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CHAPTER TWELVE

SÓNG THẦN'S CAMPAIGN FOR PRESS FREEDOM

Trùng Dương

Trùng Dương, whose real name is Nguyễn Thị Thái, was born in Sơn Tây in 1944 and migrated to South Vietnam in 1954. Among the best-known young female writers in the late 1960s in South Vietnam, she is the author of several collections of short stories about love and urban life published between 1964 and 1975, including such works as Vừa Đi Vừa Ngược Nhìn (Stargazing while strolling) (1966) and Mưa Không Ướt Đất (Dry rain) (1967). She cofounded the daily Sóng Thần (Tsunami) published in Saigon during 1971–75, known for its uncompromising criticisms of the government. In this capacity, she partook in the newspaper's campaign to raise money and collect thousands of corpses of civilians killed by communist artillery in Quảng Trị during the Easter Offensive in 1972. After 1975, Trùng Dương settled in Sacramento, CA, obtained a BA degree in government-journalism and an MA in international affairs from the California State University, Sacramento, and worked for more than a decade as a journalist, copy editor, news librarian, and researcher for several local newspapers before retiring in 2006.

On October 31, 1974, the daily newspaper *Sóng Thần* (Tsunami), of which I was the publisher, was put on trial. This trial followed the confiscation of the paper's issue of September 21, 1974 for having published Father Trần Hữu Thanh's corruption indictment against President Nguyễn Văn Thiệu. There were two other dailies sharing the same fate as *Sóng Thần*, the *Đại Dân Tộc* (Great nation) and *Điện Tín* (Telegraph), but their court appearance was for a later date.

The trial drew pledges from 205 lawyers, including several prominent figures, to join the paper's defense team. It also drew mass demonstrations demanding the government, first, to deal with the corruption issue perceived as damaging to the republic's war effort against the communists and, second, to abolish a new press law that bankrupted newspapers while restricting freedom of expression and the public's right to information. Various groups demonstrated, including writers, journalists, and publishing industry workers whose lives had been hurt by the law issued two years earlier, known as Press Law 007/72, part of the National Assembly-issued Martial Law (Luật Ủy Quyền no. 005/72), June 28, 1972. The law, which "delegates the president of the republic the power to decide and issue decrees as he sees fit to deal with national situations," came after the North Vietnamese military crossed the demilitarized zone to invade South Vietnam that spring.

This chapter will examine the events leading to the protests of the press community, culminating in the trial of *Sóng Thần*. Its purpose is, first, to provide a primary source for future studies of the Republic of Vietnam, with a focus on the press, and, second, to show that despite governmental efforts in controlling the media, South Vietnamese journalists did not just submit but fought back, without communist influences as many people believed, to defend freedom of expression recognized by the 1967 constitution, and to do their job as journalists to inform the public of state affairs and the progress of the war against communism. This is a personal account of the trial of *Sóng Thần*. The main source of materials for this paper is from our paper's internal dossier compiled by journalists Uyên Thao and Lê Thiệp in 1974.¹

THE 1967 CONSTITUTION AND PRESS LAW 019/69

Following four years of political turmoil and social unrest after the overthrow of President Ngô Đình Diệm, the Second Republic was born with the promulgation of the constitution in 1967.² Section 12 of the constitution recognized “freedom of thought, speech, press, and publishing as long as it does not harm personal honor, national security or good morals.” In the same section, censorship was “abolished except for motion pictures and plays.”

Two years later, within that constitutional framework, President Nguyễn Văn Thiệu signed Press Law 019/69 on December 30, 1969.³ The new law began with chapter 1 reaffirming the constitution's Article 12, “Freedom of the press is the essential right of the Republic of Vietnam. The limits to this right are not to harm individual honor, national security, and good morals. Newspapers cannot be shut down unless by a court ruling. Censorship is not accepted.”

As for publishing, chapter 2 recognized the right of citizens or legal entities to publish. They needed only to inform the Ministry of Information via application procedures. A foreigner could also get a publishing license from the Ministry of Information at the Ministry of Interior's recommendation.

Chapter 3 set down the rights and responsibilities of the press. “The press cannot be shut down either temporarily or permanently without a judicial decision,” it stated. However, if the government believed a publication had violated national security, public order, and/or good morals, it could confiscate that issue and sue the publisher within eight days. If the government was wrong, it had to compensate the defendant. The press was forbidden to slander high-ranking officials, private persons, and the deceased.

The law also stated, “The press cannot be prosecuted when reporting or publishing accounts of meetings, presentations, political opinions by elected officials, and when quoting various sources. The press may criticize the government as long as it does not aim at propaganda.” Newspapers could use their own distribution system or hire a private enterprise, unlike under the Ngô regime, which monopolized such activity.

Although censorship was forbidden, newspapers were required to submit one or more copies of each issue, known as “*nap bản*,” to the Ministry of Information.⁴ By this provision of “*nap bản*” at least two hours before newspapers hit the streets, the ministry could advise that certain news items or sections of them be removed (“*tự ý Đục bỏ*”) if deemed as violating certain rules. I will return to further examine this “*nap bản*” issue when discussing the 007/72 decree, amending the 019/69 press statute, which became effective following the communist 1972 Easter Offensive.

No doubt the still infantile democracy of South Vietnam needed a press law. It not only ensured that the rule of law would reign but also helped stabilize the then rather chaotic journalistic and publishing activities. The publishing community now had a press law of its own, unlike before when the press was regulated by an assortment of decrees that were “extremely complicated and inconsistent,” as observed by Judge Trần Thúc Linh.⁵

THE BIRTH OF SÓNG THẦN

In 1970, South Vietnamese concern about corruption peaked with the death of Hà Thúc Nhơn, a medical doctor at the military hospital in Nha Trang killed while leading a campaign against corruption. According to Vân Nguyễn-Marshall, “the events surrounding the death of Ha Thuc Nhon were highly controversial and the details remain, even to this day, murky.” As she describes,

According to his supporters, Ha Thuc Nhon was a highly principled physician who exposed corrupted hospital administrators of the Nguyen Hue military hospital in Nha Trang city. As tension escalated between Ha Thuc Nhon and hospital administrators, he was accused of murdering one of the administrators. This eventually led Ha Thuc Nhon, along with a number of wounded soldiers who were currently patients, to take over the hospital by force. The stand-off lasted several days, ending with the death of Ha Thuc Nhon along with a number of bystanders. The government claimed that Dr. Nhon had committed suicide, but others believed he was shot by the police or someone connected to the corrupted officials. While Nhon's supporters did not condone his radical action, they believed that the severe and endemic level of corruption had driven the doctor over the edge. . . . His death moved many people in the city of Nha Trang and also throughout the country. It was reported that 5,000 people came to his funeral. Newspapers carried reports and discussion about various theories about his death.⁶

The weekly *Đời* (Life) of the famed writer Chu Tử published an extensive report of the Hà Thúc Nhơn case, written by journalist Uyên Thao, who was the weekly's managing editor and a close friend of mine. With the support and encouragement of many *Đời* readers, the two, along with like-minded intellectuals, professionals, and elected officials, established the Hà Thúc Nhơn anticorruption group in November 1970, using *Đời* as the organization's mouthpiece. However, they felt they needed a daily, but none of the group's few members, who had been blacklisted by the government for their adversarial activities, could get a publishing license. One day as I wandered into the office, Uyên Thao casually asked, “How about you apply for a publishing permit?” I remembered staring at him and saying, “Me? You must be kidding. I'm a fiction writer, not a journalist. Besides, you need to have lots of money to publish a newspaper.” Uyên Thao said the Hà Thúc Nhơn group already had a plan.

And a plan it had. The daily *Sóng Thần* was born in September 1971 as the first ever cooperative newspaper in the history of the Vietnamese press, funded in part by sales of shares to concerned citizens from all walks of life. And that was how I became involved in journalism, out of idealism—fighting corruption for a better and just society, like the hundreds of people around the country who bought shares. According to Vân Nguyễn-Marshall:

People were encouraged to contribute by buying shares and thereby become collective owners of the paper. The Hà Thúc Nhơn group estimated that it would need 10 million *Đông* (\$25,000) to begin publishing and wanted to raise half this amount through selling shares and the other half through loans. In order to allow people of all economic circumstances to participate, shares were available at a low rate. People could contribute as little as 500 *Đông* (approximately \$1.30) and as much as 500,000 *Đông*. As explained in a *Đời* article, every six months dividends would be assessed and sixty percent of the profit would go back to the shareholders, while the other forty percent would go to pay for employees of the daily (20%), reinvesting in the paper (10%), and help support the work of the group (10%). The management committee for the cooperative would be elected at an annual general meeting to which all shareholders would be invited.

Again, according to Nguyễn-Marshall,

This list of shareholders and the amount of their contributions demonstrate the geographic and economic diversity of *Sóng Thần*'s supporters. While many contributed on average between 20,000 to 50,000 *Đông*, there were some who contributed only 500 or 1,000 *Đông* and a few who could afford to buy 50,000 *Đông* worth of shares. Some contributors wrote letters of support, which were published in various issues of *Đời*. Huỳnh Trung, a supporter from the rural district of Xuyên Mộc, explained that he bought shares not for financial gains, but in order to be among the ranks of those fighting corruption. Vĩnh Linh of Qui Nhơn city explained that he would skip breakfast and reduce his smoking in order to buy more shares in the near future. Lê Kim Hiền, a low-ranking military officer's wife with six children, had debated whether or not their modest income could be stretched in order for her to buy shares. Fortunately, her pig gave birth to ten piglets and the sale of these enabled her to pay for her children's school tuition and clothing, and to buy two shares of *Sóng Thần*.

By August 20, 1971 the paper received a little over 3.5 million *Đông* from 209 people (averaging 17,000 *Đông* or \$43 per person). While this was less than what the newspaper organizers had hoped, it was still a substantial and impressive amount of money to raise.⁷

We were able to borrow money to pay for the rest, thanks in part to journalist Chu Tử's past reputation as a successful fiction writer and publisher/editor. Chu Tử, a Northerner who was born in the same city of Sơn Tây as I, had previously published the daily *Sóng* (Live) in the mid-1960s. The paper, widely circulated, was later shut down by one of the short-lived governments during the turbulent years between the First and Second Republics. In mid-1966, he was also a target of communist assassination along with Từ Chung, the managing editor of the daily *Chính Luận*. Từ Chung was shot dead in front of his house as he returned home for lunch, just a few months before a failed attempt on Chu Tử's life that left him seriously wounded and handicapped.⁸

Thanks to its characteristics as a cooperative, *Sóng Thần* was also the first daily that maintained several regional offices in Huế, Quảng Ngãi, Đà Nẵng, Qui Nhơn, Đà Lạt, Nha Trang, Pleiku, Phan Rang, and Cần Thơ. Such provincial presence helped not only to reflect local issues and perspectives, but also to keep a check on local governments through investigations of residents' grievances.

The publication of *Sóng Thần* came amid the controversial one-ticket presidential election (after other candidates withdrew to protest perceived governmental manipulations) in September 1971, which reelected President Nguyễn Văn Thiệu for a second term. The paper was widely received, reaching at one point one hundred thousand copies in circulation, thanks again to the reputation of Chu Tử and to the fact that it was a collaborative enterprise, making it a so-called people's paper. Thanks to the paper's presence through regional offices, *Sóng Thần* could run several unique news stories that most other Saigon-based newspapers could not as most of them relied on press agencies such as the state-run Việt Tấn Xã (Vietnamese News Agency) and foreign news organizations.

THE MARTIAL LAW 005/72 AND PRESS LAW 007/72

This provincial presence of *Sóng Thần*, while serving as a check on local authorities besides news gathering and advertisement sales, proved to be a big asset when the Easter Offensive occurred in early 1972 as Hanoi sent tanks rolling south across the demilitarized zone to attack Quảng Trị, and the paper's local correspondents could provide breaking news and detailed, vivid reports from the battlegrounds. The paper's two daring young reporters Ngy Thanh and Đoàn Kế Tường of the provincial offices, themselves active servicemen, were the first to enter and report about the so-called Đại lộ Kinh Hoàng (Highway of Horror), a stretch of road of a few miles between the cities of Quảng Trị and Huế, where some two thousand people, mostly civilians with many women and children, perished by communist mortars from the eastern range of Trường Sơn while they tried to flee to Huế. *Sóng Thần* later started a campaign to raise funds and help collect 1,841 remains of these victims for burial. Nguyễn Kinh Châu of *Sóng Thần*'s Huế office undertook the humanitarian work with help from several volunteers. The so-called *Hốt xác* (Collecting corpses) campaign lasted several months while battles were still raging and civilians were forbidden to enter the area to look for missing loved ones.⁹

The war intensified, and as a result, the government saw the need to tighten control of the press again. The National Assembly passed Martial Law on June 28, 1972, empowering President Thiệu to issue laws as he saw fit. This law was to last for six months, meaning it would end on December 28 of the same year.¹⁰ The decree 007/72 became the new Press Law beginning August 4, tightening the government's grip on the press. While still recognizing freedom of expression and publishing according to the constitution, the new law laid down new restrictions, of which two stood out: each daily must deposit a sum of 20 million Đồng (about \$50,000), 10 million Đồng for each periodical, and so on; and each newspaper was required to "nạp bản" a few copies for review of each issue four hours (instead of two as in the 1969 law) prior to distribution, therefore further delaying its distribution in an intense competition among dailies. During those agonizing hours for a newspaper, ministerial personnel would scrutinize the paper's content to ensure no violations of any of the restrictions listed in the new Press Law. If any violation was detected, the paper was to remove it or the issue would be confiscated. Where the content removal occurred, the paper had to write in that slot this ridiculous phrase, "tự ý Đục bỏ" (voluntarily deleted). Confiscations of issues perceived as violating certain restrictions still occurred at an alarming rate as the war intensified, the public was hungrier for news, government personnel were stressed out searching for perceived violations, and the newspaper ran out of time to run the press then package its product in time for distribution.

Confiscation was damaging to the newspaper's finances as it caused the loss of readers and advertisements—the only two sources of revenue for most publications.

If the “*nạp bản*” and “*tự ý đục bỏ*” practices killed a newspaper slowly, the required deposit of 20 million *Đồng* gave newspapers an instant death, if publishers could not come up with the cash. The 007/72 decree said the deposit was to ensure that a newspaper had funds available to pay for possible fines. For publishers and journalists, the decree raised the question of how they could have such a huge amount of deposit to continue publishing, not to mention how to feed their families should they become unemployed. The 20 million *Đồng* deposit was twice that of the fund required to publish *Sóng Thần* when we started a year before. Several newspapers closed, due to an inability to come up with the deposit. Veteran journalist Trần Tấn Quốc shut down his four-year-old, respectable daily *Đuốc Nhà Nam* (Southern torch) in protest although he was financially able to pay the deposit. There were about sixteen dailies and fifteen periodicals that had to cease publishing. The *Sóng Thần* staff debated in anguish on whether to continue. We decided to raise funds again and borrow the rest.

According to the state-run *Việt Tân Xã* issue of September 16, 1972, a total of twenty-nine dailies met the deposit deadline to continue publishing, including seventeen Vietnamese, eleven Chinese, one English, and five periodicals. Among the dailies, two were state funded and at least two known among the press community as communist sympathizing.

The 007/72 decree was believed to “prevent disorders on the home front and infiltrations of communist operatives in the mass media,” according to the author of *Lược Sử Báo Chí Việt Nam*, compiled as a high school textbook for twelfth graders, with a progovernment view. What happened in the next two years, however, proved to be the opposite of preventing “disorders on the home front.”

TUMULT BEFORE THE TRIAL

On August 31, 1974, two years after the implementation of the 007/72 press decree and twenty months since the supposed expiration of the Martial Law, the daily *Hoà Bình* (Peace) declared it had to cease publishing after many a confiscation that had bankrupted the publication. In an open, rather emotional letter dated the same day to the president and the prime minister, the publisher/Catholic priest Trần Du accused the government of violating the constitution and freedom of the press.

Built upon the tragic *Hoà Bình* demise, the editorial board of *Sóng Thần*, which had suffered several confiscations itself, launched a campaign for freedom of press with an editorial titled “The National Assembly and the Government must bear the responsibility for the crises harmful to the Fourth Estate of Vietnam,” published on August 31, 1974. In this article, the editors pointed to two main causes for the crisis of the publishing industry and the press in particular: the Press Law 007/72, and the narrow-mindedness of those in charge of its implementation at the Ministry of Information.

The next day, on September 1, *Trung Tâm Văn Bút Việt Nam* (PEN Vietnam, a member of International PEN), then headed by the respectable scholar Thanh Lăng, a Catholic priest and author of several books on Vietnamese literature, called an emergency meeting to discuss the *Hoà Bình* issue and government publishing policy. The 160-plus-member PEN Vietnam had to be concerned. Several writers made a living by writing serial fictions, known as *feuilleton*, for dailies, and for many writers, that was their main source of income. Thus, with the closures of several dailies and periodicals due to the harsh “*ký quỹ*” (deposit) requirement imposed by the 007/72 press

decree, several writers, journalists, and other publishing workers had become unemployed. Some estimated the unemployment rate was about 70 percent for the press, but no such estimates were available for other publishing activities. PEN Vietnam later issued a proclamation to denounce current press policy and support the campaign for press freedom.

The next day, September 2, Minister of Information Hoàng Đức Nhã explained that the confiscation of *Hoà Bình* was not a work of negligence of his agency. Dismissing any speculations or conspiracy theories regarding the *Hoà Bình* shutdown, including religious oppression (the daily was owned by a Catholic priest), the minister said he was seeking a dialogue, having sent a letter to the president of the Association of Newspaper Publishers (Hội Chủ Báo) to request a meeting date be selected so he could clear up any misunderstanding.

The minister's letter of invitation addressing the president of the association, Senator Tôn Thất Đỉnh, was published in newspapers on September 4. The date of September 10 was selected for the meeting. Before then, however, the press community was swept into yet another unnerving incident, involving one of the most respectable dailies, *Chính Luận*, and even more disturbances that would follow.

In its September 3, 1974, issue, *Chính Luận*, known for its solid reporting with few confiscations and thus enjoying a steady revenue from subscribers, paper sales, and advertisement, raised an alarm after its managing editor Thái Lân and journalist Ngô Đình Vận were detained because of a news item about the smuggling of fifteen thousand tons of copper worth 7 billion Đồng by a high-ranking official at the prime minister's (PM) office, Huỳnh Huy Dương, who had forged the PM's signature. *Chính Luận* reporter Ngô Đình Vận picked up the news item at a daily briefing at the Ministry of Information along with other reporters. The report in the daily's July 4 issue when submitted at the ministry prior to press run was not recommended for "tự ý Đục bỏ" ("not even a comma," meaning harmless, *Chính Luận* reported). However, the daily said the very next day it received a phone call from the PM office requesting a correction of a few details that might create misunderstanding, with which the paper dutifully complied. Then a week later, on July 11, the paper's managing editor Thái Lân was summoned to the National Police Headquarters and questioned from morning until 6 pm. In the following days, the reporter of the copper-smuggling news, Ngô Đình Vận, was also summoned several times to the National Police, then wound up being detained for the last three to four weeks. Thái Lân had also been ordered back for further questioning, and on August 31 he was detained until the afternoon, had to surrender all personal information along with fingerprints, then was told to return Monday, September 2. When he returned as told, he found himself sent to court.

Meanwhile, also on September 4 when *Chính Luận* raised the alarm, eleven elected officials of an opposition group called Quốc Gia in the National Assembly declared their support for the press's campaign for freedom of expression and removal of decree 007/72. In response, government spokesman Nguyễn Quốc Cường said during a daily briefing that these elected officials were too quick to jump to such conclusion. He also criticized PEN Vietnam's September 1 letter of protest as the work of some "erroneous and ambitious individual," who had "smeared mud on his own shirt and then asked foreigners to help clean it" by sending it to international organizations, while refusing the invitation of the minister to come and discuss writers' grievances. The spokesman's remarks had helped open a can of worms.

PEN Vietnam immediately responded with a long letter dated September 4, 1974, stating it had never received any such invitation while it had actually requested twice,

in vain, in early 1973 to meet with the minister to discuss its members' grievances, followed by a total of twenty-eight letters specifically listed in the PEN Vietnam letter, asking for help from the president, the vice president, the prime minister, various ministers, and various culture-related committees in both houses of the Congress. With no responses to their plight, therefore, PEN Vietnam had no choice but to ask for help from International PEN for the first time on December 9, 1973, after a meeting attended by over two hundred writers, artists, journalists, and heads of publishing houses, who all signed a declaration on the crisis of current publishing situations. The government spokesman's criticism was, therefore, groundless, if not "malicious," the PEN Vietnam letter concluded.

Following the September 4 letter presenting its case to the public, PEN Vietnam decided to hold a conference at its headquarters on Đoàn Thị Điểm Street, but the area was cordoned off by several police and ministerial personnel, who told those arriving for the meeting that it had been cancelled. The meeting took place nevertheless among a few members already present inside the club. And again PEN Vietnam issued a letter of protest. *Sóng Thần* reported the whole incident in its issue of September 6, 1974.

Also on September 4, two incidents occurred: *Sóng Thần* was sued by Vice President Trần Văn Hương for having "slandered and defamed" him; and another twenty-five elected officials known as the Dân tộc Xã hội (National-Social) bloc of the lower house headed by the famed lawyer Trần Văn Tuyên announced their support for the campaign for freedom of press. Together with the eleven-member Quốc Gia group mentioned above, they issued a declaration promising to work with other progressive groups at the National Assembly to achieve democratic goals that included freedom of press.

The next day, September 5, a Committee for Freedom of Press and Publishing was established with members from various organizations including the Association of Publishers, the unions of journalists and distributors, PEN Vietnam, elected officials, intellectuals, professionals, and the Society for Human and Civil Rights Protection. The next day the committee issued a declaration dated September 6 to demand the government to withdraw all decrees and to cease its campaign aiming at suppressing freedom of expression that adversely affected the livelihood of reporters and writers, among others. On September 7 the Union of Reporters released the content of an urgent telegraph to the International Unions of Reporters in Brussels to inform and request support for the struggle of Vietnamese journalists.

As the campaign for press freedom gathered momentum in Saigon, on September 9, breaking news came from the city of Huế. Father Trần Hữu Thanh's group of 301 Catholic priests, the People's Front against Corruption, for National Salvation and for Building Peace, announced it would join the press campaign. The group released its six-point accusation of corruption against President Thiệu.¹¹ Wasting no time, on September 10 the Ministry of Information issued an order forbidding newspapers to publish the document. However, *Sóng Thần* went ahead and published a summary of the indictment in its next day's issue. At 2:30 pm the same day, upon receiving the "nạp bản" copies of the paper, the ministry again repeated its order, demanding the paper to "tự ý đục bỏ" the summary, and *Sóng Thần* adamantly declared it "cannot publish at government order." At 3 pm, police surrounded the paper's printing plant, insisting "if the paper refuses to 'tự ý Đục bỏ' the item, then the edition will be confiscated." *Sóng Thần* assistant publisher Hà Thế Ruyệt, also a Saigon city councilman, supposed to be among the publishers meeting with Minister Hoàng Đức Nhã as previously

scheduled, declared he would not “go and meet with the minister if the issue is confiscated.” However, the police still surrounded the printing plant to prevent the paper distribution. At 4:30 pm, the ministry confirmed the paper would not be confiscated, and a *Sóng Thần* representative agreed to meet with the minister.

However, what happened afterward revealed the opposite from what *Sóng Thần* had been guaranteed. Thus, we learned of another set of tactics used by the Ministry of Information: Scores of ministerial personnel descended on newsstands and bought all available copies, as newspaper sellers later informed us. Meanwhile, at other newsstands, confiscations occurred, and sellers even got actual receipts for the confiscated copies stating that the issue had been printed in two different editions, which was against the 007/72 decree forbidding newspapers to publish different editions of one issue. However, it was difficult to abide by such a rule because of the “tự ý đục bỏ” system: from the time a newspaper submitted its copies for review at the ministry until it could hit newsstands was a good four hours, during which several “tự ý đục bỏ” recommendations reached the printing plant, where distribution staffers were impatient to roll the press while newspaper sellers waited outside, equally impatient, to grasp whatever bundles were just off the press for delivery, especially when an issue carried a hot news item. Therefore, it was inevitable for the press to run, then stop for certain “tự ý đục bỏ,” then restart, and so on. More than one edition per newspaper issue, therefore, had become unavoidable, an unwritten norm. *Sóng Thần* felt it had been betrayed as its representative had been promised that the issue would not be confiscated as a condition to meet the minister.

The entire incident was reported in the paper's issue no. 973 dated September 13 in the form of a letter of protest to the Council of the Press (Hội Đồng Báo chí, a civilian body established by the Press Law but consisting of at least two members from each publication, the publisher and a reporter). “We determine that the life or death of a newspaper is not important. However,” the letter concluded, “the life or death of a free press goes hand in hand with the very existence of the regime. In the current situation, the absence of any [free] newspapers due to oppressive measures above poses a serious threat to the regime's democracy.”

Meanwhile, a flurry of declarations from various organizations, including PEN Vietnam and the Cooperative of Periodicals, demanded the press decree to be dismantled. The latter claimed the decree had killed 150 periodicals, leaving a mere four, due to the required deposit of 10 million Đồng per publication. On September 12, the Association of Newspaper Publishers issued a five-demand list to the government: (1) remove both Press Laws 019/69 and 007/72 and replace them with one that is based on the constitution's Article 12; (2) cancel all press violation cases, including those that have been tried and those that still await their day in court; (3) end all government harassment of publishers and reporters, which goes against the principle of freedom to perform one's profession and freedom of press, and release currently detained reporters; (4) abolish the deposit requirement and terminate confiscations while awaiting a new press law; and (5) allow all publications that had been shut down due to the Press Laws 019/69 and 007/72 to reopen. At 7:30 pm the same day, a symbolic gesture took place at the National Assembly's conference hall when Hà Thế Ruyệt publicly set a copy of decree 007/72 afire. About two hundred participants including assembly officials, publishers, editors, reporters, religious members, and lawyers, placed themselves under the protection of the constitution's Article 12.

On September 16, Nguyễn Liệu, a member of the Hà Thúc Nhơn anticorruption group, wrote an opinion piece suggesting President Thiệu should resign in order to

preserve his leadership's integrity and avoid disorder for South Vietnam. The next day, in the September 20 issue, *Sóng Thần* columnist Lý Đại Nguyên reviewed the past seven years under President Thiệu, who had campaigned in 1967 promising "to end the war, promote democracy and reform society," but none of these promises had been fulfilled. Also in the same issue, the paper announced it would publish the entire four-thousand-word corruption accusation by Father Thanh's group against the president in the next day's issue. The issue was ordered confiscated by the Ministry of Information. Instead of letting the police take the freshly printed copies away, *Sóng Thần* decided to set them on fire as their staff, printing shop workers, and newspaper sellers stood by watching mournfully. Among those witnessing the newspaper's "self-immolation" were representatives of the international press corps.

The daily *Chính Luận*, in its next day's issue, reported the entire incident in a detailed narrative of the press campaign for freedom of expression since the demise of *Hoà Bình* twenty days before, under the headline "*Sóng Thần* sets self afire against press oppression." The daily *Trắng Đen* ran a special banner across its eight-column front page of the issue no. 2226 dated September 21: "We protest the government's confiscation of *Sóng Thần*." The Civil Rights Group (Nhóm Dân Quyền), a group of sixteen elected officials in the National Assembly who in 1972 had opposed the Martial Law, also issued a declaration in support of the press campaign.

In a show of solidarity, and with the support of the Committee for Freedom of Press and Publishing, which had met till 10 pm following the paper-burning incident, five other dailies announced they would also publish the entire anticorruption exposé. In the end, however, only two papers, *Đại Dân Tộc* and *Điện Tín*, remained committed to share the journey with *Sóng Thần* and published the entire four-thousand-word document in their issue dated September 21. Anticipating confiscations, the committee mobilized supporters to come and protect the printing plants of these dailies, which were already surrounded densely by the police since the early afternoon of September 20, awaiting orders from the Ministry of Information. When such orders arrived in the late afternoon, the three dailies with the help of supporters chose to toss freshly printed copies to the public crowding the streets in front of their printing shops, and setting remaining copies on fire. The daily *Công Luận* dated September 24, 1974, had a detailed report describing the day's turbulence by the hours.

The last week of September saw the press community in a so-called confiscation and burning fever. To add fuel to the crisis, Minister of Interior Lê Công Chất, whose agency would initiate lawsuits against the three dailies, said during a hearing at the National Assembly that those who had burned the papers would be prosecuted for having "destroyed the evidence." Despite the government threat, on September 28, the Association of Newspaper Publishers of nineteen dailies, including those in English, French, and Chinese, met to examine the dire press situation after the release of its five-demand letter of protest two weeks prior to no effect. Toward the end of the meeting, the association issued its Declaration No. 1 reaffirming its stand by placing the press under the protection of the constitution's Article 12, demanding that the government cease all measures against the press and be accountable for all consequences, and calling on all newspapers and periodicals to cease publishing until its demands were met.

On September 30, thirty-seven assemblymen of the opposition signed a letter of protest to Prime Minister Trần Thiện Khiêm, warning of increasing communist risks as "the entire regime is on the road to self-destruction for having wiped out the basic freedom and becoming an enemy of the people." On October 1, just one

day before President Thiệu was to speak on the state-run television, the archbishop of Saigon released an announcement signed by Archbishop Nguyễn Văn Bình affirming the church's stand for what was right and fair and encouraging its members to engage in the struggle for a better society. Meanwhile, calling themselves Legion of Activist Lawyers (Lực lượng Luật sư Tranh Đấu), eighty-five members from the Association of Attorneys issued a proclamation affirming that South Vietnam must exist beyond the communist realm as defined in the constitution, and the rule of law must be respected, and pledging to stand by the people in their struggle for freedom and a corruption-free society.

On October 2, all South Vietnam was glued to television screens to watch the much-anticipated address by President Thiệu. According to a declassified U.S. State Department cable dated October 3–9, compiled from various sources across South Vietnam on reactions to the presidential speech, “the speech was too long (2 hours) and that its rambling, extemporaneous format weakened its impact.” According to the cable, Trần Quốc Bửu, leader of the Vietnamese Confederation of Labor, was disappointed that Mr. Thiệu failed to address recent criticisms and that he suggested no solutions to the problems of South Vietnam or mentioned the problem of his government's performance but blamed current difficulties on outside factors (e.g., foreign aid reduction and the communists). Summing up these reactions to the speech, the cable stated,

Most other newspapers paralleled the views of the independent, though somewhat strident Saigon Daily, Song Tinh [*sic*], which reported that “Contrary to the expectations of the people, president Thieu . . . did not directly answer (Father Tran Huu Thanh's) Indictment No. 1 in which the anticorruption movement charged (Thieu) with corruption practices.” What he did say was, “I assert that these slanderous and defamatory allegations are in fact exaggerations and pure fabrications.”

The positive reports about the speech came from a few progovernment publications, the cable noted.¹²

Meanwhile, the living conditions of unemployed reporters and publishing workers had reached a point that the three organizations of Vietnamese Union of Reporters (Nghệp Đoàn Ký giả Việt Nam), Union of Southern Journalists (Nghệp Đoàn Ký Giả Nam Việt), and Association of Journalists (Hội Ái Hữu Ký Giả) felt they could no longer afford not to do something, even only symbolically. Having seen their funds depleted from helping members' families, in order to show their support for one another and at the same time to draw attention to their plight, these groups on October 4 announced that October 10 would be Reporters Go Begging Day (Ngày Ký Giả Đi Ăn Mày). The groups also issued their statement regarding the president's October 2 speech, demanding that he withdraw his negative remarks about reporters as extortionists (“ký giả đi làm tiền”) and the press as serving as loudspeakers for communists (“báo chí là ống loa của cộng sản”), and that the government abolish decree 007/72 that was destroying the free press and their livelihood.

On October 10, the symbolic Reporters Go Begging Day took place in downtown Saigon, attended by hundreds of journalists, elected officials, veterans, and prominent figures, such as Fathers Thanh Lăng and Nguyễn Quang Lãm marching side by side with scholar Hồ Hữu Tường, each wearing an old conical hat and holding a walking stick, a sack over their shoulder—typical accessories of a beggar. Members of the

public including many elderly men, women, and children held one another's hands to create a human barrier between demonstrators and the police. It was billed as the largest spontaneous demonstration ever in Saigon in recent years. Many people actually offered cash and rice to these one-day beggars. There was some confrontation between the police and a few participants trailing the parade, apparently hopeful to stir up violent clashes to make their case, but the police had seemed rather self-restrained from using any force other than their bare hands and batons. Many among those trailing the parade called themselves "Lực lượng thứ ba" (Third Force) but were suspected communist sympathizers, such as Huỳnh Liên, a Buddhist nun, and Nguyễn Ngọc Lan, a Catholic priest, among others. Despite some push and shove, the demonstration went without any serious incidents, generating domestic and worldwide reports, many of which were sympathetic toward the press community's plight. *Sóng Thần* ran a lengthy feature of the Reporters Go Begging Day, illustrated by several moving photos, in its issue dated October 11, 1974.

Then, as expected, on October 11, as publisher of *Sóng Thần*, I received a subpoena from the Ministry of Interior for a court appearance on October 31, 1974. The charge was the publication of the Indictment No. 1, defaming and slandering the president. The court order listed as evidence of the accusation the entire Indictment No. 1 of Father Thanh's anticorruption group, for which the issue, along with those of *Đại Dân Tộc* and *Điện Tín*, were confiscated by Ministry of Information order. A trial date of November 7 was scheduled for these two dailies.

Assemblyman Lý Quý Chung wrote an article published in the *Sóng Thần* issue dated October 16 questioning what kind of verdict the paper, which only did its job as a messenger, could expect. Chung wondered why Father Thanh, the author of the Indictment No. 1, and those who had read the accusations out loud in public had not been sued. Chung continued to question why the president, if he felt that he had been defamed and slandered, did not do the normal thing, which was to demand a correction by the paper, before resorting to a stronger measure, which was to sue the paper. He could not see how the court would be ruling when the paper had been confiscated before anybody got to read the document. Whatever verdict the court had for *Sóng Thần*, Mr. Chung concluded, "the public would also have a verdict for the court."

On October 13, the Legion of Activist Lawyers informed the Committee for Freedom of Press and Publishing that there were a total of 175 lawyers who had signed up to defend the press. The number eventually reached a total of 205 just before the trial date, including prominent lawyers such as Bùi Tường Chiêu, Hồ Tri Châu, Lê Ngọc Chấn, Vũ Văn Mẫu, Trần Văn Tuyên, Bùi Chánh Thời, and the famed lawyer Mrs. Nguyễn Phước Đại, among several of the younger generation. Two of the legal team coordinators hard at work from beginning to end were young lawyers Đinh Thạch Bích and Đặng Thị Tâm, in cooperation with *Sóng Thần*'s counselor Đàm Quang Lâm.

Meanwhile, paper confiscations did not let up. As of October 19, the Association of Newspaper Publishers informed that there had been a total of eleven incidents between October 13 and 19. Furthermore, the government had also shut down the printing shop of *Đại Dân Tộc*, it said. It was even more troubling for *Sóng Thần* when its regional representatives were ordered to remove the paper's signs from the front of their offices by local governments, at the order of the Ministry of Interior. As a consequence, the association declared, beginning October 21, all newspapers would not report any government-related news and would not send their correspondents to

attend any government-organized press conferences, including the daily briefing at the Ministry of Information.

On October 23, to appease the press, the prime minister agreed to dismiss four ministers of the Ministries of Information, Commerce and Industries, Finance, and Agriculture. These ministers were, however, still on the job functioning as interim. And the press continued its suffering.

On October 24, for the first time Father Thanh of the anticorruption campaign met with the Legion of Activist Lawyers and the Committee for Freedom of Press and Publishing to coordinate strategies for the day of the *Sóng Thần* trial. The three groups selected October 31 as the day to demonstrate their will of cooperation. Also during this meeting, Father Thanh said he was willing to go to jail in lieu of *Sóng Thần*'s publisher should that be the case. And should the court impose a fine, he would call on his congregation to contribute ten Đồng each until the goal of 5 or 10 million Đồng was met.

On October 25, the 1,900-member International Press Institute sent a telegraph to President Thiệu to protest the oppression of the Vietnamese press, according to the Voice of America. It also requested press freedom be restored. Also on the same day, the Council of Coordinators consisting of presidents of ten press and publishing organizations met to plan actions for the trial day, which became Justice and Press Persecution Day (Ngày Công Lý và Báo Chí Thọ Nạn). Before that day, a planned vigil was to take place at the Press Club at 15 Lê Lợi Boulevard; all newspapers were to cease publishing on October 31; and on November 1 the council was to send its ultimate letters to the government's three branches to demand solutions according to democratic principles. Father Thanh's anticorruption campaign together with the local congregations were also planning vigils on October 30 and 31 with mass to pray for the nation and to enlighten the national leadership. Campaign organizers also promised to march to downtown Saigon in support of the press while appealing to the judiciary's conscience.

Meanwhile, on October 30 *Sóng Thần* gave a farewell party, filled with apprehension, at the PEN Vietnam club in late afternoon. This was the same place where four years ago we had held a reception to introduce the first cooperative newspaper of South Vietnam to friends and the public. After the party, I went with representatives from the Legion of Activist Lawyers, who took me into hiding for the historic next day since the entire downtown area, within which was situated the courthouse, would be cordoned off by barbed wire and riot police. My hiding place was lawyer Đặng Thị Tám's law office only a couple of blocks from the courthouse. With me were young reporter Triều Giang and photographer Nguyễn Tân Dân of *Sóng Thần*.

"The Longest Day," as declared a banner across the front page of *Sóng Thần*'s issue dated October 31, 1974, came with several demonstrations by hundreds of supporters of the free press heading to the city center. However, they were barricaded from entering the cordoned area, where deserted streets looked like a ghost town. There were clashes between protesters and the police, but nothing lethal. The stage for a dramatic press trial was all set as the nation held its breath, watching nervously.

The trial never took place. It had been cancelled by the Ministry of Interior, no reason offered. Three months later, on a February day just after a Tết celebration amid apprehensions as the war intensified, an order from the Ministry of Interior arrived at

the *Sóng Thần* office. It announced that the paper's publishing license was from then onward revoked. It gave no reason.

PAST, PRESENT, FUTURE

As I was writing this chapter the American press is experiencing a crisis with the Republican president who called the media "an enemy of the American people" via a tweet on Friday night, February 17, 2017. Criticizing President Donald Trump for calling media "the enemy," Republican senator John McCain said: "That's how dictators get started." There have been plenty of reports and analyses of the matter; however, the incident brought back the famous quote by one of the founding fathers, Thomas Jefferson. In a letter from Paris to Edward Carrington, a soldier and statesman from Virginia whom Jefferson sent to the Continental Congress from 1786 to 1788, on the importance of a free press to keep government in check, Jefferson wrote: "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."¹³

Such a choice would definitely not work with an infantile democracy that was also undergoing a ravaging war while trying to build a nation, a young and fragile one, such as the Republic of Vietnam. The press in South Vietnam understood the need for certain government restrictions, especially when there were undercover communist operatives among them. Journalists were fully aware of communist agents and sympathizers in their midst, but out of respect for democracy and the rule of law, they had pretty much left these agents alone or sometimes, out of a humanitarian sense, even petitioned, as needed, for the release of someone arrested by the government, as with the case of communist sympathizer and writer Vũ Hạnh.

However, I believe, then and now, that had there been an honest dialogue between the government and the press, it would have been helpful and turmoil may have been much less and/or controllable. The government could have listened with genuine concern to the press's grievances and asked what could be done to ease them, and in turn asked for the community's assistance in making the South a better place while helping to fight against communism. It may sound idealistic, if not naïve, but that was how I and many of my friends felt during the last few months of the republic's existence when we had also wished the president would have convened a *Diên Hồng*-like conference as King Trần Thánh Tông of the Trần Dynasty had in 1284 to ask for advice from the elder populace on whether to fight or surrender to the Chinese that were threatening to invade the country.

Unfortunately, neither an honest dialogue with the press in late 1974 nor that with the people in early 1975 took place. For years I have hesitated to write about this experience as a participant in the South Vietnamese quest for freedom of the press, mainly out of humility. I have finally overcome it, inspired in part by what has been going on here in the United States as the media has taken on the task to check on an apparently runaway government.

I want to demonstrate what the South Vietnamese press had striven to do just over forty years ago despite all odds. I would also like to use this opportunity to honor those journalists and writers, many of whom no longer with us, for their courage and a strong sense of journalistic responsibility. I would like also to offer my late appreciations to all those who had stood up with the press then, and who apparently had shown a clear understanding of the importance of the press while the government did

not. I wish the American press to prevail, firmly believing it will, thanks to its long-standing democracy and a solid check-and-balance political system. And finally, I hope once democracy is restored in Vietnam, the press and whoever will be charged with governing and rebuilding my native land would learn from the experience of republican Vietnam and, especially, America.

NOTES

- 1 Uyên Thao and Lê Thiệp, comps., *Sóng Thần: Vụ Án Lịch Sử 31-10-1974, Ngày Báo Chí và Công Lý Thọ Nạn* [Song Than: A historic trial, October 31, 1974—a day of tribulation for the press and for justice] (Saigon: *Sóng Thần*, 1974), author's private collection.
- 2 “Hiến pháp Việt Nam Cộng hoà 1967” [The Republic of Vietnam's 1967 constitution], Wikisource, <https://vi.wikisource.org/wiki>.
- 3 “Luật số 019/69 ngày 30 tháng 12 năm 1969 ấn Định QUY CHẾ BÁO CHÍ—Sửa Đổi bởi Sắc Luật số 007-TT/SLu Ngày 4-8-1972 của Tổng thống Việt Nam Cộng Hoà” [Revision to Press Law 1969 based on Decree no. 007-TT/SLu by the president of the Republic of Vietnam] (Saigon: Bộ Thông Tin, 1972).
- 4 This ministry's name was later changed to Ministry of Mass Mobilization and Open Arms (Bộ Dân Vận Chiêu Hồi); however, for this paper, I will use the former name for simplicity.
- 5 Trần Thúc Linh, “Góp ý kiến về Luật báo chí Việt Nam” [Comments on the Press Law], *Báo Chí Tập San* 1, no. 2 (Đà Lạt University, Summer 1968), author's private collection. This *Báo Chí Tập San* issue was edited by Nguyễn Ngọc Linh and had a section that listed forty-one press laws and decrees issued from 1881 to 1968, in both French and Vietnamese. In another source, Nguyễn Việt Chúc listed twenty-three press-related decrees between 1949 and 1969, when the Press Law 016/69 came into existence. Nguyễn Việt Chúc (Hồng Hà), *Lược sử Báo chí Việt Nam* [A brief history of Vietnamese press] (Saigon: Nam Sơn, 1974); a PDF copy is available for download at <http://tusachtiengviet.com/author/post/19/1/hong-ha-nguyen-viet-chuoc?r=L3AxMDdhNDkyL25odW5nLXRyYW5nLXN1LXZlLXZhbmcXV5ZW4tMg>.
- 6 Vân Nguyễn-Marshall, “Working for Social Justice in Wartime South Vietnam,” paper presented at the “New York Conference on Asian Studies,” Poughkeepsie, NY, October 2015.
- 7 Ibid.
- 8 For more on this case, see Trùng Dương, “Báo Chí Miền Nam: Nhân kỷ niệm 38 năm ngày giỗ Chu Tử, Nhìn lại vụ Chu Tử bị ám sát hụt, ngày 16-4-1966” [South Vietnamese press: On the 38th anniversary of Chu Tử's death, reexamining his failed assassination on April 16, 1966], *Diễn đàn Thế kỷ*, <http://www.diendantheky.net/2013/05/trung-duong-bao-chi-mien-nam-nhan-ky.html>.
- 9 Vân Nguyễn-Marshall, “Appeasing the Spirits along the ‘Highway of Horror’: Civic Life in Wartime South Vietnam,” paper presented at “Nation-Building in War: The Experience of Republican Vietnam, 1954–1975,” University of California, Berkeley, October 17–18, 2016. See also Giao Chi, Ngy Thanh, Trùng Dương, and Nguyễn Kinh Châu, “Quảng Trị Mùa Hè Đỏ Lửa 1972: Hốt xác Đồng bào tử nạn trên ‘Đại lộ Kinh hoàng’” [Fiery Summer in Quang Tri: collecting the remains of the dead on the Highway of Horror], *Thời Báo*, November 20, 2009, 54–59, 104–9.
- 10 Luật Ủy Quyền 005/72, *Công-Báo Việt-Nam Cộng-Hoà* [Official Gazette of the RVN], No. unknown, dated June 29, 1972.
- 11 Rev. Father Trần Hữu Thanh, “Letter from Vietnam, Hue, September 8, 1974. Indictment No. 1.” Father Thanh's actual indictment is available at Texas Tech University's Vietnam Archive, file no. 14510325042. The indictment lists six charges of corruption: (1) real estate holdings of President Nguyễn Văn Thiệu, (2) land holdings in Đà Lạt, (3) fertilizer speculation, (4) hospital Vì Dân (For the People) established by Mrs. Thiệu, (5) heroin trafficking involving President Nguyễn Văn Thiệu, Prime Minister Trần Thiện Khiêm, and General Đặng Văn Quang, and (6) the rice affair in central Vietnam. Some charges, such as the fifth charge about heroin trafficking, are said to be unfounded as all those involved were finally allowed to resettle in the United States. See Trần Gia Phụng, *Chiến Tranh Việt Nam, 1960–1975 (Việt Sử Đại Cương Tập)* [The Vietnam War, 1960–1975, brief history of Vietnam] (Toronto: Non Nước, 2013), 7:378.

- 12 State Department Cable, Embassy Saigon Mission Weekly for October 3–9, 1974. Declassified/Released US Department of State EO Systematic Review, June 30, 2005, <https://aad.archives.gov/aad/createpdf?rid=219521&dt=2474&dl=1345>.
- 13 Letter from Thomas Jefferson to Edward Carrington, January 16, 1787, National Archives, Founders Online, <https://founders.archives.gov/documents/Jefferson/01-11-02-0047>.