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10 March 1966

MEMORANDUM FOR: Mr. Adam Yarmolinsky
Deputy Assistant Secretary
International Security Affairs
Department of Defense

SUBJECT : A Review of Election Processes
in South Vietnam

I attach a memorandum which may be relevant to a discussion we had following the 3 March Rostow luncheon meeting. The memorandum, prepared for Ambassador Unger, reviews the circumstances of the six nationwide elections held in South Vietnam since 1954. The annexes referred to in the text are listed but not included, the originals having been sent to Ambassador Unger.

EDWARD W. PROCTOR
Acting Deputy Director for Intelligence

Attachment
OCI No. 0790/66

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Honorable Francis M. Bator
Honorable Robert W. Komer
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9 March 1966

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INTELLIGENCE MEMORANDUM

A REVIEW OF ELECTION PROCESSES IN SOUTH VIETNAM

DIRECTORATE OF INTELLIGENCE
Office of Current Intelligence

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OCI No. 0790/66

CENTRAL INTELLIGENCE AGENCY
Office of Current Intelligence
9 March 1966

INTELLIGENCE MEMORANDUM

A Review of Election Processes in South Vietnam

Since Vietnam was partitioned in 1954, the government of South Vietnam has conducted six national elections as well as a number of by-elections for the national assembly and scattered village and hamlet elections. The six nationwide elections have included a referendum deposing Bao Dai as chief of state and establishing Ngo Dinh Diem as president of a South Vietnamese republic, a presidential election in 1961, three national assembly elections, and an election of provincial and municipal councils throughout the country last year.

All of these elections have been carefully controlled by the government, primarily for the purpose of preventing Communist exploitation, but also to restrict non-Communist opposition. Opinions vary among both Vietnamese and American observers on the extent to which such elections have been mere travesties of the popular will, bearing "scarcely even a surface resemblance to democratic processes," or were efforts toward at least partial development of representative government. Although the character and blatancy of government control has varied from election to election, and even from area to area in a given election, the overriding observation appears to be that South Vietnam's elections have preserved the form of popular consultation while the government remained in control of the proceedings.

The most obvious instance in which the outcome was clearly and confidently weighted from the start in the government's favor was the referendum ousting Bao Dai in October 1955. Both the voting procedures and the atmosphere in advance of the balloting were calculated to

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produce the desired results, whereas the nearly unanimous vote given to Ngo Dinh Diem was in no sense an accurate measure of his actual popular support.

The election bearing the least earmarks of government dictation was that establishing provincial and municipal councils, held in May 1965 under the government of Phan Huy Quat. In this instance, results varied widely from province to province, but in general reflected the power of local officials or local political and religious groups. In this case, however, the national government's stake was minimal because of the local and purely advisory character of the councils being formed, Even so, national and provincial authorities exercised a direct control through the advance screening of all candidates.

With regard to the intervening elections, the government's conduct has varied. The national assembly election held in 1956 was one of the most carefully staged, yet least controversial, perhaps because it was largely ignored by developing opposition factions. By 1959, with political lines more sharply drawn, the government's ability to avoid at least minor setbacks was less assured. Presumably as a result, government dictation in some areas of the country was almost total, whereas in others, reports of manipulation and even intimidation were prevalent.

In 1961, only five months after an unsuccessful coup attempt and in the face of growing Viet Cong military activity, Diem was re-elected to office in a presidential election which had all the outward trappings of genuinely free voting. This result was obtained by careful advance management of his opposition and the election campaign, with only scattered reports of irregularities. In the last assembly election of September 1963, Diem's position was under strong challenge by the Buddhists, backed by much of the entire spectrum of his traditional political opposition. Yet elections were held with little outward indication of direct government interference and with the usual favorable outcome.

Common to all elections held under the Diem government, and also to some extent to the single election held under Diem's successors, are certain devices to ensure the results within a facade of democratic procedure. One such device has been a government educational

campaign to bring a large voter turnout, and to explain the processes of the voting itself. This campaign has enabled government workers and agents to publicize the government's position or candidates, while seldom going so far as to explain to the people the meaning of elections or the power of the ballot. The government's use of this type of campaign has been aided by a high degree of political apathy outside of major urban areas, and by local acceptance of and respect for authority which causes the peasant to react by doing as he is asked. Thus it has appeared that peasants usually voted as their local officials wished them to, although there is very little evidence that they were specifically ordered to vote a certain way.

Under all election ordinances to date, the government, or committees appointed by government authorities, are empowered to screen all candidates, who may be declared ineligible for a variety of reasons ranging from questionable political pasts to moral turpitude or bankruptcy. This precaution has been deemed necessary to prevent Communist agents from penetrating the government, and will almost certainly be retained in any future elections as long as the Viet Cong political and military threat persists. This regulation has also, however, provided a means for weeding out candidates unsympathetic to the government. When this could not be done at the outset of an election campaign, it has been possible to disqualify undesirables for technical violations of the regulations. Spreading of rumors has sometimes induced a candidate to step down. In more extreme cases, other pressures, such as direct warnings to a candidate to withdraw, and even arrest, have reportedly been used.

South Vietnam's electoral laws have generally permitted all citizens of both sexes over the age of 18 to vote, with the proper identity card. Actual registration of eligible voters was not undertaken until the 1956 election; checks against the possibility of voting more than once have been tightened somewhat in subsequent years, but still permit irregularities. There are no provisions for absentee ballots, which may partly account for regulations permitting senior government officials and military

troops to vote in whatever area they may be operating during an election, if they are unable to return to their residences. Use of the army in particular has reportedly been a device for guaranteeing the election of a progovernment candidate.

There has been a plethora of reports from both government and opposition sources concerning government-sponsored irregularities--pressure on rural officials to bring about the desired results, use of government officials in campaigning, loopholes in ballot counting, and tampering with ballot boxes. Most examples of voting so far observed by Americans have been generally free of corrupt practices, if not always of voter confusion.

Broadly speaking, the Saigon government's ability to determine the course of an election stems both from the electoral laws themselves and the refusal to sanction the emergence of any well-organized opposition political parties. The laws, while ostensibly providing equal treatment and equal resources for all candidates, have tended to favor government-sponsored parties and movements and to handicap non-government or independent candidates. Government control of the campaigns--including the printing of leaflets and posters and designation of sites where they may be displayed or disseminated--as well as of news media has ensured the weight of publicity to the government side. The electoral commissions and pollwatchers themselves permit of government control and, if required, of government intervention to distort the voting outcome.

In every internal election since its inception, South Vietnam has faced the danger of disruption by the Communists, but this has not occurred to date other than in isolated cases. Initially, the Communists were probably too weak to carry out any major interference with the 1955 referendum, and even Hanoi's calls for a massive boycott were largely unheeded. In subsequent years, the Communists still apparently felt unable or unwilling to make a test of strength over a South Vietnamese election, possibly because they felt the elections themselves would reflect little credit on Saigon. In more recent years, when there has been some evidence of Viet Cong contingency plans to sabotage elections,

extreme government security precautions have apparently deterred them. In 1965, moreover, the government made no effort to carry out elections for provincial councils outside of areas securely under its control.

The 1955 Referendum

The first popular vote in South Vietnam was the referendum held on 23 October 1955 to depose Bao Dai, the French puppet emperor and then chief of state, and to install then premier Ngo Dinh Diem as president and chief of state of an independent republic. This step was considered necessary by Diem to establish his credentials as popularly acknowledged head of a non-Communist South Vietnamese government able to compete with the Communist regime in the North. The referendum was to be the first of three steps which would enable Diem to resist the elections called for by the Geneva agreements of 1954 to unify Vietnam under what Diem was convinced would be Communist rule. The second step was the proclamation of a constitution to give the government and state of South Vietnam a legal basis. The third step was to be the establishment of an elected national assembly capable of speaking for the Vietnamese people on the issue of the unification elections.

The regulations governing the referendum were set forth in a decree of the Interior Ministry on 6 October 1955, (Annex A) fixing the date of the referendum. This decree clearly posed the issue as a choice between retaining Bao Dai or creating a democratic regime under Diem, thus in effect virtually prejudging the outcome. In order to ensure as large a mandate as possible, all persons over 18 were permitted to vote provided they had been registered in a recent government census and possessed a census card. The only check against an individual voting twice was the stamping of his identity card. The decree also fixed the hours of voting, specified the establishment of one polling booth for every 1,000 persons, and left it up to the government regional delegate, or province chiefs, prefects, and mayors so deputized by him, to specify the polling sites.

The form of the ballot itself, specified in the decree, was designed to favor Diem. The ballot was a single card, perforated so that it might be torn in half, with one half to be deposited in an envelope in a ballot box and the other half discarded. On one half was a picture of Diem, and the words "I depose Bao Dai and recognize Ngo Dinh Diem as chief of state with the mission to install a democratic regime." On the other half was a picture of Bao Dai, with the words "I do not depose Bao Dai and do not recognize Ngo Dinh Diem as chief of state with the mission to install a democratic regime." No opportunity was given to the voter to opt for deposing Bao Dai and electing some one other than Diem as chief of state.

The decree also provided for supervision of each polling place by an administrative commission of three members to be "in charge" of the voting. The commission was headed by a "chief," appointed by the government delegate or by the province chiefs, mayors, and prefects as deputized. The other two members of the commission were to be picked on the spot from literate voters present when the balloting opened--presumably a measure to ensure impartiality but one obviously susceptible to prearrangement. Finally, the chief had full powers to police the polling place, and to recruit other voters to assist as needed.

The provisions of the 1955 decree on the counting of the ballots offered little guarantee against tampering with the voting. The ballot box was locked, with both the chief of the administrative commission and the older of the two other members having a key. When the voting ended, the box was opened and the number of envelopes counted against the number of stubs in 100-ballot books. At that point, the administrative committee chose persons from voters still around the premises to sit at different tables while sealed envelopes were distributed to them. The envelopes were then opened and read by one of the voters while two others recorded the results. The administrative commission then recorded the total results, but did not announce them publicly, sending the tally to the next highest commission, or "central commission," presumably at the district headquarters level.

This body in turn tallied results from subordinate commissions for forwarding to a provincial commission and finally a regional commission; towns and chartered cities sent results directly to the regional commission. (At that time, there were three official regions under a government delegate, covering the provinces of southern South Vietnam, central Vietnam, and the high plateau area.) The regional commissions in turn tallied results sent from the subordinate provinces for forwarding to a "general central commission." This body, appointed by the Ministry of Interior in Saigon, compiled the final total and announced the unofficial nationwide results. At no previous time were local results for a village, province, or region publicly announced, suggesting ample opportunity for vote jiggering if required.

Two government ministries played major roles in the preparations of the 1955 referendum--the interior and information ministries. This role was exercised in part through two committees, a referendum committee responsible for the election and an information and propaganda committee responsible for voter education. The former committee included representatives of the two above ministries and representatives of various political groups. The groups so represented were almost entirely government-sponsored organizations such as the National Revolutionary Movement (NRM)--the government's mass party, a league of civil servants, a progovernment Cao Dai party, and other government-backed groups.

The propaganda committee, also including government officials, was responsible for getting out the vote, including visits by cadres to private houses in Saigon and other major towns. It was also responsible for organizing meetings to explain the referendum, sending radio and film trucks to the rural areas on a similar mission, providing mobile polling booths for remote areas and hospitals, and arranging transportation for outlying hamlets to authorized polling sites.

The official results of the referendum, as announced by the minister of interior on 26 October, showed 5,721,735 ballots, or 98.2 percent of the

total vote, cast in favor of Diem, and only 63,017 or 1.1 percent in favor of Bao Dai. Invalid ballots numbered 44,155 or .7 percent of the total. Voter participation was said to be 97.8 percent of those eligible, with only 131,398 such persons not voting.

Although a sweeping victory for Diem had been a foregone conclusion, the US Embassy questioned the 98.2 percent plurality as casting serious doubt on the honesty of the election. This, together with the heavy reported voter turnout, appeared incompatible with the difficulties of rural travel to polling places, the high degree of voter illiteracy and ignorance, and the apathy in some circles, including announced boycotts by some opposition political and religious factions.

There were scattered reports of voting irregularities. One report indicated that, although secrecy of the actual voting was preserved, the discarded portions of the ballot were merely dropped on the floor where, if nothing else, mounting pictures of Bao Dai had a psychologically suasive effect on undecided voters to join the Diem bandwagon. US observers saw no irregularities, but opposition leaders charged various malpractices including the use of different colored ballots for Diem and Bao Dai, to enable Diem's agents to spot and intimidate pro-Bao Dai voters, as well as outright manipulation of vote counting. None of these charges was ever firmly substantiated.

The US Embassy, in the absence of contrary evidence, concluded that the true outcome of the election might possibly have been close to the results claimed by the government for a variety of reasons. The primary reason was the biased election campaign, which fostered a strongly pro-Diem and anti - Bao Dai atmosphere. With Bao Dai in Paris and unable to plead his case, the government-controlled press and radio had a monopoly on all campaigning. Sharp attacks were mounted against Bao Dai, playing up his alleged subservience to the French and his corrupt, playboy habits. Anti - Bao Dai and pro-Diem pamphlets and banners abounded, and effigies of Bao Dai were even strung along main thoroughfares in major towns. Moreover, the Diem government had for some

time been setting the stage for the premier's consolidation of power, fomenting divisions in opposition groups, and setting up its own supporting factions.

However much the 1955 referendum may have had the character of a "farce," as it was labeled by Hanoi, there is little doubt that it reflected a popular desire to replace Bao Dai. While it was by no means a valid expression of support for Diem, it nevertheless was at least a consultation of the public which enabled him to claim more support than had ever been demonstrated by the regime in North Vietnam. Finally, the lack of any disruption by the Communists, including their unsuccessful call for a boycott, served to undercut Communist claims of vast support in the South.

The 1956 Assembly Election

Although Diem busied himself with the drafting of a national constitution following the referendum, he apparently felt confident enough after his landslide vote to change his procedures. His original plan was to submit a draft constitution either to another public referendum or to a national assembly for approval. In the interest of a more democratic appearance, he decided to hold earlier elections for a constituent assembly, which would participate in the drafting, and would serve as a national assembly or legislature after approval of the constitution.

The date for the national assembly elections was eventually set for 4 March 1956, slightly more than five months after the referendum. Two electoral ordinances were issued on 23 January, providing for a 123-member body, with roughly one representative for every 60,000-80,000 voters. (Annex B and C) The seats were to be apportioned, however, partly by regions, with at least four seats to represent the ethnic tribes and 12 seats to represent refugees from North Vietnam. Thus, in effect, the election ordinance provided for an assembly reflecting as much the regional and administrative divisions of the government, as of a true population unit.

The election laws again provided for voting by all persons over 18, an age which enabled the government to capitalize on its various youth groups. However, in this election, all voters had to be validly registered, although a census card was still adequate for identity. To be a candidate for the assembly, a person had to be a citizen at least 25 years old, with "regular military status" (presumably not subject to early draft), and without tainted background. Certain residence requirements were demanded of government officials and commissioned and noncommissioned military officers desiring to run as candidates from areas where they were stationed. Both voter and candidate lists were screened by government-picked bodies.

The electoral commissions which screened and approved candidates were to include a judicial official as chairman, or a province chief as an alternate, plus one representative of the local government and one representative of the voters, chosen by officials. According to available information, of 524 candidates filing by the deadline, 421 were approved by the electoral commissions; 16 later withdrew before the election. Of 76 candidates in Saigon, nine were either eliminated or "withdrew." Some 400 voters were also reportedly dropped from the Saigon registration lists for one or another reasons of unsuitability.

The election ordinances provided for secret ballot, and for a polling committee in each voting place, plus pollwatchers for various candidates. Separate ballots, however, were issued for each candidate, with the voter placing the ballot of his choice in a sealed envelope for deposit in the ballot box, and discarding the rejected ballots. The procedure for counting ballots was also revised from the 1955 method, with ballot boxes being opened in the presence of the pollwatchers and unofficial results in each voting place and at each electoral commission level being announced on the spot. The winner in any given electoral district was the candidate with the largest number of votes, or the older of two candidates in case of tie. Official tally for the entire assembly was to be announced by the electoral commissions within three days.

As in the 1955 campaign, there were two principal committees responsible for the conduct of the campaign: an official election propaganda committee to explain the election and get out the vote, and a "candidate's campaign committee" to allocate funds, select and print campaign literature, organize meetings, allot radio time, and apportion sound trucks. The composition of the candidates' campaign committee clearly favored the government-sponsored aspirants. It contained a representative of each political group running candidates--nearly all of which were government-sponsored groups--and one representative of all independent candidates. In case a district had only independents running, the committee would have two members agreed on by the contenders; if they could not agree, a responsible government official appointed the two representatives.

The government bore all expenses of the campaign, allocating funds at a rate of one piaster per voter for each electoral unit. In theory, this regulation provided equal treatment for all candidates, and permitted no advantages to the wealthy. In practice, it penalized a constituency with a large number of candidates as compared to one of equal size with only two. Government practice, which enabled Diem to take advantage both of the financial provisions and of the lack of organized political party opposition, was to try to consolidate all government parties behind a single candidate. However, in most cases, even independents were either covert government supporters or running with government blessing if they survived the screening process.

Another regulation in the avowed interest of impartiality also worked in the Diem government's favor. This was the limiting of the campaign period from 20 February to 2 March, with real momentum getting under way only about half way through the campaign. Campaign activity was limited to the distribution of posters and leaflets, house to house calls, radio speeches, and organized rallies at which little debate went on except for presentation of candidates, their records, and platforms--all quite similar. With the campaign committee weighted by pro-government representatives, the printing of literature for nongovernment candidates was often delayed until well into the campaign.

There was no official regulation for impartial access to the press. Censorship was lifted on the eve of the campaign, but the imposition of stiffer penalties for "tendentious" commentary served to deter any newspapers which may have wished to espouse a nongovernment or antigovernment candidate. In fact, of some 405 total candidates, only about 50, including Diem's brother Nhu and his wife, received any real press attention.

Although Saigon officials claimed a voter participation of 90-95 percent of registered voters, the US Embassy estimated about an 80 percent turnout, or roughly 4.8 million of some six million eligible. Participation varied widely, from 95 percent in the highlands to 33.2 percent in one district in the western delta. In general, voting was lighter in the southern provinces.

Of the 123 seats, approximately 50 were won by the government's NRM party. More than 35 others were members of other government sponsored parties, and only 36 were so-called independents. Of these, at least 18 were identified as pro-Diem. Thirty-three of the government-favored candidates were defeated. In all, only three members of the assembly were identified as true independents. These, the only active members of the assembly's "minority bloc," conceived of their role as a loyal "watchdog" opposition rather than as true opponents of the government, although in private conversations, they were at times critical of the regime.

The 1956 elections were boycotted by most of the Vietnamese opposition parties and politicians, and the elections were followed by some criticism of government methods, including allegations of arrests and intimidation. One candidate was reportedly kidnaped, another's approval delayed until just prior to election day. There were reports of pressure put on province chiefs and their subordinates to assure victory for government-backed candidates on pain of losing their jobs. As in the case of the referendum, there were rumors of multicolored ballots to favor the government, and reports of misuse of government vehicles and of ballot manipulation. The strongest

pressures were applied in the northern provinces and the highlands, the fiefdom of Diem's brother Ngo Dinh Can, while government influence was applied more subtly in the South. Although the election regulations were largely adequate and impartial on the surface, and most of the conduct of the balloting correct, the procedures offered wide leeway for government control of the campaign and its outcome.

The 1959 Assembly Elections

Accounts of the 1959 elections, in which all assembly seats were at stake, suggest that it was the dirtiest and most openly rigged of all. By that time, the Diem government's power and control mechanisms were well entrenched, and the opposition had grown in size and in bitterness, if not in effectiveness.

New electoral laws, (Annex D-G), proclaimed on 25 and 26 June 1959, brought some changes from the 1956 ordinances. Voting districts were revamped to follow an alleged basis of one deputy per 55,000 voters. Some provinces were combined into single electoral units rather than following the earlier principle of at least one deputy per province regardless of population. The number of delegates from Saigon was increased from seven to nine, although one leading opposition figure pointed out that, on a strict population apportionment, the capital city should have had 20 deputies.

Provisions for special representation for North Vietnamese refugees were dropped, government funds allocated to the campaign were doubled to the amount of two piasters per voter, and there was some tightening of voting procedures with the issuance of voter cards, from which the corner would be clipped after the voter cast his ballot. Provisions for secret balloting were retained, as were the campaign committees of candidate representatives to regulate the campaign and apportion campaign resources. The campaign period was extended from 12 to 14½ days, or from 15 to 29 August, with the elections themselves held on 30 August.

There were 625 candidates for the 123 seats, including 521 running as independents and 91 under the

government's NRM party label. Seventy candidates withdrew during the course of the campaign, while 165 were refused certification by the electoral commissions from the total initially filing candidacies. The primary tactic used to exclude candidates was to charge violation of the election regulations. However, there were reports of other pressures and threats being applied to induce withdrawal, and one prominent candidate in Saigon was accused of offering bribes.

Reports of an intensive government effort to assure the outcome of the election were widespread. The Can Lao Party, the government's elite political control apparatus, was reportedly ordered to conduct a widespread publicity campaign to explain the elections, partly through organizing popular study movements in which voter choices could be influenced. Province chiefs were widely alleged to have been warned to deliver victories for government-sponsored candidates. One pro-Diem deputy, however, claimed that while Diem had ordered all province chiefs to use all reasonable means to elect favored candidates, these measures must be within the law as he wished "no scandals."

Both government and antigovernment sources testified to the widespread use of the Civil Service, particularly the Civic Action Ministry (predecessor to the current Rural Construction Ministry), to influence the elections. One source claimed that members of the government's civil service political party were notified to select personnel from their bureaus in Saigon to work in the provinces, and that up to 30-50 percent of civil servants were so tapped. An antigovernment source claimed, for example, that the Civic Action Ministry sent 30 workers from Saigon to Kontum Province, the Finance Ministry sent employees to Pleiku, the Economy Ministry sent employees to Dinh Tuong in the delta, and that some 1,400 government cadres were heavily engaged in campaigning by mid-July, one month before the campaign officially began. In each province, the local Civic Action chief was designated to serve as chief of the official campaign "information and propaganda" committee.

In this election, there appears to have been increased use of the provision allowing military troops to vote wherever they might be operating on election day to influence the outcome. A number of sources claimed that, while the voter still sealed the ballot for the candidate of his choice in an unmarked envelope, discarded ballots were carefully collected and studied by government agents to gauge voting trends. Where a government candidate appeared to be in difficulty, the province chief ordered troops sent to vote in that district to rescue the candidate in trouble. Since the troops were not on the local list of registered voters and could vote with an identity card rather than a voter's card, it was widely alleged that many of them voted in several districts.

There were widespread allegations that military troops voted extensively in the areas around Saigon, although voting places where US observers were present revealed no instances of irregularities or disorders. There was, however, a considerable concentration of military and security troops in the Saigon area on the election day. According to Diem's security chief, this was because of reports that the Viet Cong were planning extensive interference in the provinces of the Eastern Region--generally surrounding Saigon--as well as the introduction of agents to distort voting in Saigon itself. One source claimed that some 41,000 troops voted in the Saigon districts. The extent to which troop voting actually affected the outcome in the government's favor is unknown. A number of reports claimed that troops frequently defied the apparent wishes of their commanders and cast votes for nongovernment candidates.

There were other reports of irregularities in connection with the 1959 contest, including marking of ballots to invalidate those of opposition candidates, withholding of ballots from objectionable candidates from the stack handed a voter, switching of ballots deposited in ballot boxes, and forcing voters to change their votes after examining discarded ballots. There were widespread reports of the use of threats and bribes against both recalcitrant candidates and voters.

Most of these reports could not be verified, although there was little doubt that the government remained generally in control of the election proceedings. It is probable that there was, in fact, little direct government interference in the actual voting, the controls being exercised more broadly through the screening process and the campaigning itself. Voting in Saigon generally appears to have been relatively free, with only four of the nine deputies elected being government-backed candidates.

In the provinces, government manipulation was clearly more widespread, although several contests were extremely close, and some government candidates were defeated. In many of the northern provinces, however, the voting was little more than a pro forma public ratification of the government's will. This region was the virtual fiefdom of Diem's brother Can, who handpicked all of the candidates, subjected the populace to a massive propaganda campaign which amounted to instructions on how and for whom to vote, turned out 99 percent of the registered voters in the Hue area and surrounding province, and rolled up majorities for government candidates of from 91 to 99.8 percent. While there was some evidence of behind-the-scenes resort to pressure and threats, there was none indicating fraud in the balloting or ballot counting. The rural population, in particular, long conditioned to totalitarian methods, first by the Communists and then by Can's machine, displayed little understanding or desire for a free choice and appears to have carried out the role expected of it.

The voting was less well staged in the southern provinces, where the government organization was less effective. Nevertheless, the 1959 elections resulted in a landslide for the government, both in official and independent candidates who were sympathetic. Seventy-eight of the 123 seats

were won by members of the NRM party, nine representatives of other parties were government supporters, and only five of 36 independents elected were regarded as "genuine." Of these five, two were well-known oppositionists in contrast to the 1956 assembly in which even the three independents were not anti-Diem. According to US Embassy data, the total vote was reported at 7,328,735, a figure not exactly compatible with data published by the official government press on 9 August which listed only 6,738,992 eligible voters. Voter turnout reportedly varied from about 82 percent of those eligible in Saigon, to 99 percent in areas of central Vietnam.

A final act by the government which tended to mar the 1959 elections was the disqualification of two deputies elected from the Saigon area, who were never permitted to take their seats. One of these, well-known oppositionist Phan Quang Dan, was accused of violations of the electoral law and bribery, and was allegedly temporarily detained during the campaign. The other, a disaffected former Can Lao member, Nguyen Tran, was similarly charged with electoral violations. Both men were convicted of the charges by a court ruling, providing Diem the excuse not to intervene on their behalf while professing to favor letting them take their seats.

1960 Assembly By-elections

By-elections were held in two districts of Saigon on 10 January 1960 to fill the national assembly seats left vacant by invalidation of the elections of Phan Quang Dan and Nguyen Tran in 1959. Candidates were restricted to those who had been contenders in the August 1959 election and in both districts, the previous runners-up were elected.

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The by-elections aroused far less voter interest than had the 1959 race, with the exception of one newspaper which violently attacked one of the two winners. Both of the victors were former deputies in the 1956 assembly and both bore some semblance of genuine independents. One of the victors evidently had strong covert backing of the Can Lao organization, although he was not the official government-sponsored candidate. The other, a well-known labor leader and ostensible Can Lao member, did not have official endorsement of the government's NRM Party and there are indications that some unsuccessful efforts were made to induce his withdrawal.

The victory of these two candidates, with at least questionable government sanction, possibly reflected Diem's willingness to allow a reasonably free voter choice in order to avoid renewed charges of election rigging, such as followed the 1959 elections. There were, however, strong indications of government duplicity in its claims of 80 percent voter participation, as opposed to the report of one Saigon paper that only 68.2 percent of eligible voters in one district, and 55.6 percent in the other, participated. The government rationalized its figure on the use of a different base, i.e., the number of voter cards issued as opposed to registration figures. That in turn raised questions about the number of voters not receiving cards because of "administrative difficulties."

The US Embassy estimated that, at a maximum, no more than 77 percent of eligible voters could have turned out. The total vote in both districts was considerably less than in 1959, apparently due both to normal apathy toward by-elections and probable boycott by disillusioned supporters of oppositionist leader Dan. The embassy believed that the major reason for the government's apparent exaggeration of voter turnout was to cover up an embarrassing contrast between the 1959 and 1960 vote. In Dr. Dan's district in 1959, voter participation had been 112 percent of registered voters, presumably reflecting heavy military voting in an effort to defeat Dan.

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Assembly By-Elections in 1957

Three by-elections were held on 17 February 1957 to fill vacancies in the National Assembly caused by the resignations of three deputies who had been appointed to positions of secretaries of state in the Diem cabinet. These by-elections were regulated in the same manner as the elections for the constituent assembly in 1956 and followed the same pattern. They were quiet and orderly. No significant opposition arose, and the victors were members of the government's two mainstay parties, the NRM and the Can Lao (Revolutionary Workers' Party).

The elections were held in the first district of Saigon-Cholon, the capital district of Ninh Thuan Province east of Saigon on the central coast, and in the first district of Phu Yen Province also in the central coastal area. As in 1956, lists of voters and candidates were drawn up and published less than a month before the election; electoral committees of three members were appointed to organize and control the campaign; equal numbers of posters and leaflets, equal funds and equal use of radio cars and radio time were apportioned to contestants.

The campaign in Saigon involved seven candidates. One withdrew only two days before the election; of two more who had originally filed for the race, one withdrew before the campaign opened and the other had his name stricken from the roles. The campaign got under way on 6 February with the display of posters and candidates' symbols and programs, but developed no momentum until the final week, when two well-attended public meetings led to some lively public questioning and some heckling. In one of these meetings, the campaign committee rejected some audience questions which presumably could have embarrassed the government.

The campaign was essentially a contest between two of the contenders, with government political party workers moving openly only in the last few days to back the government-favorite, presumably because he had been felt to be an easy victor in an open vote. Little serious effort was made to obtain a heavy voter turnout, and well over half of

the district's registered voters abstained, compared to less than 20 percent in the same ward in 1956. The government candidate won with 7,485 votes although his principal competitor compiled 4,328 votes, well above the other contenders.

This election appears to have been relatively smooth and well-organized, generally noncontroversial, and with only minimal government interference to assure the outcome. It was marred by only one incident, the exhortation of a Catholic priest in the Saigon cathedral to his parishioners to boycott the elections because of the Diem government's generally repressive policies.

The election contest in Ninh Thuan Province resulted in a heavy victory for the Can Lao Party candidate, the only surprise in the race stemming from the fact that he was an apparent favorite of President Diem's older brother Bishop Ngo Dinh Thuc rather than of Ngo Dinh Can, another brother who was the actual strongman in the northern provinces of South Vietnam. Can's personal favorite, who ran under no party label, was presumably abandoned by the government machine as a result of some behind-the-scenes family pressure on Can to switch his support. In this by-election, the government brought out some 40,587 voters from the total registration of 45,514.

The Phu Yen contest was evidently tightly controlled, with the government favorite, an NRM member, the only well-known figure and assured of an overwhelming majority. Only 419 of the 38,161 voters did not participate.

The manner and outcome of the three by-elections showed no departure from previous government procedures and policies. They served to demonstrate that the majority of the public seemed to accept Diem's system of elections as normal, with the opposition too demoralized and ineffective to challenge the system.

1961 Presidential Election

Under South Vietnam's constitution, promulgated on 26 October 1956, Ngo Dinh Diem was designated

president on the basis of the 1955 referendum with a five-year term to expire on 30 April 1961. The presidential elections held on 9 April 1961 were thus his first direct test as a presidential candidate, even though up for re-election. In view of the rising Viet Cong insurgency, Diem could have invoked constitutional powers to postpone the election, but he chose to hold them as scheduled, with his victory a foregone conclusion.

Control of the election appears to have been vested in an Election Bureau of the National Assembly, which made all official announcements on the approval of candidates, rather than the Interior Ministry as in the past. In addition to Diem and his running mate, Vice President Nguyen Ngoc Tho, there were two other competing slates. One of them was headed by Nguyen Dinh Quat, a rubber planter and former assemblyman who had reportedly broken with the government. His running mate was Nguyen Thanh Phuong, a former Cao Dai general and relatively well-known opposition figure with little organized following. The other slate was headed by an elderly herb doctor of Chinese descent, whose running mate, Nguyen The Truyen, was a similarly aging engineer of some prominence in Saigon's anti-Diem intellecutual circles. Two Vietnamese exiles in Paris, of possibly greater vote-getting potential, attempted to file candidacies, but were rejected on grounds of faulty documentation.

Similar to earlier elections, the conduct of the campaign was regulated by a Central Campaign Committee of three members, representing each candidate. Diem's representative and chairman of the committee was the vice president of the national assembly; representatives of the other two tickets were another assemblyman and a journalist. As in the past, the committee's role was to assure each candidate equal access to government funds earmarked for the campaign, equal access to campaign literature, news media, and rallies.

The campaign committee chairman announced that the campaign would be governed by two principles: equal resources for all so that it would be completely democratic, and preservation of national unity in the face of the growing Communist threat. In practice, the first principle favored Diem, as previously,

particularly since he could as president engage in considerable campaign activity under the guise of official duties. The foremost result of the second principle, considered legitimate in a country subjected to increasing military and subversive challenge, was an agreement by the candidates to refrain from personal attacks on one another. All campaign literature and themes were also screened by the campaign committee to weed out any slogans or goals espoused by the Communists, such as national reunification, reduction of military strength, or supremacy of the proletariat.

Diem is reported to have issued the usual call for support from officials in the provinces, but to have stressed the desire for a large popular vote above any measures to control the voting itself. In general, local officials appear to have observed the strict impartiality imposed by the campaign rules, although there were isolated instances of pressure and voting distortion. No restrictions were placed on the government-controlled press, which for the most part described the President's activities with dignity and respect while mounting increasingly derogatory attacks on the opposition candidates. As the campaign progressed, there were numerous occasions of heckling and harassment of the opposition, presumably by progovernment groups.

In the 1961 election, the role of the government-sponsored NRM party and even of the Can Lao was muted to a more clandestine type of activity, while greater use was made of such groups as Ngo Dinh Nhu's Republican Youth group and Madame Nhu's Women's Solidarity group. Although use of private funds by the candidates was strictly forbidden, nothing was said in the electoral laws of political party funds or organization. The government possessed all of the assets on this score, neither of the opposition slates having any organized political backing. The opposition candidates, however, evidently obtained quiet assistance from many traditional Diem opponents, raising in the course of the campaign most of the criticisms made by such politicians over the years.

The law governing the election preserved such principles as secret ballot, poll inspection, and

other safeguards. The balloting appears to have been conducted with a minimal degree of interference and with reasonable honesty. Diem received about 89 percent of the total vote, or 5,983,338 votes, compared to 456,416, or seven percent, for the Tan-Truyen slate and 296,396, or four percent, for the Quat-Phuong ticket. Invalid ballots numbered 29,470. Both oppositionist candidates at one point sharply challenged the validity of the election results, but later retracted their charges.

According to official returns, 7,231,137 persons were eligible to vote, and 6,723,720 votes were cast, for a turnout of 93.35 percent. Participation varied from about 77.8 percent in Saigon to close to 100 percent in some areas of central Vietnam. In some provinces, however, voter participation was abnormally low, 31-45 percent of eligible voters, while in others it exceeded voter registration, presumably because of military voting. Diem's percentage of the vote varied from a low 62.3 in Saigon to 98.2 in the high plateau area.

However, much the statistics on Diem's plurality and the voter turnout may appear questionable, neither US observers, nor some 30 foreign newsmen who covered the elections in Saigon and the provinces noted any blatant election fraud. There were, however scattered reports of irregularities, such as monitoring discarded ballots, postelection tampering with the vote, and bribes and coercion to control supporters of the opposition. Candidate Tan charged that a number of his propaganda agents had been arrested and threatened, although not harmed, and Quat alleged that two of his cadres had been beaten and a third arrested. At one point, Quat's bank funds were blocked because of alleged tax arrears.

The government was nevertheless apparently careful to keep harassment of the opposition to a point below that of provoking either candidate into withdrawing. Apart from his advantages from the electoral machinery, Diem benefitted from a divided opposition, neither of whom was nationally known. The election ballots themselves, while the same color and size for each candidate, prominently displayed Diem's familiar name and

picture in contrast to symbols beside the names of the other candidates, a water buffalo for Quat and a lotus flower for Tan. Neither Quat nor Tan was able to campaign extensively in the countryside, both because of the shortness of the campaign and the allocation of meetings and speeches in the Saigon area.

Although scarcely an example of a genuinely free election, the US Embassy concluded at the time that the presidential contest was conducted with a reasonable degree of honesty, and certainly far fewer protests than followed the 1959 elections. In a certain sense, moreover, it was a reasonable reflection of the will of the majority of the people, if not in terms of enthusiasm for Diem, at least in terms of a preference for Diem over the other available choices. Furthermore, although instances of Communist terrorist activity including sporadic interference with rural voting were more prevalent than in any previous election, the campaign and voting were conducted with no serious challenge from the Viet Cong who had given every prior evidence of seeing the contest as one between the government and themselves.

National Assembly Elections of 1963

National assembly elections were originally scheduled to be held in 1962, with the end of the three-year terms of deputies elected in 1959. However, the constitution was amended to extend the terms to four years because of the danger of holding elections in conditions of increasing insecurity from the Viet Cong insurgents. The elections, originally set for 31 August 1963, were further postponed under the martial law prevailing at the time to cope with growing Buddhist agitation against the government. The election finally took place on 27 September 1963, shortly after martial law was lifted.

The government had begun to prepare for the 1963 election by early June, with amendments to the 1959 electoral law proposed by the government and passed by the national assembly. There were essentially four major changes in the law, two of which

were potentially restrictive. One significant change was the substitution of a single ballot, containing names of all candidates within a given constituency, for the previous system of separate ballots for each candidate. This was designed to reduce opportunities for fraud, such as buying or selling of ballots and checking voter preferences by examining discarded ballots. Some deputies, however, questioned whether the new system would not confuse peasants forced to mark, rather than merely select, ballots.

The other changes involved a provision that only the Vietnamese language could be used in campaigning, a device which could be used to disqualify certain minority candidates such as Khmers or montagnards; in fact, no persons of Cambodian descent were elected to the 1963 assembly although four montagnards were returned. Another change, allegedly intended to prevent "frivolous" candidacies, required a 5,000-piaster deposit by all candidates, to be forfeited if a candidate scored less than five percent of the total vote; simultaneously, the government allocation to cover campaign expenses of each candidate was reduced from two piasters for every voter in his district to one-half piaster.

Another major change authorized the national assembly to exercise final power of review over the propriety of the election conduct, an authority previously handled by the executive or the judiciary in individual cases. Two subsequent amendments in July provided compensation for candidates falsely accused of election irregularities and that no elected candidate found guilty of violations by the courts could take his seat before the court decision became public.

In contrast to more than 600 initial aspirants for the 1959 assembly, only 355 candidates were listed in the first posting of lists, and only 289 actually were listed on the election day ballots, or little more than two candidates per seat. In 45 districts, there were unopposed candidates including Diem's brother Nhu and his wife. No genuine oppositionists were on the final list of approved candidates.

The decrease in the number of persons running for the assembly was due to a variety of factors. The government encouraged or pressured several incumbents not to seek re-election, and screening of

applicants was particularly stringent. Moreover, disillusion with the assembly as a genuine public forum and with Diem's treatment of his opponents apparently discouraged most anti-government politicians from attempting to compete; both of the true oppositionists elected in 1959 were imprisoned by 1963. The required deposit may have deterred other potential contenders.

The government, under serious attack from Buddhist quarters, appears to have had three primary considerations in the elections. One was to produce a large voter turnout to discredit charges that it had no support. A second was to conduct the elections with sufficient order, efficiency and appearance of fairness as to bolster its prestige domestically and abroad. The third was to prevent any serious disruption by either the Viet Cong or other anti-government elements. Although these factors took precedence over measures to assure a resounding government victory, the government evidently felt sufficiently confident of its ability, through candidate screening and other techniques, to control the election outcome.

One device resorted to by the government was reportedly the issuance of more than one voter card to "reliable" persons, possibly in part to assure a large total vote. A report that some polling places were ordered to close as soon as an assigned quota of total votes had been reached may indicate an effort to avoid exceeding voter registration in areas where multiple individual voting occurred. Several provincial constituencies did tally more votes than registered voters, possibly through military or civil-service voting. There were also scattered reports of tampering with the voting count or of the election of candidates in dubious circumstances. Embassy observers had no opportunity to witness any counting of ballots, although the actual balloting appeared to be conducted with genuine secrecy.

Official Vietnamese statistics listed a total vote of 6,329,831, or 92.82 percent of the 6,809,078 eligible voters. Although this turnout was hailed as testifying to the "eagerness of the Vietnamese people to take part in the nation's activities," there is some reason to question the official figures. One

embassy officer, for example, observed that in one provincial capital polling site, some 67 percent of the registered voters had cast ballots by 3 PM, and that, despite light voting for the remainder of the day until the polls closed at 6 PM, the government reported a 93 percent turnout. In Saigon, participation was reported as 85.15 percent, an unusually high number of invalid ballots were counted, believed to have represented a heavy protest vote. This raises the possibility that pressure was used to get out the vote, and that oppositionists preferred to invalidate their ballots rather than be identified as abstaining.

Of 123 victorious candidates, 60 were incumbents and 96 were candidates officially backed by the government. Twenty-five incumbents were defeated, possibly including some of the 15 government-sponsored candidates defeated. With almost no genuine independents and no opposition figures in the contest, and the few who tried having been disqualified in advance, the character of the assembly was largely one of docility, detracting from the essentially orderly and outwardly democratic election procedures.

1965 Provincial and Municipal Elections

Elections were held on 30 May 1965, under the government of Phan Huy Quat, to establish councils in all provinces, the prefecture of Saigon-Cholon, and the chartered cities of Hué, Da Nang, Dalat and Vung Tau. These councils replaced those appointed under earlier regimes, with somewhat expanded membership: 30 on the Saigon council, and from 6 to 15 members on provincial and other municipal councils as determined by population, electoral districts, local budgets, and security.

No national issue figured directly in the elections, and council candidates campaigned purely on local matters. There were approximately 1,000 total candidates for a total of 471 seats. In most areas this meant at least two contestants per seat, although only 17 persons ran for 12 seats on the Hué city council, six others having withdrawn in discouragement over Buddhist power.

Under the laws governing the voting (Annex H), balloting was limited to areas where local authorities could assure adequate security for voters. All citizens over 18, registered on electoral lists and possessing a voter card, were entitled to take part. As in earlier cases, electoral lists were publicly posted, first to permit amendment on the basis of omission or error and secondly, as a final listing. Soldiers and their dependents located in military camps were to have their electoral lists drawn up by their unit commanders and submitted for approval to city mayors or district chiefs before posting.

All citizens aged at least 23, having a "legal military status" and without a criminal, pro-Communist, or pro-neutralist background were eligible to become candidates. Excluded, however, from running within the "domain of their functions" were provincial and municipal officials, magistrates and justices of the peace, commanders of police units, and military officers commanding military zones or units of company level and above.

The lists of both voters and candidates were screened by provincial or municipal boards, headed by a judge or other judicial officer and including as members three elective officials or notables to represent the voters and three local government representatives. This expansion of the screening boards served to increase voter representation, even though indirectly. These boards were also responsible for checking election returns in their localities.

An electoral campaign committee was also set up in each province and chartered city, to represent the candidates--each authorized one member--and to supervise the organization and operation of the campaign. The duration of the campaign was set from 15 May to noon on 29 May. All expenditures were to be borne by the provinces or cities concerned, with a maximum of one-half piaster per voter in the electoral unit allotted per candidate; however, the decree provided for a minimum and maximum fund allotment, and candidates were permitted to assume any additional expenses from their own resources.

The electoral ordinance returned to the principle of a separate ballot for each candidate, to make distinction easier; the candidate could also use a party or individual symbol provided it was not an international emblem or religious symbol, a prohibition possibly aimed at the Buddhists and Catholics. Balloting was secret, with every voter entitled to cast votes for the total number of provincial council membership by selecting the proper number of candidates' ballots and depositing them in an envelope.

Every poll was to be operated by a board, consisting of a chief designated by the appropriate major or province chief, and two members selected from voters present. Each candidate was entitled to a pollwatcher. Counting of ballots was done openly at the polling site, with the results forwarded to a central board in each electoral unit, which announced unofficial results. Returns had to be certified and also reported to the interior ministry in Saigon.

According to the provisions laid down by the Quat government, the terms of provincial and municipal councillors were fixed at three years, with one-third of a council being elected every year. The third standing for re-election in 1966 and 1967 was to be chosen by lots.

An official of the present Ky government informed the US Embassy in late February 1966 that the government planned to proceed on schedule with the municipal and provincial elections this spring. Previously, Saigon's military rulers had been considering postponement of the elections by extending terms of present councillors to a full three years.

The councils elected in 1965 were authorized more authority than similar councils established by the Diem regime, including certain "rights of decision" on budget and revenue matters, public property management, public works and welfare programs, public contracts, and boundary redistricting. In certain other matters they had purely advisory functions. Within the context of certain provincial and municipal matters, they had the authority to demand central government action against deficient administrators. Council members were also to be eligible as candidates for any national assembly.

According to US observers, the provincial elections in 1965 were well organized and provided no obvious indications of irregularities or coercion. Viet Cong activity was at normal levels during the election, but only in isolated instances did the Viet Cong interfere with voting. Public attitudes ranged from enthusiasm in some areas to apathy in others, with the rural areas generally showing greater interest. Voter turnout was reported by the government to have been 72 percent of registered voters, a considerably lower turnout than generally claimed in elections held under the Diem regime. The US Embassy estimated that registered voters probably averaged only about 50 percent of the potential voting population, given the degree of government control and the restriction on voting in secure areas only.

The character of the provincial and municipal councils has varied from province to province and city to city, with those in Saigon and surrounding Gia Dinh Province containing several effective members. Candidates who had served previously on provincial councils tended to be elected, as did favorites of local political, religious, and labor groups. Buddhists generally dominated the Hué council, and the Hoa Hao sect various councils in the delta where the sect is influential. Many of the candidates were independents, primarily professional men, civil servants, and teachers. In some areas, province officials have found the councils useful and constructive, in others obstructive, and in several provinces they are largely inactive.

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