searches are commoner for baggage than the person, but I have had the attendants reach into my pockets when the electronic system detects metal that is suspicious. It is interesting that these searches, particularly, in the early days when the search was manual, sometimes turned up drugs. The ACLU objected to this although they did not object to the original search. In any event, in spite of the constitutional ruling, almost everyone has been searched, first electronically and then manually if the electronic search shows metal. In the early days it was all manual.

The practice has spread. Most courts follow the same procedure for everyone who enters. Many stores have electronic search apparatus on their doors, mainly to detect shoplifters. The student restaurant and bookstore in my university in my university are equipped to electronically search everyone who goes in or out, of the library. I should emphasize that I do not object to these searches, but I do object to the searches of genuine criminals being restricted. Note that the only cases in which searches of people suspected of crimes get to court are those in which they police find evidence in their search, and it is then thrown out. I suppose that a person searched without a warrant or the circumstances in which the courts permit a police search, and in which no evidence was found could sue the police. Such cases are rare to non-existent, and I suspect that juries would be sympathetic to the police if one were brought.

I may as well confess that I think I have an explanation for this apparently perverse behavior on the part of the courts. They all involve the well being of judges. Cheating on taxes might reduce the pay of judges, hence the pretty complete absence of protection against official prying in cases of Taxes. A judge can be inconvenienced by an aircraft hijacking or killed by a bomb in the luggage compartment. Certainly friends of the defendant who brought guns into the courtroom would disturb the judge. In all of these cases a search would reduce the risk. In a recent case a bystander told the police that three passengers waiting to get on a bus had guns. The police

patted them down, found the guns and arrested them. The Supreme Court freed them on the grounds that the oral report was insufficient to justify a search. If, on the other hand, they had decided to enter the court, they would have been routinely searched, electronically at first, but with a manual search if the electronic device suspected them, and arrested. Perhaps if there had been a judge on the bus the search would have been upheld.

Drunk driving raises much the same issues. A judge can be killed by a drunken driver as easily as anyone else; in consequence the police are permitted to stop people they suspect of being drunk and even set up road blocs. Further, if you are stopped for drunken driving you can be deprived of your driving license, a very severe penalty, particularly for people who need it to practice their profession like cab drivers, not only without a jury, but by an anonymous civil servant in the motor vehicle office with no hearing at all. Once again, I do not object, but I do object to the extension of the constitution to protect more serious criminals

Long ago, in my book "The Logic of the Law", I suggested that the police be permitted to search freely, but be compelled to pay a fee to the person searched equivalent to the inconvenience imposed. This would solve the whole problem. The police in order to conserve funds would only search with good reason, and the people searched would either be convicted of a crime, or reimbursed. No one but criminals would be hurt. This simple Pareto optimal solution, would I a sure, be held be held unconstitutional. To quote Mr. Pickwick, "The law is a fool and an ass."

## **XI. HE THAT TAKES THE SWORD**

In casual conversation some of my friends, particularly my liberal friends, sometimes say that assassinating Saddam could solve our problems with Iraq. When I say that assassinating a chief of state is not easy they will normally ask "Why?". This shows they have not given the matter much thought, but that is no sin. How often do the best of us carefully consider everything we say in casual conversation?

But if it is no sin to make a suggestion that you have not carefully considered, the question is still worth thinking about. Firstly, Chiefs of State normally are well guarded. The President of the United States not only proceeds in quite a caravan, but there are two limousines and which one contains the President is not announced. The Secret Service provides an extensive set of bodyguards when he is not in a car or plane.

There is also a sort of comity. If I don't try to assassinate you, you will not try to kill me. It is a sort of trade union of Chiefs of State. We will discuss this further below. Normally, although not always, our presidents do not try to kill their opposite numbers. Further, normally they are not targets of other governments. We have had 4 presidents assassinated, but in only one of these cases, Lincoln, was it a matter of a hostile intelligence operation. The others were the victims of nut cases, although Kennedy is a little different as will be seen below.

American Presidents have also rarely tried to kill other heads of State. Interestingly, Kennedy is an exception to this rule. He organized the overthrow of Diem under circumstances in which Diem would probably die. It should be said that there is no evidence Kennedy wanted him dead, but he was not particularly concerned with keeping him alive. Since Diem had the situation more or less under control, and it immediately collapsed when he was removed, this was one of the worst decisions any American President ever made.

There was also Lumumba, who had been causing difficulties for our African policy, although less violent means could have been used to solve that problem. Trujillo is a special case. He was a not very nice man who had been put in power in the Dominican Republic when the Americana forces withdrew in the twenties and remained ever since. He had one thing very much to annoy the government in Washington, but was certainly not a model ruler.

The motives for Kennedy arranging his assassination by the CIA are unclear. I suspect that Kennedy who was trying to get Castro killed (by the Mafia) thought that he had better get a right wing dictator in order not to appear too reactionary. It led to considerable other American intervention. When it looked like the Trujillo family could remain in control a major naval demonstration off what was then Ciudad Trujillo was laid on and his relatives retired to the United States to live on their ill-gained wealth. Eventually Johnson sent in the 82nd airborne to straighten out the situation. Fortunately there was not much fighting. Not much more than a dozen were killed in the operation and a respectable man became president.

This leaves Castro. The Bay of Pigs was planned under Eisenhower, but implemented by Kennedy. The original plan was decidedly a long shot, but Kennedy intervened to make it a no shot. The Kennedy family (Robert was Attorney General) then turned to assassination. CIA tried several things achieving only bad publicity and they then turned to the Mafia. Castro, of course, knew about this and began talking about it in his radio broadcasts. He pointed out that two could play at that game. Whether the Kennedy's gave up or not is still classified information. It is possible that Oswald was inspired for his attempt by Castro's broadcasts. He was certainly a careful and admiring listener. On the other hand he first attempted to kill General Walker, which seems to show he was just a loose cannon. In any event, Johnson thought that Castro might be responsible and apparently told Chief Justice Warren that he was to eliminate that question in order to avoid war with Cuba. Why he wanted to avoid such a war is not obvious. Robert was also assassinated by a nut case.

There have been several other attempted assassinations of foreigners by American Presidents. Reagan attempted to kill Khadafi by an air attack, but got only one of his daughters. Clinton's effort to distract attention from his domestic difficulties by air attacks on what he thought were terrorist bases apparently killed no one. Certainly it did not cause the terrorist any difficulty, but the innocent owner of pharmaceutical plant in Khartoum lost his plant and so far has been unable

to get compensation. The shacks destroyed in Afghanistan may have been occupied by low-level terrorism trainees. On the other hand, they may have been empty or the bombs may have hit the wrong targets.

Ignoring moral principles, assassination is difficult even if the target is merely a terrorist and not a head of state. I titled this section "Hey that takes the Sword". Why I thought that a suitable title is, I presume, obvious.

## **XII. FURTHER THOUGHTS ON THE KOREAN WAR**

At one point in time, I was the American Embassy in Korea's expert on North Korea. I was never very much of an expert, depending on the foreign broadcast interception service for most of my information. Indeed, I remained the principal expert in the department of state for North Korea after I returned to Washington. The fact that someone as junior in rank as I was the principal expert shows low priority the Department of State gave to the subject. But even though I was not much of an expert, I know more than most people on the subject.

This particular part of the paper will deal with things which although not secret were mainly not published in the newspapers. Thus in a way it doesn't fit into this manuscript. Nevertheless I will continue. Everything that I say except a few cases of internal gossip in the Foreign Service is available somewhere or other. Still it will surprise many people including people who were in the China service of the department of state.

In part is a discussion of our policy, but in part it is also a tragedy in the Greek mode. When I was in high school one of our teachers said that in each Greek tragedy there was a hero who was very heroic, but had a fatal flaw. In my case the hero of the tragedy was O Edmund Clubb.

Clubb went into the Foreign Service in the 1920s and became a China service officer for which

purpose he learned Chinese. This was during the late warlord period and each Foreign Service officer in the political area wrote papers on various warlords. Clubb became interested in the Chinese Communists and wrote a couple of papers on them. Long after, I read these papers and was unimpressed. They were mainly based on Chinese newspaper stories and like those stories were not terribly penetrating. No doubt he wrote papers on other Chinese warlords that I've never read. Nevertheless he was clearly interested in the Chinese Communists and it was impossible for him to make direct contact in China.

When he returned to the United States on leave he decided to visit one of their important American intellectual allies, the Pacific review in United States. This was of course perfectly legal and basically harmless. I could find no evidence that his meeting with them influenced him in his later work. Unfortunately, in their office he met Chambers who is also simply visiting. From what little evidence there is, the meeting was brief and unimportant.

Clubb however was ambitious. He proposed to rise in ranks of the service become ambassador in several places and perhaps assistant or under Secretary of State. When he reached the age of 65 he proposed to write his memoirs, and for that purpose he kept a detailed journal. In it he mentioned meeting Chambers and made a couple of remarks about his physical appearance. These remarks were completely harmless, but indirectly, as I will explain, they led to his being forced to resign from the service.

He returned to far Eastern service and developed a good reputation. There was only one criticism ever offered which was that he was rather verbose in his communication with Washington. At one point when he was in a small post and doing his own encoding he said: " I wished to iterate and reiterate". The junior officers who had to decode the message kept repeating this in gossip. Other than that he was liked and respected, became Counsel General in Peking and was there when the communists took the place. So far as I know his general attitude was that of the other Foreign

Service officer's and, and like the other Foreign Service officers it changed rapidly with personal experience.

In his case the change may have been less than that of other people. He had learned Russian and in World War II became the American council in Vladivostok. This was a tiny post established solely for wartime purposes because at the time considerable amounts of American military aid for Russia were passing through that port. This tiny post was an unpleasant one and they had the usual difficulties with the Russians. I can remember his wife talking a great length at parties about how difficult it was and her difficult personal relations with Russians including her maid. He was busy and I had little contact with him, but so far as I know he shared her feelings. Putting the matter more directly, he was not sympathetic with communism as a world movement although he may have at one point sympathized with them in China. If he had, he was only one of many.

The Department thought, as did I, that he had done a good job. When he returned to Washington, he was promoted to head of the China Desk. When the Korean War broke out, he obviously took an active part. After the break out from the Pusan perimeter, he began arguing against crossing the 38th parallel on the grounds that this would bring the Chinese in. At the time this did not seem particularly irrational, although I myself thought we should cross. Since at the time I was a language student in New Haven my opinion had little weight.

Now we know that it made no difference. The basic diplomatic documents have now been released. They show that Kim, Mao, and Stalin had planned War together with agreement that probably United States support for South Korea was to be expected, China would enter, and the Russians would offer air cover. This arrangement was made before the North Korea attack and long before we crossed the 38th parallel.

There is here a minor puzzle which is why the delay in the Chinese entrance. Of course, in the



early days of the War the Chinese troops were not needed. Then why were they not introduced as soon as the American forces broke out of the Pusan enclave and landed at Inchon. One would have thought they would've been prepared to move immediately when their troops were needed. Instead they permitted almost the whole of North Korea to be overrun before they entered.

I have a solution to this puzzle that so far as I know has never been mentioned in the general discussion except in a dispatch I sent back from Korea. The dispatch was classified secret but that was long ago. In any event what I am about to say also draws heavily on a paper I read to a class as a student in Cornell. In the Communists takeover there were four field armies each headed by a general who was appointed to run an area in each case of little less than a quarter of the country in the settlement at the end. The area immediately around Peking was not in any of these areas and was occupied by a fifth army that was much smaller and apparently more fully under the control of Peking.

Apparently Mao distrusted these generals to some extent. Since shortly later he removed in disgrace one of them and another died rather mysteriously charged with a plot against Mao many years later, the suspicion would not be totally unfounded. On the other hand it is doubtful that they fully trusted Mao. The actual shift of troops to Korea involved one large unit from each of these four armies and a somewhat smaller one from the Peking area. The forces were rotated and when units came out of Korea they were not sent back to their original army. I suspect that arranging all of this took time and hence explains why the Chinese did not come in immediately. Thus it would be seem that we would've faced the Chinese anyway unless we had been driven out of Pusan in the first few weeks.

The view that we brought the Chinese in by crossing the parallel is fairly widely held among intellectuals. I did not, and do not believe it, but I should say that I also was wrong on an important matter. I thought that Kim had started War all his own as result of misunderstanding

some newspaper reports from Moscow that he took as the go-ahead signal. The diplomatic documents now indicate that I was wrong which puts me in the same boat as Clubb, albeit in a different seat.

But to return to the Greek tragedy, Clubb kept a careful diary with the intent of writing his memoirs when he retired at 65. He of course anticipated, justly anticipated, that he would serve as ambassador in various places and perhaps be under Secretary of State. The diary contained some information that should be secret and hence was kept in secure custody in the various posts where he served.

When the American diplomatic establishment was removed from communist China it did not have diplomatic privileges or a courier system. Clubb deposited his diary with the British diplomatic establishment in Peking. Just a few days before the British had recognized communist China. The Chinese however had not recognized England and did not for quite sometime. Thus England had only a charge de affair in Peking, but their safes were probably secure against the Chinese. They were, however, insecure against British intelligence.

Clubb return to Washington and as mentioned above became head of the China Desk. The Korean War then broke out and Clubb not knowing about the treaty between Russia China and North Korea thought, as did many other people that China would not enter if we did not cross the 38th parallel and would if we did. He accordingly began a major campaign to influence our policy not to cross. Higher ups however decided to cross and he was told to stop making trouble. He did not so stop, and Rusk then Secretary of State decided he had to be removed in order to improve relations between the Department and other parts of the government.

This was during the period when there was considerable concern about security. As we now know this concern was not misplaced, but it was also rather helter-skelter. Clubb, like many other

officials (including me) had done various things that could be in a file as grounds for (Faint) suspicion. The Secretary of State having ordered that he be removed, the easiest way of doing so was to suspend him on security grounds for investigation. He was suspended but nothing else done for a number of months.

Meanwhile Congress heard about the matter and he was asked to appear before the relevant committee. The committee looked at the charges and decided they were nothing much, which was true. Unfortunately Chambers had remembered meeting Clubb and included it in his de briefing. One of the congressman asked Clubb about it, and Clubb replied that he didn't remember it, but it could be checked by looking in his diary. The fact that he referred to this source indicates that he also thought it was a minor matter, as indeed it was.

The committee however asked where the diary was. On being told it was in Peking, they asked the Department of State to get it. It was accordingly taken to London by British diplomatic courier and then to Washington by an American courier. It was read, not by the congressman, but by officials of the Department of State and they decided it was hot enough so it should not have been left in the custody of foreign power, even an ally. I knew one of the officers who made the decision and he was very far from a McCarthyite. It was this minor indiscretion that was the fault I've referred to in connection with Greek tragedies. He was forced to resign and a brilliant career ended in obscurity.

### **XIII. SUBMARINES**

United States entered World War I because of the German submarine attacks on shipping in the Atlantic. We not only objected to the use of submarines, but also to the particular methods they used. When Germans first began using the submarines they would surface fire a shot across the bow of merchant ship and wait until the crew were in the boats. Sometimes even giving the boats a tow to someplace near land.

Whether they would have continued with his practice is dubious but in any event Churchill then with jurisdiction over the matter ordered merchant ship's not to stop and if possible to ram the submarine. This led the submarines to change their policy, although they continued to occasionally offer some protection for the crew. This was the type of submarine war to which we took exception.

The intriguing feature of this is that in the Second World War we began with direct torpedo attacks on Japanese merchant shipping and certainly did not do anything to save the crew. Of course since they were Japanese they would probably have refused aid in any event. Nevertheless we followed in World War II the policy which when applied by Germany had led us to enter World War I. Further, although our history books normally described correctly, I've never seen one that even hints there was anything odd in this opposing pair of policies on submarine warfare.

The war in Vietnam

I'm going to start my account of our engagement in Vietnam by an incident that occurred far, far away and far, far earlier in the far Eastern library of Yale. One of my fellow students who was rather more advanced than I happened to be there at the same time. At that time French were still trying to put down difficulties in a Vietnam and we were giving them some minor assistance. Really I think it would be more accurate to say that we were not impeding them rather than the helping them. Our basic policy in the Empires, all of them, was to favor independence, and certainly most American academics favored independence under more or less socialist regimes.

My colleague, whose name I have forgotten, expressed distress that we were on the French side in Vietnam. I myself that no strong feelings about the matter, but I did know that the northern forces had strong connections with the Communists. They were in fact, of course, simply a branch of the worldwide communist movement that we were attempting to stall. At this time military situation was such that the French could've withdrawn leaving the control of the government in the hands of Vietnamese who in fact wherein favor of independence, but not

Communists. It didn't seem that the French would do this and, this being before Dien Ben Phiu; their prospects of holding on indefinitely seemed not bad.

My colleague stated fairly strongly that he thought we should not help the French in Vietnam, which was then, of course, French Indochina. Although no admirer of the French empire, I preferred it to the Communists, but I also felt it an unimportant matter from the standpoint of American foreign policy. At the time I was a Foreign Service Officer on detached duty at Yale to study Chinese, so he obviously expected me to express my views on the subject. More correctly he thought that I would express the Department of State's views.

I responded by saying that Europe was more important than Indochina and we were attempting to restore the remnant of Germany to prosperity and give it possibly a little strength. The French were impeding this and I thought an implicit trade in which we gave them some minor assistance in their empire and they at least moderated their objections to the restoration of Germany would be sensible. He did not object to my statement about the world, but said "I don't think we should do this kind of trading". Although this was only one person, his phrase stuck to my memory as representative of a general climate of opinion among academics studying the Far East.

Eventually the French gave up and after the armistice we apparently took the view that we were to some extent responsible for the southern half. We gradually increased our forces there until there were about 15,000 people engaged in various military assistance activities but not in direct combat, except perhaps as advisers to small units.

Intellectual attitudes that I have given above continued, and since the average person knew nothing about the place, the general intellectual climate continued as mildly favorable to the northern regime. The average citizen knew nothing much about the matter and objected to aggression on general terms. He also recognized the northern government as Communists and

hence opposed to us. Although the intellectuals generally disliked our feeble aid to the south, there was little effective political opposition. The likelihood that it would go into a real war was, of course, obvious.

The North had begun significant transfers of troops and supplies to support elements in the south that did not like the government on whose side we were. Further in the United States a number of Republicans had become quite strongly supportive of the south. During the 1964 presidential year two incidents occurred in Vietnam. One of these a minor brush between American destroyers and North Vietnamese torpedo boats was mentioned by President Johnson as a reason for much larger aid to the south.. The other, in which North Vietnamese supported guerrillas, shelled an American military hospital that had clear-cut Red Cross markings killed about 15 patients. For some reason Johnson did not mention this as among his reasons for sending troops to Vietnam.

We now began a very clumsy effort to intervene in Vietnam. Among other things the draft which made many, many college students eligible for combat, was so arranged that you could not tell in advance whether you were to be drafted or not. Further people engaged in advanced studies were exempted; a rule that led to a flood of people taking advance studies in areas that weren't particularly difficult, like English.

It seems likely that the actual reason for Johnson entering the war was neither the brush in the Gulf of Tonkin, nor the shelling of the American hospital. I think Johnson simply saw that it would make it much easier for him to defeat Goldwater if he stole from Goldwater his military position. In any event the sending of troops many of whom were drafted, and who were under command of a rather inept general, Westmoreland rapidly developed serious domestic difficulties in United States for the war in Vietnam, but insured Johnson's victory in 68.

We now come to the actual fighting. Johnson appears to have taken a fairly active role in the

command. It was reported at the time that he actually selected bomb targets. If the newspapers are to be believed he made the selection calls sitting on the toilet seat in the White House. Since almost all bombs were dropped over empty forest it's hard to see why anybody would be concerned about which particular trees were killed.

There were of course suitable bomb targets in the North. Hanoi almost escaped bombing until the fall of 72. It was not a major industrial city but nevertheless in World War II We blew up many harmless cities in Germany and Japan. I occasionally visit Wurzburg, a pretty little city without industry. It was leveled late in the war for no known reason. Certainly Hanoi made at least an equally worthwhile bomb target.

There were two other a rather good bomb targets. The northern boundary of Vietnam is mountainous although not a major mountain range. There were two railroads connecting with China running through this mountain range. Breaking them up by use of fighter-bombers and then keeping them non-operational permanently was militarily obvious and probably worthwhile. Certainly far more worth while than Wurzburg.

The North of Vietnam is very largely the lower reaches of the Delta of the Red River. This being on the outskirts of the traditional rice growing area of Asia it had been thoroughly converted into a long series of irrigated and drained rice paddies. Breaking up the dikes would have been an easy thing for the air force to do and it might have starved the North Vietnamese government out .We announced that we were not going to do that at the very beginning of the war.

That the North was worried about it was demonstrated when an American fighter-bomber dropped a bomb one part of a dike which had a road along top of it. The North Vietnamese propaganda agency saw to it that photographs of the bomb crater were widely distributed. Since this was an unique incident it seems likely that the fighter pilot saw the road and did not realize it was on the

dike. Presumably he had missed his assigned target earlier, and wanted to get rid of the bomb while doing some damage to the North. The issue, however, was played up in the American press, which never emphasized its unique nature.

But let us now turn to various other things that were not done although the fact that they were not done was the open secret. The first of these is blockade of the North. There was no blockade until after the '72 election when Nixon imposed a blockade and ordered a bombing of Hanoi. This speedily changed the northern negotiating tactics in the attempt to make peace. Thus the open war ended at this time to be renewed later, of course. I never saw any explanation as to why the blockade had not been put on earlier.

There was however a rather comic semi-blockade attempted. The United States tried (rather ineffectively) to get friendly countries to agree not to refuel merchant ships coming from Europe to Southeast Asia. I remember this because I was in the American Embassy in Seoul at the time and the middle ranking Foreign Service Officer who was obviously the best example of such an officer and obviously rapidly rising to the top, expressed enthusiasm for the project. I said that the only affect would be slightly reduce the cargo carrying capacity of the freighters because it would be necessary to convert some of their cargo compartments to carry fuel. The immediate response to this remark by me was sharply negative, but the following day the upwardly mobile FSO said the objective of the rule was to reduce the cargo carrying capacity of the freighters. He received general approval. Thus I can claim to have had some influence in the Embassy.

The North of Vietnam sent most supplies to the south by way of the Ho Chi Minh Trail which ran through Laos. This ran parallel to the Laotian South Vietnamese border and not terribly far from that border. We did not however make any serious effort to block it. It was bombed from time to time, but it was in the forest and only a trail anyway so this did not do very much in the way of blocking it. On one occasion the South Vietnamese army mounted a light raid on it but quickly



withdrew. The only explanation I never heard for failing to make any serious effort to block the trail was a statement by a employee of the department of state in Washington in which he said that if we moved into Laos the Vietnamese would simply move their trail westward into Thailand, thus bringing this Thai into the war. Why that was thought to be undesirable, was not explained. Surely if they were trying to defend their own territory against the North Vietnamese, their intervention in the war would've been to our advantage

What happened after the war although covered by the newspapers has been largely forgotten. I suspect that the invasion of a large number of intellectuals, who regarded their antagonism to the war and their demonstrations to that effect as a high point in their lives, means that they must forget or suppress the mass murderers that followed the Communist victory.

The first of these mass murderers occurred in Cambodia. As soon as we withdrew our forces from Vietnam, it was possible for the Communist to take over Cambodia without any interference from us. They carried off what was the most intense campaign of mass murder anywhere in the world. They only killed 2 million people but as percentage of the rather limited population of Cambodia this was a record breaker. There was a brief attempt to blame it on United States, but that faded out very quickly. Now I think you can say that the whole thing has gone into memory hole.

There were also the boat people. Apparently the Communist government in Vietnam was anti-Chinese and a large number of people, exact number is not known, were put into leaky boats and shoved out to sea. Estimates of the death rate run between three-quarters of million and million and a half. It may be that this was one of the reasons for China attacking North Vietnam. The boat people got a lot of newspaper publicity at the time and a number of people who been strongly supporting the North in the war signed a full-page advertisement in the New York Times in which they in essence apologized. The matter has, however, been largely forgotten since then.

As a final blow to the supporters of the North in United States, far from having democratic socialism, they retain their dictatorship, but have gone capitalist. From the standpoint of most American supporters of the government during the war this is a catastrophe, but from the standpoint of the Vietnamese people it is a great step forward. On the whole, they have re-achieved the living standard they had under the previous government. This again seems to be one of the open secrets with which this manuscript is concerned. I read about how prosperous they now are and about their capitalism, but never is this contrasted with the objectives backed by the American supporters of North Vietnam.

#### **XIV. AGGRESSION**

In the present-day world “aggression” is usually regarded as a very serious sin. We have several times engaged in wars against aggressors and normally regard them as “just” because aggression is regarded as sinful. As a matter of fact United States is one of histories most successful aggressor nations. We conquered almost the entirety of continental United States through a series of small but undeniably aggressive wars against the Indians who were in possession. We also made a serious but unsuccessful effort to conquered Canada in 1812. Much of the Southwest was originally taken from the Mexicans who were in occupation by two wars, one by the Texans and then, when we annexed Texas, by us. There were still many Indian tribes who did not recognize Mexican sovereignty or our sovereignty when we replaced them. The wars with Geronimo in that area were among our most difficult aggressive wars. We of course bought Florida from Spain, but only after making it clear we would compel an exit by force if they decided not to take our money.

Let us consider first the Indians. It should be said that in many cases there were European powers who claimed parts of the future United States, and they were either were forced to “cede” those parts by war, or sold them to us, but in most cases north of Mexico the area was actually controlled by Indian tribes and the European sovereignty was more or less theoretical. Until our armies had driven out the Indians it is very hard to argue that these areas were actually in our possession.

Let me begin at the very beginning with the settlement of the English colonies. Beginning with the settlements in Virginia and those in New England, colonists had gradually build up a thin layer of essentially European civilization along the Atlantic Coast of what would eventually become the United States. This colonization had proceeded by simply seizing land, sometimes compensating the Indians already there and sometimes fighting wars with them. In general apparently no one ever really considered their rights in the matter. In these areas colonial powers issued charters to

their colonists that rather assumed that they had a right to do this. Locke, for example, drew up a charter for the Carolinas in which people's ownership of land came from their farming it. He paid no attention whatsoever to the natives already there.

But it should be said that the native tribes were not absolutely peaceful. Indeed small groups of Indians tended to raid outlying white settlements. This would continue to be true almost up to the 20th century. Indeed there was one raid in which Indians attacked a federal court in the late 1980s. In what the Europeans call the seven years war and we called the French and Indian war the two major powers in the North American continent, France and England, attempted to involve the Indian tribes in their war. There were raids from some tribes on the English colonies and English entered into treaties with some of these tribes under which they would protect our colonies in return for a guarantee of their keeping's existing tribal lands. It was this guarantee that prevented or impeded the westward push on the colonists and they objected to it. Indeed the Declaration of Independence in its long list of "crimes" of the king of England said:

"He has refused to pass other laws for the accommodation of large districts of people unless those people would relinquish the right of representation in the Legislature, a right inestimable to them and formidable to tyrants only<sup>23</sup>". That it was also formidable to the Indians then in occupation was not of course mentioned.

In general most of the European powers and United States, after it became an independent country, took the view that their government had the right, as it certainly had the power, to simply allocate land now occupied by Indians to settlers. The Indians tended to object and this led to a long series of very minor wars of aggression by, firstly, the English, and then by us. In the course of these wars we created the United States in its present borders.

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<sup>23</sup> We bought Alaska and the Gadsen purchase proceeded quite peacefully although in neither case were the Indians in actual possession consulted. The same can be said about the Louisiana Purchase.

Speaking as a personal matter, my own moral code does not hold aggression as per say wicked. Those among my readers who do feel that it is always and under all conditions wicked should feel guilty at the fact that they are living on real estate that was seized by an act of aggression.

It should be said that the Indians in general lived by hunting and gathering and required a great deal of land to support individual families and tribes. Efforts were made, particularly in the Louisiana Purchase to get them to farm the land but this was in general unsuccessful. Thus land that might support 20,000 settlers was occupied by perhaps only 500 Indians. Purchase of the land was difficult because the Indians had no clear-cut tribal or family ownership. The individual tribes were in almost continuous minor wars with each other and hence purchase of land from one would not extinguish the claim of another. Nevertheless, with rare exceptions, we and the other "European" claimants simply ignored Indian rights and issued charters to settlers or in Mexico, conquistadors.

It is interesting that with the occupation of the entire United States by Americans we stopped engaging in wars of conquest. The Philippines and Cuba which we took from Spain were granted independence. Puerto Rico also taken from Spain in the same war has remained a minor burden on the United States but surely could obtain independence if it wanted it. Guam remains as a minor product of the war with Spain. In neither World War I nor World War II did we really seize real estate. The mandates in the Pacific were taken from Japan and then given independence. The net long on the effect of this will, no doubt, be that we spend considerable amounts of money supporting them in their newfound self-government.

In the late 19th century and early 20th American military forces occupied a number of minor Central American countries. In each case however we withdrew. During World War I we purchased from the Danes what is now the American Virgins and we have rented, also from the

Danes, some air bases in northern Greenland. They are spectacularly of no economic value. We have various military bases scattered around the world, but we in no case show signs of wanting to annex them. Indeed I believe that any proposal to bring the troops in Germany back home would be objected to by the Germans.

In sum, we created United States by a long series of minor acts of aggression. Since we acquired the entire continental area, however, we have not seized any the real estate of any importance by military means. Those Americans who feel that aggression is wicked can support American policy in the 20th and 21st centuries but not in the 19th.

#### **XV. THE DEMOCRATIC PEACE**

Apparently many political scientists feel insecure in their teaching that democracy is the best form of government. Thus recently there has been quite a fad in political science arguing that democracies are one way or another peaceful. It's hard to argue that the Roman Republic was a peaceful conqueror, and the Athenian democracy was hardly reluctant to get into wars. It could of course be argued that these are long ago and that maybe they're not true democracies. I suspect, however, that they are left out simply because most modern political scientists know little about them. A classical education is no longer part of the normal background of a scholar.

Since democracies undeniably were involved in two major wars in the 20th century and United States succeeded in having a major war that was entirely internal in the 19th century, this contention seems hard to support. It has then been gradually modified in order to bring it into accord with the average political scientist's gradually growing historical knowledge. The first step was to allege that democracies did not engage in aggressive wars. After this argument had gotten

into print, somebody read a little bit about the 19th century in which European democracies seized much of the world by a series of aggressive wars. Thus that particular argument had to be abandoned. I should perhaps say that in no case did anyone say that the previous argument was in error, they just stopped using it.

This leads us to the final version, which is that democracies do not fight with each other. It is to this myth that this paper is devoted. The two largest wars in recent times were the two world wars. In each of these there were democracies on both sides. This will surprise the average reader since the standard history in United States and England claims that our opponents were dictatorships. Indeed we normally call all of our opponents dictatorships. In essence the wars became virtuous because the democracies fought with, and in fact, defeated dictatorships.

Let us start with World War I. On one side was a German Empire that was a constitutional monarchy with an elected legislature that had the power of the purse. In fact it had a large number of socialist members in that legislature. Criticism of this from those who are proponents of the Democratic peace hypothesis normally point out that the upper house was elected by a method which permitted people of upper incomes to have somewhat more votes than the poor. This was true, but consider the upper house in England, which was hereditary. It is true that its powers had been somewhat restricted, but it still could exercise in almost completely effective veto.

Germany had permitted women to vote from well before the beginning of the war. England did not finish making women eligible to vote until 1931. Indeed during World War I there were many males who could not vote until the passage of the representation of the people act in 1918. The United States of course did not permit blacks living in the South to vote. I suppose it could perhaps be argued that this war does not contradict the thesis that democracies do not fight with each other because it could be argued that there were no true democracies on either side.

World War II raises somewhat the same problems in that Japan also had an elected legislature with a responsible cabinet and the power of the purse held by the legislature. The upper house was to some extent hereditary. The Peers elected some among their number to that house. The English legislature still had an hereditary upper house, but its power had been severely restricted.

During the war II I used to annoy people by asking them the name of the Japanese dictator. Sometimes they replied "the Emperor" which simply showed hopeless ignorance of the Japanese system. He was greatly respected but with rare exceptions (one of which was the decision to surrender) respected his Cabinet's advice. Even on the decision to surrender he did not go against his Cabinet, he merely introduced the surrender and might well have given up had the Cabinet objected.

A second potential dictator of Japan was the prime minister. Inconveniently, for people who favored this particular view there is the fact that right in the middle of the war he was replaced. That doesn't happen to dictators. I have occasionally encountered people who say that the military class was the dictator. This involves a peculiar usage of terms, but I suppose it could be argued that it was an oligarchy rather than a democracy. So far as I know there are no studies of how the military controlled the government if it did. Thus I have produced two wars with democracies on both sides. The second I agree is a little shaky but the first is clear.

The political scientists will have to find another argument for democracy. Fortunately such other arguments are easy to come upon. The real issue here is why this rather peculiar and new argument was ever introduced.