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THE CASE AGAINST HENRY KISSINGER

PART ONE

The making of a war criminal

By Christopher Hitchens

THE 1968 ELECTION
INDOCHINA • CHILE

It will become clear, and may as well be stated at the outset, that this is written by a political opponent of Henry Kissinger. Nonetheless, I have found myself continually amazed at how much hostile and discreditable material I have felt compelled to omit. I am concerned only with those Kissingerian offenses that might or should form the basis of a legal prosecution: for war crimes, for crimes against humanity, and for offenses against common or customary or international law, including conspiracy to commit murder, kidnap, and torture.

SOUTH VIETNAMESE NAPALM VICTIM, 1967

Thus, I might have mentioned Kissinger's recruitment and betrayal of the Iraqi Kurds, who were falsely encouraged by him to take up arms against Saddam Hussein in 1972–75, and who were then abandoned to extermination on their hillsides when Saddam Hussein made a diplomatic deal with the Shah of Iran, and who were deliberately lied to as well as abandoned. The conclusions of the report by Congressman Otis Pike still make shocking reading and reveal on Kissinger's part a callous indifference to human life and human rights. But they fall into the category of depraved realpolitik and do not seem to have violated any known law.

In the same way, Kissinger's orchestration of political and military and diplomatic cover for apartheid in South Africa presents us with a morally repulsive record and includes the appalling consequences of the destabilization of Angola. Again, though, one is looking at a sordid period of Cold War and imperial history, and an exercise of irresponsible power, rather than an episode of organized crime. Additionally, one must take into account the institutional nature of this policy, which might in outline have been followed under any administration, national security adviser, or secretary of state.

Similar reservations can be held about Kissinger's chairmanship of the Presidential Commission on Central America in the early 1980s, which was staffed by Oliver North and which whitewashed death-squad activity on the isthmus. Or about the political protection provided by Kissinger, while in office, for the Pahlavi dynasty in Iran and its machinery of torture and repression. The list, it is sobering to say, could be protracted very much further. But it will not do to blame the whole exorbitant cruelty and cynicism of decades on one man. (Occasionally one gets an intriguing glimpse, as when Kissinger urges President Ford not to receive the inconvenient Alexandr Solzhenitsyn, all the while posing as Communism's most daring and principled foe.)

Christopher Hitchens, formerly Washington editor of Harper's Magazine, *is the author of books on the Cyprus crisis, Kurdistan, Palestine, and the Anglo-American relationship. He is a regular columnist for* Vanity Fair *and* The Nation.

No, I have confined myself to the identifiable crimes that can and should be placed on a proper bill of indictment, whether the actions taken were in line with general "policy" or not. These include, in this installment, the deliberate mass killing of civilian populations in Indochina and the personal suborning and planning of murder of a senior constitutional officer in a democratic nation—Chile—with which the United States was not at war. In a second installment we will see that this criminal habit of mind extends to Bangladesh, Cyprus, East Timor, and even to Washington, D.C.

Some of these allegations can be constructed only prima facie, since Mr. Kissinger—in what may also amount to a deliberate and premeditated obstruction of justice—has caused large tranches of evidence to be withheld or possibly destroyed. We now, however, enter upon the age when the defense of "sovereign immunity" for state crimes has been held to be void. As I demonstrate below, Kissinger has understood this decisive change even if many of his critics have not. The House of Lords' ruling in London, on the international relevance of General Augusto Pinochet's crimes, added to the splendid activism of the Spanish magistracy and the verdicts of the International Tribunal at The Hague, has destroyed the shield that immunized crimes committed under the justification of *raison d'état*. There is now no reason why a warrant for the trial of Kissinger may not be issued in any one of a number of jurisdictions and no reason why he may not be compelled to answer it. Indeed, as I write, there are a number of jurisdictions where the law is at long last beginning to catch up with the evidence. And we have before us in any case the Nuremberg precedent, by which the United States solemnly undertook to be bound.

MANY OF KISSINGER'S PARTNERS IN POLITICS ARE NOW IN JAIL. HIS OWN LONELY IMPUNITY IS RANK

A failure to proceed will constitute a double or triple offense to justice. First, it will violate the essential and now uncontested principle that not even the most powerful are above the law. Second, it will suggest that prosecutions for war crimes and crimes against humanity are reserved for losers, or for minor despots in relatively negligible countries. This in turn will lead to the paltry politicization of what could have been a noble process and to the justifiable suspicion of double standards.

Many if not most of Kissinger's partners in politics, from Greece to Chile to Argentina to Indonesia, are now in jail or awaiting trial. His own lonely impunity is rank; it smells to heaven. If it is allowed to persist then we shall shamefully vindicate the ancient philosopher Anacharsis, who maintained that laws were like cobwebs—strong enough to detain only the weak and too weak to hold the strong. In the name of innumerable victims known and unknown, it is time for justice to take a hand.

REGARDING HENRY

On December 2, 1998, Michael Korda was being interviewed on camera in his office at Simon & Schuster. As one of the reigning magnates of New York publishing, he had edited and "produced" the work of authors as various as Tennessee Williams, Richard Nixon, Joan Crawford, and Joe Bonanno. On this particular day, he was talking about the life and thoughts of Cher, whose portrait adorned the wall behind him. And then the telephone rang and there was a message to call "Dr." Henry Kissinger as soon as possible. A polymath like Korda knows—what with the exigencies of publishing in these vertiginous days—how to switch in an instant between Cher and high statecraft. The camera kept running, and recorded the following scene for a tape that I possess:

Asking his secretary to get the number (759-7919—the digits of Kissinger Associates), Korda quips dryly, to general laughter in the office, that it "should be 1-800-CAMBODIA . . . 1-800-BOMB-CAMBODIA." After a pause of nicely calibrated duration (no senior editor likes to be put on hold while he's receiving company, especially media company) it's "Henry—Hi, how are you?... You're getting all the publicity you could want in the *New York Times* but not the *kind* you want... I also think it's very, very dubious for the administration to simply say yes, they'll release these papers... no... no, absolutely... no... no ... well, hmmm, yeah. We did it until quite recently, frankly, and he did prevail ... Well, I don't think there's any question about that, as uncomfortable as it may be... Henry, this is totally outrageous... yeah... also the jurisdiction. This is a Spanish judge appealing to an English court about a Chilean head of state. So it's, it... Also, Spain has no rational jurisdiction over events in Chile anyway, so that makes absolutely no sense ... Well, that's probably true... If you would. I think that would be by far and away the best... Right, yeah, no, I think it's exactly what you should do, and I don't think it should be long, and I think it should end with your father's letter. I think it's a very important document... Yes, but I think the letter is wonderful, and central to the entire book. Can you let me read the Lebanon chapter over the weekend?" At this point the conversation ends, with some jocular observa-

HENRY KISSINGER, 1973

tions by Korda about his upcoming colonoscopy: "a totally repulsive procedure."

By means of the same tiny internal camera, or its forensic equivalent, one could deduce not a little about the world of Henry Kissinger from this microcosmic exchange. The first and most important is this: Sitting in his office at Kissinger Associates, with its tentacles of business and consultancy stretching from Belgrade to Beijing, and cushioned by innumerable other directorships and boards, he still shudders when he hears of the arrest of a dictator. Syncopated the conversation with Korda may be, but it's clear that the keyword is "jurisdiction." What had the *New York Times* been reporting that fine morning? On December 2, 1998, its front page carried the following report from Tim Weiner, the paper's national-security correspondent in Washington. Under the headline "U.S. Will Release Files on Crimes Under Pinochet," he wrote:

> Treading into a political and diplomatic confrontation it tried to avoid, the United States decided today to declassify some secret documents on the killings and torture committed during the dictatorship of Augusto Pinochet in Chile....
>
> The decision to release such documents is the first sign that the United States will cooperate in the case against General Pinochet. Clinton Administration officials said they believed the benefits of openness in human rights cases outweighed the risks to national security in this case. But the decision could open "a can of worms," in the words of a former Central Intelligence Agency official stationed in Chile, exposing the depth of the knowledge that the United States had about crimes charged against the Pinochet Government....
>
> While some European government officials have supported bringing the former dictator to court, United States officials have stayed largely silent, reflecting skepticism about the Spanish court's power, doubts about international tribunals aimed at former foreign rulers, *and worries over the implications for American leaders who might someday also be accused in foreign countries. [Italics added.]*
>
> President Richard M. Nixon and Henry A. Kissinger, who served as his national security advisor and Secretary of State, supported a right-wing coup in Chile in the early 1970s, previously declassified documents show.
>
> But many of the actions of the United States during the 1973 coup, and much of what American leaders and intelligence services did in liaison with the Pinochet Government after it seized power, remain under the seal of national security. The secret files on the Pinochet regime are held by the C.I.A., the Defense Intelligence Agency, the State Department, the Pentagon, the National Security Council,

Photograph © Ellidge / Sipa Press

the National Archives, the Presidential libraries of Gerald R. Ford and Jimmy Carter, and other Government agencies. According to Justice Department records, these files contain a history of human rights abuses and international terrorism:

• In 1975 State Department diplomats in Chile protested the Pinochet regime's record of killing and torture, filing dissents to American foreign policy with their superiors in Washington.

• The C.I.A. has files on assassinations by the regime and the Chilean secret police. The intelligence agency also has records on Chile's attempts to establish an international right-wing covert-action squad.

THE SIGNING OF THE PARIS PEACE ACCORD, 1973

• The Ford Library contains many of Mr. Kissinger's secret files on Chile, which have never been made public. Through a secretary, Mr. Kissinger declined a request for an interview today.

One must credit Kissinger with grasping what so many other people did not: that if the Pinochet precedent became established, then he himself was in some danger. The United States believes that it alone pursues and indicts war criminals and "international terrorists"; nothing in its political or journalistic culture yet allows for the thought that it might be harboring and sheltering such a senior one. Yet the thought had very obliquely surfaced in Weiner's story, and Kissinger was a worried man when he called his editor that day to discuss the concluding volume of his memoirs (eventually published under the unbearably dull and self-regarding title *Years of Renewal*), which was still in progress.

"Harboring and sheltering," though, are understatements for the lavishness of Henry Kissinger's circumstances. His advice is sought, at $30,000 an appearance, by audiences of businessmen and academics and policymakers. His turgid newspaper column is syndicated by the *Los Angeles Times* and appears as far afield as the *Washington Post*. His first volume of memoirs was in part written, and also edited, by Harold Evans, who with Tina Brown is among the many hosts and hostesses who solicit Kissinger's company, or perhaps one should say society, for their New York soirees. At different times, he has been a consultant to ABC News and CBS; his most successful diplomacy, indeed, has probably been conducted with the media (and his single greatest achievement has been to get almost everybody to call him "Doctor"). Fawned on by Ted Koppel, sought out by corporations and despots with "image" problems or "failures of communication," and given respectful attention by presidential candidates and those whose task it is to "mold" their global vision, this man wants for little in the pathetic universe that the "self-esteem" industry exists to serve. Of whom else would Norman Podhoretz write, in a bended-knee encomium to the second volume of Kissinger's memoirs, *Years of Upheaval*:

> What we have here is writing of the very highest order. It is writing that is equally at ease in portraiture and abstract analysis; that can shape a narrative as skillfully as it can paint a scene; that can achieve marvels of compression while moving at an expansive and leisurely pace. It is writing that can shift without strain or falsity of tone from the *gravitas* befitting a book about great historical events to the humor and irony dictated by an unfailing sense of human proportion.

A critic who can suck like that, as was once dryly said by one of my moral tutors, need never dine alone. Nor need his subject. Except that, every now and then, the recipient (and donor) of so much sycophancy feels a tremor of anxiety. He leaves the well-furnished table and scurries to the bathroom. Is it perhaps another disclosure on a newly released Nixon tape? Some stray news from Indonesia portending the fall or imprisonment of another patron (and perhaps the escape of an awkward document or two)? The arrest or indictment of a torturer or assassin; the expiry of the statute of secrecy for some obscure cabinet papers in a faraway country? Any one of these can instantly spoil his day. As we see from the Korda tape, Kissinger cannot open the morning paper with the assurance of tranquillity. Because he knows what others can only suspect, or guess at. And he is a prisoner of the knowledge, as, to some extent, are we.

Notice the likable way in which Michael Korda demonstrates his broad-mindedness with the Cambodia jest. Everybody "knows," after all, that Kissinger inflicted terror and misery and mass death on that country, and great injury to the United States Constitution at the same time. (Everybody also "knows" that other vulnerable nations can lay claim to the same melancholy and hateful distinction as Cambodia, with incre-

mental or "collateral" damage to American democracy keeping pace.) Yet the pudgy man standing in black tie at the *Vogue* party is not, surely, the man who ordered and sanctioned the destruction of civilian populations, the assassination of inconvenient politicians, the kidnapping and disappearance of soldiers and journalists and clerics who got in his way. Oh, but he *is*. He's exactly the same man. And that may be among the most nauseating reflections of all. Kissinger is not invited and feted because of his exquisite manners or his mordant wit (his manners are in any case rather gross, and his wit consists of a quiver of borrowed and secondhand darts). No, he is sought after because his presence supplies a frisson, the authentic touch of raw and unapologetic power. There's a slight guilty nervousness on the edge of Korda's gag about the indescribable sufferings of Indochina. And I've noticed, time and again, standing at the back of the audience during Kissinger speeches, that laughter of the nervous, uneasy kind is the sort of laughter he likes to provoke. In exacting this tribute, he flaunts not the "aphrodisiac" of power (another of his plagiarized bons mots) but its pornography.

DRESS REHEARSAL: THE SECRET OF '68

There exists, within the political class of Washington, D.C., an open secret that is too momentous and too awful to tell. Although it is well known to academic historians, senior reporters, former Cabinet members, and ex-diplomats, it has never been summarized all at one time in any one place. The reason for this is, on first viewing, paradoxical. The open secret is in the possession of both major political parties, and it directly implicates the past statecraft of at least three former presidencies. Thus, its full disclosure would be in the interest of no particular faction. Its truth is therefore the guarantee of its obscurity; it lies like Poe's "purloined letter" across the very aisle that signifies bipartisanship.

Here is the secret in plain words. In the fall of 1968, Richard Nixon and some of his emissaries and underlings set out to sabotage the Paris peace negotiations on Vietnam. The means they chose were simple: they privately assured the South Vietnamese military rulers that an incoming Republican regime would offer them a better deal than would a Democratic one. In this way, they undercut both the talks themselves and the electoral strategy of Vice President Hubert Humphrey. The tactic "worked," in that the South Vietnamese junta withdrew from the talks on the eve of the election, thereby destroying the peace initiative on which the Democrats had based their campaign. In another way, it did not "work," because four years later the Nixon Administration tried to conclude the war on the same terms that had been on offer in Paris. The reason for the dead silence that still surrounds the question is that in those intervening years some 20,000 Americans and an uncalculated number of Vietnamese, Cambodians, and Laotians lost their lives. Lost them, that is to say, even more pointlessly than had those slain up to that point. The impact of those four years on Indochinese society, and on American democracy, is beyond computation. The chief beneficiary of the covert action, and of the subsequent slaughter, was Henry Kissinger.

THE PUDGY MAN AT THE *VOGUE* PARTY IS NOT, SURELY, THE MAN WHO DESTROYED CIVILIAN POPULATIONS

I can already hear the guardians of consensus, scraping their blunted quills to dismiss this as a "conspiracy theory." I happily accept the challenge. Let us take, first, the *Diaries* of that renowned conspirator (and theorist of conspiracy) H. R. Haldeman, published in May 1994. I choose to start with them for two reasons. First, because on the logical inference of "evidence against interest" it is improbable that Mr. Haldeman would supply evidence of his knowledge of a crime, unless he was (posthumously) telling the truth. Second, because it is possible to trace back each of his entries to its origin in other documented sources.

In January 1973, the Nixon-Kissinger Administration—for which Haldeman took the minutes—was heavily engaged on two fronts. In Paris again, Henry Kissinger was striving to negotiate "peace with honor" in Vietnam. In Washington, D.C., the web of evidence against the Watergate burglars and buggers was beginning to tighten. On January 8, 1973, Haldeman records:

> John Dean called to report on the Watergate trials, says that if we can prove in any way by hard evidence that our [campaign] plane was bugged in '68, he thinks that we could use that as a basis to say we're going to force Congress to go back and investigate '68 as well as '72, and thus turn them off.

Three days later, on January 11, 1973, Haldeman hears from Nixon ("the P," as the *Diaries* call him):

> On the Watergate question, he wanted me to talk to [Attorney General John] Mitchell and have him find out from [Deke] De Loach [of the FBI] if the guy who did the bugging on us in 1968 is still at the FBI, and then [FBI acting director Patrick] Gray should nail him with a lie detector and get it settled, which would give us the evidence we need. He also thinks I ought to move with George Christian [President

Johnson's former press secretary, then working with Democrats for Nixon], get LBJ to use his influence to turn off the Hill investigation with Califano, Hubert, and so on. Later in the day, he decided that wasn't such a good idea, and told me not to do it, which I fortunately hadn't done.

On the same day, Haldeman reports Henry Kissinger calling excitedly from Paris, saying "he'll do the signing in Paris rather than Hanoi, which is the key thing." He speaks also of getting South Vietnam's President Thieu to "go along." On the following day:

> The P also got back on the Watergate thing today, making the point that I should talk to Connally about the Johnson bugging process to get his judgment as to how to handle it. He wonders if we shouldn't just have Andreas go in and scare Hubert. The problem in going at LBJ is how he'd react, and we need to find out from [Deke] De Loach who did it, and then run a lie detector on him. I talked to Mitchell on the phone on this subject and he said De Loach had told him he was up to date on the thing because he had a call from Texas. A *Star* reporter was making an inquiry in the last week or so, and LBJ got very hot and called Deke and said to him that if the Nixon people are going to play with this, that he would release [*deleted material—national security*], saying that our side was asking that certain things be done. By our side, I assume he means the Nixon campaign organization. De Loach took this as a direct threat from Johnson. . . . As he recalls it, bugging was requested on the planes, but was turned down, and all they did was check the phone calls, and put a tap on the Dragon Lady [Mrs. Anna Chennault].

THERE HAD TO BE AN INFORMANT INSIDE JOHNSON'S CAMP. THAT INFORMANT WAS HENRY KISSINGER

This bureaucratic prose may be hard to read, but it needs no cipher to decode itself. Under intense pressure about the bugging of the Watergate building, Nixon instructed his chief of staff, Haldeman, and his FBI contact, Deke DeLoach, to unmask the bugging to which his own campaign had been subjected in 1968. He also sounded out former president Johnson, through former senior Democrats like Texas governor John Connally, to gauge what his reaction to the disclosure might be. The aim was to show that "everybody does it." (By another bipartisan paradox, in Washington the slogan "they all do it" is used as a slogan for the defense rather than, as one might hope, for the prosecution.)

However, a problem presents itself at once: how to reveal the 1968 bugging without at the same time revealing what that bugging had been about. Hence the second thoughts ("wasn't such a good idea . . ."). In his excellent introduction to *The Haldeman Diaries*, Nixon's biographer Professor Stephen Ambrose characterizes the 1973 approach to Lyndon Johnson as "prospective blackmail," designed to exert backstairs pressure to close down a congressional inquiry. But he also suggests that Johnson, himself no pushover, had some blackmail ammunition of his own. As Professor Ambrose phrases it, the *Diaries* had been vetted by the National Security Council, and the bracketed deletion cited above is "the only place in the book where an example is given of a deletion by the NSC during the Carter Administration." "Eight days later Nixon was inaugurated for his second term," Ambrose relays. "Ten days later Johnson died of a heart attack. What Johnson had on Nixon I suppose we'll never know."

The professor's conclusion here is arguably too tentative. There is a well-understood principle known as "Mutual Assured Destruction," whereby both sides possess more than enough material with which to annihilate the other. The answer to the question of what the Johnson Administration "had" on Nixon is a relatively easy one. It was given in a book entitled *Counsel to the President*, published in 1991. Its author was Clark Clifford, the quintessential blue-chip Washington insider, who was assisted in the writing by Richard Holbrooke, the former assistant secretary of state and current ambassador to the United Nations. In 1968, Clark Clifford was secretary of defense and Richard Holbrooke was a member of the American negotiating team at the Vietnam peace talks in Paris.

From his seat in the Pentagon, Clifford had been able to read the intelligence transcripts that picked up and recorded what he terms a "secret personal channel" between President Thieu in Saigon and the Nixon campaign. The chief interlocutor at the American end was John Mitchell, then Nixon's campaign manager and subsequently attorney general (and subsequently Prisoner Number 24171-157 in the Maxwell Air Force Base prison camp). He was actively assisted by Madame Anna Chennault, known to all as the "Dragon Lady." A fierce veteran of the Taiwan lobby, and all-purpose right-wing intriguer, she was a social and political force in the Washington of her day and would rate her own biography.

Clifford describes a private meeting at which he, President Johnson, Secretary of State Dean Rusk, and National Security Adviser Walt Rostow were present. Hawkish to a man, they kept Vice President Humphrey out of the loop. But, hawkish as they were, they were appalled at the evidence of Nixon's treachery. They nonetheless decided not to go public with what they knew. Clifford says that this was because the disclosure would have ruined the Paris talks altogether. He could have

added that it would have created a crisis of confidence in American institutions. There are some things that the voters can't be trusted to know. And even though the bugging had been legal, it might not have looked like fair play. (The Logan Act flatly prohibits any American from conducting private diplomacy with a foreign power.)

In the event, Thieu pulled out of the negotiations anyway, ruining them just three days before the election. Clifford is in no doubt of the advice on which he did so:

> The activities of the Nixon team went far beyond the bounds of justifiable political combat. It constituted direct interference in the activities of the executive branch and the responsibilities of the Chief Executive, the only people with authority to negotiate on behalf of the nation. The activities of the Nixon campaign constituted a gross, even potentially illegal, interference in the security affairs of the nation by private individuals.

Perhaps aware of the slight feebleness of his lawyerly prose, and perhaps a little ashamed of keeping the secret for his memoirs rather than sharing it with the electorate, Clifford adds in a footnote:

> It should be remembered that the public was considerably more innocent in such matters in the days before the Watergate hearings and the 1975 Senate investigation of the CIA.

Perhaps the public was indeed more innocent, if only because of the insider reticence of white-shoe lawyers like Clifford, who thought there were some things too profane to be made known. He claims now that he was in favor either of confronting Nixon privately with the information and forcing him to desist, or else of making it public. Perhaps this was indeed his view.

A more wised-up age of investigative reporting has brought us several updates on this appalling episode. And so has the very guarded memoir of Richard Nixon himself. More than one "back channel" was required for the Republican destabilization of the Paris peace talks. There had to be secret communications between Nixon and the South Vietnamese, as we have seen. But there also had to be an informant inside the incumbent administration's camp, a source of hints and tips and early warnings of official intentions. That informant was Henry Kissinger. In his own account, *RN: The Memoirs of Richard Nixon*, the disgraced elder statesman tells us that, in mid-September 1968, he received private word of a planned bombing halt. In other words, the Johnson Administration would, for the sake of the negotiations, consider suspending its aerial bombardment of North Vietnam. This most useful advance intelligence, Nixon tells us, came "through a highly unusual channel." It was more unusual even than he acknowledged. Kissinger had until then been a devoted partisan of Nelson Rockefeller, the matchlessly wealthy prince of liberal Republicanism. His contempt for the person and the policies of

FUNERAL, SOUTH VIETNAM, 1972

Richard Nixon was undisguised. Indeed, President Johnson's Paris negotiators, led by Averell Harriman, considered Kissinger to be almost one of themselves. He had made himself helpful, as Rockefeller's chief foreign-policy adviser, by supplying French intermediaries with their own contacts in Hanoi. "Henry was the only person outside of the government we were authorized to discuss the negotiations with," Richard Holbrooke told Walter Isaacson. "We trusted him. It is not stretching the truth to say that the Nixon campaign had a secret source within the U.S. negotiating team."

So the likelihood of a bombing halt, wrote Nixon, "came as no real surprise to me." He added: "I told Haldeman that Mitchell should continue as liaison with Kissinger and that we should honor his desire to keep his role completely confidential." It is impossible that Nixon was unaware of his campaign manager's parallel role in colluding with a foreign power. Thus began what was effectively a domestic covert operation, directed simultaneously at thwarting the talks and embarrassing the Hubert Humphrey campaign.

Later in the month, on September 26 to be precise, and as recorded by Nixon in his memoirs, "Kissinger called again. He said that he had just returned from Paris, where he had picked up word that something big was afoot regarding Vietnam. He advised that if I had anything to say about Vietnam during the following week, I should

avoid any new ideas or proposals." On the same day, Nixon declined a challenge from Humphrey for a direct debate. On October 12, Kissinger once again made contact, suggesting that a bombing halt might be announced as soon as October 23. *And so it might have been.* Except that for some reason, every time the North Vietnamese side came closer to agreement, the South Vietnamese increased their own demands. We now know why and how that was, and how the two halves of the strategy were knit together. As far back as July, Nixon had met quietly in New York with the South Vietnamese ambassador, Bui Diem. The contact had been arranged by Anna Chennault. Bugging of the South Vietnamese offices in Washington, and surveillance of the "Dragon Lady," showed how the ratchet operated. An intercepted cable from Diem to President Thieu on the fateful day of October 23 had him saying: "Many Republican friends have contacted me and en-

A NOTE ON THE "40 COMMITTEE"

In these pages, I've found it essential to allude frequently to the "40 Committee," the semi-clandestine body of which Henry Kissinger was the chairman between 1969 and 1976. One does not need to picture some giant, octopus-like organization at the center of a web of conspiracy; however, it is important to know that there was a committee that maintained ultimate supervision over United States covert actions overseas (and, possibly, at home) during this period.

The CIA was originally set up by President Harry Truman at the beginning of the Cold War. In the first Eisenhower Administration, it was felt necessary to establish a monitoring or watchdog body to oversee covert operations. This panel was known as the Special Group, and sometimes also referred to as the 54/12 Group, after the number of the National Security Council directive that set it up. By the time of President Johnson it was called the 303 Committee, and during the Nixon and Ford administrations it was called the 40 Committee. Some believe that these changes of name reflect the numbers of later NSC directives; others, the successive room numbers in the handsome Old Executive Office Building, now annexed to the neighboring White House, in which it met. In fact, NSC Memorandum 40 was named after the room in which the committee met. No mystery there. If any fantastic rumors shroud the work of the committee, this may be the outcome of the absurd cult of secrecy that at one point surrounded it. At Senate hearings in 1973, Senator Stuart Symington was questioning William Colby, then director of central intelligence, about the origins and evolution of the supervisory group:

SYMINGTON: Very well. What is the name of the latest committee of this character?

COLBY: 40 Committee.

SYMINGTON: Who is the chairman?

COLBY: Well, again, I would prefer to go into executive session on the description of the 40 Committee, Mr. Chairman.

SYMINGTON: As to who is the chairman, you would prefer an executive session?

COLBY: The chairman—all right, Mr. Chairman—Dr. Kissinger is the chairman, as the assistant to the president for national security affairs.

Kissinger held this position ex officio, in other words. His colleagues at the time were Air Force General George Brown, chairman of the Joint Chiefs of Staff; William P. Clements Jr., the deputy secretary of defense; Joseph Sisco, the undersecretary of state for political affairs, and the director of central intelligence, William Colby.

With slight variations, those holding these positions have been the permanent members of the 40 Committee that, as President Ford phrased it in a rare public reference by a president to the group's existence, "reviews every covert operation undertaken by our government." An important variation was added by President Nixon, who appointed his former campaign manager and attorney general, John Mitchell, to sit on the committee, the only attorney general to have done so. The founding charter of the CIA prohibits it from taking any part in domestic operations: in January 1975, Attorney General Mitchell was convicted of numerous counts of perjury, obstruction, and conspiracy to cover up the Watergate burglary, which was carried out in part by former CIA operatives. He became the first attorney general to serve time in prison.

We have met Mr. Mitchell, in concert with Mr. Kissinger, before. The usefulness of this note, I hope and believe, is that it supplies a thread that will be found throughout this narrative. Whenever any major U.S. covert undertaking occurred, between the years 1969 and 1976, Henry Kissinger must be at least presumed to have had direct knowledge of, and responsibility for, it. If he claims that he did not, then he is claiming not to have been doing a job to which he clung with great bureaucratic tenacity. And whether or not he cares to accept the responsibility, the accountability is irrevocably his.

couraged us to stand firm. They were alarmed by press reports to the effect that you had already softened your position." The wiretapping instructions went to one Cartha DeLoach, known as "Deke" to his associates, who was J. Edgar Hoover's FBI liaison officer to the White House. We met him, you may recall, in H. R. Haldeman's *Diaries*.

In 1999 the author Anthony Summers was finally able to gain access to the closed FBI file of intercepts of the Nixon campaign, which he published in his 2000 book, *The Arrogance of Power: The Secret World of Richard Nixon*. He was also able to interview Anna Chennault. These two breakthroughs furnished him with what is vulgarly termed a "smoking gun" on the 1968 conspiracy. By the end of October 1968, John Mitchell had become so nervous about official surveillance that he ceased taking calls from Chennault. And President Johnson, in a conference call to the three candidates, Nixon, Humphrey, and Wallace (allegedly to brief them on the bombing halt), had strongly implied that he knew about the covert efforts to stymie his Vietnam diplomacy. This call created near-panic in Nixon's inner circle and caused Mitchell to telephone Chennault at the Sheraton Park Hotel. He then asked her to call him back on a more secure line. "Anna," he told her, "I'm speaking on behalf of Mr. Nixon. It's very important that our Vietnamese friends understand our Republican position, and I hope you made that clear to them.... Do you think they really have decided not to go to Paris?"

The reproduced FBI original document shows what happened next. On November 2, 1968, the agent reported:

> MRS. ANNA CHENNAULT CONTACTED VIETNAMESE AMBASSADOR, BUI DIEM, AND ADVISED HIM THAT SHE HAD RECEIVED A MESSAGE FROM HER BOSS (NOT FURTHER IDENTIFIED), WHICH HER BOSS WANTED HER TO GIVE PERSONALLY TO THE AMBASSADOR. SHE SAID THAT THE MESSAGE WAS THAT THE AMBASSADOR IS TO "HOLD ON, WE ARE GONNA WIN" AND THAT HER BOSS ALSO SAID "HOLD ON, HE UNDERSTANDS ALL OF IT." SHE REPEATED THAT THIS IS THE ONLY MESSAGE. "HE SAID PLEASE TELL YOUR BOSS TO HOLD ON." SHE ADVISED THAT HER BOSS HAD JUST CALLED FROM NEW MEXICO.

Nixon's running mate, Spiro Agnew, had been campaigning in Albuquerque, New Mexico, that day, and subsequent intelligence analysis revealed that he and another member of his staff (the one principally concerned with Vietnam) had indeed been in touch with the Chennault camp.

The beauty of having Kissinger leaking from one side and Anna Chennault and John Mitchell conducting a private foreign policy on the other was this: It enabled Nixon to avoid being drawn into the argument over a bombing halt. And it further enabled him to suggest that it was the Democrats who were playing politics with the issue. On October 25, in New York, he used his tried-and-tested tactic of circulating an innuendo while purporting to disown it. Of LBJ's Paris diplomacy he said, "I am also told that this spurt of activity is a cynical, last-minute attempt by President Johnson to salvage the candidacy of Mr. Humphrey. This I do not believe."

Kissinger himself showed a similar ability to play both ends against the middle. In the late summer of 1968, on Martha's Vineyard, he had offered Nelson Rockefeller's files on Nixon to Professor Samuel Huntington, a close adviser to Hubert Humphrey. But when Huntington's colleague and friend Zbigniew Brzezinski tried to get him to make good on the offer, Kissinger became shy. "I've hated Nixon for years," he told Brzezinski, but the time wasn't quite ripe for the handover. Indeed, it was a very close-run election, turning in the end on the difference of a few hundred thousand votes, and many hardened observers believe that the final difference was made when Johnson ordered a bombing halt on October 31 and the South Vietnamese made him look like a fool by boycotting the peace talks two days later. Had things gone the other way, of course, Kissinger was a near-certainty for a senior job in a Humphrey administration.

With slight differences of emphasis, the larger pieces of this story appear in Haldeman's work as cited and in Clifford's memoir. They are also partially rehearsed in President Johnson's autobiography, *The Vantage Point*, and in a long reflection on Indochina by William Bundy (one of the architects of the war) entitled rather tritely *The Tangled Web*. Senior members of the press corps, among them Jules Witcover in his history of 1968, Seymour Hersh in his study of Kissinger, and Walter Isaacson, editor of *Time* magazine, in his admiring but critical biography, have produced almost congruent accounts of the same abysmal episode. The only mention of it that is completely and utterly false, by any literary or historical standard, appears in the memoirs of Henry Kissinger himself. He writes just this:

> Several Nixon emissaries—some self-appointed—telephoned me for counsel. I took the position that I would answer specific questions on foreign policy, but that I would not offer general advice or volunteer suggestions. This was the same response I made to inquiries from the Humphrey staff.

This contradicts even the self-serving memoir of the man who, having won the 1968 election by these underhanded means, made *as his very first appointment* Henry Kissinger as national security adviser. One might not want to arbitrate a mendacity competition between the two men, but when he made this choice Richard Nixon had only once, briefly and awkwardly, met Henry

Kissinger in person. He clearly formed his estimate of the man's abilities from more persuasive experience than that. "One factor that had most convinced me of Kissinger's credibility," wrote Nixon later in his own delicious prose, "was the length to which he went to protect his secrecy."

That ghastly secret is now out. In the January 1969 issue of the Establishment house organ *Foreign Affairs*, published a few days after his appointment as Nixon's right-hand man, there appeared Henry Kissinger's own evaluation of the Vietnam negotiations. On every point of substance, he agreed with the line taken in Paris by the Johnson-Humphrey negotiators. One has to pause for an instant to comprehend the enormity of this. Kissinger had helped elect a man who had surreptitiously promised the South Vietnamese junta a better deal than they would get from the Democrats. The Saigon au-

thorities then acted, as Bundy ruefully confirms, as if they did indeed have a deal. This meant, in the words of a later Nixon slogan, "Four More Years." But four more years of an unwinnable and undeclared and murderous war, which was to spread before it burned out, and was to end on the same terms and conditions as had been on the table in the fall of 1968.

This was what it took to promote Henry Kissinger. To promote him from a mediocre and opportunistic academic to an international potentate. The signature qualities were there from the inaugural moment: the sycophancy and the duplicity; the power worship and the absence of scruple; the empty trading of old non-friends for new non-friends. And the distinctive effects were also present: the uncounted and expendable corpses; the official and unofficial lying about the cost; the heavy and pompous pseudo-indignation when unwelcome questions were asked. Kissinger's global career started as it meant to go on. It debauched the American republic and American democracy, and it levied a hideous toll of casualties on weaker and more vulnerable societies.

THE CRIME OF WAR, AND BOMBING FOR VOTES

Even while compelled to concentrate on brute realities, one must never lose sight of that element of the surreal that surrounds Henry Kissinger. Paying a visit to Vietnam in the middle 1960s, when many technocratic opportunists were still convinced that the war was worth fighting and could be won, the young Henry reserved judgment on the first point but developed considerable private doubts on the second. He had gone so far as to involve himself with an initiative that extended to direct personal contact with Hanoi. He became friendly with two Frenchmen who had a direct line to the Communist leadership in North Vietnam's capital. Raymond Aubrac, a French civil servant who was a friend of Ho Chi Minh, and Herbert Marcovich, a French microbiologist, began a series of trips to North Vietnam. On their return, they briefed Kissinger in Paris. He in his turn parlayed their information into high-level conversations in Washington, relaying the actual or potential negotiating positions of Pham Van Dong and other Communist statesmen to Defense Secretary Robert McNamara. (In the result, the relentless bombing of the North made any "bridge-building" impracticable. In particular, the now forgotten American destruction of the Paul Doumer Bridge outraged the Vietnamese side.)

This weightless mid-position, which ultimately helped enable his double act in 1968, allowed Kissinger to ventriloquize Governor Rockefeller and to propose, by indirect means, a future détente with America's chief rivals. In his first major address as a candidate for the Republican nomination in 1968, Rockefeller spoke ringingly of how "in a subtle triangle with Communist China and the Soviet Union, we can ultimately improve our relations with *each*—as we test the will for peace of *both*." [*Italics added.*]

This foreshadowing of a later Kissinger strategy might appear at first reading to illustrate prescience. But Governor Rockefeller had no more reason than Vice President Humphrey to suppose that his ambitious staffer would defect to the Nixon camp, risking and postponing this same détente in order later to take credit for a debased simulacrum of it.

Morally speaking, Kissinger treated the concept

Map by Mike Reagan

of superpower rapprochement in the same way as he treated the concept of a negotiated settlement in Vietnam: as something contingent on his own needs. There was a time to feign support of it and a time to denounce it as weak-minded and treacherous. And there was a time to take credit for it. Some of those who "followed orders" in Indochina may lay a claim to that notoriously weak defense. Some who even issued the orders may now tell us that they were acting sincerely at the time. But Kissinger cannot avail himself of this alibi. He always knew what he was doing, and he embarked upon a second round of protracted warfare having knowingly helped to destroy an alternative that he always understood was possible. This increases the gravity of the charge against him. It also prepares us for his improvised and retrospective defense against that charge: that his immense depredations eventually led to "peace." When he announced that "peace is at hand" in October 1972, he made a boastful and false claim that could have been made in 1968. And when he claimed credit for subsequent superpower contacts, he was announcing the result of a secret and corrupt diplomacy that had originally been proposed as an open and democratic one. In the meantime, he had illegally eavesdropped and shadowed American citizens and public servants whose misgivings about the war, and about unconstitutional authority, were mild compared with those of Messieurs Aubrac and Marcovich. In establishing what lawyers call the mens rea, we can say that in Kissinger's case he was fully aware of, and is entirely accountable for, his own actions.

Upon taking office at Richard Nixon's side in the winter of 1969, it was Kissinger's task to be *plus royaliste que le roi* in two respects. He had to confect a rationale of "credibility" for punitive action in an already devastated Vietnamese theater, and he had to second his principal's wish that he form part of a "wall" between the Nixon White House and the Department of State. The term "two track" was later to become commonplace. Kissinger's position on both tracks, of promiscuous violence abroad and flagrant illegality at home, was decided from the start. He does not seem to have lacked relish for either commitment; one hopes faintly that this was not the first twinge of the "aphrodisiac."

President Johnson's "bombing halt" had not lasted long by any standard, even if one remembers that its original conciliatory purpose had been sordidly undercut. Averell Harriman, who had been LBJ's chief negotiator in Paris, later testified to Congress that the North Vietnamese had withdrawn 90 percent of their forces from the northern two provinces of South Vietnam, in October and November 1968, in accordance with the agreement of which the "halt" might have formed a part. In the new context, however, this withdrawal could be interpreted as a sign of weakness, or even as a "light at the end of the tunnel."

The historical record of the Indochina war is voluminous, and the resulting controversy no less so. This does not, however, prevent the following of a consistent thread. Once the war had been unnaturally and undemocratically prolonged, more exorbitant methods were required to fight it and more fantastic excuses had to be fabricated to justify it. Let us take four connected cases in which the civilian population was deliberately exposed to indiscriminate lethal force, in which the customary laws of war and neutrality were violated, and in which conscious lies had to be told in order to conceal these facts and others.

WHAT CONVINCED NIXON OF HENRY'S CREDIBILITY: "THE LENGTH TO WHICH HE WENT TO PROTECT HIS SECRECY"

The first such case is an example of what Vietnam might have been spared had not the 1968 Paris peace talks been sabotaged. In December 1968, during the "transition" period between the Johnson and Nixon administrations, the United States military command turned to what General Creighton Abrams termed "total war" against the "infrastructure" of the Vietcong/National Liberation Front insurgency. The chief exhibit in this campaign was a six-month clearance of the province of Kien Hoa. The code name for the sweep was Operation "Speedy Express."

It might, in some realm of theory, be remotely conceivable that such tactics could be justified under the international laws and charters governing the sovereign rights of self-defense. But no nation capable of deploying the overwhelming and annihilating force described below would be likely to find itself on the defensive. And it would be least of all likely to find itself on the defensive on its own soil. So the Nixon-Kissinger Administration was not, except in one unusual sense, fighting for survival. The unusual sense in which its survival *was* at stake is set out, yet again, in the stark posthumous testimony of H. R. Haldeman. From his roost at Nixon's side he describes a Kissingerian moment on December 15, 1970:

> K[issinger] came in and the discussion covered some of the general thinking about Vietnam and the P's big peace plan for next year, which K later told me he does not favor. He thinks that any pullout next year would be a serious mistake because the adverse reaction to it could set in well before the '72 elections. He favors, instead, a continued winding down and then a pullout right at the fall of '72 so that if any bad results follow they will be too late to affect the election.

One could hardly wish for it to be more plainly put than that. (And put, furthermore, by one of Nixon's chief partisans with no wish to discredit the re-election.) But in point of fact, Kissinger himself admits to almost as much in his own first volume of memoirs, *The White House Years*. The context is a meeting with General de Gaulle, in which the old warrior demanded to know by what right the Nixon Administration subjected Indochina to devastating bombardment. In his own account, Kissinger replies that "a sudden withdrawal might give us a credibility problem." (When asked "where?" Kissinger hazily proposed the Middle East.) It is important to bear in mind that the future flatterer of Brezhnev and Mao was in no real position to claim that he made war in Indochina to thwart either. He certainly did not dare try such a callow excuse on Charles de Gaulle. And indeed, the proponent of secret deals with China was in no very strong position to claim that he was combating Stalinism in general. No, it all came down to "credibility" and to the saving of face. It is known that 20,763 American, 109,230 South Vietnamese, and 496,260 North Vietnamese servicemen lost their lives in Indochina between the day that Nixon and Kissinger took office and the day in 1973 that they withdrew American forces and accepted the logic of 1968. Must the families of these victims confront the fact that the chief "faces" at risk were those of Nixon and Kissinger?

WE WERE NOT MEANT TO KNOW THAT THE U.S. WAS IN VIETNAM AS EARLY AS 1959 OR AS LATE AS 1975

Thus the colloquially titled "Christmas bombing" of North Vietnam, continued after that election had been won, must be counted as a war crime by any standard. The bombing was not conducted for anything that could be described as "military reasons" but for twofold political ones. The first of these was domestic: a show of strength to extremists in Congress and a means of putting the Democratic Party on the defensive. The second was to persuade South Vietnamese leaders such as President Thieu—whose intransigence had been encouraged by Kissinger in the first place—that their objections to American withdrawal were too nervous. This, again, was the mortgage on the initial secret payment of 1968.

When the unpreventable collapse occurred in Cambodia and Vietnam, in April and May 1975, the cost was infinitely higher than it would have been seven years previously. These locust years ended as they had begun—with a display of bravado and deceit. On May 12, 1975, in the immediate aftermath of the Khmer Rouge seizure of power, Cambodian gunboats detained an American merchant vessel named the *Mayaguez*. The ship was stopped in international waters claimed by Cambodia and then taken to the Cambodian island of Koh Tang. In spite of reports that the crew had been released, Kissinger pressed for an immediate face-saving and "credibility"-enhancing strike. He persuaded President Gerald Ford, the untried and undistinguished successor to his deposed former boss, to send in the Marines and the Air Force. Out of a Marine force of 110, 18 were killed and 50 were wounded. Twenty-three Air Force men died in a crash. The United States used a 15,000-ton bomb on the island, the most powerful nonnuclear device that it possessed. Nobody has the figures for Cambodian deaths. The casualties were pointless, because the ship's company of the *Mayaguez* were nowhere on Koh Tang, having been released some hours earlier. A subsequent congressional inquiry found that Kissinger could have known of this by listening to Cambodian broadcasting or by paying attention to a third-party government that had been negotiating a deal for the restitution of the crew and the ship. It was not as if any Cambodians doubted, by that month of 1975, the willingness of the U.S. government to employ deadly force.

In Washington, D.C., there is a famous and hallowed memorial to the American dead of the Vietnam War. Known as the "Vietnam Veterans Memorial," it bears a name that is slightly misleading. I was present for the extremely affecting moment of its dedication in 1982 and noticed that the list of nearly 60,000 names is incised in the wall not by alphabet but by date. The first few names appear in 1959 and the last few in 1975. The more historically minded visitors can sometimes be heard to say that they didn't know the United States was engaged in Vietnam as early or as late as that. Nor was the public supposed to know. The first names are of the covert operatives, sent in by Colonel Edward Lansdale without congressional approval to support French colonialism. The last names are of those thrown away in the *Mayaguez* fiasco. It took Henry Kissinger to ensure that a war of atrocity, which he had helped to prolong, should end as furtively and ignominiously as it had begun.

A SAMPLE OF CASES: KISSINGER'S WAR CRIMES IN INDOCHINA

Some statements are too blunt for everyday, consensual discourse. In national "debate," it is the smoother pebbles that are customarily gathered from the stream and used as projectiles. They leave less of a scar, even when they hit. Occasionally, however, a single hard-edged remark will inflict a deep and jagged wound,