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# We Shall Not Alter It Much By Our Words: The Media and the 1967 International War Crimes Tribunal

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► **To cite this version:**

Sean Raming. We Shall Not Alter It Much By Our Words: The Media and the 1967 International War Crimes Tribunal. Humanities and Social Sciences. 2020. dumas-02904655

**HAL Id: dumas-02904655**

**<https://dumas.ccsd.cnrs.fr/dumas-02904655>**

Submitted on 22 Jul 2020

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*We Shall Not Alter It Much By Our Words*  
*The Media and the 1967 International War Crimes Tribunal*



*Times Herald* (Port Huron, MI). May 7, 1967. 8

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UFR : langues étrangères

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Mémoire de master 2 recherche - 30 crédits - Très Bien

Spécialité ou Parcours : Études Anglophones LLCER

Sous la direction de Michael S. Foley

Année Universitaire 2019 - 2020





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## **Acknowledgements**

First and foremost I would like to thank Michael S. Foley for the inspiration, guidance, and examples that he has set for me over these last two years. I also extend my gratitude to: the rest of the staff and my fellow masters candidates at Université Grenoble Alpes for the learning environment, Samuel Carleson for the influence of inquiry into things we do not understand, and last but not least my family, Cynthia Gray, Charles and Diana Raming, Leah Raming, and Robert Gray for their endless support and encouragement.

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*We Shall Not Alter It Much By Our Words*

## *The Media and the International War Crimes Tribunal*

### **Introduction**

On November 15th, 1966 celebrated journalist Bernard Levin sat in a small crowd of reporters in London to hear Bertrand Russell, the ninety-four year old mathematician-philosopher, announce his plans for the International War Crimes Tribunal. Russell, who alongside perpetual and prolific technical writing had been an outspoken anti-imperial activist since the Second Boer War, was paying close attention to American intervention in Vietnam and was increasingly concerned with the merits and manor of the war. The culmination of this disquietude took the form of the International War Crimes Tribunal (IWCT) also known as the Russell Tribunal; a series of hearings held across two sessions (in Stockholm, Sweden from the 2nd to the 10th of May, 1967 and in Roskilde, Denmark from November 20th to December 1st, 1967) designed to raise public awareness and inspire action against the American war in Vietnam by documenting U.S. military actions and measuring them against international law. Two months later in February of 1967, Levin's article, "Bertrand Russell: Prosecutor, Judge and Jury" was published in the *New York Times Magazine*. It avoids the topic of the Tribunal itself, focusing rather on Russell's apparent descent into senile dementia manifest in his objection to the war. While this article captures the main characteristic of the media's Tribunal coverage, it does not represent all of it. However the substance of Levin's article generally characterizes popular, and to a certain extent academic, understanding of the Tribunal's relationship with the media.

In spite of the tremendous body of work and cultural stature of Tribunal members such as Jean-Paul Sartre, Lelio Basso, Simone de Beauvoir, Peter Weiss, Vladimir Dedijer, David Dellinger, James Baldwin, etc.<sup>1</sup> it is thought to have had little effect on the status quo of the Vietnam era and consequently receives little attention. Russell's own address to the Tribunal as it began its second sessions in Denmark: "The course of history is being shaped in Vietnam. We shall not alter it much by our words,"<sup>2</sup> characterizes both its contemporary and retrospective

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<sup>1</sup> There were twenty-four members in all (see appendix I) as well as tens of notable journalists and activists involved, for more information on Tribunal members and general Tribunal history see Duffett, *Against the Crimes of Silence* and Klinghoffer & Klinghoffer, *International Citizens' Tribunals*

<sup>2</sup> Duffett, *Against the Crimes of Silence*. 313

receptions. However realistic the aging philosopher's self-aware observation was, the key word is *much* because the Tribunal did play an important role in the antiwar movement. This gap in the history of Vietnam-era activism which lies on the spectrum between over-simplification and misconception can be explained by understanding the media's relationship to the Tribunal.

The media during the war in Vietnam is of particular interest to scholars due to its perceived influence on the war. "For the first time in modern history," journalist Robert Elegant wrote, "the outcome of a war was determined not in the battlefield, but on the printed page and... the television screen."<sup>3</sup> Critics like Elegant maintain that the media was chief among those to blame for failure in Vietnam. Others such as Edward S. Herman and Noam Chomsky contend that the media's coverage "amply fulfilled" their Propaganda Model's expectations for acceptance of the government's narrative and enforcement of an American world view that generally supported the war effort.<sup>4</sup> Either way, the debate over the media and the American War in Vietnam provokes controversy; examining the way it handled dissenting view points like that of the Tribunal illuminates our understanding of the way the public learned and felt about the war.

From a social movement studies standpoint, the media is a key factor in the success or failure of any political action. Sociologist William A. Gamson, writes: "The mass media arena is *the* major site of contest over meaning because all of the players in the policy process *assume* its pervasive influence."<sup>5</sup> For the "antiwarriors" of the Vietnam era, according to historian Melvin Small this relationship was central "because their effectiveness depended on the way the media brought their activities to the attention of the public and the people in power."<sup>6</sup> Studies, like that of Small's in *Covering Dissent*, that deal with the media and the antiwar movement in the United States have established that coverage of action considered to be outside the "sphere of legitimate

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<sup>3</sup> Elegant, "How to Lose a War." 73

<sup>4</sup> Herman & Chomsky, *Manufacturing Consent*, 234-235

<sup>5</sup> Gamson, *The Blackwell Companion to Social Movements*. 243

<sup>6</sup> Small, *Covering Dissent*. IX

controversy"<sup>7</sup> was systematically biased and degrading.<sup>8</sup> If domestic dissent was deviant enough to garner such contempt, what happened when the media confronted an action by an international group in Europe?

The media was highly influential in the American political context in which the Tribunal hoped to have an effect. Furthermore the Tribunal needed it to transmit their sessions and findings to the American public while President Johnson and his administration, being the chief target of the IWCT accusations, obsessively monitored the news. The President himself routinely read seven newspapers per day while in office. Additionally, there were tickers from the three major wire services (Associated Press, United Press International, and Reuters) in the oval office,<sup>9</sup> which is pertinent because the vast majority of the reporting on the Tribunal was done by the wire services. The media's influence as such makes it a useful tool for assessing the success of a political action like the Tribunal and although Johnson never publicly acknowledged the Tribunal, the actions of the White House and the Tribunal news covered here show that the Tribunal posed a threat to the President.

Moving past the general realities concerning the war in Vietnam, political action, and the media, from an author's point of view whose aim is to understand the Tribunal, studying the media makes sense for several reasons. To begin with, Russell was seemingly as appalled by the way news from the front was presented and interpreted in the United States as by the war itself. According to biographers Barry Feinberg and Ronald Kasrils, he "was determined to combat all those tendencies in the U.S. which he felt served to strengthen government control of the press so as to use it as a weapon in the Cold War."<sup>10</sup> The tension between the *New York Times* and Russell, which is very much part of the Tribunal's origins, dated back to 1963 when Russell's letter stating: "The United States is conducting a war of annihilation in Vietnam," appeared next to an editorial casting his point of view as "unthinkable receptivity to the most transparent Communist

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<sup>7</sup> Term coined by Hallin, *The Uncensored War*: 110-117

<sup>8</sup> See Small, *Covering Dissent* and Hallin, *The Uncensored War* Ch 5

<sup>9</sup> Small, *Covering Dissent* 26-29

<sup>10</sup> Feinberg & Kasrils, *Bertrand Russell's America* 179

propaganda."<sup>11</sup> What Russell was receptive to was nothing more than reports of war conduct in the very same paper since at least as early as 1962. Tribunal members would go on to frequently cite reports in major Western media publications as their *prima facie* evidence that the American war in Vietnam was illegal and immoral.

The people involved in the immense effort of the Tribunal are also grounds for studying the media. Attention is most often given to the celebrity-intellectual cast who were invited to sit on the Tribunal. Although names like Russell, Sartre, Baldwin, de Beauvoir, and Carmichael served their important role as public faces, many lesser known activists dedicated themselves to this endeavor, at least twelve of whom were journalists. Their presence and work informed the nature of the Tribunal. It became an outlet for them, in essence a way to publish the work that they were compelled to do by reporting the war with the perspective of the Vietnamese in mind. Combined with Russell's *prima facie* evidence, this journalistic influence made the IWCT a challenge not only to the war, but the media itself.

Considering how the media was woven into the Tribunal's story, it is interesting how little academics have written about this relationship. Looking at the criticism of the Tribunal helps in understanding this lack of attention. The vast majority of it is in some way based on the IWCT's legal inspirations. An example is found in the first letter to the editor concerning the Tribunal published in the *New York Times*:

"Few principles of Anglo-Saxon law are so fundamental as the principle that an accused shall not be judged by his accuser, unless it be that only a duly constituted tribunal with defined powers shall presume to exercise jurisdiction. On the basis of the violations of these principles alone, all common-law practitioners must condemn not only the proposed trial but also the proposed tribunal. But thinking people in general must also condemn both the court and the cause not only as exercises in futility but as sheer effrontery and as attempted usurpation of the role of the General Assembly of the United Nations."<sup>12</sup>

These inspirations cannot be denied. For IWCT organizers and supporters, the absence of an authoritative body, such as those of the Nuremberg and Far East trials after World War II, that could serve justice in international affairs had had tragic outcomes since the 1940s. They

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<sup>11</sup> "Lord Russell's Letter" & "Vietnam Policy Protested" *New York Times* Apr 8, 1963.

<sup>12</sup> Simon. "'Trial' of U.S. Leaders." *New York Times* Aug 17, 1966.

accordingly modeled the Tribunal after those momentous proceedings that were fresh in their minds. The influential Tribunal members were with a few notable exceptions, European and of the generation marked by the second World War, even so far as Auschwitz-Birkenau survivor Marceline Lorida, who went on a six-month investigation to North Vietnam and testified at the Tribunal. To their detriment however, the language they used at times blurred the lines between a mock trial and a commission of inquiry, or self-gratifying moral condemnation and realistic assessment of the information they gathered. Their mission, fixated as it was upon American conduct without any regard towards that of Vietnamese resistance, also severely limited their influence on broad public opinion. But even taken into consideration with these faults, most criticism still largely glosses over an important aspect of the Tribunal's substance and contribution as the "clearing house of information on the war"<sup>13</sup> in favor of an illegitimate reproduction of the Nuremberg trials. This major theme in Tribunal rhetoric was largely facilitated by the media's framing.

Historians and other academics have generally maintained such a legal frame when writing about the IWCT. After the exposure in 1969 of the My Lai massacre, numerous other citizens' tribunals on warcrimes, and evidence against the conduct of the U.S. military in Vietnam that continually mounted, the Tribunal has been lumped into a body of historical legal scholarship.<sup>14</sup> Considering its international make-up, it has also been featured in the growing body of diplomatic history surrounding Vietnam.<sup>15</sup> Lastly as a distinct event in non-violent organizing, it is additionally present in literature concerning the antiwar movement and citizen-organizing in general.<sup>16</sup> Regardless of the theoretical grounding, these accounts typically include a generalizing reference to the media such as this one found in the Klinghoffers' often cited

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<sup>13</sup> Oglesby speaking at the Tribunal, maintained that this was the Tribunal's more important function. Duffett, *Against the Crime of Silence*, 322

<sup>14</sup> See Crangle, "Legal Theories of the Nuremberg and Stockholm-Roskilde Tribunals," Cassese, "Russell Tribunal," or Krever, "Remembering the Russell Tribunal"

<sup>15</sup> See Logevall, "The Swedish-American Conflict Over Vietnam," or Stewart "Too Loud to Rise Above the Silence"

<sup>16</sup> See Klinghoffer & Klinghoffer, *International Citizens' Tribunals* or Torrell "Remember the Russell Tribunal?"

book: "Press coverage of the tribunal was greater in Europe and Asia than it was in the United States...overall, the Tribunal failed to capture the media's imagination."<sup>17</sup>

This thesis takes issue with these generalizations, maintaining that a better picture of the Tribunal is gained through an in-depth understanding of its relationship to the media. Because negative coverage or silence in general are taken to characterize this relationship, no one has probed it in a substantial manner. Such an endeavor demonstrates that the aforementioned generalizations over-simplify the relationship between the media and the Tribunal. As such there is a need to explore and compare the mutual effects, interplay and dynamics between them. In doing so, it can be seen as a more integral, yet unique, aspect of the antiwar movement continuity.

It argues that the IWCT featured a *journalistic* element of protest designed to sway public opinion against the war by bringing to light the effects of U.S. policy on the Vietnamese people. By challenging support for American militarism in Vietnam, the IWCT also challenged the media's role in fostering such support and proposed a different means of communicating and interpreting information from Vietnam. This thesis shows that in response, the media's coverage of the Tribunal, while largely adversarial and disparaging, at times varied from harshly negative to relatively supportive. Social movement scholars have posited that the *tactics* adopted by activists can paradoxically overwhelm the *goals* of their action.<sup>18</sup> By observing that the media hinged on the legal frame, it demonstrates that this was the case for the Tribunal. But coverage also reflected the contemporary media trends in their complexities as well as the heterogeneous nature of the Tribunal itself. Finally, looking at the IWCT vis-à-vis the media reveals numerous ways in which it was integrally tied to the antiwar movement as a whole.

The first part considers the role of the media from the Tribunal's perspective. It traces the various ways in which the media was ever present in the minds of IWCT members. The second part looks at the IWCT in the media. Considering Russell's history with the *New York Times* and the fact that the paper is generally accepted as a guiding factor in deciding the news agenda for the rest of the country, it features a comprehensive analysis of the *Times'* Tribunal coverage.

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<sup>17</sup> Klinghoffer & Klinghoffer, *International Citizens' Tribunals*. 132-133

<sup>18</sup> Taylor & Van Dyke, "Get up, Stand up" 263

Following this it offers a selective look at other media institutions in order to gain an overall understanding of how the IWCT was presented to Americans. The third part traces several elements of the antiwar movement through the Tribunal's presence in the media showing how a series of subtle actions and congruent actors connected activist and activism from Northern Europe, to North Vietnam, and finally to North America. The Tribunal had an important yet unacknowledged scope of influence on the antiwar movement.

The thesis is broadly built upon two methodologies. For the first and third parts, it will highlight segments of Tribunal literature, media archives and academic writing that have not yet been considered together from a historical perspective. By putting the Tribunal's own records in dialogue with what was written in the media, it extracts the media's importance for the IWCT and in turn its own importance for the movement. The second part analyzes the different angles and overall themes of coverage concerning the Tribunal roughly following the work of other Vietnam-media histories such as *Covering Dissent* by Melvin Small and *The Uncensored War* by Daniel Hallin, deeply focusing on *Times* coverage but with other publications included where necessary. However the Tribunal has many factors that distinguish it from the domestic protest that Small wrote about, and the war coverage documented by Hallin: it happened abroad, it was concise with immediate recognition thanks to its high-profile cast, it had a predetermined relationship to the press with many anticipatory articles over a year and a half, and it was more prominently covered by the media in the months leading up to it than during or after. Thus it varies from their studies by using digital text analysis on the entirety of the *Times*-Tribunal corpus before moving on to an article-by-article basis. It draws sources from three newspaper databases: the *New York Times* and the *Washington Post*, as well as *Newspapers.com* for a vast array of local papers nationwide. The Tribunal is often marked by its international character. However, considering the context of the Cold War and the consequences of American decisions, "it is in the United States," Russell himself wrote, "that [it could] have its most profound effect."<sup>19</sup> Therefore what follows is overwhelmingly focused on the Tribunal's place in American media.

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<sup>19</sup> Duffett, *Against the Crime of Silence* 3

The thesis also occasionally applies a set of theoretical approaches when pertinent. First it draws on analysis of the media dating back to 1922 with Walter Lippmann's seminal observations in *Public Opinion*. Continuing in this lineage so to speak, it will also at times apply Herman and Chomsky's propaganda model as well as the ideas of Melvin Small and Daniel Hallin who have all written to clarify the media's overall pro-war position, especially up to 1968. To understand the reactions that American journalists and readers had towards the Tribunal, it will also rely on the ideas put forth by Richard Hofstadter in *Anti-intellectualism in American Life*. The Tribunal was after all a highly intellectual and confoundedly European affair with few exceptions which doomed its potential affect in the United States. Finally, in order to gain a fuller portrait of this topic the thesis also incorporates key ideas from social movement theory; notably but not limited to framing processes elaborated by William Gamson who has written directly to what he and Gadi Wolfsfeld call "the dialogue of the deaf"<sup>20</sup> between social movements activist and the media.

The documenting nature of the Tribunal's work was central its relative effectiveness. Therefore it should play a role in preserving its memory. This conception is thus tangentially opposed to the diplomatic and legal labyrinth of debate that the IWCT tends to exist in. An analysis of the Russell Tribunal vis-à-vis the media is the ideal support for this understanding. The media, in its tendency to cover controversy while preserving the status quo,<sup>21</sup> promoted the legal framework that dominates discussion about the Tribunal, but in doing so, paradoxically conveyed the connections that made the IWCT an integral part of the movement against the war. The thesis shows how portrayal in the media is part of the reason that the Tribunal is little contemplated and misunderstood. It provides us with a medium to understand the broader cultural constraints that kept Americans ignorant or antagonistic to the IWCT. By highlighting evidence of warcrimes committed by the American military from the Western media itself, the Tribunal implicitly attacked the American media alongside the Johnson administration's policies. Finally, by considering the Tribunal outside of the legal frame, it illuminates the Tribunal's modest yet important impact, giving credit where it is due in recognizing the considerable effort

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<sup>20</sup> Gamson & Wolfsfeld. "Movements and Media as Interacting Systems" 115

<sup>21</sup> Small, *Covering Dissent*. 13-16

made by the Tribunal to play a role in history with the humility to know that they would "not alter it much by [their] words."<sup>22</sup>

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<sup>22</sup> Duffett, *Against the Crime of Silence*. 313

## Part I: The Tribunal's media

### Chapter 1 - Russell vs. The *New York Times*

Although it must be stressed that the Tribunal happened thanks to the enormous effort of a vast network of activists, the preliminary role of Bertrand Russell was of utmost importance. By the time of the proceedings, the philosopher was too physically weak to leave his home in Wales only two and a half years before his death. However according to historian Michael S. Foley, Russell nevertheless "almost singlehandedly organized the IWCT."<sup>1</sup> With Russell's central role in mind, the Tribunal's roots can be traced back to 1963 when he first spoke out against the American war in Vietnam in the *Times*. The letter cited in the introduction from March of that year goes on to point out that the war was being fought to prevent social reforms in south-east Asia and conducted in a severely inhumane way that entailed the use of napalm against civilian villages and defoliants to destroy crops and livestock. He concludes with the question: "How long will Americans lend themselves to this sort of barbarism?"<sup>2</sup> He must have been disappointed to watch as it would take a decade for these same concerns to reach the conscience of enough Americans to make a difference in policy and that the answer to his question was longer than he had left to live.

In his book *War Crimes in Vietnam*, published in 1967 as a sort of companion to the Tribunal, Russell documents how he was motivated to send his letter by reports that had appeared in the *Times*. This is the foundation of the antagonistic relationship between what would become the Tribunal and the media whereby it implicitly held the American press responsible for the lack of accountability in the United States. What was Russell referring to in his letter? The examples include a July 25, 1962 page one article by Homer Bigart, an American correspondent based in Vietnam, stating that American military observers were "shocked" by the war's "senseless brutality," that "advisors have seen Vietcong prisoners summarily shot," that they had seen "the charred bodies of women and children in villages destroyed by napalm

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<sup>1</sup> Foley, *Confronting the War Machine* 45

<sup>2</sup> "Lord Russell's Letter:" *New York Times* Apr 8, 1963

bombs," and that Ngo Dinh Diem, the the Vietnamese president allied with the United States who's picture is labeled in the article as "autocratic ruler," was "incapable of winning the loyalty of his people;"<sup>3</sup> As well as a January 26, 1962 article by the same author describing how the U.S. was reluctant to join the South Vietnamese "crop-killing" program of chemical warfare against "rebel-controlled manioc and rice fields."<sup>4</sup> The news in these articles, that Russell objected to in real time, would prove to be a modest beginning. Only a few years later such tactics became the standard operating procedure readily defended by Tribunal critics.

The existence of such articles that state outrageous facts without the corresponding outrage is accounted for by Russell as well as other observers of the media's actions during the the war in Vietnam. He explained that in reporting the state of things without criticizing the policy that facilitates them, the journalists preserves their respectability in the present while simultaneously protecting themselves from potential discrediting in the future.<sup>5</sup> According to historian Daniel Hallin, whose monograph *The Uncensored War* analyzes the media's coverage of the conflict in Vietnam, this is an unintended result of the professionalization journalism. With this came an "ethic of political independence" which would lead a reporter like Bigart to present villages burning and the destruction of civilian populations' provisions as a challenge for the United States without questioning the reasons why they support Diem's regime in the first place.<sup>6</sup> These explanations were not sufficient for Russell, and a confrontation on the *Times*' pages began. The aforementioned editorial appeared on the same page as Russell's letter in order to disclaim it. He wrote a response and it was published on May 4, 1963 but the *Times* editors omitted a long passage concerning a study done by the South Vietnamese Liberation Red Cross on the chemicals used over rice fields. An ensuing exchange of five letters between Russell and the *New York Times* were never published by the paper.<sup>7</sup>

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<sup>3</sup> Bigart, "Vietnam Victory Remote Despite U.S. Aide to Diem." *New York Times* Jul 25, 1962

<sup>4</sup> Bigart, "U.S. Shuns Harm to Vietnam Food." *New York Times* Jan 26, 1962

<sup>5</sup> Russell, *War Crimes in Vietnam* 30

<sup>6</sup> Hallin, *The Uncensored War* 7-8

<sup>7</sup> Russell, *War Crimes in Vietnam* 31-41

The basis for the Tribunal's relationship with the media was set in 1963, four years in advance, as adversarial. It is important to note that this contentious exchange was not forgotten by Tribunal organizers, eventually brought together by the Bertrand Russell Peace Foundation (BRPF), nor was it lost upon *Times* editors by the time the proceedings took place in 1967. In other words the media's relationship with the Tribunal did not arrive in a vacuum. In fact, the positions of Russell and the other high-profile Tribunal members combined with the political context of American support for Cold War policies more likely predetermined the nature of this relationship.

## **Chapter 2 - Evidence in Plain Sight**

The events of the mid 1960s unfolded, bringing about the Tonkin Gulf resolution in August 1964, massive U.S. troop commitments (184,300 by the end of 1965, 362,000 in 1966),<sup>8</sup> and the accompanying reports from the battlefield. It is important to recall that for various reasons, the media was unprecedentedly unrestrained by government censorship in wartime. Journalists therefore did not simply see themselves as part of the war effort as in conflicts past; leading to at times undesirable reports from the government's perspective.<sup>9</sup> Russell and his entourage observed in horror as reports of what they saw as travesties multiplied without any stern reaction from the American public. These media reports go on to inspire the Tribunal, organizers conceived of it as a way to dramatize and consolidate their effect. Russell's fiery American secretary and tireless Tribunal organizer Ralph Schoenman wrote:

"We had in our files a mass of information from the Western press. It was obvious that the U.S. was carrying out crimes on a scale which was difficult to imagine. In 1965 the Russell Foundation began to explore a method of bringing this to light dramatically."<sup>10</sup>

Bringing these reports to light was not the only motivation for the Tribunal, its inspiration is often characterized as a means to aide draft resisters in their legal battles with the United States

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<sup>8</sup> Young, *The Vietnam Wars* 333-334

<sup>9</sup> Hallin, *The Uncensored War* 6-7

<sup>10</sup>Duffett, *Against the Crime of Silence*. 5

Government, particularly in the case of David Mitchell, by supplying proof of the violation of Nuremberg Principle VII.<sup>11</sup> These specific notions must be considered with the general goals of raising awareness and sparking action against the war. However, the influence of the media on Russell and the BRPF's decisions was central and it completes the story of the Tribunal's genesis.

Distressed by these mounting reports in the press, Russell lamented that "although some newspapers were prepared to publish isolated pieces of horrifying information, they had no intention of forming a coherent picture of the war."<sup>12</sup> The tribunal provided a way to attain such coherence and fill the void left by the press. In the November 15th, 1966 press conference that formally announced the IWCT, Lord Russell distributed a document in which he had compiled reports from Vietnam that, according to him, made "it clear that we enter our enquiry with considerable *prima facie* evidence of crimes reported not by the victims but by media favorable to the policies responsible."<sup>13</sup> This document was published in the February, 1967 volume of the Franco-American leftist journal *World Outlook*. It contains some twenty-four citations from western media sources of torture, civilian deaths, the use of chemicals, and what Russell called "forced labor camps" which were likely variations of the American strategic hamlet program.

A few specific examples taken from this document will help to understand the moral outrage felt by the Tribunal and the media's role in bringing it to light. The *Times* of November 28, 1965 reported that:

"Anyone who has spent much time in the field has seen the heads of prisoners held under water, bayonet blades pressed against throats, victims (with) bamboo slivers run under their fingernails, wires from a field telephone connected to arms, nipples or testicles."<sup>14</sup>

AP reporter Malcolm Browne's book *The New Face of War* described, practically in real-time, the experience of journalists in Vietnam:

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<sup>11</sup> Stewart, *Too Loud to Rise Above the Silence*. 18, Principle VII designates *complicity* with the former principles as an equal crime.

<sup>12</sup> Russell, *War Crimes in Vietnam*. 30

<sup>13</sup> Russell's statement at the Nov 15 press conference from IWCT pamphlet

<sup>14</sup> Tuohy, "War Is Hell and, by God, This Is One of the Prime Examples" *New York Times*. Nov 28, 1965 and Russell, "The Western Press and U.S. Crimes" 201

"Many a news correspondent has seen the hands whacked off prisoners with machetes. Prisoners are castrated or blinded. A suspect has been towed, after interrogation, behind an armored carrier across the fields. Many soldiers enjoy beating up Vietcong prisoners. The subjects of interrogation so often die after questioning that intelligence seems to be a secondary matter."<sup>15</sup>

Finally a quote from the September 29, 1965 edition of the *New York Herald Tribune*:

"They get a V.C. and make him hold his hands against; his cheeks. Then they take wire and run it through the one hand and through his cheek and into. his mouth. They pull the wire out through the other hand. They knot both ends around stakes."<sup>16</sup>

The document demonstrates how central the role of the media in Vietnam was to the Tribunal. Twenty one more examples are cited from the ever augmenting list of events that if carried out in other circumstances would constitute international outrage.

In the same document, Russell hints to one reason why the state of affairs allowed for this news to pass the ears of a country without raising concern: racism. In this instance it was in an unfamiliar form for a United States still embroiled in the Civil Rights era. The mere fact that the Vietnamese were different from Americans nevertheless allowed for the war to happen in the way that it did. Russell and the Tribunal were acutely aware of this inequality long before most. *The Western Press and U.S. Crimes* concludes with two Lyndon B. Johnson quotes: In the first, taken from the *New York Times*, he told troops in Cam Ranh Bay, Vietnam to "come home with that coonskin on the wall,"<sup>17</sup> and the other from his infamous address to the House of Representatives as a congressman in 1948 when he said Americans without airpower were "easy prey to any yellow dwarf with a pocket knife."<sup>18</sup> The president's colloquial parlance can and has been forgiven, and Russell slightly mistook the significance of "coonskin" with that of the shorter "coon" in what followed the citation, but the ugly realities underlying such comments cannot be denied. This was a consistent theme for the Tribunal which did not bode well for them in the press. It will be elaborated on in part III.

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<sup>15</sup> Browne, *The New Face of War* 116 and Russell, "The Western Press and U.S. Crimes" 202

<sup>16</sup> Russell "The Western Press and U.S. Crimes" 203

<sup>17</sup> Reston, "Chicago: That Coonskin on the Wall" *New York Times*. Oct 28, 1966. and Russell "The Western Press and U.S. Crimes" 204

<sup>18</sup> Johnson, *Congressional Record* 2883 and Russell "The Western Press and U.S. Crimes" 204

It must be emphasized that the BRPF gave this document, which catalogued warcrimes reported by the western media, to a group of journalist representing that very group. The reporters mocked the activists, saying "you ask the questions on page three but you already answered them on page two"<sup>19</sup> in reference to *Aims and Objectives of the IWCT*, another document distributed at the November 15 conference. In the interest of self-preservation, they had no choice but to make fun because to acknowledge the Tribunal's conclusions from these reports would have been to discredit their colleagues and the institutions they served. In charging the US government the Tribunal indirectly indicted the media as well.

In spite of a large body of research that supports the contrary, it is often believed that there was an antagonistic relationship between the press and Washington throughout the war in Vietnam.<sup>20</sup> The veracity of this idea might be more complicated later on in the War, after My Lai or in the early seventies when the American masses finally lost patience with the war. But if antagonism really characterized the media's stance on Vietnam policy in the mid sixties, than it seems that "a coherent picture of the war" to Russell's liking would have been readily available. One must again look to the underlying journalistic philosophies, which had not changed since 1963. Hallin describes the nature of the early reporting in Vietnam as guided by journalistic practices that reflect "the perspectives of American officialdom generally," urging that "attention must be paid to the enormous strength of the Cold War consensus...shared by journalists and policymakers alike, and to the great power of the administration to control the agenda and the framing of foreign affairs reporting."<sup>21</sup> Indeed according to some, such as author and journalist Vincent Bevins speaking about U.S. involvement in the 1965-66 Indonesian mass-murder, "Most of the major media in the United States saw it as their patriotic duty to help."<sup>22</sup> The duality of professionalism with the Cold War consensus explains the lack of a coherent moral conclusions drawn in the press and consequently parts of the Tribunal's impulse and rational.

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<sup>19</sup> Granger-Blair, "Russell Discusses his Plan for 'War-Crime Trial'" *New York Times* Nov 17, 1966

<sup>20</sup> See Hallin p3 or Small p1 and note 6 on p177

<sup>21</sup> Hallin, *The Uncensored War*. 8-9

<sup>22</sup> Bevins in Scheer, "The 'Mass Murder Program' Behind America's Rise to Power"

References to this mass of *prima facie* evidence are replete in BRPF and Tribunal literature. Not only motivational, they also constitute one of the key tactics employed by the IWCT. The principle actors, like Russell and Sartre, possessed considerable structural power with high "position[s] in the larger social structure"<sup>23</sup> compared to most pacifist-activist. They were exceedingly privileged by name-recognition, access to the media, and cultural influence. Furthermore there was a pretense of actual diplomatic influence; Russell engaged in exchanges with the Democratic Republic of Vietnam (DRV) and the Prime Minister of England Harold Wilson, Sartre with Charles de Gaulle.<sup>24</sup> So much so that their actions are implicitly conceptualized as other than protest which influenced the way the media and scholars alike portrayed the Tribunal. Its actual effect however, the interrelation it went on to have with the antiwar movement, demonstrate that it was an organized act of protest that happened to benefit from a facade of cultural influence. Considering these tactics as such provides the necessary perspective on the media's importance for the Tribunal.

### **Chapter 3 - The Journalists of the Tribunal**

For evident reasons, attention is most often paid to the members of notoriety when remembering the Tribunal. As is frequently the case in history, this comes with reductive consequences because inquiry behind the scenes finds over one-hundred fifty activists from all over the world who worked tirelessly and traveled to Vietnam, Laos, Cambodia, and the United States in order to make the Tribunal happen.<sup>25</sup> It was thanks to the work of these people that Russell and Sartre had their days in the press concerning the war in Vietnam. They were activists, lawyers, historians, professors, and journalist. The contributions of these activist members of the press was thus another way that the media shaped the IWCT.

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<sup>23</sup> Taylor & Van Dyke, "Get up, Stand up" 277

<sup>24</sup> See Mehta, "North Vietnam's Informal Diplomacy with Bertrand Russell," Duffett, *Against the Crime of Silence*, 18-36 & Sartre, *Situations XIII*, introduction.

<sup>25</sup> Stewart, *Too Loud to Rise Above the Silence*. 18

Publication is a central tactic of politically engaged organizations. The elementary answer to Lenin's question, "what is to be done?" during the simmering of the Russian Revolution was to raise consciousness by publicizing ideas.<sup>26</sup> Much of the IWCT personnel were not exceptions; in attracting fervent antiwar activists it also lured many with backgrounds in journalism. Dave Dellinger, founding editor of the key antiwar periodical *Liberation* in the United States as well as Sartre and de Beauvoir at the height of their success in the same role with *Modern Times* in France each sat on the panel before which twelve journalists testified, all of whom had been to Vietnam on investigation teams. They were overwhelmingly European with various impacts in their respected countries. But Tribunal reporters with an influence west of the Atlantic included: leftist *Guardian* reporter Wilfred Burchett, Tariq Ali who helped revive the nineteenth century radical newspaper *The Black Dwarf* in England during the Vietnam era also a contributing editor of *The New Left Review*, as well as SNCC journalists Julius Lester and Charles E Cobb Jr. a founding member of the National Association of Black Journalists. Together with the other journalists from Europe who had even more important impacts on the militant communities of their respected countries, such as French journalist and former Resistance member Madeleine Riffaud or Antonello Trombadori, the influential writer for the Italian communist journal *L'Unità*, these news-people had a *de facto* effect on the substance of the Tribunal. It in turn provided them with a way to fill the void they saw left by the mainstream media.

One impact of this was to provide the aspect that Carl Oglesby of SDS referred to as the "clearing-house of information on the war,"<sup>27</sup> as the Tribunal documented the events in Vietnam like nobody else had. He considered this its most important effect in the United States. An constructive way to understand the work of these members is through the peace journalism model of the influential scholar Johan Galtung. He puts forth a way of understanding war coverage through a system of diametric values: Truth versus propaganda, people versus elite, solution versus victory.<sup>28</sup> These themes resonate with the Tribunal's perspective and the

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<sup>26</sup> Lenin, *What Is To Be Done*

<sup>27</sup> Duffett, *Against the Crime of Silence* 322

<sup>28</sup> Galtung, *Violence, Peace and Peace Research*, Galtung, *The Structure of Foreign News*, Ottosen, *The War in Afghanistan and Peace Journalism in Practice* 262 & 275

journalist members shaped this side of its nature. In the end, modest as they are, revealing facts from Vietnam that were unknown beforehand, such as the use of anti-personnel Cluster Bomb Units (CBUs) in North Vietnam when the government still claimed that it only attacked "steel and concrete," and building the discourse around the treatment of the Vietnamese people were the IWTC's greatest effects. In other words, documenting the war in a way that Galtung's theory clarifies as fundamentally opposed to the dominant media institutions. Interestingly enough, at the intersection of journalism and peace studies, criticisms of Galtung's work are overwhelmingly based on the perceived lack of objectivity or fairness,<sup>29</sup> strikingly reminiscent of the disparagements written by Tribunal detractors.

In a second instance, these journalists' participation can also be understood through the addition of emotion to the resource-mobilization paradigm in social movement studies. In their case for why emotions should be taken into account when studying social movements in spite of the broad academic tendency to disregard them as feeble and unidentifiable in favor of cognitive or structural analysis, Jeff Goodwin, James Jasper, and Francesca Polletta trace the evolution of political action theory highlighting additions that fundamentally implicate emotions.<sup>30</sup> Many of the mechanisms that have been added to this field of study apply to the Tribunal in general and specifically to the journalistic group of activists involved. For example, there are injustice frames. Borrowed from William Gamson, these are points of view that perceive "injustice and which identify those blameworthy people responsible for it."<sup>31</sup> This describes the Tribunal, precisely its form of a trial in terms of assigning blame for injustice. Next these authors highlight social networks, in the old fashion sense, as means of recruiting. Important not only for contacting "people with already share assumptions and beliefs," they also entail "affective bonds."<sup>32</sup> This idea goes a long way in understanding the importance of militant journalist circles for the Tribunal. Structures already in place such as the network of antiwar reporters in the UK between Ali and Burchett and the that of *Modern Times* in France facilitated recruitment for the

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<sup>29</sup> Ottosen, *The War in Afghanistan and Peace Journalism in Practice* 264-265

<sup>30</sup> Goodwin, Jasper, Polletta, "Why Emotions Matter" 5-10

<sup>31</sup> Ibid 8

<sup>32</sup> Ibid

BRPF and were the precursors for the documentation component of the IWCT. Finally, collective identities come into the fold as opposed to interest. The goal of ending the war was clearly the Tribunal's chief interest, but the means through which to attain it were preceded in part by a collective identity of militant journalism.

The point in acknowledging the role of emotions such as injustice and camaraderie is to complete our understanding of events like the IWCT because they best explain the activists' commitment and effort all while knowing that they would not change history much with their words. It is not irrelevant that the Tribunal took place during the rise of the structural and cognitive paradigms in social science. With this in mind, from a macro-historical perspective these people were in a way conforming to the broader trends by attempting to formalize their protest as a tribunal. But as emotions are "like an unseen lens that colors all our thoughts, actions, perceptions, and judgments,"<sup>33</sup> they must be considered alongside the action's formalities. With the emotions tied up in a group of journalists labeled as deviant by the mainstream media and who had powerful moral convictions against the way their industry choose to portray the war in Vietnam, the Tribunal became a vehicle for them to put their thoughts and feelings into action.

#### **Chapter 4 - Media Sources Cited in the Proceedings**

The notion of *prima facie* never dissipated for Tribunal members and testifiers, in spite of five investigation teams sent to Vietnam to verify the manner of war-making for themselves. Part of their moral outrage came from the lack there of in Western media reports and they did not hesitate to express this during the proceedings. Citing news reports was continually employed to: corroborate their evidence, justify their broad cultural extrapolations, and defend the IWCT from criticism. Leading up to the sessions in the winter of 1967 for example, when the BRPF was scrambling to find a venue for the sessions (the original plan was for it to take place in Paris at *La Maison de la Mutualité*, the same venue that had hosted Martin Luther King two years

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<sup>33</sup> Ibid 10

earlier) Russell had an exchange with British Prime Minister Harold Wilson over his preventing London from hosting the Tribunal. In one letter Russell cites six different articles from the *Chicago Daily News*, *Le Monde*, the *Washington Post*, the *New York Times*, and the *Guardian* concerning massive allied troop and material movement during the 1966-67 Tet truce that Wilson had contradicted and refuted in an address to the House of Commons.<sup>34</sup>

In the actual proceedings, Western media sources are cited as evidence some eighty-six times. The substance of this evidence is as comprehensive as the Tribunal's inquiry to the nature of American intervention in Vietnam. In the noteworthy testimony concerning the history of American involvement in south-east Asia, the Tribunal heard from the first of many journalist to testify, Charles Fourniau, a French reporter who was in Vietnam from 1963 to 1965. In order to "show that at no time was the thesis according to which the United States is in South Vietnam fighting against essentially North Vietnamese forces supported by facts,"<sup>35</sup> he cites an AP dispatch on January 26, 1967 stating in detail that only one-sixth of the National Liberation Front (NLF) fighting force were North Vietnamese.<sup>36</sup> In the testimonies of several historians, journalists, and academics that only serve to contextualize the war, before moving on to potential violations of international law, Western news media sources were cited at least six times.

Most of the media-evidence came when the Tribunal examined the conduct of the American military. Examples include the testimony of U.S. civil rights attorney Stanley Faulkner, for evidence of violating article seventeen of the Geneva Conventions which bans torture of prisoners, there are six articles cited from the *New York Times*, *Newsweek*, the *London Sunday Mirror*, and the *Herald Tribune* that all provide eyewitness accounts of American soldiers torturing Vietcong prisoners.<sup>37</sup> Concerning the bombing of dikes in North Vietnam, S. Kugai, a college professor and member of one of the Japanese investigation teams that went to Vietnam

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<sup>34</sup> See Duffett, *Against the Crime of Silence* p23

<sup>35</sup> Ibid 82

<sup>36</sup> Ibid

<sup>37</sup> Duffett, *Against the Crime of Silence* 100, details include: "bamboo slivers run under fingernails," "cutting off the fingers, ears, or sexual organs," "connection of electrodes from this generator to the temples of the subject...in the case of women prisoners...to the nipples," etc.

cited *I.F. Stone's* July 12, 1965 translation of July 4, 5, and 6 reports in *Le Monde*.<sup>38</sup> Joe Neilands, notable American biochemist, cited ten articles from United States papers, including the *Washington Daily News*, the *Philadelphia Inquirer*, the *New York Times*, and the *Washington Post*, reporting the use of antipersonnel bombs on civilians in North Vietnam during his testimony.<sup>39</sup>

Neilands also invoked a different aspect of Vietnam coverage by citing a *Times* editorial in explicit support of the administration's position defending the lies that the Tribunal was in the process of debunking. The January 2, 1967 piece entitled *The Tragedy of Vietnam* is mostly an attempt by the paper to distance itself from its own correspondent Harrison Salisbury and to auto-exonerate from the fall-out caused by his recent reports of civilian deaths in North Vietnam. Neilands took the beginning of the article's offensive, after accounting for the fact that several factors "make it inevitable that any war today will entail civilian casualties," the editor wrote:

"That is quite different however from saying that there is even a shred of evidence to lend credence to the Communist propaganda that the United States is deliberately bombing civilian targets."<sup>40</sup>

This reveals the unwillingness, at least that of the *Times*, to implicate themselves in a moral judgment of the war that would diverge from the official line through a slight of hand wherein they convey a sort of independence from their staff and effectively hang their own journalist out to dry; as seen earlier in the article: "we reject" the conclusions drawn from the reports by "this newspaper's correspondent, Harrison Salisbury."<sup>41</sup> Neilands was thus careful to complete the effect of citing so many articles that report war crimes by including the contradiction of the media institutions' overall stance on the war.

The continued centrality of press reports in the Tribunal's proceedings demonstrates the depth of their purpose. Contrary to their portrayal in the same western media sources, and consequently their public reception, they were not solely interested in putting the United States

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<sup>38</sup> Ibid 188

<sup>39</sup> Ibid 270

<sup>40</sup> "The Tragedy of Vietnam," *New York Times*. Jan 2, 1967 & Duffett, *Against the Crimes of Silence* 270

<sup>41</sup> "The Tragedy of Vietnam," *New York Times*. Jan 2, 1967

government on trial. Theirs was a consolidated effort in the peace movement to bring attention to the contradictions and moral shortcomings that characterized the war in Vietnam. By including the evidence from Western media, they highlighted the relationship between the press and the administrations as characterized by Hallin, where by the ends justified the means. By extension, it was also a plead to the public residing in what Russell referred to as "the smug streets of Europe and the complacent cities of North America."<sup>42</sup>

The Tribunal was aware of the reality described by Hallin, which is why they included several press reports in the proceedings that conveyed official positions from Washington that were in evident contradiction with both the aforementioned media sources and the findings of the Tribunal's investigation teams in Vietnam. To demonstrate the military justifying their use of gas grenades and denying, self-contradicting, or lying about the composition of the gas in them, Edgar Lederer, a biochemist in Paris and leader of the "sub-committee on chemical warfare in Vietnam," cited the *New York Times* of October 9, 1965: "Asked if any nausea-causing was in the gas, the [American official's] response was an emphatic 'no.'"<sup>43</sup> Or concerning the bombing of dikes; for which American historian Gabriel Kolko gave concise and poignant testimony as to the severity of similar offenses by the Nazi leader Seyss-Inquart in the eyes of Allied judges at Nuremberg, (of the hundred eighty-five indicted, he was one of the twenty-four sentenced to death after the war for said crime)<sup>44</sup> Japanese professor Makato Kandachi cited a July 22, 1966 AP dispatch in which a U.S. Defense Department spokesman said "this should not in anyway be interpreted as intentional" after providing evidence and observations of systematic destruction of Vietnamese dikes.<sup>45</sup>

Such examples further charged the media with compliance in Vietnam policy. They were willing to report the details of the war on the ground, which frequently raised questions as to the legality of American military action, but in response would publish Defense Department justifications, explanations, and denials of such events. This estranged the Tribunal from the

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<sup>42</sup>Duffett, *Against the Crime of Silence* 51

<sup>43</sup>Ibid 343

<sup>44</sup>Ibid 224-226

<sup>45</sup> Ibid 230

media that it needed to get its message across the Atlantic to Americans. The Tribunal thought of itself as an informal accusation of the Johnson Administration and American military, but in doing so it was also among the most formal challenges to media practices during the war. This was bound to render a bad situation worse for IWCT when it came time for the media to write about them.

To conclude on the Tribunal's use of media sources, it is important to address the underlying societal conditions that confronted the members' interpretations of *prima facie* evidence. Walter Lippmann's triangular relationship between what he called "the scene of action, the human picture of that scene, and the human response to that picture working itself out upon the scene,"<sup>46</sup> provides that the later two points of the triangle have a far greater influence on our perceptions of reality than the former. This is supported by the dynamics around the horrific newspaper reports of the early to mid 1960s. Through the set of processes that allow us to function with current events since before the days of Lippmann, "we do not first see, and then define," he wrote, we overwhelmingly "define first and then see."<sup>47</sup> The distinction between the Tribunal's reading of these media reports and that of the American public can be understood through varied awareness of Lippmann's observations. The IWCT was leery of American imperialism cloaked in the defense of an anti-communist world, they therefore saw unjust atrocities mounting in Vietnam. That portion of United States citizenry who did not react in kind was conditioned in American innocence and righteousness, they saw the necessary evils of what would become a noble cause.

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<sup>46</sup> Lippmann, *Public Opinion* 16-17

<sup>47</sup> *Ibid* 81

## Part II - The Media's Tribunal

### Chapter 1 - Introductory Remarks

Before analyzing the IWCT's portrayal and publicity in western media, a number of methodological choices must be explained. To begin with, although Tribunal members themselves frequently used the adjective "western" to classify the media sources they were using or criticizing, what concerns this thesis would sooner be "American." In other words, although it was a markedly international action, citizens of the United States were their target audience, thus news in the new world was significantly more important. In the introduction to *Against the Crime of Silence: The Proceedings of the International War Crimes Tribunal*, Russell wrote, "it is in the United States that this book can have its most profound effect."<sup>1</sup> Towards the end of the second sessions in Roskilde, Denmark David Dellinger read these words: "The Tribunal appeals to the people of the United States to stop the monstrous aggression of the United States at its source."<sup>2</sup> This being the Tribunal's primary goal, it is accordingly appropriate to privilege American coverage when analyzing the IWCT's effect through the media.

Furthermore, a distinction between United States and international media is often made by both the Tribunal's supporters and detractors. Retrospective academic volumes which typically seek to reclaim the memory of the Tribunal frequently include a generalization to the effect of: "Press coverage was mixed... The tribunal received more coverage in Europe and Asia than in the United States. French and Italian media reports were positive, while the British press was negative."<sup>3</sup> In his preface to the Tribunal proceedings, Noam Chomsky wrote: "Those who were prepared to go beyond the mass media for information could learn something about the work of the Tribunal from such journals as *Liberation*, as could readers of foreign press, in particular, *Le Monde*."<sup>4</sup> Be it true or false, the impression that the Tribunal received better or

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<sup>1</sup> Duffett *Against the Crime of Silence* 3

<sup>2</sup> Ibid 652

<sup>3</sup> Mehta, *North Vietnam's Informal Diplomacy with Bertrand Russell* 65

<sup>4</sup> Duffett, *Against the Crime of Silence* xiv

even adequate coverage abroad combined with the Tribunal's focus on American public opinion makes analyzing United States coverage more important.

Another interesting aspect to this idea is a related claim made, with much more incendiary language, by Henry Tanner in his *New York Times* article "Russell Trial Flogging a Dead Horse." Tanner, in one of the more denigrating pieces on the Tribunal wrote:

"So complete is the unanimity of public sentiment on the subject of Vietnam that the major political organizations seem to have only one concern—not to be outdone by any rival party in devotion to the cause of peace in Vietnam. The "judges" of Stockholm thus have been flogging a dead horse. And, further, there seems to be a doubt in many minds whether those who worked over the carcass are themselves still a living influence."<sup>5</sup>

Tanner was a war correspondent based in Paris. In this article he attacks the Tribunal as a waste of time because European antiwar sentiment was already as strong as it could be. His analysis could have been more nuanced had he attempted to explain why the Tribunal was banned from France and Britain with such supposed antiwar sentiment abound. As such, the notion that the United States' back was against the wall in opposition to foreign opinion was used both to justify—in the sense frequently found in Russell's words that "the world is numbed by the arrogant brutality of the United States Government"<sup>6</sup>— and to ridicule the IWCT. But in both cases, it encourages concentration on American coverage.

Amongst all of the publications in the American media landscape, the *New York Times* emerges as an effective standard of inquiry into the Tribunal. Firstly, the *Times* is often used as a bench mark for the study of the media and Vietnam. Both Daniel Hallin's *The Uncensored War* and Melvin Small's *Covering Decent* derive a majority of their analysis from the paper. Furthermore, the general understanding is that American media was unfriendly to the Tribunal, if not completely refusing to cover it, taken into consideration with the *New York Times*' perceived dovish stance compared to many other American newspapers, it is possible to glean more substantial insight from looking at this publication. Hallin observes that:

"Coverage of Vietnam in a liberal 'prestige paper' like the *New York Times* was very different from coverage in a conservative paper like the *Chicago Tribune* or the *San Diego Union*, or a

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<sup>5</sup> Tanner, "Russell Trial Flogging a Dead Horse" *New York Times* May 14, 1967

<sup>6</sup> Duffett, *Against the Crime of Silence*. 49

small local paper...Someone who followed the war in the *New York Times* and Newsweek got a much more critical view"<sup>7</sup>

Melvin Small additionally documents how important the *New York Times* was to President Johnson, elites in general, and other news institutions; "almost everyone who is anyone in Washington and beyond read the *Times*...Moreover, other major newspapers, as well as magazines and television networks, accept their definition of what is 'news.'"<sup>8</sup> Due to its prominence and supposed critical stance on the war, this analysis focuses mainly on the *Times'* Tribunal coverage. Much like the allegedly antiwar stances of the French and British governments, the case of the Tribunal complicates the understanding of the *Times* as being critical of the war. This idea is at best, and perhaps most accurately, an oversimplification.

Another reason to concentrate on the *Times* in order to grasp the Tribunal is the tumultuous relationship the two institutions had. As one can gather by the aforementioned 1963 letters exchanged between Russell and the *Times*, the paper was a specific medium for Russell and the BRPF to communicate with Americans. This dynamic grew in intensity beginning in the summer of 1966 up to the first sessions. The paper published three groups of letters by Bertrand Russell and his secretary Ralph Schoenman in the run up to the Tribunal. Harrison Salisbury's famous articles from North Vietnam were published in the *Times* in connection with BRPF investigation teams. Finally as was demonstrated in part one, the *New York Times* was a principle source of *prima facie* evidence used before and during the Tribunal.

That being said, a full picture cannot be gained exclusively analyzing that paper's coverage. Thus an account of Tribunal articles carried by other American newspapers will also be included in the following. If for no other reason, it is widely assumed that the media ignored the Tribunal. However, a search in the *newspapers.com* database for mention of "Russell International War Crimes Tribunal" from 1966 to 1968 yields over three thousand articles.<sup>9</sup> It must be noted that this archive does not account for recurring publication of wire service articles across several papers, which comprises the bulk of Tribunal coverage. This notwithstanding,

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<sup>7</sup> Hallin *The Uncensored War* 11

<sup>8</sup> Small, *Covering Dissent* 3

<sup>9</sup> [newspapers.com](http://newspapers.com)

news of the Tribunal appeared in thousands of papers in all fifty states. The rest of the nation's coverage was in general more negative than that of the *Times*. The nature of these articles will be developed but in no way is "ignored" the right word to describe the Tribunal in the press.

A brief discussion of the IWCT and television is in order due to the fact that the televised nature of the American war in Vietnam is widely held to be the defining and influential element. According to Hallin, televised news "made Vietnam politically unique."<sup>10</sup> However, television archives are notoriously incomplete and very hard to access before 1968, this being the first year in the *Vanderbilt Television News Archives*. In any case, the Tribunal was certainly not a center piece in nightly news, and fortunately, other historians have documented what was said about the IWCT on television. In fact, the famed CBS war correspondent Morley Safer was in Stockholm for the Tribunal's first sessions in May 1967. And in the short time lent to it on the evening news, he referred to the Tribunal as a "farce...not interested in peace." CBS's Eric Sevareid also strongly condemned the IWCT, calling it a "propaganda ploy" and saying that President Johnson and Secretaries Rusk and McNamara wouldn't lose any sleep over it.<sup>11</sup> To conclude on the television coverage, it can be summed up in the fact that Morley Safer gave an inflammatory and insulting commentary less than two years after he famously followed Marines into Cam Ne with cameras as they set the village aflame. The Cam Ne incident enraged president Johnson and led the State Department to start compiling news reports on the war.<sup>12</sup> Safer's work at Cam Ne is logically used as evidence that the media, if not explicitly antiwar, at least hurt the war effort. But his comments on the Tribunal tell a more complicated story. Perhaps they were recompense for the damage already done. However it is more coherent that the Tribunal was a threat to his authority, that of CBS, and of the mass media at large in determining the story of the war in Vietnam. As such, it was attacked.

On one final and related note, the first sessions of the Tribunal in Stockholm were comprehensively filmed by a Swedish cinematographer. This is a little known fact and receives

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<sup>10</sup> Hallin, *The Uncensored War* 11, for more on the war and television see Small pp 6-7

<sup>11</sup> For this and more on the television discussion of the Tribunal, see Wells *The War Within* 142, Klinghoffer & Klinghoffer, *International Citizens' Tribunals* 133-134, or Stewart, *Too Loud to Rise Above the Silence* 31

<sup>12</sup> See Hallin, *The Uncensored War* pp 6 & 11

almost no attention from Tribunal scholars, with the exception of a passage written by David Torrell in his chapter *Remember the Russell Tribunal?* Film-maker Staffan Lamm took the initiative and received funding from the BRPF to shoot the project but never got the support he needed to edit and produce it. In 2004, he pieced together certain highlights he had kept from the sixteen millimeter reels and published a ten-minute mini documentary that he narrates himself entitled *Russeltribunalen*. Reflecting on his experience watching it, Torrell speaks of his surprise at the powerful and moving nature of the footage. "At the risk of sounding overly dramatic," he writes, "I must concede that it does at times look like a 'miniature Nuremberg.'"<sup>13</sup> Unfortunately even the short film *Russeltribunalen* is hardly available; it has not been digitized, it was shown at some European festivals in 2004, and two copies exist, one at the Swedish Film Institute's archives and one in Berlin. When Lamm abandoned hope for being able to finish the project, he donated the rest of the raw footage to the Socialist Republic of Vietnam and as best we know, it remains unaccounted for by the western-world somewhere in Vietnam. This would be a valuable addition to the Tribunal's media remanence. The fate of the footage tragically mirrors that of the Tribunal itself in collective memory.

## **Chapter 2 - *The New York Times***

### **Section I - Placement and Frequency**

The *Times* ran at least seventy-six articles that mention the Tribunal between June 8, 1966 and March 24, 1968. Of these: forty-two were from the wire services, seven letters to the editor (sometimes including several at a time with exchanges between a Tribunal member and a detractor or collections of support for the Tribunal), twenty straight forward news articles half of which written by the paper's correspondent who was based in Paris and went to Stockholm named Dana Adams Schmidt, and seven opinion pieces. These figures alone raise questions concerning the generalizations made by other academics about scant media coverage. For almost a twenty-two month period, the *Times* covered the Tribunal an average of three and a half times a

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<sup>13</sup> Torrell, *Remember the Russell Tribunal?* 122

week. Furthermore, sixty-seven, roughly ninety percent, of the articles were completely devoted to the Tribunal. The other nine mention it in connection to other events such as antiwar demonstrations or journalists trips to North Vietnam. So it was not simply that the Times did not pay attention to the Tribunal. Within realistic expectations, there was relatively frequent coverage. The quality of the articles, however, demonstrates that the paper attempted on occasion to give a balance to the debate around the Tribunal while otherwise consistently privileging a pro-war stance that suppressed the Tribunal's effect.

To begin with, the placement of Tribunal articles symbolizes their secondary importance to what were supposedly 'serious' war matters or other news from Vietnam that would bolster support for the policy. Seen here are two examples of the typical page appearance of Tribunal

articles: page three of the May 6, 1967 edition shows an article describing the defense department's denial of the use of anti-personnel CBUs, that was demonstrated during the first sessions in Stockholm (the administration was soon there after forced to admit such use, widely held as the greatest success of the Tribunal) in the first column next to a five column article with a photo entitled *Everything Stops for the Lottery in South Vietnam*. The Tribunal was covered on page three, well within the frequently read section. But, an objectively serious and important charge about the loss of civilian life is set in the periphery to a photo of children on stage for lottery ticket drawings with this first sentence: "The average South Vietnamese may suspect that his government is corrupt, his army timid, his employer a profiteer, and his wife unfaithful, but he trusts the national lottery." An example of the former case is seen here on page three of the November 23, 1967 edition, during the second sessions in Roskilde. The headline *War 'Tribunal' Sees Farmer's Wounds* is presented secondarily to *Dakto Hill Falls to U.S. Soldiers in Bitter Fighting Near Cambodian Border* once again



New York Times, May 6, 1967, 3.



New York Times, Nov 23, 1967. 3

U.S. Soldiers in Bitter Fighting Near Cambodian Border once again

with a photo and taking up six columns. This is an example of Hallin's observation that "the American war correspondent has typically served...as an advocate for the soldier in the field, glorifying his exploits and also giving voice to his views and interests...Vietnam was no exception..."<sup>14</sup> The photo of a helicopter in action, sympathy and admiration for the United States armed forces abroad are all given the foreground to the news from Denmark, implying the seriousness or lack thereof with which the paper tended to handle the Tribunal. For the sake of clarity, it is widely held that "for print media, headlines, lead paragraphs, and pictures that appear on front pages are the most important influencers of opinion."<sup>15</sup> So in terms of influencing the Tribunal's reception, these details were impactful.

In the interest of fairness, the *Times* did print two pictures from the Tribunal. One was at the bottom of page two hundred twenty on Sunday May 7, 1967 with only a one hundred five word caption to accompany it. The other, seen here, is similar to the placement of the lottery and

battle photos presented above, it was also on page three, of the December 2, 1967 edition. It depicts Sartre, Dedijer, and French mathematician Laurence Schwartz listening to testimony and accompanies a short article on the findings, or "verdicts," of the second sessions. The role of photographs in newspapers is important and this helps demonstrate that an attempt at objective coverage was made at times. However, one page three article with a picture out of seventy-six is extremely unbalanced. Furthermore, when the Tribunal



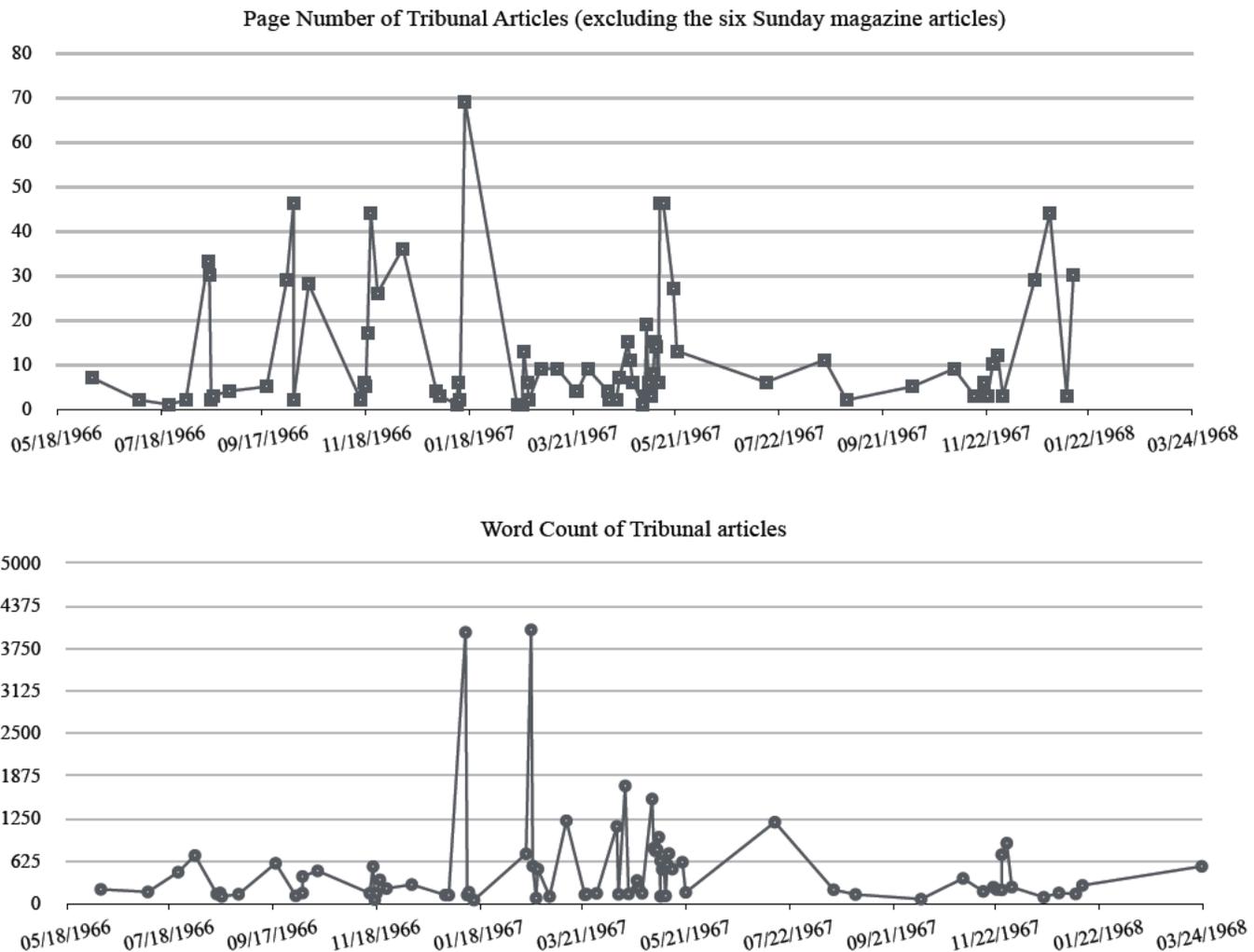
New York Times, Dec 2, 1967. 3

enjoyed the privilege of aesthetic placement in the paper, the language used in the article denied the Tribunal, without exception, a legitimate voice in the debate over the war. This will be developed shortly.

Considering the corpus of *Times* Tribunal articles as a whole, they were generally well placed in each edition, better than one might expect. On average they appeared on page twelve, with an average total paper length of eighty-one pages, excluding the Sunday issues that, with the magazine included, frequently exceed five hundred pages. There were four front page articles

<sup>14</sup> Hallin, *The Uncensored War* 40  
<sup>15</sup> Small, *Covering Dissent*. 4

and forty-four in the first ten pages. The articles average four hundred eighty-five words in length. Seen below are charts of the word count and page number of the paper's Tribunal articles (excluding the Sunday-magazine pieces in the page number chart) across time. With the aid of these visualizations, one observes that the *Times* ran generally short articles placed generally early in the paper. The short articles are characteristic of the wires provided by the three main services (AP, UPI, Reuters) all of which contributed to Tribunal coverage.



It is also worth noting the concentrations of coverage over time thanks to the charts. There was fairly regular coverage leading up to the Tribunal, starting in the summer of 1966, when the first investigation teams were being assembled and going to North Vietnam, members invited and chosen, and plans made or announced. Then there is a flurry of articles during the

first session in the spring of 1967. Interestingly, there is a distinct decline in the frequency of coverage immediately after the first sessions. This anticlimactic silencing is contrary to what the optimistic side of the Tribunal may have hoped for. Although there is a slight increase in concentration during the second sessions in Denmark, coverage never recovered to its earlier occurrence. Set against the relatively neutral number of articles and placement, this change over time represents the most impactful structural silencing. While the anticipation provided for more controversy and therefore newsworthy stories, the Tribunal was rather deprived of any long lasting impact on the sphere of legitimacy through the media once the first sessions were finished. One ramification was dampening of the first sessions effect. By exacting this sharp decline in coverage, the media constricted the explicit impact the IWCT could have had on war discussion in the United States. A second drawback is the imbalance between the two sessions. Not only did this diminish the outcome of the Stockholm hearings, but it also muted those of Denmark which, in spite of the success in forcing the Pentagon to admit the use of CBUs as a result of findings documented in the first sessions, were the sight of more provocative testimony. In the words of John Duffett who edited the proceedings of the Tribunal:

"There was no more dramatic moment during the whole Tribunal than on the third day of the Copenhagen session. It was on that day that three American ex-GIs were called in person before the assembly. All were young, all were, in some way typically American—all had committed war crimes."<sup>16</sup>

The media on the other hand was done paying close attention. Returning though to earlier coverage, when frequency was not yet an issue, it is necessary to take into account the substance of the articles. The quality of the language used to describe the Tribunal is where the media had its biggest influence on its reception in the United States.

## **Section II - What They Wrote, The Corpus**

Turning towards the substance, the story is once again more complicated than accepted generalizations would have us believe. The coverage was by and large negative; for example, while both ends of the opinion spectrum were presented in the letters, all of the seven opinion

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<sup>16</sup> Duffett, *Against the Crime of Silence* 312

pieces were negative. Furthermore, they were the site of the most vicious attacks. Of the seven letters to the editor, four and a half were positive, but in each case they were written in order to defend the tribunal from previously slanderous op-eds, editorials or letters. When generalizations are made about the Tribunal's damaging media coverage, they are most applicable to these opinion pieces. However when paying attention to the straight news coverage, one finds a more nuanced and fair characterization of the IWCT than expected.

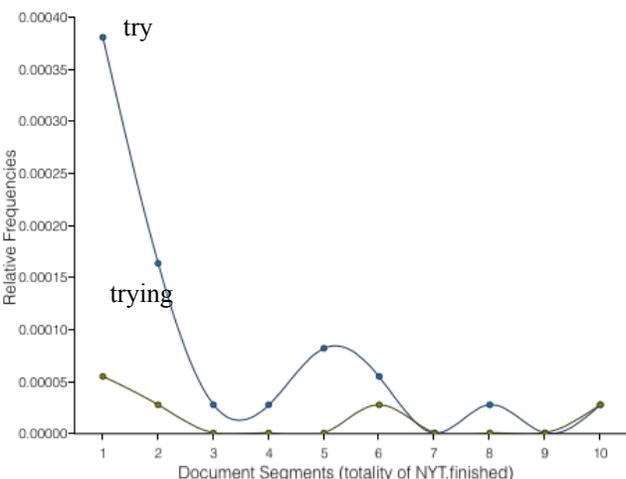
In his study of the media and the antiwar movement, Small observes that the media often shifted the focus from the aims of political actions to fringe details such as violence at demonstrations that "sold" the news to the public without representing the issues raised by movement organizers. He writes that "by the mid-sixties, the absence or presence of violence and arrests was a major element for most journalists and their audiences in stories on political demonstrations."<sup>17</sup> The IWCT was a rather unique political action in the calm and collected nature of its hearings, while open to the public, organizers were selective in permitting audience members. While there was some violence in the streets of Stockholm related to the Tribunal which was strongly covered by other papers and thus will be considered in later sections, the Tribunal itself was a calm affair. Also, most of the coverage took place in anticipation during the preceding months rather than immediately afterward as was the case for large demonstrations in the United State. It is true that the media was at times more eager to cover sorts of "arrests" with regard to the international movement of its members than the Tribunal itself. The Tribunal's president of sessions Vladimir Dedijer was denied entry to France and between sessions, secretary Ralph Schoenman was detained several times and had his passport confiscated. The *Times* covered all of these details, running four articles to the effect. But the lack of violence didn't stop the media from shifting the narrative. The Tribunal suffered from a conundrum of its own creation, it needed the precedent of Nuremberg and Tokyo, the existence and ineffectiveness of international laws provided their framework, but the IWCT's fundamental connection to "warcrimes" proved to be its Achilles' heel in media coverage.

The press routinely emphasized the fact that the Tribunal relied on international law but was not an impartial-appointed body. Purposefully or not, the media's framing deprived the

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<sup>17</sup> Small, *Covering Dissent* 23

IWCT of its connections to the antiwar movement, and attaining its real goals. They simply omitted any mention of the Tribunal's hope to affect public opinion instead, they used almost exclusively legal language to describe the Tribunal. Starting with the title of the first Tribunal article on June 8, 1966: 'Lord Russell Seeks to Try U.S. Leaders,' the *Times* would use the verb "to try" some thirty-four times to describe what the Tribunal was going to do in Europe. Seen here is a graphic of the verb's frequency in the *Times*-Tribunal corpus over time; it is notable that



the earlier coverage hinged on this legal language. Another more flagrant example is the word "trial" used some sixty-six times. Also, there was frequent use of all of the words derived from the Latin *jūdex*: judge(s) thirty-four times, judgment(s) ten times and judicial seven times. To reiterate, this was of the Tribunal's making. They chose to present themselves as a *Tribunal* and for the most part, the media took this framework and ran with it. The effect though was to hide the more realistic antiwar aspirations that Tribunal spokes-people always expressed alongside their reliance on

international law. In Schoenman's words: "No matter how many articles were written clearly defining the Tribunal's work, no matter how many releases were issued, the press continued to write of the Russell 'mock trial,' repeating criticism like a well-rehearsed catechism."<sup>18</sup>

Although his observation on the media was accurate, Russell's ex-patriated American secretary Ralph Schoenman's decisions and behavior did not help the Tribunal's cause. He was notoriously difficult to work with, in Russell's words, "rather a rash young man, [who he had] to keep in check."<sup>19</sup> Klinghoffer & Klinghoffer describe him as "tactless" after numerous accounts from people associated with the Tribunal describing difficulties with the ego and temper of Schoenman. According to Robert Scheer's observations when he went to Wales and interviewed Russell in February, 1967 for *Ramparts*: Schoenman was the Tribunal's "worst enemy" and "the sort of political organizer who determines the purity of his organization by its ability to resist

<sup>18</sup> Duffett, *Against the Crime of Silence* 6

<sup>19</sup> Schmidt "Russell Inquiry Will Open Today" *New York Times* May 02, 1967

members."<sup>20</sup> Although he was integral to Russell's work in the early and mid sixties, as he became more unstable Russell broke with Schoenman in 1969.<sup>21</sup>

Like the media's coverage of the Tribunal, Schoenman's actions were too heterogeneous to situate under one heading. He put enormous work into organizing the Tribunal, and it might not have happened if it weren't for him. But on the other hand, his inflammatory behavior was an easy target for the media. He became the face of the Tribunal, and what could be worse in the eyes of American readers than an American in Europe attacking United States policy with a band of European intellectuals? His name is mentioned ninety-three times in the *Times* corpus, an average of one and a quarter per article. With the exception of his two letters to the editor defending the Tribunal, each mention is negative. On one hand, examples are found such as Bernard Levin's callous op-ed in which he wrote that Schoenman "seems to have grown up with a deep, and deeply neurotic, hatred of his native land, the origins of which are obscure."<sup>22</sup> Here Levin's journalistic method is questionable, making a claim and admitting that there is no evidence to support it in the same sentence, but the desired effect of a wayward detractor at the head of Tribunal is achieved. And on the other, there is a string of articles that really have nothing to do with the IWCT itself or its implications, but make reference to it through various legal problems of Schoenman's demonstrated by these headlines: "Russell Aide Detained At Airport by French," "Schoenmann's [*sic*] Wife Gets British Decree," "Bolivians Deport Aide of Russell," and "U.S. Court of Appeals Rejects Schoenman Bid for Passport."<sup>23</sup>

The *Times*' recurrent use of quotation marks also demonstrate a systematic effort to undermine the Tribunal's tenability. They are used virtually without exception to destabilize any word that could lend legitimacy. "Tribunal" instead of Tribunal, "war crimes" in place of warcrimes, "try" not try, etc. are found in each and every article. In the legal context, this could be excused in order to convey the sense of allegation, however while *alleged*, *allegedly*, and

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<sup>20</sup> Scheer, "Lord Russell" *Ramparts* May, 1967 22

<sup>21</sup> See Klinghoffer & Klinghoffer, *International Citizens Tribunals* 161

<sup>22</sup> Levin, "Bertrand Russell: Prosecutor, Judge, and Jury" *New York Times* Feb 19, 1967

<sup>23</sup> *NY Times* 11/15/67, 11/03/67\*Schoenman had gone to Bolivia to attend the trial of a French journalist, immigration issues would eventually result in his missing the beginning of the second sessions, and 12/21/67

*allegation* only occur a collective fifteen times in the entire corpus, the quotation marks are constant. Another example of systematic framing that delegitimized the Tribunal is the use of disclaiming terminology. The words *so-called* are found preceding either *Tribunal* or *International War Crimes Tribunal* forty-five times. Versions of a reminder that the Tribunal was not an official governmental body were plentiful: *no legal standing*—eleven times and *no official standing*—nine times. These examples demonstrate how the *Times* cast a semantic blanket over their coverage of the Tribunal. To their credit, there was more published about it than other studies lead one to believe. But in such a framework of discredit, the frequency also had a damaging effect as potential readers were habituated to a skeptical perception of the Tribunal.

All of these aforementioned details worked together in a process of framing the Tribunal to the media's liking. More or less in line with Walter Lippmann's seminal and general assertions on the nature of public opinion, social movement scholars have appropriately ascribed immense importance to the framing perspective, based on, in the words of David A. Snow, the:

"Principle that meanings do not automatically or naturally attach themselves to the objects, events, or experiences we encounter, but often arise, instead, through interactively based interpretive processes."<sup>24</sup>

Thus the meaning of the Tribunal for American readers was constructed through a process that featured the structural elements covered in sections one and two. Furthermore, not only was the media interpreting the Tribunal but both the IWCT and the United States media were in the business of interpreting, and thus creating meaning from, the events in Vietnam. As seen in chapter one, these interpretations were diametrically opposed, leading to a case for the Tribunal in which, as William Gamson and Gadi Wolfsfeld observe in coverage of social movements in general, "the media output may simply reflect the frames of the most powerful actors."<sup>25</sup> The Tribunal's structural power afforded it space on the *Times*' pages, but when left to create the IWCT's meaning for readers, the paper sought to delegitimize the assertions it made.

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<sup>24</sup> Snow, "Framing Processes, Ideology, and Discursive Fields." 384

<sup>25</sup> Gamson & Wolfsfeld, "Movements and Media as Interacting Systems." 119

### Section III - Letters

Letters to the Editor were one of two areas, the other being straight news, where the media partially demonstrated objectivity towards the Tribunal. Debate over it appeared seven times in the Letters section during the Tribunal period. Whether by the choice of the editors or by happenstance, the positive letters that appear are strictly in defense of the Tribunal, to previous opinion articles or letters. So while Tribunal supporters got their words in, it was only in the framework of having been attacked, which denied any high ground to the antiwar side of the debate. Still, an outpouring of support from American university professors and self-defense, once from Russell and once from Schoenmann, are proof of the paper's effort at flexibility. The letters are problematic for those who attempt to generalize the media's Tribunal coverage. These supportive publications pale in comparison to the detracting articles' frequency, and the influence of letters is less important considering that by definition, they express personal views and papers are generally willing to include a broad range of opinion specifically in this section. Nevertheless, they demonstrate the falsity in claiming that the media completely ignored nor exclusively condemned the Tribunal.

It is peculiar that the very first explicit opinion on the Tribunal that the *Times* published was a letter on August 16, 1966 from an undistinguished citizen of Brooklyn with little seemingly little information to go on. After only five short wire service articles reporting on Tribunal developments, Joseph Lewis Simon, wrote to the paper protesting the Tribunal as an "exercise in futility" and "sheer effrontery." His argument is based on the legal principle of a neutral third party,<sup>26</sup> while completely avoiding the question of the war, setting the tone for much of the criticism to follow. This letter came before what controversy the Tribunal did generate. As such, it indicates that while the press was generally anti-IWCT, its framing was not the only reason that Americans were predisposed to reject a pacifist action from abroad. This can be considered as an early anti-intellectual response to the Tribunal. Members were admittedly and accurately described as leftist-intellectuals, the problem being that in the end this did not blur their convictions concerning the cruelty of the war in Vietnam, a fact that many Americans were

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<sup>26</sup> See Note 12 in the introduction

not yet willing to set politics aside in order to see. Richard Hofstadter famously documented how Americans tend to shun intellectuals to our detriment in *Anti-Intellectualism in American Life*. Even he, however, made the distinction between garden-variety American intellectualism and "the canting and self-righteous anti-Americanism that in Europe today so commonly masquerades as well-informed criticism."<sup>27</sup> Writing in 1963, it is interesting to speculate on the feelings that the groundbreaker in American unwarranted bias against intellectualism might have had towards the Tribunal with a statement like this. The IWCT faced an uphill climb against accusations of both "egg-head" and "European," Simon's sentiments make sense as such. Of course, the *Times* is responsible for having published his letter after all, but it was soon followed by Russell's own pen.

The paper published the philosopher's reply three weeks later on September 6 and the letter begins with reports of potentially criminal American behavior in Vietnam published by the *New York Times* that was characteristic of the Tribunal's insistence on *prima facie* evidence:

"The United States, 'pleased with the effectiveness of chemical defoliation and crop destruction missions . . . is taking steps to triple the capability of those efforts.' The Times further reports that in this year alone '1,324,430 gallons' have been Sprayed."<sup>28</sup>

Russell goes on to point out the misleading nature of Simon's letter by writing, "This criticism rests on a basic misconception of the nature of the tribunal...[which] rather functions as a commission of inquiry."<sup>29</sup> Despite the clarity of Russell's defense it fell on deaf ears as the Tribunal would only invite more and more disparagement based on the same "basic misconception." The *Times* was quick to fortify Simon's position with a letter from Morris Amchan, an American prosecutor at Nuremberg, on September 15. Once again, Amchan completely avoids discussion of American conduct in Vietnam opting for dissection of legal technicalities.

This sort of back-and-forth argument continued in the *Times*' letters section with assertions by Schoenmann on December 10, 1966 then from both him and Bernard Levin on

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<sup>27</sup> Hofstadter, *Anti-Intellectualism in American Life*. 11

<sup>28</sup> Beecher, "U.S. Will Step Up Defoliation Missions in Vietnam," *New York Times*, Sep 10, 1966

<sup>29</sup> Russell, "Russell Defends War Crimes Tribunal," *New York Times*, Aug 17, 1966

April 16, 1967. There is also an exchange after the Stockholm sessions between a supporter and a detractor on May 20, 1967. However the remainder of the letters to the editor merit attention due to the vehement support they lend to the Tribunal. A collection of sympathy, solidarity, and support for the Tribunal was published on March 12, 1967 composed of six letters by: seventeen members of the Case Western University faculty, *Catch 22* author Joseph Heller, a Horace Mann School professor, Smith College professor Philip Green, chairman of the Student Peace Union and freedom rider Abraham Bassford IV, and City College of New York philosopher H.S. Thayer. The paper published all of these letters after Bernard Levin's character assassination of Russell one month earlier as a token of objectivity. It demonstrates the connection between the IWCT and the antiwar effort that existed underneath the veneer of *legitimate controversy*. Already in the throws of their long dark night,<sup>30</sup> these intellectuals found a focal point of motivation in the Tribunal. This connection has many important aspects that are developed in part III.

#### **Section IV - Opinion Pieces**

Beyond the systematic and structural framing used throughout the *Times* corpus, the most flagrant anti-Tribunal press was found in the editorials and op-eds of which the paper published four dedicated to debasing the IWCT (there were a total of seven that mention the Tribunal, but the others were in connection to another principle topic, such as a profile of Peter Weiss or an article on African American veterans). The same framing aspects that characterize the whole are found, but in higher concentration and accompanied by more violent antagonistic language; *Schoenman* appears nineteen times in the combined four articles, the same frequency as *Vietnam, war, and Tribunal*. For the writers attacking the Tribunal, the opinionated American took on the meaning of the Tribunal itself, It became monolithic with Schoenman as a symbol of all that was anti-American which was drastically debasing to the IWCT's real character as an attempted check on governmental abuse of power and silences any debate about the merits of the war. Quotation marks are abundant around any word they could get their hands on. These articles boil

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<sup>30</sup> Taken from the title of Sand Vogelgesang's monograph on the intellectual left and the Vietnam War, *The Long Dark Night of the Soul*, which is taken in turn from a 16th century poem by St. John of the Cross.

down to uncivilized attacks of Russell for sake of his old age and Schoenman for sake of his behavior and being so close to the philosopher. They completely shift the frame from the war to these two individuals. And aside from the letters to the editor, the paper never offered an opposing point of view.

The first editorial, *That "War Crimes Tribunal,"* was published by the *Times* editors on November 21, 1966. This was feasibly in response to the Tribunal's press conference six days earlier, although the paper had already published a straight news article on the conference the day after. News had been out since at least June of the same year, but this event established the Tribunal's plans in detail and raised its public profile. The first sentence of this article reads: "The grotesque plan for an 'International War Crimes Tribunal' to 'try' President Johnson for his Vietnam policies is running into heavy weather, as it deserves,"<sup>31</sup> and sets the tone for all four of the articles. The "heavy weather" that the editors referred to was the auto-withdrawal of four African presidents, those of Tanzania, Ethiopia, Senegal, and Zambia, from the BRPF. The public charade was that they acted on their own behalf in response to IWCT plans. Thanks to the work of historians William C. Gibbons and Luke J. Stewart with unclassified memos from Undersecretary of State George Ball, we now know that the State Department directed U.S. ambassadors in all countries who had previously endorsed the BRPF to pressure their leaders into this act of protest.<sup>32</sup> In fact it only worked with four out of at least six countries with India and Pakistan remaining. And this was just one action in a coordinated intergovernmental agency group comprised of the the CIA, State Department, USIA, and the Department of Defense, with Under Secretary of State Ball as chairman that was formed to discredit, dissuade, and if possible prevent the Tribunal. This is no the last time that the direct impact of the U.S. government was felt in the media.

The article goes on following the frame-shifting formula; "no standing," "no respectable antecedent," mentioning Russell's age, and finishing with Schoenman. Its closing words: "Is this unsavory business the work of Bertrand Russell or, in reality, that of Ralph Schoenman? Some

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<sup>31</sup> "That 'War Crimes Tribunal'" *New York Times* Nov 21, 1966

<sup>32</sup> Gibbons, *The U.S. Government and the Vietnam War*. 433-434 & Stewart, *Too Loud to Rise Above the Silence*. 17-20

will say it makes no difference...but it adds a poignant touch to this episode that the answer cannot be known," were characteristic of the way the media attacked the Tribunal through character assassination, and sewing doubt were none existed, without ever defending the merits of the American war effort that it called into question.

The next opinion piece in chronological order is that of famed British journalist Bernard Levin mentioned in the introduction. On Sunday February 19, 1967, the *New York Times* published Levin's four thousand word article in its *Magazine* section, entitled "Bertrand Russell: Prosecutor, Judge, and Jury." Perhaps the most infamous piece written about the Tribunal, it follows the same blueprint as the first, but in a much longer and even more insulting format. Levin calls the November 11, 1966 press conference a "pathetic ceremony," refers to Russell as "it," and lists a series of insulting answers unrelated to the war in Vietnam to his question, "What has happened to Russell?"<sup>33</sup> Aside from Levin's stature in the journalistic world and consequential prominence, what sets this article apart, is the serious implications of the aforementioned United States Government group designed to sabotage the Tribunal. While maintaining a facade of indifference publicly, one of the groups objectives was to "stimulate press articles critical of the IWCT."<sup>34</sup> The Levin article is one of the primary examples of this clandestine effort, and at the intersection of the media, the Tribunal, and the American government, shows how seriously the Tribunal was taken by the administration and how the media was used to correct for its potential effects. Luke Stewart reveals this connection through a letter from undersecretary of State Nicholas Katzenbach to President Johnson saying: "We provided background material for [the Levin] article."<sup>35</sup> It is unsure whether or not this was an isolated incident, but the rest of correspondents from the Johnson archives make vague references related activity. Furthermore, State Department archives reveal that an official in the Public Affairs Bureau "agreed to approach 'on a personal basis' an official of the *New York Times* to suggest a story on Ralph Schoenman's background and activities."<sup>36</sup> This could have feasibly

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<sup>33</sup> Levin, "Bertrand Russell: Prosecutor, Judge, and Jury." *New York Times*, Feb 19, 1967

<sup>34</sup> Stewart, *Too Loud to Rise Above the Silence*. 23

<sup>35</sup> Ibid 36

<sup>36</sup> Gibbons, *The U.S. Government and the Vietnam War* 433-434

been the Levin piece or the earlier editorial *That 'War Crimes Tribunal,'* the implications are the same regardless. In the end, Levin never disclosed this connection, drawing the supposed objectiveness of the media into question and implicating the most extreme interpretations of its supportive role to the Government during the war.

In their analysis of the media, named for Walter Lippmann's idea *Manufacturing Consent*, Noam Chomsky and Edward S. Herman provide a Propaganda Model consisting of five "filters" that govern what is news and explain the notion that the media "merely reflect[s] the world as powerful groups wish it to be."<sup>37</sup> In the Levin versus Tribunal case, no model is needed. An acclaimed journalist writes an article that viciously ridicules a Nobel Prize laureate and "one of the foremost philosophers of the 20th century," according to Encyclopedia Britannica, in league with the Johnson administration's State Department because said philosopher expressed outrage over its policies, and the *New York Times* published it. Herman and Chomsky do include governmental sourcing as one of their five media "filters," and the Levin—State Department connection may be less of a surprise considering the substantial public-relations resources maintained by the Pentagon.<sup>38</sup> But the authors are referring to the mere fact that Washington happens to be the source of the vast majority of news, not that they secretly work with journalists; in this case to mount a propagandist campaign against the Tribunal, which while being propagandistic itself, had the important advantage of transparency. In fact, Stewart points out that aside from the forced acknowledgement of CBU use and Secretary of State Dean Rusk's slip up in a Newsweek interview (asked about the Tribunal he said, "I do not intend to play games with a ninety-four year old English philosopher."<sup>39</sup>), Washington's posture towards the Tribunal was silence, intending not to dignify it with comment.<sup>40</sup> But the projected image of ignoring the IWCT was ingenious, and the Johnson administration exercised its influence over the media through Levin. Herman and Chomsky do cynically concede that the American Indochina wars push the bounds of their model "since it fails to predict such extraordinary, far-

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<sup>37</sup> Herman & Chomsky, *Manufacturing Consent* xi

<sup>38</sup> Ibid 79-81

<sup>39</sup> "The Games Men Play." *Newsweek*. May 15, 1967

<sup>40</sup> Stewart, *Too Loud to Rise Above the Silence* 30

reaching, and exceptionless subservience to the state propaganda system."<sup>41</sup> But even in this framework, the Levin article is a brazen breach of any semblance of objectivity and is among the worse examples of the media's bias against the Tribunal.

If the Levin article is the most evident fruit of the Johnson administration's public relations battle with the Tribunal as far as the media is concerned, then the Freedom House petition was its less tangible predecessor. During the Tribunal meeting and press conference of November 1966, this "organization with close ties to the U.S. Government"<sup>42</sup> issued a statement signed by one hundred forty-five influential Americans including Dwight D. Eisenhower, Dean Acheson, and Senator Jacob Javits in support of the war specifically warning that "extremist could delay Vietnam negotiations"<sup>43</sup> that appeared as an advertisement in the *New York Times* on November 30 and was covered in an article on November 14, 1966.<sup>44</sup> The Washington based think tank had already issued such a report designed to bolster public support for the war in 1965 that had clear governmental support signed by, among others, Richard Nixon and Dean Acheson.<sup>45</sup> However, what is particular with the second statement is the language used and the enumeration of principles that could have been conceived as a counterpoint to the Tribunal's questions (For their format the Tribunal set out to answer six questions, found in Annex 1). It "renounced the fantasies:

- That this is "Lyndon Johnson's War" or "McNamara's war" or any other individual's war.
- That the American leaders are committing "war crimes" or indulging in "genocide."
- That military service in this country's armed forces is an option exercisable solely at the discretion of the individual.
- That this is a "race" war of white versus colored peoples.
- That this nation's leaders are obsessed with some compulsion to play 'world policemen' or to conduct some 'holy war' against the legitimate aspirations of underdeveloped people."<sup>46</sup>

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<sup>41</sup> Herman & Chomsky, *Manufacturing Consent* 252

<sup>42</sup> Gibbons, *The U.S. Government and the Vietnam War* 434

<sup>43</sup> *New York Times*, Nov 30, 1966. 37

<sup>44</sup> Carroll, "138 U.S. Leaders Chide War Foes" *New York Times* Nov 14, 1966 & *New York Times*, Nov 30, 1966. 37

<sup>45</sup> Gibbons, *The U.S. Government and the Vietnam War* 100

<sup>46</sup> Carroll, "138 U.S. Leaders Chide War Foes:" Nov 14, 1966 & *New York Times*, Nov 30, 1966. 37

The Tribunal was not the only source of accusations such as war crimes, genocide, racism, and imperialism, but it was a leading voice in the matter. One can construe this advertisement as a way to detract from the IWCT without explicitly acknowledging it. The Freedom House statement nonetheless had such an effect and should be considered another example of American decision makers exercising their will on the Tribunal through the *New York Times*.

The later two opinion pieces follow suit, leaving not a single editorial or op-ed in support of the Tribunal. In response to the conclusion of the Stockholm sessions, the *Times* published C.L. Sulzburger's article "Foreign Affairs: Corps on Horseback" on May 12 then Henry Tanner's "Russell Trial Flogging a Dead Horse" on May 14, 1967. Sulzburger continues the tradition set out by the first two articles, ridiculing Russell for his age and over emphasizing Schoenman's role, referring to a Medieval practice of sending deceased kings' bodies into battle, he wrote: "Now we find the relic of Bertrand Russell, this century's most distinguished philosopher, led into battle as a totem for the extreme left. The charger carrying the 94-year-old logician's intellectual remains is his young friend, an American expatriate named Ralph Schoenman."<sup>47</sup> Concerning McCarthyism, Richard Hofstadter observed that "in this crusade Communism was not the target but the weapon,"<sup>48</sup> and Sulzburger wields it well in his article, fighting in a not unrelated crusade. He wrote that Russell was "now an automatic sounding board for Communist drumbeats." The cold war lens was so heavily instilled that communism was used to rebuff the Tribunal's challenge to American foreign policy regardless of the circumstances and was yet another way in which to shift the frame from the war to something readers could easily despise.

Tanner's article takes a different tact, he calls the Tribunal a "failure" and makes the case that it was redundant because European public opinion was already staunchly dovish. He uses the Tribunal to affect the back-against-the-wall, underdog self-conception that fuels American patriotism. The exclusively negative character of the *New York Times* Tribunal op-eds and opinions is less surprising considering the media's aforementioned tendencies to support the

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<sup>47</sup> Sulzburger, "Foreign Affairs: Corps on Horseback" *New York Times*, May 12, 1967

<sup>48</sup> Hofstadter. *Anti-Intellectualism in American Life*, 79

status quo, and stay "within the system" when disagreeing with the war.<sup>49</sup> But the blatant disrespect for the Tribunal members and refusal to seriously consider the points raised by it represent American anti-intellectualism in its full Vietnam-era strength and the media's role in supporting and enforcing it during the war.

In January 1968, Vladimir Dedijer was denied entry to the United States on his way to give university lectures. Upon this occasion the *Times* published one editorial in support of Dedijer that critiques the government for "deeply repugnant" practices surrounding opinion and free speech on the war.<sup>50</sup> This was after the Tribunal-dust had settled so to speak, furthermore not directly related to it. Nevertheless, it is a token of the media's willingness to dissent from government's position when the context allows for it. Notably, the government had yet to explicitly restrict expression regarding the Tribunal, although it had been engaged in clandestine maneuvering all alone to silence it as much as possible. But barring the entry of Dedijer could be interpreted as an affront to the freedom of speech which the press holds dear. So this exception must be taken into account as a small elaboration on the paper's editorial stance. The public would not have found an objective description of the Tribunal and its work in the *Times* without reading in-between the lines. For that, one could turn towards the wire service and news articles.

### **Section V - Straight News**

Although the opinion pieces proved damaging for the Tribunal, it might have been expected, given the media's established biases. More interesting dynamics in coverage are found in the wires and straight news articles concerning the Tribunal. The straight coverage contains both the media's pro-war bias and more openminded approaches simultaneously. Melvin Small contends that "people are influenced more by news stories than editorials or columns identified as opinion."<sup>51</sup> It adds complexity to the overall picture of the Tribunal's American reception. When opinion was ostensibly left off the table, there is a subtle yet clearer understanding of the

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<sup>49</sup> Hallin, *The Uncensored War*. 197

<sup>50</sup> "...And Retrogression Here." *New York Times*. Jan 13, 1968

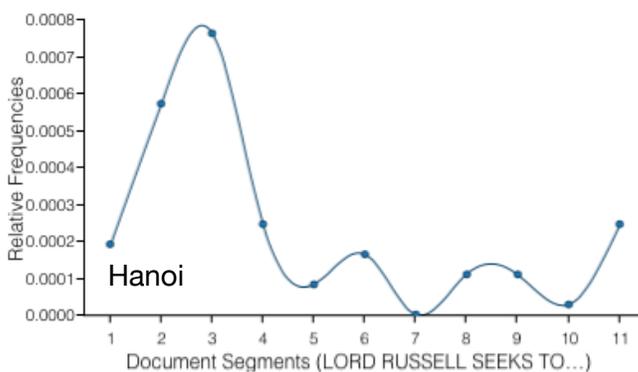
<sup>51</sup> Small, *Covering Dissent*. 4

how the Tribunal tapped into the war debate. Most of the sixty-two straight news articles maintain the legal and therefore detractive language that has already been discussed. But while the framing was overwhelmingly consistent, the unnamed wire service reporters and the *Times* own foreign correspondents were far more inclined to express journalistic objectivity towards the Tribunal than their editors and opinion writers; this fact often led to various degrees of conflicting information or divergent points of view within the *Times*' coverage.

The early wire service reports, from June 1966 to the November 15 press conference, are characterized by short updates that set the tone for the media's insistence on the legal frame. Concerning the broad trend, recall the concentration of the verb *to try* in the first quarter of the coverage. A typical example is "Vietcong Hail Russell Plan To 'Try' American Leaders," from July 6, 1966, here in its entirety:

"HONG KONG, Aug. 18 (Reuters)—The Vietcong have welcomed Bertrand Russell's proposal to set up an international tribunal to "try" United States leaders for "war crimes" and will supply witnesses and material evidence, the North Vietnamese press agency reported today. The agency quoted a statement by the Committee to Denounce War Crimes of the U.S. Imperialists and Their Henchmen in South Vietnam. At Earl Russell's suggestion, the tribunal, which will have no legal status, is scheduled to meet in Paris in September. Leading writers and philosophers have been invited to sit on it."

Notice the use of *to try*, the quotation marks, and the insistence on it having no legal standing. Reference to the connections between the Vietnamese and the Tribunal was frequent in the early coverage. *Hanoi* was mentioned ninety-two times as seen in this graph, highly concentrated in



the first third of Tribunal coverage. Solidarity with the Vietnamese was an underpinning idea from start to finish however once the investigation teams completed their work in North Vietnam, Tribunal organizers wisely diminished their formal ties with Ho Chi Minh in an effort to improve their public perception in the west and the media's coverage reflects this change.<sup>52</sup> However

with the cooperation of the DRV government the Tribunal took on a much more diplomatic

<sup>52</sup> Russell himself explains this in correspondence with Ho Chi Minh, Aug 12, 1966 in Griffin, *The Selected Letters of Bertrand Russell*. 590-591

posture in 1966 and this connection contributed to the legal frame. As the IWCT evolved and took its form as a citizens' political action, it was easy for critics to discredit it as a kangaroo court because of these earlier more official perceptions.

No sooner were these negative aspects established than did more objective writing leak out in the *Times* however. On August 3, 1966 an article on page two entitled "Sartre on Panel to 'Try' U.S. Leaders" recounts Tribunal updates that had recently been published in *Liberation*. Once again the legal framing is present, but alongside citations and information from Tribunal supporters via *Liberation*. It quotes a BRPF member Russell Stetler in saying "the tribunal would probably be conducted as a court of inquiry," an early confirmation of its unofficial nature, thus altering the debate of legitimacy. It also cites the prominent American pacifist A.J. Muste connecting the Tribunal's claims to the war concerning chemicals, gas, napalm, and CBUs: "the use of such weapons against the Vietnamese became even more sinister in view of the absence of an ethical justification for the war." As well as making the distinction between the legal and moral frames:

"Mr. Muste said that the significance of the tribunal would lie not with 'its questionable authority to find the United States guilty of committing war crimes but in the credibility of the evidence it uncovers. Never has the American public been able to appraise this human element of the war for itself.'"<sup>53</sup>

These citations come without any disclaimer or rebuttal, this is the first article to allow the Tribunal's own framing to coexist with the legalities and general support for the war.

On November 17, 1966 the sixteenth article concerning the Tribunal appeared on page six written by *Times* European correspondent W. Granger Blair. It is a typical news report on the November 15 Tribunal press conference, as such Blair's piece is central in understanding the nature of media coverage vis-à-vis Bernard Levin's later article that uses the same press conference as a departure to defame the IWCT. "Russell Discusses His Plan for 'War-Crime Trial'" by Blair is considerably different than Levin's characterization of the same event even bearing in mind the inherent differences between news articles and opinion pieces. Where Levin mentions nothing of what Tribunal representatives said at the conference, Blair cites Russell's proclamations about *prima facie* evidence, "reported not by the victims but by media favorable to

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<sup>53</sup> "Sartre on Panel to 'Try' U.S. Leaders." *New York Times*. Aug 3, 1966

the policies responsible.” Blair goes on to summarize the information given at the conference and list the Tribunal’s six questions.<sup>54</sup> The article hardly endorses the Tribunal; Blair writes that it "obviously reflects the left-wing leanings of the foundation and its founder, Lord Russell," and ends with the news of the four African presidents’ resignations from the BRPF. But the overall effect is to give readers a small chance at objectivity towards the Tribunal.

From the press conference to the first sessions in May 1967, relatively frequent updates are published from the wire services, until coming to the string of ten articles written by Dana Adams Schmidt, a correspondent in Europe who became the lead Tribunal reporter for the *Times*. The paper’s own obituary for the journalist praised him for his bravery and candor while covering the Yemeni Civil War and Kurdish rebellions in Iraq,<sup>55</sup> it so happens that these qualities informed similar virtues when he wrote about the Tribunal. The reports resembling closest to the Tribunal’s own discursive field are found in Schmidt’s published writing, at times in direct contradiction with the opinion pieces published in the same paper. Schmidt’s articles are the best path through what Lippmann called the pseudo-environment surrounding both the war and the Tribunal for hawkish observers. The important question that Schmidt’s coverage raises is: was his increased objectivity a result of his personal biases or rather the fact that he was the only *Times* author to spend significant time with the Tribunal? Gamson and Wolfsfeld point out that it is rare for a reporter to be given a continual beat on a social movement of any sort.<sup>56</sup> It is thus likely that Schmidt’s daily exposure to the Tribunal influenced his framing of the event in its favor.

His coverage actually began in late February surrounding the Tribunal’s investigation teams coming and going from Vietnam and the inclusion or exclusion of media institutions on the trips. His first article provides Schoenmann’s defense of the Tribunal against accusations by CBS that it had invited the company to join an investigation team.<sup>57</sup> His second article, on page

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<sup>54</sup> See Appendix II

<sup>55</sup> Pace, Eric. "Dana Adams Schmidt, Reporter Based in Europe and Mideast, 78:’ *New York Times*, Aug 26, 1994

<sup>56</sup> Gamson & Wolfsfeld *Movements and Media as Interacting Systems*, 117

<sup>57</sup> Schmidt. "Fund Bid Denied by Russell Aide:’ *New York Times*, Feb 20, 1967

two of the February 23 edition, reports on public statements made by Laurence Daly of the Tribunal upon his return from North Vietnam as part of the second investigation team. While Schmidt does include what seems to be the mandatory mention of *try* in quotation marks, the focus of the article is Daly's insistence that what he saw defied his worst expectations of conditions in North Vietnam. He conveys that Daly was "deeply shocked...by the deliberate concentration by the United States Air Force on destruction of the civilian population."<sup>58</sup> This article is also an early mention of the use of CBUs and their great harm against Vietnamese civilians that would go on to be the Tribunal's most tangible success. Aside from contextualization of the Tribunal, the article is mostly Daly's own quotes. This set the tone for the rest of Schmidt's work on the Tribunal.

His next article marked the opening of the first sessions and appeared on page one on May 2. Schmidt was in Stockholm for the duration of the deliberations and on the first day he presented the Tribunal and began his shift from the legal to the moral frame. It is telling that in this article, the term *inquiry* is used five times, with only one occurrence of *trial* and zero *to try*. In describing Tribunal members, he allows for the plurality of motivation that most media coverage denied, highlighting the differences in opinion between two prominent French members of the Tribunal, J.P. Sartre and mathematician Laurent Schwartz:

"Although Mr. Sartre regards the war in Vietnam as part of a class struggle against 'American imperialism,' Mr. Schwartz, the other cochairman says unabashedly: 'There is absolutely, no anti-Americanism in my case. I love America. I spent the years 1962-63 in New York and it is for me a great country.'"<sup>59</sup>

Turning back to the name sake Lord Russell who, on the verge of turning ninety-five, could not be present in Stockholm and was interviewed in Wales, the moral aspect of the Tribunal is addressed for the first time excluding letters to the editor. Schmidt conveys Russell's hope that "the Americans will arouse so much opposition against themselves in the world that in their own minds they will start to think that it is not worth the trouble." Lord Russell's weapon for arousing such an opposition is the tribunal.<sup>60</sup> He even allows himself to use creative anti-warrior

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<sup>58</sup> Schmidt. "Briton Accuses U.S. on Bombing:" *New York Times*. Feb 23, 1967

<sup>59</sup> Schmidt. "Russell Inquiry Will Open Today:" *New York Times*. May 02, 1967

<sup>60</sup> Ibid

language such as a "weapon for arousing opposition." Like earlier coverage, the article concludes with examination of the relationship between Russell and Schoenman. But unlike other characterizations, Schmidt does not attack the one for being old nor the other for being brash. He judges them "an odd partnership" and finishes with Schoenman's own observation on perception of the United States through its leaders versus that of its citizens.

The May 2 article began what would be virtually daily articles from Schmidt during the Stockholm sessions. His coverage is honest, where the Tribunal could be faulted it was, but it was also accorded respect when deserved. On the third of May, Schmidt reiterated the Tribunal's moral frame quoting Sartre: "We will examine the facts in our souls and consciences...The legitimacy of the tribunal would in the end depend on the extent to which world public opinion approved its judgements."<sup>61</sup> The Tribunal's role in the antiwar movement's public opinion goals are acknowledged, allowing for a broader range of reception than the restrictive legal frame. The *Times* included a wire service update in the same article that detailed one of the Tribunal's missteps. A lawyer in Stockholm named Frank Hallis Wallin offered to defend the United States during deliberations in a public letter but it was never acknowledged by the Tribunal. Schmidt's writing did not fundamentally alter the paper's characterization of the Tribunal, it did however provide a counterbalance to the misleading and impassioned attacks and defenses that preceded and would follow.

One day later, the *Times* readers found Schmidt's accurate and detailed description of the Tribunal's first testimony. The article retells the report of Dr. Abraham Behar, a French radiologist, who was on the second Tribunal investigation team. It summarizes his submissions concerning the bombing of dikes and dams in the North, a strategy widely held as illegal, as well as the first mention of the leprosarium in Quinh Lap that was bombed thirty-nine times.<sup>62</sup> On the fifth of May, Schmidt described both sides of the spout between Secretary Rusk and Sartre. This exchange is often noted in Tribunal literature and as Luke Stewart describes, was the only instance of a flaring temper in the otherwise consistent public facade of silence deployed by the

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<sup>61</sup> Schmidt, Dana Adams. "Sartre Indicates that 'Tribunal' Will Score Johnson:" *New York Times*, May 3, 1967

<sup>62</sup> See Duffett, *Against the Crime of Silence* 180-184 and Schmidt, "'Tribunal' Hears Reports of U.S. Attacks on Civilian Targets" *New York Times*, May 4, 1967

Johnson administration.<sup>63</sup> In an interview Rusk said he did "not intend to play games with a ninety-four year old English philosopher."<sup>64</sup> Sartre seized the opportunity to respond and made statements the following day at the Tribunal defending Russell by asserting the difference in stature between the two. The problem was that the Secretary's words were but a morsel of the character assassination, facilitated by the *Times*, that had already been at work tarnishing Russell's reputation in the United States. Nevertheless, Schmidt conveyed Sartre's response and because he was in Stockholm, covering the Tribunal itself, gave more weight to it than Rusk's childish jab. Furthermore, the first published news of the Tribunal proving the use of CBUs over North Vietnam came in the same article. Schmidt validates the evidence in sighting the witness Dr. Jean-Pierre Vigier's credentials: "a husky retired colonel, a wartime resistance leader who was a member of the French General Staff until 1948...[who]...serves as the tribunal's leading military expert."<sup>65</sup> Schmidt's reporting then sparked the exchange with the Pentagon widely held as the Tribunal's greatest success.

Perhaps the most telling aspect of Schmidt's coverage came at the end of his last article that of May 11, 1967, one day after the end of the Stockholm sessions. By the time they came to an end, the confusion, rumors, and controversy had settled and Schmidt could already observe the Tribunal crystalizing into memory. He wrote that:

"The tribunal has actually been not so much a trial as a commission of inquiry. It examined evidence submitted by five international teams totaling 27 persons, studies produced by its medical, scientific and legal commissions and statements made by witnesses brought from Vietnam."<sup>66</sup>

Through Schmidt, the *Times* published true accounts, forgiving the legal frame and acknowledging the Tribunal's work and findings. Like the IWCT itself was not a homogeneous mass of anti-Americanism, the mainstream media's coverage was not exclusively detracting. It is important to remember that institutions like the *Times* cannot hold back the truth to an absolute

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<sup>63</sup> See Stewart, *Too Loud to Rise Above the Silence* 30

<sup>64</sup> Newsweek, *The Games Men Play* and Schmidt, "Sartre, at the 'Tribunal,' Terms Rusk a 'Mediocre Functionary' *New York Times*. May 05, 1967, with "Englishman" in place of "English philosopher"

<sup>65</sup> Schmidt, "Sartre, at the 'Tribunal,' Terms Rusk a 'Mediocre Functionary' *New York Times*. May 05, 1967

<sup>66</sup> Schmidt, "'Tribunal' Finds U.S. Guilty in War" *New York Times*. May 11, 1967

degree. They rather lean against the frame in an inconsistent fashion, perhaps in doing so Schmidt would not be assigned to Roskilde for the second sessions. He would never again write about the Tribunal. Moreover one day after his last article, the *Times* took back up old form with C.L. Sulzburger's aforementioned *Foreign Affairs: Corps on Horseback*. The Tribunal demonstrates the way the media functioned as a slant lens on the antiwar movement. Most would broadcast their predisposed judgments, governed by their pseudo environment; and few in the middle of the spectrum would have their awareness and opinion of the Tribunal changed by the lens.

In the final chapter of the *Times* and the Tribunal, the paper acted inversely to the tide of mobilization against the war and the provocativeness of the Tribunal itself. Whereas eleven articles appeared during the Stockholm sessions, only four did so during Roskilde, even though the second proceedings were one day longer in duration than the first and featured the testimony of three American veterans of the war.

### **Chapter 3 - Other Newspapers**

#### **Section I - *The Washington Post***

Moving on now to a look into other newspapers' coverage of the Tribunal provides some insights that compliment those learned from the *Times* coverage. To begin with, a brief look into American newspaper archives reveals three thousand twenty-five articles including the words "Russell International War Crimes Tribunal" from June 8, 1966 to March 25, 1968, the concurrent date range of *New York Times* articles.<sup>67</sup> It must be noted that, being an international affair, the vast majority of Tribunal articles came over the wire services, thus many of these are the same article printed in various papers. With that accounted for though, the sheer frequency of articles from across the United States again reveals that the common understanding of media silence towards the Tribunal is inaccurate. Furthermore, other newspapers tended to highlight aspects that are absent from the *Times* coverage such as the story of two American journalists

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<sup>67</sup> [newspapers.com](http://newspapers.com)

banned by the Tribunal, and notably the demonstrations outside the proceedings in Stockholm. This analysis will highlight and comment upon these aspects that demonstrate just how unique the *NYT-IWCT* relationship was.

The *Washington Post* interestingly did not follow the *Times*' lead in Tribunal coverage. There are only twenty-two IWCT articles within the same period in the capital's paper archive. Being the more prominent instance of a major paper paying less attention, various journalists expressed an aloof tone, certainly not in support of the Tribunal, but without the contrived attacks that appeared in the *Times* along with other papers around the country. They elected not to publish the myriad of reports coming over the wire services from Europe that the vast majority of papers did. There are several ways to view the paper's relative silence. It could have been "because it still supported the Vietnam War effort" as Melvin Small writes with regard to the Harrison Salisbury articles covered in part III, or "because of its rivalry with the *Times*."<sup>68</sup> Interestingly the speculation that applies to Salisbury can also apply to the Tribunal because totally silencing it would have been the ultimate pro war response and as we have seen, the *New York Times* provided reasonably supportive coverage at times. However the paper's language in its Tribunal articles is more even-keeled than the corpus of its New York competitor. The supportive objectivity of Dana Adams Smith is missing with the bulk of the language in the articles leaning more towards the insults of Levin and Sulzburger. The *Post's* editors and writers were slightly adversarial and seemed mostly to not take the Tribunal as seriously as others.

Like most other American newspapers, the *Post's* Tribunal coverage generally corresponds with that of domestic antiwar activity elaborated upon by Melvin Small. In his study, he highlights the media's emphasis on violence at demonstrations rather than the demonstrations themselves in order to sell the news, a practice they had learned covering Civil Rights demonstrations years earlier.<sup>69</sup> He also demonstrates how the media's tendency "to support those who operate within the system," explains why "antiwar demonstrations run by mostly antiestablishment young people would not receive favorable treatment."<sup>70</sup> The *Post* along

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<sup>68</sup> Small, *Covering Dissent* 65

<sup>69</sup> Ibid 23

<sup>70</sup> Ibid 13

with other papers hinged on these elements when it came to antiwar news which conveniently allowed them to cover the Tribunal without considering the challenges posed by its members.

A May 7, 1967 article for example, ironically entitled "Little Attention is Being Paid to 'War Tribunal'," touches on each of these ideas. It opens with the pessimism later acknowledged by Russell himself stating that the Tribunal's "place in history will be that of a minor footnote."<sup>71</sup> Then moving directly to the demonstrations during the Tribunal it is an example among many other articles that emphasize the crowd and demonstration outside Folkets Hus, (People's House) the Tribunal's meeting place in Stockholm highlighting that "about one thousand demonstrators marched through downtown Stockholm to protest the Tribunal."<sup>72</sup> In the first instance there is the crowd size estimation that while appearing in many newspaper articles in the United States, is absent from all studies of the Tribunal.<sup>73</sup> This might be because crowd enumeration is notoriously inaccurate. Melvin Small remarks that despite many efforts made towards reliable method for estimating, they most often depend on the motivations of the party who makes them.<sup>74</sup> Considering the general negative tone of most Tribunal coverage, this would lead one to believe that the crowd could have been undercounted. This notwithstanding, one must also consider the *Post* reporter's assertion that they were there exclusively to protest against the Tribunal, therefore in support of American policy. Many historical accounts mention the crowd,<sup>72</sup> none of them however specify that the demonstrators were against the Tribunal. Taken together with the rest of the article, this suggests the the estimate was more sensationalists than realistic. Being sure to include what violence there may have been, the article then mentions "battles" in the streets between young supporters and counter-demonstrators before making this completely irrelevant generalization of those attending the proceedings: "Most often the audience consists of young students, artists and intellectuals with the girls in miniskirts and the men tending towards

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<sup>71</sup> "Little Attention is Being Paid to 'War Tribunal'" *Washington Post*. May 7, 1967

<sup>72</sup> Ibid

<sup>73</sup> Klinghoffer & Klinghoffer 123, Torrell 121, and others mention the demonstrations, but never specify the number of protesters nor the percentages of supporters or counter-demonstrators.

<sup>74</sup> Small, *Covering Dissent* 21-22

beards and long hair."<sup>75</sup> What should have been written off as distracting remarks playing upon the stereotypes held by many Americans of the antiwar movement betrays any useful observations the author might have attempted to make on the IWCT.

Three of the *Post's* Tribunal articles were written by one of their European correspondents, Wilfred Fleisher who summed up the paper's opinion with his closing words in a May 9, 1967 article: "The sessions have provided valuable information—not about Vietnam, but about the Tribunal."<sup>76</sup> This in spite of the revelations of CBU use, historical analysis that foreshadowed that of the Pentagon Papers four years in advance, detailed testimony of attacks on civilian targets, etc. demonstrates how the *Post* intended to cast the Tribunal. It effectively wrote it off as a waste of time and ridiculed the work displayed in Stockholm, it used the IWCT to bolster support for the war. Many other papers across the nation followed suit.

## Section II - Local Newspapers

Amongst the themes that stand out in local newspaper coverage is the crowd of protesters in the Stockholm streets. This aspect seen in the *Post* article, dominated Tribunal pieces coming through the wire services on Sunday, May 7, 1967 across the United States. On arguably the most important day in the news cycle for the Tribunal with Sunday editions being printed at the height of the first sessions, most Americans were encouraged to focus on the clash outside of the Tribunal rather than the deliberations inside. Here are a few examples of headlines: "Street Fights Mar LBJ 'Trial'" in the *Lansing State Journal*, "Youths Clash in Stockholm on Viet War: 1,000 Hold Parade Backing U.S." in the *Chicago Tribune*, and "Pro U.S. Marchers Threaten Russell 'Trial,' Battle Leftists" in the *Philadelphia Inquirer*. These articles all feature the use of quotation marks, usually around the word *trial* instead of *Tribunal*, privilege the news of the demonstrations outside before briefly mentioning generalizations about testimony in the Tribunal, and dramatize what little violence there was between opposing protest factions.

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<sup>75</sup> "Little Attention is Being Paid to 'War Tribunal'" *Washington Post*, May 7, 1967

<sup>76</sup> Fleisher, "'War Tribunal' Nears End" *Washington Post*, May 9, 1967

The vast majority of these articles claim that the violence was instigated by Tribunal supporters. The *Chicago Tribune* piece for example reads: "One thousand youths staging a pro-American rally were attacked today by anti-Americans."<sup>77</sup> However this idea is refuted by tangentially related histories. Jerry Lembcke's study on how certain myths were popularized concerning the relationship between veterans and antiwar activists for instance found that "the violence ... surrounding anti-war demonstrations was real, but the demonstrators were usually the



"Fighting at 'Tribunal'" *San Francisco Examiner*, May 7, 1967, 2

victims, not the perpetrators, of those acts."<sup>78</sup> Indeed one May 7, 1967 article suggests that the bulk of wire service reports had falsely framed the clashes in Stockholm with the additional support of photographic evidence. The *San Francisco Examiner* published this picture with the caption: "pro-U.S. demonstrator (r.) attacks anti-Viet War pickets, scene in Stockholm came during march in mock war crimes 'tribunal'."<sup>79</sup> Another indication is that the youth on the left side of the photo is carrying a small banner that reads: "Imperialism..." Granted that conclusions drawn from this are purely conjectural, it does seem more likely that, at a Vietnam War

demonstration, anyone using the word imperialism would have been protesting against the war because hawks rarely characterized U.S. policy as "imperial." By portraying the American supporters as the ones attacked, these articles, with the exception of the *Examiner's*, implicitly build upon American innocence. The distinction is important because it was an element directly under the medias control that had the effect of discrediting the Tribunal for American readers.

Furthermore, the concentration of protest and violence coverage sharply contrasts with the *Times'* Tribunal articles of the same date. That Sunday, readers of the New York paper found Dana Adams Schmidt's article on the Tribunal's astonishment towards the Pentagon continuing to deny the use of CBUs against civilians in the face of their evidence and pictures of the

<sup>77</sup> "Youths Clash in Stockholm on Viet War: 1,000 Hold Parade Backing U.S." *Chicago Tribune*, May 7, 1967

<sup>78</sup> Lembcke, *The Spitting Image* 33

<sup>79</sup> "Fighting at 'Tribunal'" *San Francisco Examiner*, May 7, 1967

audience inside the Tribunal and Dellinger, Sartre, Dedijer, and Schwartz sitting on the panel.<sup>80</sup> In fact, the demonstrations are only mentioned twice in passing in the entire *New York Times* corpus. Considered alongside the attacks they published as well, this comparison is as much a testament to the *Times*' willingness to publish slightly more contrasting views as Schmidt's quality as a reporter in Stockholm. While Fleisher with the *Post* as well as many other nameless wire service reporters and editors were content to reduce the Tribunal to the more conventional yet sideshow protests, Schmidt knowingly or not snuck relatively representative coverage into the *Times*. Unfortunately, most of the country read these other reports.

A second theme that dominated local paper coverage was rather explicit anti-intellectualism, especially during the months that preceded the hearings. This aspect of American life that Richard Hofstadter described as "older than our national identity...fluctuating in strength from time to time"<sup>81</sup> is displayed in numerous articles that portray president Johnson as the victim of warrantless attacks, character assassinations of Russell mostly based on his age, and other far reaching accusations and defamations of the Tribunal.<sup>82</sup> Hofstadter indicated that "the resentment from which the intellectual has suffered...is a manifestation not of a decline in his position but of his increasing prominence,"<sup>83</sup> which speaks more to the perceived threat by a few public voices than actual influence in the Tribunal's case and partially explains the things written about it. However Hofstadter also distinguished between what he considered as deconstructive anti-intellectualism and "encouraging the canting and self-righteous anti-Americanism that in Europe today so commonly masquerades as well-informed criticism."<sup>84</sup> This attitude demonstrates how far outside the sphere of legitimate controversy the Tribunal fell in the United

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<sup>80</sup> Schmidt, "Russell Tribunal is 'Astonished' by Denial of Attacks on Civilians" & "U.S. in the Dock at 'War Crimes' Trial," *New York Times*, May 7, 1967

<sup>81</sup> Hofstadter, *Anti-Intellectualism in American Life* 23-24

<sup>82</sup> Kirk, "Will LBJ Be Hanged?" *Bridgeport Post*. Alexander, "LBJ, FBI Chief in Same Fix" *Arizona Republic*. Buckley, "Who Are the New Pro-Communists?" *Cincinnati Inquirer*. Reedy, "Russell, 94, Kept Secluded by Battery of Secretaries" *Tampa Tribune*. "World's Most Ignored Tribunal" *Alabama Journal*. Drummond, "Russell's 'War Crimes Trial' Is a Fiasco of Another Sort" *Philadelphia Inquirer*. Dennen, "At Least One European Backs Up Viet Policy" *Selma Times-Journal*.

<sup>83</sup> Hofstadter, *Anti-Intellectualism in American Life* 23

<sup>84</sup> *Ibid*, 11

States, enough to collapse the complexity of the intelligentsia into a binary of pro or anti-American intellectualism.

This also came in the more sophisticated form of William F. Buckley's attempt to transpose the communist moniker onto everything he saw as unholy, defining the "new pro-communist" as being "moved less by communist convictions than by a positive animosity towards the West." Among this person's hypothetical wishes was "that Bertrand Russell's war crimes tribunal had captured the sympathetic attention of the West."<sup>85</sup> It was also found in more aggressive tones such as Leon Dennen's article disregarding "Americans who shed crocodile tears over the decline of U.S. prestige in Europe...[citing] the activities of a handful of European anti-American intellectuals."<sup>86</sup> In these Tribunal articles, anti-intellectual sentiment also served as a basis for enforcing Vietnam-era jingoism. Take a May 1, 1967 editorial entitled "A Mockery of Justice Thwarted" for instance that happened to be accompanied by this choice for a daily thought: "Our Country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong."<sup>87</sup> These examples highlight how the IWCT's fundamental intellectual nature unavoidably crippled its reception with main street America. Through the twentieth century development of American identity that Hofstadter elaborated upon, the Tribunal was too easily pinned as an egg-headed exercise in futility and these articles demonstrate such shortcoming.

Another element absent in the *Times* coverage but frequent in that of other media institutions is a correlation between the Tribunal's challenge of President Johnson's power and a controversy that was brewing in Washington between then Senator Robert F. Kennedy and FBI director J. Edgar Hoover. The Justice Department had brought tax evasion charges against a Kennedy-Johnson aid and business associate, winning a conviction that was nullified in late 1966 due to the government's admission to the use of illegal wiretaps in obtaining evidence.<sup>88</sup> This is

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<sup>85</sup> Buckley, "Who Are the New Pro-Communists?" *Cincinnati Inquirer*, Jan 24, 1967

<sup>86</sup> Dennen, "At Least One European Backs Up Viet Policy." *Selma Times-Journal*, Dec 1, 1966

<sup>87</sup> "A Mockery of Justice Thwarted." *Cincinnati Inquirer*. May 1, 1967. This is a quote from Stephen Decatur in 1816 referring to his exploits in the Barbary Wars and the War of 1812

<sup>88</sup> Frankel, "President Aloof in Bugging Feud" *New York Times* December 13, 1966

seemingly unrelated to the Tribunal; several columnists nevertheless choose to portray the affair as a witch-hunt against the FBI director that coincided with that of President Johnson in the Tribunal. Take Holmes Alexander's November 29, 1966 article as an example in which he wrote, "Lyndon Johnson and J. Edgar Hoover, friends of the road, now find themselves companions of prosecution, so to speak."<sup>89</sup> If nothing else, this bizarre connection demonstrates how poorly accusations against the powerful can be perceived in real time, and how opinion pieces can stray from pertinence in creating news. The Hoover controversy had nothing to do with the Tribunal's accusations and retrospectively, opinions on his abuses of power are much more fixed than those of the American War in Vietnam. Yet following the Tribunal's November, 1966 announcements American's read about both of these subjects in the same sentences.

During the Stockholm sessions, two American radio commentators were banned from the proceedings and had their press credentials destroyed by Tribunal organizers. Although the details are unclear, Texas radio personality and entrepreneur Gordon McLendon and owner of the Star radio station conglomerate Don Burden had been unfavorably commenting over testimony during the hearings when Dr. Joachim Israel, a Swedish sociologist evicted them. Through what evidence is available in articles and Tribunal histories such as that of Klinghoffer & Klinghoffer, the pair were disruptive and Israel acted on his own.<sup>90</sup> This obscure detail, in line with the Tribunal's flaw in refusing to weigh pro Vietnam War policy voices against their own, dominated Tribunal coverage in many local papers including the *Washington Post*.<sup>91</sup> Yet another distraction from the topic of the war, these newsmen's banishment served to further discredit the Tribunal across the country. McLendon was a more or less beloved figure, however he did abandon the Democratic party over his hawkish views on Vietnam policy.<sup>92</sup> Burden on the other hand, was simultaneously implicated in scandal and controversy over illegal financial relationships between his radio stations and U.S. senators that would ultimately lead to the FCC revoking all of his

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<sup>89</sup> Alexander, "LBJ, FBI Chief in Same Fix" *Arizona Republic*. Nov 29, 1966

<sup>90</sup> Klinghoffer & Klinghoffer, *Citizens' Tribunals*, Note 18, 228.

<sup>91</sup> "War Crimes Tribunal Bars Two" *Great Falls Tribune*. "Youths Clash in Stockholm on Viet War" *Chicago Tribune*. "Street Fights Mar LBJ 'Trial'" *Lansing State Journal*. Fleicher, "War Tribunal Nears End" *Washington Post*

<sup>92</sup> McLendon, *An Inventory of His Papers, 1902-1982*.

licensing and shutting down his stations.<sup>93</sup> Thus Israel's actions can at least be abstractly understood as preserving some order during the proceedings. More importantly, while the Tribunal was revealing the nature of the war that would soon go on to characterize mainstream criticism, many Americans instead were informed on this maverick pair's experience that was in reality quite peripheral.

A final note on the substance of other newspapers' coverage was the meta-paradoxical tendency to write about the fact that not many were writing about the Tribunal. This was touched upon in one *Times* article, the "Flogging a Dead Horse" piece by Henry Tanner. Although after mentioning that, "Newspapers of all political tendencies, from the far left to the far right, in practically all the countries of both Western and Communist Europe have almost completely ignored the trial,"<sup>94</sup> his opinion piece focuses more upon European sentiment towards Vietnam policy in general. On the other hand, numerous articles are found in other papers with titles such as, "World's Most Ignored Tribunal,"<sup>95</sup> or the aforementioned *Washington Post* article "Little Attention Is Being Paid to 'War Tribunal.'" Published on the last day of the Stockholm sessions, the *Alabama Journal* piece opens by asking "whatever happened to Bertrand Russell's 'International War Crimes Tribunal' on U.S. action in Vietnam?"<sup>96</sup> The irony speaks for itself, the Tribunal was in the process of issuing its answers and the CBU fall out as well as other antiwar continuations that are discussed in part III were well underway as newspapers carried this article. Furthermore, editors across the country were so enticed by the Tribunal that the no-news-is-bad-news doctrine<sup>97</sup> fell by the wayside.

In order to briefly address the international element of Tribunal silence, Klinghoffer and Klinghoffer provide useful insight into why the press in Communist countries tended to ignore the Tribunal perhaps more so than the United States, finding that it was "out of concern that the

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<sup>93</sup> *Broadcasting: The Business Weekly of Television and Radio*, September, 13, 1971, 9. & "Stations Ordered to Halt Operations," *Fremont Tribune*, June 8, 1976

<sup>94</sup> Tanner, "Russell Trial Flogging a Dead Horse," *New York Times*, May 14, 1967

<sup>95</sup> "World's Most Ignored Tribunal" *Alabama Journal*, May 10, 1967

<sup>96</sup> *Ibid*

<sup>97</sup> This principle found in all things publicity, is particularly applicable to organized political action, see Gamson & Wolfsfeld, "Movements and Media as Interacting Systems," 116

tribunal could establish a precedent that could eventually be used against them."<sup>98</sup> This is important because it helps to refute the claims that the Tribunal was a result of Communist Propaganda. Its connections with Ho Chi Minh and the DRV were based upon the merits of national will and liberation not on any international communist aspirations. This is evident in Tribunal literature alone, but is supported by the silence of Communist media.

It is here that we can apply the first filter of Herman and Chomsky's Propaganda Model, size, ownership, and profit orientation, to Tribunal coverage. This is not to say that the filter does not also apply to the *Times* corpus, rather, the coincidence of local newspaper consolidation during the Vietnam era amplified its particular impact on things such as the Tribunal. The media giant Gannett for instance, happened to go public in 1967, the very same year of the IWCT, after a slew of aggressive acquisitions and changes in Federal tax code that incentivized newspapers to sell to groups like Gannett.<sup>99</sup> One manifestation of this filter is the way certain news stories reverberate through the national newspaper network, case in point being the violence outside the Tribunal or the Hoover connection, that don't effectively characterize the event of the Tribunal. In this sense, the making of news vis-a-vis the Propaganda Model is coherent. These stories modify the dialogue as such that when the public talked about the Tribunal it often had very little to do with what the Tribunal was talking about. Instead of bringing the merits and manor of the war to attention, these articles warped the frame into a senile Russell and a demonstration of communist propaganda.

This look into newspaper coverage of the Tribunal also demonstrates the process by which the media reframes events that happen outside of its system of logic, employing markers such as violence, allegations of communism, patriotism, and legal language to crush the Tribunal's challenge of American policy. It is an example of what Daniel Hallin describes:

"When the established boundaries of the Sphere of Legitimate Controversy were challenged from the outside, the journalists rose to defend them, employing a host of symbolic "weapons" or (better) "markers" which served to neutralize the ideological threat by placing it in a recognized location in the Sphere of Deviance."<sup>100</sup>

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<sup>98</sup> Klinghoffer & Klinghoffer, *International Citizens' Tribunals*, 132.

<sup>99</sup> Ellis, "Trust Ownership and the Future of News" 20-21

<sup>100</sup> Hallin, *The Uncensored War*. 192-193

The national press was quite effective at placing the Tribunal well within the Sphere of Deviance. So well did they accomplish this that there was no longer any need for the effort after the Stockholm sessions.

As was the case with the *Times*, coverage of the Roskilde sessions was truly scant compared to that of Stockholm in other American papers. The novelty was gone, and although their hands may have been bound, it was a tactical error on the part of Tribunal organizers to divide the sessions in two. For a final note on local paper coverage, they printed several cartoons that were not found in the national papers. One example from the May 7, 1967 edition of the Port Huron, MI *Times Herald* is found on the cover page. Although its implications are transparent, many standard ingredients of criticism towards the Tribunal in specific and antiwar in general are there: A Vietnamese resistance fighter standing next to a ghostly Russell, a miniature Sartre offering "the verdict before the trial," and most importantly, an American soldier as the lone defendant. Like virtually the entirety of the antiwar movement, the Tribunal spoke often and adamantly in support of the young American men serving in the military. Three veterans testified in Roskilde. They made it clear that their quarrel was with those who made the decisions to send them there. However like Jerry Lembcke found in studying the case of Vietnam-veteran/activists, many forces in American culture were at work "to drive a wedge between"<sup>101</sup> the antiwar movement and the military in order to foster support for the war policy. Few things could be more motivating to otherwise passive everyday United States citizens than images of people mistreating American servicemen. No matter how untrue it remains, the antiwar movement has not been able to loose this stigma, and its roots are observed in a IWCT cartoon.

#### **Chapter 4 - Positive Coverage**

In their media analysis, Herman and Chomsky acknowledge that "it has always been possible to start small-circulation journals and to produce mimeographed or photocopied news letters sent around to a tiny audience,"<sup>102</sup> however these publications pale in comparison to the

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<sup>101</sup> Lembcke, *The Spitting Image*. 4

<sup>102</sup> Herman & Chomsky, *Manufacturing Consent* Note 10, 445.

influence of major media institutions. Such alternative media was in its relative prime during the Vietnam era on the heels of the 1960s counter culture and political upheaval. Tribunal member David Dellinger was a central figure in this milieu as editor of *Liberation*, a role which did not escape the establishment media's attention when looking for ways to disparage the IWCT. A December 17, 1967 article in the *Fort Worth Star-Telegram* refers to *Liberation* as "an obscure leftist magazine" in attacking Dellinger for facilitating antiwar activists' travel to Vietnam,<sup>103</sup> a connection covered in part III. Like the rest of war-related news, Tribunal coverage was played out under this dynamic and supportive articles from independent sources do bare mention because through such axes of communication news of the Tribunal could have bolstered the antiwar movement that was already underway in the United States. Here the analysis will consider two articles: an interview with Russell and accompanying article published in *Ramparts* and a piece by the English theater critic Kenneth Tynan carried by *Playboy* a few months after the Tribunal. From these, it is possible to glean the nature of the more rebellious voices of support that reverberated under the Tribunal.

Robert Scheer begins the *Ramparts* article by expressing his motivation through the aforementioned quality of Tribunal coverage exhibited by his media counterparts. Here is a part of the article's introduction:

"I didn't relish the possibility of having to send back an interview with a man I fully thought could be mad. Perhaps mad is too harsh a word, but it is in the spirit of most journalistic accounts of Russell's activities. The American press works continuously away at its captive audience, and I had come, despite myself, to accept the plausibility of our media's recent and massive denigration of Russell. The object of the attack was his call for an International War Crimes Tribunal on America's actions in Vietnam."<sup>104</sup>

He goes on to remark that American intellectuals such as Sydney Hook had praised Russell for his condemnation of USSR policy towards the Hungarian Uprising of 1956 (namely the use of military force to crush it) only to completely reverse their feelings when it came to his attack on Vietnam Policy.<sup>105</sup> This reveals the inherent hypocrisy in Cold War propaganda that the Tribunal

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<sup>103</sup> Goldman, "Leftist." *Fort Worth Star-Telegram*, Dec 17, 1967

<sup>104</sup> Scheer, "Lord Russell" *Ramparts*, May 1967. 16

<sup>105</sup> *Ibid* 17

confronted. He then critiques Bernard Levin's infamous character assassination of Russell in the *Times* and finishes with a reasonable summation of the Tribunal, speaking to its challenges, modesty, and modest accomplishment. The article is critical of Schoenman's difficult character<sup>106</sup> and organizational defects, stating that it had "failed in its potential for confronting America with the enormity of its action" due to "poor organization."<sup>107</sup> But it also expresses interest and credit where they are due, acknowledging that it had:

"done important work, particularly by sending teams to North Vietnam to investigate the effect of American bombing. It was through the work of one such team that the world learned of the extensive use of...fragmentation bombs against the civilian population of North Vietnam."<sup>108</sup>

In so doing, *Ramparts* and Robert Scheer at least provided a balanced appraisal more centered in the realistic pessimism akin to that exhibited by Russell himself at times. The article is anything but sensationalist praise for the Tribunal that would have been antidotal to the vehement attacks previously published. In fact, the cruelty and unprofessionalism of journalist like Levin towards Russell and the Tribunal have stuck with Scheer many years later as he addressed the topic anecdotally on his radio program *Scheer Intelligence* in January of 2020, referring to the talk of Russell's mental capacities as "fake news."<sup>109</sup> Outside of the corporate media frame, other points of view and meanings assigned to the Tribunal were accessible, but like those expressing antiwar support in general, they were too rarely found and typically by already sympathetic readers when they were.

One article perhaps had more potential for promoting the Tribunal's message in America than pieces in publications such as *Ramparts*, *Liberation*, or *World Outlook*. This was Kenneth Tynan's "Open Letter to an American Liberal" in the March, 1968 edition of *Playboy*. All the cultural implications of this particular periodical aside, it reached a broader public than the overtly politically engaged independent media and was near the height of its circulation by the late sixties.<sup>110</sup> Tynan's tactic is unique; he begins with a series of statistics on child deaths in

<sup>106</sup> Ibid 22, Scheer refers to Schoenman as both keeping the IWCT together and being its "worse enemy."

<sup>107</sup> Ibid 22

<sup>108</sup> Ibid 22

<sup>109</sup> Scheer, "Noam Chomsky: America Has Built a Global Dystopia"

<sup>110</sup> "Playboy-Global Circulation."

Vietnam, prostitution in Saigon, tonnage of American ordinance, etc. that he immediately reveals as false or exaggerated.<sup>111</sup> Through rhetorical questions about their effect on the reader, he argues the general point of the Tribunal's stance on the media: that Americans were unreasonably numb to the reports of their government's action. He goes on to give his account of the Tribunal, referring to the aforementioned silence in Communist media, he contended that "if an anti-Fascist organization is both shunned by the Soviet bloc and knocked by the West, it can't be all bad. In spite of its admitted bias, [he] couldn't help respecting the Tribunal's aims."<sup>112</sup>

Tynan's presence at the proceedings and his platform in *Playboy* provide some interesting insights into the Tribunal that are not found elsewhere in press nor academic accounts. One such element was Tribunal members' willingness to dismiss faulty evidence despite their bias against American policy in Vietnam. He recounts such actions taken by both Sartre and Mahmud Ali Kasuri, a notable human rights activist and Senior Advocate Supreme Court, Pakistan's most highly qualified legal title.<sup>113</sup> He also provides a summary of the exhaustive historical testimony on the part of three decorated University professors: Jean Chesneaux of the Sorbonne, Gabriel Kolko of Penn and Douglas Dowd of Cornell as well as his experience seeing the injured Vietnamese that were brought before the Tribunal. It is impossible to know what effect Tynan's article had on American readers, but like Scheer's article, it was significantly more viable and informative than the bulk of newspaper coverage. Unlike the *Ramparts* piece, it featured detailed reporting of the Tribunal's substance as well. So *Playboy* readers were fortunate to come across this piece. Unlike the *Ramparts* article the effects of which were likely negligible with a small reader base likely to have already been Tribunal supporters, Tynan's article adds a significant layer to the Tribunal-media landscape because of *Playboy's* broader and more politically-diverse audience, making it more vast and complicated than most realize.

Knowingly or not, Tynan's piece closely resembles Bertrand Russell's *Appeal to the American Conscience* published as a stand-alone BRPF pamphlet as well as in the July, 1966

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<sup>111</sup> Tynan, "Open Letter to an American Liberal." *Playboy*, 91.

<sup>112</sup> Ibid 153

<sup>113</sup> Ibid 153

*World Outlook*.<sup>114</sup> In it Russell rather meticulously lays out many of his broad reaching grievances with the American world order and makes known his plan for the Tribunal to begin to right the wrongs. There is a similarity in the tone of each piece, "an appeal to..." "a letter to..." both Russell and Tynan attempt to converse with everyday United States citizens. By nature of their respected positions, the latter had more potential to achieve this. The comparison is interesting in that it situates the more realistic aspirations of the Tribunal as a foreign voice pleading Americans to cease turning a blind eye to the actions carried out in their name, many of whom eventually did.

### Chapter 5 - Vindication

As the years passed by and sentiment against the war mounted, the Tribunal is mentioned in several articles attempting to reclaim its memory and vindicate its argument. In the early seventies as the war became seriously unpopular, the Tribunal in fact enjoyed its high point in public discourse. One example is a *Times* article by Richard Falk exhibiting his change in opinion. Along with the majority of his peers, the Princeton law professor was roundly against the IWCT in 1967, referring to it as a "judicial farce."<sup>115</sup> However in an op-ed just three years later he wrote:

"When Bertrand Russell organized an International War Crimes Tribunal in 1967, the energies of liberals and conservatives alike were devoted to discrediting its evidence, although the Russell proceedings provide a generally reliable account of the criminal side of the American war effort in Vietnam."<sup>116</sup>

He then attributes the collective shift in attitude to the way the Son My (My Lai) incident exposed the moral and logical shortcomings of the self-satisfying justifications that American liberals had promoted in the sixties. In fact, Falk's conversion to a Tribunal supporter was so complete that in 2008 he referred to it as "the most comprehensive record of the American

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<sup>114</sup> Andersson, "Behind the Scenes at the BRPF," 152

<sup>115</sup> Stewart, *Too Loud to Rise Above the Silence*. 37, Klinghoffer & Klinghoffer, *International Citizens' Tribunals*. 134

<sup>116</sup> Falk, "Nuremberg and Vietnam." *New York Times* December 27, 1970

conduct in Vietnam."<sup>117</sup> He has since written rather prolifically on the Tribunal, frequently referring to it as the genesis of citizens' inquiry into the unfettered conduct of belligerent states at war in his numerous volumes on more recent war crimes. He acknowledges the problems with contemporary criticism of the Tribunal by the media and academics alike, positing that:

"What was overlooked in such criticism was the degree to which this dismissal of the Russell experiment reflected the monopolistic and self-serving claims of the state and state system to control the administration of law...Also ignored by the critics was the fact that only such spontaneous initiatives of concerned persons and groups could overcome the blackout of truth on the matters of criminality achieved by the geopolitics of impunity."<sup>118</sup>

These are strong words of support and self-examination from a one-time detractor. Transformations such as Falk's are a testament to the work of the Tribunal. In the aftermath of Son My, his voice was joined by others in the media.

By the 1970s many journalists had realized the errors they had been committing for the better part of a decade, by reporting events from Vietnam without drawing the necessary conclusions in them. These included prominent names like Neil Sheehan of the *New York Times*. In this atmosphere, discussion of the Tribunal became a method for some news people to self-assess, and ask for forgiveness in beginning to right their wrongs. Sheehan reviewed thirty-three books on war crimes in Vietnam for the March 28, 1971 edition of the *Times*. Chief among them were the proceedings of the IWCT in *Against the Crime of Silence* by John Duffett. Sheehan reflects upon how the issue of warcrimes was not a recent phenomenon, but journalistic "vision was so narrowly focused on the unfolding details of the war that we lacked the perspective to see it, or when the problem was held up to us, we paid no heed."<sup>119</sup> Importantly, the Tribunal was the first thing that Sheehan addresses in a list of over thirty volumes on the subject, making it a central symbol of the mistakes made by the media. Speaking directly to the Tribunal he wrote: "The proceedings were widely dismissed in 1967 as a combination of kookery and leftist propaganda. They should not have been. Although the proceedings were one-sided, the

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<sup>117</sup> Stewart, *Too Loud to Rise Above the Silence*. 37

<sup>118</sup> Falk, "War, War Crimes, Power and Justice"

<sup>119</sup> Sheehan, "Should We Have War Crimes Trials?" *New York Times* Mar 28, 1971

perspective was there."<sup>120</sup> These admissions are an important aspect of the Tribunal's reception that are missing from our collective understanding of it. Especially with Sheehan's sympathy, the Tribunal should take on an importance in Vietnam history (he did, after all, provide us with the Pentagon Papers). In fact at the time he published his *Against the Crime of Silence* review, Daniel Ellsberg had already given him the first copies of McNamara's study which would begin appearing in the *Times* just two months later.<sup>121</sup>

As the *Washington Post* swiftly followed suit with the Pentagon Papers, they also followed Sheehan's lead in acknowledging the work of the Tribunal. In an article that preceded the *Times* review but was largely inspired by what Sheehan was doing, columnist Nicolas von Hoffman also begins the *Post's* apology with the Tribunal's proceedings. He rhetorically queries why it has taken the *Times* close to three years to review Duffett's book and answers his own question with Sheehan's words in the previous paragraph. Referring to the fact that American leaders had led the country so far astray in the Cold War effort, von Hoffman asserts that "we reacted to this dire possibility by hiding from the data. But finally the end comes. The mounds of evidence grow into mountains. Behold an Andes of incrimination."<sup>122</sup> These articles display an intriguing mix of twentieth century rationality and emotional discharge over what effects the war had. Speaking to the search for emotions in social movements, theorists assert that "it is hard to identify emotions from brief newspaper accounts of protest events."<sup>123</sup> This may be true in the previously analyzed Tribunal articles, but it was no longer the case with these journalists' discovery of their consciousness looking back on the IWCT.

The fact that it was briefly attributed such vindication only to recede to the forgotten depths of the Vietnam era is a testament to massive revision of this history performed by American culture. Many theorists and historians have written on the subject more generally. For example, in their revised version of *Manufacturing Consent*, Herman and Chomsky elaborate how since the end of the war, much of the media has portrayed the United States as the victims

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<sup>120</sup> Ibid

<sup>121</sup> Correll, "The Pentagon Papers" *Air Force Magazine*

<sup>122</sup> von Hoffman, "The Mute and the Mutilated." *Washington Post*. Mar 26, 1971

<sup>123</sup> Goodwin, Jasper, Polletta. "Why Emotions Matter" 5

of the affair in an effort to justify the experiences of the Vietnam generation, including things such as the POW/MIA myth.<sup>124</sup> The same general theme is captured through the fabrications and myths tied up in the "noble war" rhetoric exposed by Jerry Lembcke in *The Spitting Image*. This rewriting of history is problematic considering the brief period of Tribunal vindication in the early seventies. This brief interruption in main stream Tribunal talking points is characteristic of a glimpse of the truth about the war that the country could not handle. Our memory of the Tribunal is one of many casualties caused by the rewriting of the American war in Vietnam, and if there was no need for rewriting in the first place, then this short day in the sun for the Tribunal would either have never come, or lasted longer.

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<sup>124</sup> Herman & Chomsky, *Manufacturing Consent*, 37

## Part III - The Antiwar Movement's European Cousin

### Chapter One - Connections in the Media

Finally the analysis turns to the Tribunal's role in the antiwar movement which although not directly related to the media, is repeatedly seen and understood through aspects revealed by it. Through networking, articles, and leading personalities, the Tribunal is found time and again behind the scenes, in the foundations for much of what is considered pivotal antiwar action. In this area once again, Tribunal scholars are curiously often left apologizing for the lack of influence the Tribunal had. Take the citizens' tribunals historiographer couple Klinghoffer and Klinghoffer's framing of Tribunal testifier Julius Lester's quote for instance: "It also did not galvanize the American antiwar movement, for, as viewed by Julius Lester, it took place one year prematurely, before American antiwar sentiments had begun to surge."<sup>1</sup> On the contrary, the following ideas demonstrate that the Tribunal was rather an early component of that surge, and one of many reasons why the surge was able to happen like it did.

In part I, we covered how journalists permeated the Tribunal cast and the effects this had on its outcomes, comprehensively documenting the war at a very early stage. Many of these journalists and their fellow Tribunal organizers were adamant antiwar activists. When academic writing addresses the Tribunal, it is frequently either in publications exclusively dedicated to it or as a side thought to various other more focal antiwar actions. We have yet to consider the fact that, as historians who study the antiwar movement in general have asserted,<sup>2</sup> the Tribunal, like the overall movement, did not happen in a vacuum. There is a need to put the Tribunal in dialogue with other elements of the antiwar movement. The people involved acted as bridges from Europe to the United States and back for information against the war. And the media frequently and rather unintentionally made this evident.

In doing so, what they left from the historian's perspective is a striking reoccurrence of networking with the broad antiwar movement. To begin with, the Tribunal was behind the

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<sup>1</sup> Klinghoffer & Klinghoffer, *International Citizens Tribunals* 161

<sup>2</sup> See DeBenedetti and Chatfield. *An American Ordeal*, Part I

Western world's access to North Vietnam. As Tariq Ali put it, "Very few people went to North Vietnam in those days. ninety-nine percent of journalists covering the war did so from South Vietnam."<sup>3</sup> The quintessential breakthrough is the series of articles by Harrison Salisbury around Christmas of 1966 highlighting all of the same tragedies in North Vietnam that the Tribunal brought further to light months later: civilian deaths, bombing of non-military targets, etc. Published by the *Times* this reporting was referred to as "a national disaster" by assistant secretary of defense Phil G. Goulding.<sup>4</sup> In the context of media and the antiwar movement, Melvin Small contends that the Salisbury articles: "energized and reinforced those already committed to the antiwar movement and added to the president's growing "credibility" problem."<sup>5</sup> Afterward he would travel the United States giving talks to various antiwar groups.<sup>6</sup>

This would not have happened when it did if it hadn't been for the developing relationship between Russell and Ho Chi Minh. He wrote in his autobiography:

"They asked my advice as to the desirability of permitting Mr. Harrison Salisbury, assistant managing editor of the *New York Times*, to visit Hanoi as a journalist...[I]...recommended that his visit was a risk worth taking."<sup>7</sup>

While in a meeting with Ho Chi Minh and other DRV officials a few months earlier, David Dellinger made a similar recommendation.<sup>8</sup> Salisbury acknowledged his indirect connection with the IWCT in his January 11, 1967 article. He mentions where the "Russell committees" were heading in relation to his own outings in the field, quotes Tribunal member Lawrence Daly, and provides some details concerning the Tribunal.<sup>9</sup> This coincided with decisions in Hanoi to allow westerners in for the first time through several different channels of communication, but the

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<sup>3</sup> Krever, "50 years after Russell: An Interview with Tariq Ali"

<sup>4</sup> Goulding, *Confirm or Deny* 92

<sup>5</sup> Small, *Covering Dissent* 66

<sup>6</sup> Ibid 65

<sup>7</sup> Russell, *AutoBiography: Vol. III* 168 & 241, see also Griffin *The Selected Letters of B Russell*, 596, in *Russell to Minh* 9 January 1967, Russell speaks about "a very serious development in the United States" thanks to the Salisbury articles. Ibid

<sup>8</sup> Dellinger, *From Yale to Jail*. 236

<sup>9</sup> Salisbury, "Hanoi Inviting Westerners To Inspect Bomb Damage" *New York Times* Jan 11, 1967

Tribunal was among the few and the first. In facilitating Salisbury's articles, the Tribunal began its implications in the antiwar effort.

The infamous *Times* articles from North Vietnam were only one of several ways that trips north the seventeenth parallel directly related to the Tribunal affected the war debate on the home front. Another example is the conversations that Tribunal members had with POWs while on trips to the DRV. The treatment of American prisoners, mostly downed pilots such as John McCain, was a key issue in the reception of the war during the late sixties. In addition voyages by activists such as Howard Zinn, Daniel Berrigan, Jane Fonda and many others to speak with or receive prisoners behind enemy lines were a key symbolic component of the antiwar movement.<sup>10</sup> A propagandistic attempt to convince the public that the prisoners were being "brainwashed" began on April 3, 1967 when the State Department made such accusations based on photos of pilot Richard A. Stratton in *Life* magazine.<sup>11</sup> Tribunal investigators were among the first westerners to converse with the prisoners and the truth born by these conversations gradually dispelled the brainwashing myth.

The University of California Berkley biochemist Joe Neilands was on the third Tribunal investigation team. He described how attempting to obtain a DRV visa through the American embassy was highly ill-advised because the government had been in the practice of persecuting Americans who went to North Vietnam as traitors since 1965 when the first visitors, Mary Clarke and other members of Women Strike for Peace, went. He also insisted on paying his own way, refusing BRPF money in an effort to stay independent. But in order to enter the country he used his Tribunal credentials, in his words, "You had to be sponsored by somebody, and Russell's name was magic in that part of the world."<sup>12</sup> The *Times* covered Neilands's conversations with two POWs in an April 11, 1967 article which for contextual reasons included information on the Tribunal and several of Neilands comments that contradict the Pentagon's stance such as: "He said the two men he saw were 'fairly happy there, and the food was tolerable.'"<sup>13</sup> After his visit

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<sup>10</sup> See Clinton, *The Loyal Opposition*

<sup>11</sup> "Western Visitors Speak With Two U.S. War Prisoners in Hanoi" *New York Times* Apr 11, 1967

<sup>12</sup> Clinton, *The Loyal Opposition* 70

<sup>13</sup> "Western Visitors Speak With Two U.S. War Prisoners in Hanoi" *New York Times* Apr 11, 1967

federal agents came to the professor's house to confiscate his passport and the university suspended his pay; he successfully settled these issues in district court.<sup>14</sup> Similar to the administration's efforts against the Tribunal detailed by Luke Stewart, this demonstrates the feigned stance the government took with the antiwar movement in refusing to entertain debate while silencing and punishing those who dared to act. In response Neilands made an important point, that he was "a free agent. We [the United States] were not in a declared war."<sup>15</sup> This exposed the government's risk in ascribing so much power to the executive branch. The Tribunal rendered the hypocrisies of the government's stance and is often just behind what are accepted to be more historical events of the era, such as Neilands visit to the DRV.

Perhaps more momentous in terms of American visits was that of the pivotal pacifist and Tribunal member Dave Dellinger, as just one aspect of his laborious antiwar effort. On one of his many trips to North Vietnam, he spoke with the now famous "brainwashed" Lieutenant Richard Stratton who "guffawed when his visitors told him of the concern aroused in the United States"<sup>16</sup> about his being supposedly indoctrinated by his captors. His visitors included Dellinger, and the news came in a July *Times* article between the two Tribunal sessions. The article details Stratton's denials that he had ever been brainwashed but also includes the official U.S. position that there had been ample time for the North Vietnamese to correct what did turn out to be a public relations blunder. In any case, Dellinger's report conveyed a human damaged by the inherent rigor of imprisonment but sound of mind. The most telling aspect of the article is Dellinger's characterization of the Lieutenant's political views:

"Commander Stratton had indicated views on the Vietnam war that did not coincide with those of either the United States or North Vietnamese Governments. He reported that the pilot had voiced great pride in his Navy career but then had compared the military services to a policeman who failed if he had to use his gun. The Vietnam situation, Commander Stratton said, according to Mr. Dellinger, marks just such a failure. Mr. Dellinger said Commander Stratton had expressed the hope that the peace movement in the United States would intensify its efforts to stop the war but

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<sup>14</sup> *Professor Emeritus Joe Neilands has died.*

<sup>15</sup> Clinton, *The Loyal Opposition* 192

<sup>16</sup> Wiskar, "Captive U.S. Flier Denies Being Brainwashed" *New York Times*, Jul 14, 1967

without civil disobedience or any other unlawful means, for 'law and order are the foundation of our society.'<sup>17</sup>

The piece leads one to believe Dellinger and Stratton in the sense that his opinion is nuanced and critical of the war in a conservative manor. Furthermore, Dellinger was an ideal trustworthy choice as a POW contact and spokesperson because of the lengthy time he had already spent behind bars himself. He later acknowledged that although the prisoners seemed okay, one can never accurately observe the abuse that prison inflicts.<sup>18</sup> Thanks to endeavors like this one, Dellinger was a salient bond between the antiwar movement and the Tribunal.

The web created by David Dellinger continually appeared in the press during the Tribunal period. Perhaps the most momentous event that coincides with the IWCT in this fashion was the October 21 and 22, 1967 siege of the Pentagon. According to Melvin Small this action was "the most dramatic and most important of the Johnson presidency."<sup>19</sup> Aside from the iconic images of flowers being put into MPs' rifles, this day and night "played a major role in influencing Daniel Ellsberg to release"<sup>20</sup> the Pentagon Papers. More than a month beforehand while the National Mobilization Committee to End the War in Vietnam chaired by Dellinger was planning the manifestation, the *Times* ran an article about it that principally identifies him as a Tribunal member.<sup>21</sup> Dellinger's role in the Tribunal is unclear. He traveled to Vietnam in its name, but he made unrelated trips there as well and had other reasons to see prisoners and meet with DRV officials (including Ho Chi Minh). While the only published proceedings of the Tribunal are admittedly incomplete, his is one of the most frequent voices to interrogate those who testified. However it is barely mentioned in his own autobiography which only lends the optimistic observation that he "joined *that* war crimes tribunal because it was agreed beforehand that its purpose was to save lives not destroy them,"<sup>22</sup> making a distinction between it and the DRV's

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<sup>17</sup> Ibid

<sup>18</sup> See Dellinger, *From Yale to Jail* 242-247

<sup>19</sup> Small, *Covering Dissent* 70

<sup>20</sup> Dellinger *From Yale to Jail* 311

<sup>21</sup> "Peace Group Plans a Rally in Capitol" *New York Times*, Aug 18, 1967

<sup>22</sup> Dellinger *From Yale to Jail* 244

own un-pursued idea of putting American POWs on trial as well as the results of the Nuremberg trials both of which Dellinger was roundly against.<sup>23</sup> One observes in Dellinger a life-long commitment to pacifism in which he did what he saw fit to ending violence and inequality as much as possible. His presence on the Tribunal may have been one of many likeminded efforts; it nevertheless positioned the IWCT in the progression of the American antiwar movement. The media, unknowingly or not, facilitated this nexus by using the Tribunal as a symbol to identify the actors involved.

A week after the march on the Pentagon, the *Times* published an article detailing how three GOP senators had been convinced that Hanoi was behind the protests in a meeting with President Johnson, based on Dellinger's travels to North Vietnam.<sup>24</sup> Such conversation is fundamentally characteristic of what Walter Lippmann called a "common way of explaining away opposition," referring to similar alleged international influence in disagreements after World War I.<sup>25</sup> The Tribunal's positioning exposed this hawkish foolishness as such and the article ends with the activist's reply; indicating that he was in Denmark for the second sessions where he told reports that he had indeed spoken with DRV officials on several occasions but any connection to the Washington D.C. demonstrations was an absurd allegation. It offers these words of Dellinger:

"It seems to me that the President is trying to persuade the American people that all of these demonstrations against his policy are the work of Communists. it is ridiculous to think that a message from Hanoi could get 200000 people to demonstrate in the United States."<sup>26</sup>

The beginning of the end for Johnson's war policy is evident in this accusation well-articulated by Dellinger while participating in the Tribunal. Those who cared to follow the evolution of the war from the pacifist perspective would have seen the IWCT mentioned time and again; in connection with other events that historians perceive to be more pivotal or decisive without mentioning the Tribunal.

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<sup>23</sup> See Ibid 237

<sup>24</sup> Graham. "3 in G.O.P. Say Hanoi Organized Capital Protest' *New York Times* Nov 29, 1967

<sup>25</sup> Lippmann, *Pubic Opinion* 128

<sup>26</sup> Graham. "3 in G.O.P. Say Hanoi Organized Capital Protest' *New York Times* Nov 29, 1967

An important aspect in the gradual downfall of the U.S. war effort was the increasing apparent disaccord between the official optimistic reports of elites and the reality in Vietnam during the late 1960s. The now infamous expression of "light at the end of the tunnel" turned out to be that of the Tet Offensive freight train and more than any other event, this series of surprise attacks by NLF and DRV troops highlighted either the dishonesty or ignorance of leaders like General Westmoreland.<sup>27</sup> It so happens that the media used the Tribunal as a contrasting reference point to the optimists on the eve of Tet. A November, 26, 1967 article entitled "Optimists Have Their Say" conveys the good news brought back from Vietnam by Westmoreland and ambassador Ellsworth Bunker that "the war is going well, a lot better than the home front seemed to realize, and certainly was not anything like the stalemate that has been described in news reports..."<sup>28</sup> They go on to claim that they could start to withdraw troops "within two years" as if, despite the fact the war would last much longer, 1970 was an efficient, desirable target for a finish to the bloodshed that had lasted almost a decade.

The *Times* editor takes a vaguely similar stance to the news, asserting that although Washington was happy to have such reports, glaring questions were left unanswered. Under the sub-heading "Ground Rules" the author mentions the IWCT's, concurrently underway in Denmark, finding that the U.S. was the aggressor in the first sessions, as a vague counterpoint to the optimists. In doing so, readers found the following:

"Asked if the tribunal would now look into charges against the Communist side as well, Vladimir Dedijer, Yugoslav historian and a member of the tribunal, said: 'If the North Vietnamese drop bombs on Herald Square, I would be the first to investigate them.'"<sup>29</sup>

This particular connection demonstrates the Tribunal's small yet evident role in undermining the administration's deceitful rhetoric. One also observes the sarcastic strand of antiwar discourse that while not unique to the Tribunal, was nevertheless the most logically effective counter to the allegations of one-sidedness made against it. Be that as it may that not the entirety of Ho Chi

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<sup>27</sup> See Young *The Vietnam Wars* 216-231

<sup>28</sup> "Optimists Have Their Say" *New York Times*, Nov 26, 1967

<sup>29</sup> Ibid

Minh's followers were capable of following his demanding moral code during the war,<sup>30</sup> the comparison of "aggression" made by detractors was pathetically wanting considering that the United States were never threatened by the Vietnamese.

Statements such as these, which simultaneously convey antiwar conviction and awareness of the at best precarious position the Tribunal held in the sphere of legitimate controversy, were common. Take Russell's own address to the Tribunal at the end of the Stockholm sessions for example: "If one American city suffered two hours of bombing such as has been inflicted for two years on Vietnam the world press would inform us rather fully."<sup>31</sup> If the Tribunal was too early as Julius Lester later indicated,<sup>32</sup> than it was at least ahead of its time. It is known that the antiwar movement did not begin in a vacuum as many observes assumed.<sup>33</sup> It was rather a result of and built upon a long lineage of dissent against the Western world order at large and to say that the Tribunal was simply poorly times is to deny said progression. The Tribunal was rather a building block. Like other actions of the mid 1960s such as the International Days of Protest, SANE rallies, Senator Fulbright's hearings, the first National Teach-In, etc. it was a small element in the foundation of public sentiment that was soon to follow.

## **Chapter 2 - Connections Ignored by Media Coverage**

The Tribunal's implications in the antiwar movement did not stop at those directly manifest in the press. One can observe for example, the presence of several student youth leaders in Stockholm and Roskilde. Carl Oglesby of SDS as well as Courtland Cox, Julius Lester, and Charles Cobb of SNCC were all there to assure a voice for student organizations in the

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<sup>30</sup> Dellinger speaks of this paradox in *From Yale to Jail* 238, whereby the official American practice was to cast isolated and questionable decisions as official NLF and DRV policies of aggression, refusing to acknowledge the fact that it was the American military, representing the most powerful and destructive nation on Earth, that traveled to an impoverished country more than seven thousand miles away to wreak havoc which was, regardless of any political context, inherently aggressive.

<sup>31</sup> Duffett, *Against the Crime of Silence* 311

<sup>32</sup> see note 1 p 74

<sup>33</sup> See DeBenedetti *An American Ordeal* Part I

proceedings. Students played an important role in the movement at large, according to Vietnam War historian Joseph A. Fry, the antiwar organizing on campus "was easily the most widespread student activism and protest in American history...that helped keep the agony of the war before the public [and] challenge the morality of the war."<sup>34</sup> Considering the journalistic nature of the Tribunal, these activists' participation must have played some role in informing public opinion over the war. The *Times* mentioned students some fifteen times in Tribunal articles, but strictly in identifying the students listed above. The Tribunal itself though was aware of effort against the war on campuses across the United States, the SDS representative Carl Oglesby spoke of it before the IWCT in the opening of the Roskilde sessions.<sup>35</sup> And Russell frequently credited "the resistance of American students" for their isolated efforts towards the necessary "emancipation of the American people themselves from these barbarous men who speak in their name and defile a great people by doing so."<sup>36</sup>

The IWCT's role as a chronicler of the war was also of use for the student movement. in the opening statements of the second sessions in Roskilde, Oglesby gave a sort of update from the United States to the Tribunal. He brought them up to speed with personal accounts of draft resistance and the march on the Pentagon that had taken place just a month before. He also commented on the impact which the first sessions had on Americans, first citing the "legal base" that they had established for draft resistance then he went on:

"Even more important however, is the fact that the Tribunal has been the clearing-house of information on the war. You understand that it is not easy always for us, unless we probe with great care, to get an accurate picture of what actually happens in Vietnam."<sup>37</sup>

Accounting for the pseudo-environment from which Oglesby spoke, as an engaged and educated activist, taken at his word the Tribunal was nevertheless influential for the people who were carrying out the antiwar effort in the United States. It had some motivational element for the movement that it contributed to.

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<sup>34</sup> Fry *Unpopular Messengers* 219

<sup>35</sup> Duffett, *Against the Crimes of Silence* 321

<sup>36</sup> Russell, *War Crimes in Vietnam*. 123

<sup>37</sup> Duffett, *Against the Crimes of Silence* 322

Another rallying cry for the American antiwar movement of which the Tribunal was ever aware was that of racism and the war. To begin with the enormous racial inequities on display with the Western world's invasion of an Asian country were central to the moral convictions of Tribunal leaders. They were appalled at the way American conceptions of the Vietnamese people were facilitating the violence taken out against them. Drawing the often used comparison with WWII which this group of European Intellectuals, characterized by that generation, was accustomed to regarding the United States in Vietnam, Russell wrote: "Once one believes colonial peoples to be *untermenschen*-"gooks" is the American term-one has destroyed the basis of all civilized codes of conduct."<sup>38</sup> And it was through the same logic that Sartre justified the accusation of genocide at the culmination of the proceedings:

"They vaguely understand that in a people's war, civilians are the only visible enemies. Their frustration turns to hatred of the Vietnamese; racism takes it from there...Hitler killed the Jews because they were Jews. The armed forces of the United States torture and kill men, women and children in Vietnam merely *because they are Vietnamese*. Whatever lies or euphemisms the government may think up, the spirit of genocide is in the minds of the soldiers."<sup>39</sup>

Thus the superficial layer of racial inequality was well documented at the IWCT, and from there other race-related aspects of the war followed.

The Tribunal heard testimony at the beginning of the first sessions from a series of historians in order to properly contextualize the evidence that would follow and establish a precedent for U.S. aggression in Indochina. The American Gabriel Kolko of the University of Pennsylvania as well as Jean Chesneaux and Charles Fourniau of France gave concise yet detailed history of United States intervention in the region since WWII.<sup>40</sup> Regarding race, Chesneaux pointed out that for all the conversation and debate surrounding Nuremberg as legal precedent for Vietnam, the parallel Tokyo tribunal of 1945 received curiously little attention. given the fact that this was a far more "germane" reference for American activity in Vietnam because the Japanese crimes were committed in the exact same place with the same social

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<sup>38</sup> Ibid 4

<sup>39</sup> Ibid 624-625

<sup>40</sup> Ibid 53-90

implications and the Americans played a far more important role in judging the Japanese than they did in Europe;<sup>41</sup> its absence in Vietnam warcrimes rhetoric was peculiar. This is a useful observation that even the Tribunal itself took no more heed of, it is also curiously absent from the rest of their findings. The fact that there was a pattern of intervention with very little oversight or awareness at home; from the relentless bombing of Japan at the end of the second War, these warcrimes tribunals there, Korea, Vietnam, etc. indicates that there were deep divides between Asia and the West that had tragic consequences. And as usual, where there is such ignorance and/or misunderstanding there is frequently racist trends of thought as well.

Needless to say, these revelations of global racial justice did not make the pages of the press. The war's disproportionate impact on African Americans, on the other hand, was another instance of moral umbrage that the Tribunal documented and the media subsequently used. Members were sure to include the connection between civil rights and the war throughout Tribunal literature and during the proceedings. Russell congratulated "the Negro struggle in Harlem, Watts, and the American South"<sup>42</sup> alongside the student movement and emphasized the war's connections to poverty and racism in American slums.<sup>43</sup> These statements lead to relationships between Russell and prominent African American personalities. Comedian Dick Gregory traveled to Hanoi with a Tribunal team on Russell's sponsorship in 1966.<sup>44</sup> He also attended the November 1966 Tribunal meetings and press conference in London.<sup>45</sup> And when Muhammed Ali's draft resistance made headlines just after the first sessions in May 1967, Russell issued a public statement in support which in turn led to a long exchange of correspondence between the two of them. It culminated in Russell offering material from the Tribunal to help in Ali's defense. His lawyer declined the offer, but Ali himself was extremely

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<sup>41</sup> Ibid 53

<sup>42</sup> Russell, *War Crimes in Vietnam*. 123

<sup>43</sup> Russell, *War Crimes in Vietnam*. 120 & Duffett, *Against the Crime of Silence*. 4

<sup>44</sup> Feinberg & Kasrils, *Bertrand Russell's America*, 275

<sup>45</sup> Tynan, "Open Letter to an American Liberal." *Playboy*, 91.

grateful for the moral support offered by the aging philosopher and the two continued to exchange correspondence.<sup>46</sup>

It is important to note that these connections, while providing credibility with those already allied in the cause, were more likely detrimental to the Tribunal's reception. According to Melvin Small:

"Throughout the war, doves discredited the movement in the eyes of most observers when they linked Vietnam to American imperialism everywhere, from the treatment of native Americans in the seventeenth century to the treatment of African-Americans in urban ghettos in the 1960s."<sup>47</sup>

Russell and his followers were very much in the business of making such links. This would only have made their struggle for credibility in the United States more severe. But with that being said, Tribunal members were clearly more interested in speaking truth to power than making friends. These abstractions of injustice related to the war affirmed their beliefs and motivated their efforts in pulling the IWCT off.

More directly, the Tribunal heard testimony from an African American veteran named David Tuck during the second sessions. He testified mostly on his witness to the torture of prisoners, but Sartre was keen to have his perspective on race relations put on the Tribunal's record. He asked Tuck if he felt that his fellow black soldiers in Vietnam were aware of racial discrimination as he was and Tuck responded negatively; that according to him the vast majority of African Americans serving in Vietnam would not have even entertained the question as to whether or not there was a contradiction between the principles they fought for abroad and the lack there of at home.<sup>48</sup> Tuck's testimony drew direct attention from the *Times* with one of the few articles covering the second sessions dedicated to his presence in Denmark. It covers Tuck's witness of racial and demographic disproportions across combat and non-combat units in Vietnam. He is also quoted by a press interview after the session voicing his opinions that without equality in the United States, service in Vietnam was unjustifiable for African

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<sup>46</sup> See Feinberg & Kasrils, *Bertrand Russell's America*, 275-277

<sup>47</sup> Small, *Covering Dissent*. 67

<sup>48</sup> See Duffett, *Against the Crime of Silence* 415-416

Americans.<sup>49</sup> Then roughly three months after the second sessions, as was the case with Dellinger, mention of the Tribunal served to situate David Tuck in media coverage of a contentious issue as Americans grappled more and more with the inequality within their own ranks. In a *NY Times Magazine* article published on March 24, 1968 author Sol Stern profiles Tuck as one of the two sides of the Black-Vietnam experience. To introduce the veteran Stern wrote:

"Discharged from the service, he was so upset at what he had seen in Vietnam that he took the extraordinary step (for a young ex-G.I. with a Government job) of going to Copenhagen last December to give testimony at the Bertrand Russell International War Crimes Tribunal. He told the tribunal that he had witnessed atrocities committed against prisoners by American and South Vietnamese troops, including the beheading of a captured North Vietnamese by a G.I. in his own unit."<sup>50</sup>

Thus the Tribunal was woven ever further into the antiwar story. No single one of these connections is enough to validate the IWCT's historical significance, nor do they change the course of the war on the home front in a decisive easily observed manor. But taken together, all of these occurrences constitute the small victory of the Tribunal's enormous effort.

The role of veterans during the Tribunal is yet another example. Although authors who write about veteran activism in the Vietnam era tend to write the Tribunal off, like Gerald Nicosia who contends that they "lacked veterans" and that it was a "major flaw"<sup>51</sup> in his history of VVAW. However, Tuck was one of three veterans that spoke in Roskilde. There was also former U.S. Army interrogator Peter Martinsen and the well known Green Beret turned antiwar activist Donald Duncan. The later held forth on the emptiness of the war's moral grounding and the dire implications it had on American culture. Voicing impassioned concern for the psyche of his countrymen and countrywomen during questioning from Tribunal members he said, "we are in fact dangerously close, if we have not already arrived at that point, to becoming a military nation that thinks, and can think, only in military terms."<sup>52</sup> Then he described the culmination of

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<sup>49</sup> "Russell 'Tribunal' Hears a U.S. Negro" *New York Times*. Nov 26, 1967

<sup>50</sup> Stern, "When the Black G.I. Comes Back From Vietnam" *New York Times*, Mar 24, 1968

<sup>51</sup> Nicosia *Home to War* 75

<sup>52</sup> Duffett, *Against the Crime of Silence* 491

this effect: "The idea that [the United States] cannot withdraw unilaterally from Vietnam because it would result in a loss of national prestige, is not a normal civilian reaction. That is a military rationale."<sup>53</sup> The media's silencing of the second sessions deprived these moments of instant impact. However considered as part of Duncan's broad reaching activism, the Tribunal finds its meaning.

Related to veteran activism, the IWCT's legacy is often understood as an inspiration for ensuing citizen's tribunals.<sup>54</sup> The most immediate examples were the Citizen's Commission of Inquiry (CCI) and the Winter Soldier Investigation, in 1970 and 1971 respectively, these events gained more traction in light of the My Lai massacre, lending credence to the observation by Julian Lester and others that the Tribunal came about too early.<sup>55</sup> But this is based on the idea that the Tribunal did not have an impact outside of Europe; although the impact was not plainly sensible, the perpetrators of atrocities that had been occurring for at least a decade in Vietnam never waited for public opinion changes in the United States and had the Tribunal not began the practice of formally criticizing American policy, its successors would have been worse off. Furthermore, both of these events were organized by an array of activists, VVAW members, and Ralph Schoenman with his Tribunal experience. The Tribunal's influence on later inquiries did not make headlines in the media, but does represent yet another subtle connection in the network that that the Tribunal established behind the scenes of the antiwar movement.

Aside from citizens' tribunals, real confrontations between the antiwar movement and the Johnson administration were taking place during the same period, and thanks to its pretense in international law, the Tribunal was once again implicated in several ways behind these more notable trials. The most pertinent example to the purpose of understanding the media's effect is the court martial of Captain Howard Levy. The army doctor famously refused to train Green

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<sup>53</sup> Ibid 513

<sup>54</sup> Not limited to the Vietnam era, in which there were the CCI and the Winter Soldier Hearings, the IWCT also inspired: The Russell Tribunal on Repression in South America (1973-75), The Russell Tribunal on Human Rights in Psychiatry (2001), The BRussells Tribunal on Iraq (2004), and the Russell Tribunal on Palestine (2010-2014).

<sup>55</sup> Both of these events took a similar form to the Tribunal, held as public forums in Washington D.C. and Detroit, the principle difference was the later inquiries' insistence that strictly U.S. veterans testify. For more information on CCI, Winter Soldier and the VVAW see Hunt, *The Turning* and Nicosia, *Home to War*.

Beret medics based on moral objection to the war. The *Times* ran a wire article on May 22, 1967 communicating a BRPF press release concerning Levy's trial. According to UPI Levy's lawyer, Charles Morgan Jr. of the Civil Liberties Union had contacted Russell requesting documents from the then recent first sessions to be used as potential evidence.<sup>56</sup> In the end, the data was not of much use to Levy, according to Morgan, the documents arrived too late to be incorporated into the defense.<sup>57</sup> Nevertheless the undercurrent of warcrimes in successive trials within the United States was established in part by the Tribunal. Furthermore, Donald Duncan and Peter Martinsen's time in Roskilde proved to be rehearsal for actual appearances on the witness stand; Duncan would go on to testify in Levy's defense during his court martial and both did so in the trial of the Chicago eight defending, among others, David Dellinger.<sup>58</sup>

Scholars have documented how "putting the war on trial," however galvanizing for the movement, continually proved to yield little to no results for the defendants. Michael S. Foley, for instance, writes of the "apparent promise and real perils of attempting to parlay acts of civil disobedience into successful legal challenges and political victories"<sup>59</sup> referring to the 1968 trial of Dr. Benjamin Spock and the rest of the Boston Five. It is an interesting point of comparison to make between the relative hype and disappointment of both the Tribunal and the ensuing trials stateside. Foley, examining the Spock trial, attributes this to conflation between the political aims of the defendants and the civil libertarian functionality of their defense. A similar mechanism took place for the Tribunal in the court of public opinion where by its results were undeniably sound and morally, vindicated by history, but its methods as formal hearings provided more than enough ammunition for critics at the time. In other words, the moral and legal frames were for the Tribunal what the political and civil libertarian objectives were for antiwar defendants in the United States.

There is in fact, an immense list of connections between the Tribunal and the antiwar movement that merit a volume on their own. Sandy Vogelgesang documents how the U.S.

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<sup>56</sup> "Russell 'War Crimes' Data Sent to Captain on Trial" *New York Times*, May 26, 1967

<sup>57</sup> See Strassfeld, *Vietnam War on Trial* 905 (note 262)

<sup>58</sup> Dellinger fondly remembers their help in Chicago, *From Yale to Jail* 365

<sup>59</sup> Foley, *Confronting the Johnson Administration at War*, 70

bombing of North Vietnam was of central importance to the entire American intellectual left at the same time as the Tribunal was underway.<sup>60</sup> Early on in Tribunal planning, there were aspirations of providing a legal basis for many draft resisters.<sup>61</sup> Pertinent to this thesis's purpose of understanding the media's relationship with the Tribunal, is rather to consider the way that its life on the pages of the *New York Times* rode along with that of the antiwar movement in so many ways. This in depth look at the Tribunal in the media provides space for the IWCT in the broad antiwar narrative.

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<sup>60</sup> Vogelgesang, *The Long Dark Night of the Soul*. 117

<sup>61</sup> Stewart, *Too Loud to Rise Above the Silence*. 18

## Conclusion

Part of the reason why the war in Vietnam remains so contentious is because the story is rarely told to the liking of those who fought in it, were touched by it, or who study it. Many times there are gaps in the story, and the Tribunal is one of them. Perhaps it is too painful to look back and observe those voices who are saying from the past, "we told you so." To their credit, the *New York Times* ran an article on the Russell Tribunal by Cody J. Foster as part of their 2017 series on the war in Vietnam entitled by a question: "Did America Commit War Crimes in Vietnam?" Perhaps everything is in the title. It should not be a question. The Tribunal showed the world plain and clear that the answer is yes. Foster concludes with these words:

"Russell's hope was that his tribunals would build momentum toward a people-driven, international peace movement that did more than protest. In his mind, the people — properly organized and motivated — could hold governments in check. It was an urgent idea in 1967; it remains one today."<sup>1</sup>

Fair enough, but the paper published his article without any mention of its own role in denying Russell of his hope. The case of the Tribunal demonstrates how the media can influence such things. This thesis attempts to demonstrate the mechanisms and the narrative through which the media exercised its will on the Tribunal and its own venture to do so on the media or at least on the way the media portrayed the war. It does so aspiring to "reflect the internal complexities of both parties in this transaction as well as the social and political context of their interaction."<sup>2</sup> The Tribunal was a force to be reckoned with that the media could not ignore, but as it challenged the media's lack of interpretation for the war in Vietnam, it could never have spoken through the media in a meaningful way.

Furthermore, anti-intellectualism functioned as an emotional shield against the Tribunal's justifications when their parallels were readily available for those who looked for not Take

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<sup>1</sup> Foster, "Did America Commit War Crimes in Vietnam?" *New York Times*. Dec 1, 2017

<sup>2</sup> Gamson & Wolfsfeld, "Movements and Media as Interacting Systems" 115

Martin Luther King Jr. for example. Concerning the same ideas behind the accusations of bias lobbied at the Tribunal, he spoke these words just one month before the Stockholm sessions:

"Perhaps only his sense of humor and of irony can save [a Vietnamese] when he hears the most powerful nation of the world speaking of aggression as it drops thousands of bombs on a poor, weak nation more than eight thousand miles away from its shores."<sup>3</sup>

If these indications were ignored domestically, what chance did they have coming from abroad? Ultimately, when an American became aware of the Tribunal, they casted their preconceived notions of the war, protest, Europeans, and intellectuals all upon it. They saw in the Tribunal what they wanted to see: most frequently either a plea for reason, or "sheer effrontery." Hence the transcending wisdom of Russell when at the culmination of more than a year's worth of thankless work by more than a hundred antiwar activists, he told them that "the course of history is being shaped in Vietnam. We shall not alter it much by our words."<sup>4</sup>

Having considered the negative outcome for the Tribunal, it does not however, suffice to say that media coverage was poor or non-existent. It did indeed tend to be poor, but in a complex manner and without understanding what the Tribunal and the media did to each other, than the lessons to be learned from citizens' inquiries such as this are incomplete. As the Vietnam-era becomes solidified into history, the role of the bygone intellectuals that made up the Tribunal deserves its full place because, judging by the lack, to date, of equal notoriety for the subsequence Russell Tribunals,<sup>5</sup> the potential for an organized public challenge to the status quo has dramatically changed. These renewed meetings have kept the legacy thriving to a certain degree, but compared to the antagonism that the Tribunal mustered in the media elaborated in this study and that of the U.S. government developed by other historians, it is certain that organizers long for the equivalent to the structural power that was provided by names like Russell, Sartre, and de Beauvoir to attach to future reiterations. Thus studies like this one that dissect the IWCT from a specific angle are of utmost use.

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<sup>3</sup> King, *Beyond Vietnam*

<sup>4</sup> Duffett, *Against the Crime of Silence* 313

<sup>5</sup> See Note 54 p 88

Otherwise the legal frame persists even for those hoping to preserve the Tribunal's memory. But there are many ways to understand and develop that memory. Tribunal activist and journalist Tariq Ali, who has since lived a life of activism worthy of the Tribunal members before him, reminisces that:

"The legality of the Tribunal was from the beginning dubious. It was a sort of act of resistance to a war, but an act carried out through this particular form. The aim was to open the eyes of the world—to say look, here is the evidence we have brought: study it, see what you think, do something about it."<sup>6</sup>

Now it is up to the historian to do something about it, by advancing stories like the Tribunal's in the narrative of Vietnam.

History has vindicated the Tribunal in many ways. In 1968, when the Soviet Union invaded Czechoslovakia, Russell was there, ninety-six years young, to call a press conference condemning the larger aggressive country's action, in stark resemblance to the November 1966 conference.<sup>7</sup> The *New York Times* published a wire service article on the subject. Unsurprisingly, none of his former accusers of promoting communist propaganda apologized. In her comprehensive history of the Vietnam Wars, Marilyn B. Young confirms the Tribunal's findings, here are just two examples from her work of what they were saying at the time: "1,570,114 acres were destroyed in 1967. For the U.S. military, Vietnam became a laboratory in which weapons and "weapons systems" could be battlefield-tested."<sup>8</sup> That's the size of Delaware, destroyed while destroying the people it belonged in the space of one year, the same year the Tribunal held its sessions, all for the sake of testing weapons systems. In their laborious hearings, the Tribunal struck at the heart of what the United States was doing in Vietnam by reading a passage from the Air Force ROTC manual:

"In considering the peacetime achievements and the expected wartime missions of tactical aerospace power, it is possible to lose sight of a most important immediate mission. In the

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<sup>6</sup> Krever, "50 years after Russell: an interview with Tariq Ali"

<sup>7</sup> "Russell Attacks Czech Occupation." *New York Times*. Feb 2, 1969

<sup>8</sup> Young, *The Vietnam Wars*. 191

diplomatic maneuvering of the cold war, the military forces play a very significant and vital role. The presence of powerful U.S. forces overseas give tangible evidence that the United States is ready — and able — to defend its rights and fulfill its obligations anywhere in the world."<sup>9</sup>

A few million Vietnamese lives in exchange for tangible evidence, and the country was ready to ridicule the Tribunal in self-defense. Gamson and Wolfsfeld call the conversation between activists and journalists a "dialogue of the deaf,"<sup>10</sup> neither party making an effort to understand the other's reality. But in the Tribunal's case, they understood the media's reality and that of the Vietnamese and tried to act, the conversation was more one-sided than deaf.

There was a rebuttal to the Tribunal, The Court of World Public Opinion organized by the Young Americans for Freedom and the Twin-Circle National Catholic Press and it was held at Georgetown University in February 1968.<sup>11</sup> Little did they know that the interagency Johnson administration group had advised against this action a year earlier.<sup>12</sup> Although the YAF still exists, it is more difficult to find record of this event than the Tribunal. This is simply because it was born of spite and jest where the Tribunal was born of conviction. A mission reminisced on by Tariq Ali:

"It's the finest period, I think, in American history, in which such a huge anti-war movement developed in that country. It has no precedent in the imperial history of any other country. What the French did to the Algerians, both in Algeria and in France, is horrific. And there were people who protested. But there was no mass movement against the Algerian war or against France. Likewise in Britain: for hundreds of years there was an empire, and there were good people who said this is atrocious, but there was no mass movement."<sup>13</sup>

The Tribunal contributed to that movement. The media operated in its conditions and realities but the Tribunal had enough resources to work around that constraint in order to help build this residence from Europe. It is a singular event in twentieth century history. Of course there are

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<sup>9</sup> Duffett, *Against the Crime of Silence*. 248

<sup>10</sup> Gamson & Wolfsfeld, "Movements and Media as Interacting Systems" 115

<sup>11</sup> "'Trial' of Communism to Open Feb. 19" *Washington Post*. Jan. 16, 1968

<sup>12</sup> Gibbons, *The U.S. Government and the Vietnam War*. 436

<sup>13</sup> Krever, "50 years after Russell: an interview with Tariq Ali"

plenty of parallels to be made with other citizens' Tribunals. But when else did a group of diverse international actors without any personal stake in the situation come together to study and pass judgement on the policies of a world power making as much of fuss in the media as the Tribunal? It has not been seen since.

## Table of Illustrations

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4. Page 35: *New York Times*, Dec 2, 1967. 3
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7. Page 39: Occurrence in *NYT* Corpus of: "try" (v)
8. Page 51: Occurrence in *NYT* Corpus of: "Hanoi"
9. Page 61: "Fighting at 'Tribunal'" *San Francisco Examiner*, May 7, 1967. 2

**Abbreviations**

CBU	Cluster Bomb Unit
CCI	Citizens' Commission of Inquiry
DRV	Democratic Republic of Vietnam
IWCT	International War Crimes Tribunal
ICC	International Control Commission
MIA	Missing In Action
MP	Military Police
NLF	National Liberation Front
<i>NYT</i>	New York Times
POW	Prisoner of War
SDS	Students for a Democratic Society
SNCC	Student Nonviolent Coordinating Committee
VVAW	Vietnam Veterans Against the War
UPI	United Press International
USIA	United States Information Agency

## Appendixes

### Appendix I - List of Tribunal Members

(in the order provided in Duffett, *Against the Crime of Silence*. 17)

1. Bertrand Russell
2. Jean Paul Sartre
3. Vladimir Dedijer
4. Ralph Schoenman
5. Wolfgang Abendroth
6. Gunther Anders
7. Mehmet Ali Aybar
8. James Baldwin
9. Lelio Basso
10. Simone de Beauvoir
11. Lazaro Cardenas
12. Stokely Carmichael
13. Lawrence Daly
14. Dave Dellinger
15. Isaac Deutscher
16. Amado Hernandez
17. Melba Hernandez
18. Mahmud Ali Kasuri
19. Sara Lidman
20. Kinju Morikawa
21. Carl Oglesby
22. Shoichi Sakata
23. Laurent Schwartz
24. Peter Weiss

## **Appendix II - The Tribunal's Questions**

1. Has the U.S. and its co-belligerents (Australia, New Zealand and South Korea) committed aggression according to international law?
2. Has the U.S. bombarded targets of a purely civilian character?
3. Has the U.S. made use of or experimented with new and/or weapons prohibited by the Laws of War?
4. Have Prisoners of war captured by the armed forces of the U.S. been subjected to treatment prohibited by the Laws of War?
5. Have the armed forces of the U.S. subjected the civilian population to inhuman treatment prohibited by the Laws of War?
6. Do the combination of crimes imputed to the Government of the United States in its war in Vietnam constitute the crime of Genocide?

### Appendix III - Table of *New York Times* Tribunal-related articles

NYT articles on IWCT

Date	Author	Title	page number	Daily total pages	word count	type
06/08/1966	Reuters	LORD RUSSELL S	7	96	207	Wire
07/06/1966	Reuters	Vietcong Say They	2	92	169	Wire
07/24/1966	United Press Internat	HANOI APPOINTS	1	334	459	Wire
08/03/1966	None	Sartre on Panel to	2	76	705	Wire
08/16/1966	None	Carmichael Name	33	80	139	Wire
08/17/1966	JOSEPH LEWIS SIM	'Trial' of U.S. Lead	30	80	135	Letter
08/18/1966	United Press Internat	War-Crimes' Trial	2	72	155	Wire
08/19/1966	Reuters	Vietcong Hail Rus	3	68	102	Wire
08/29/1966	None	Russell Bids John	4	60	136	Wire
09/20/1966	Richard E. Mooney	FRENCH MAINTA	5	96	590	News
10/02/1966	Oliver Clausen	Weiss/Propagand	29	317	112	Opinion
10/06/1966	Associated Press	Russell 'War Crim	2	96	153	Wire
10/06/1966	Bertrand Russell	Russell Defends V	46	96	396	Letter
10/15/1966	Morris Amchan	Judicial Fallacy in	28	60	479	Letter
11/15/1966	Reuters	Tanzanian Denies	2	96	150	Wire
11/17/1966	W. GRANGER BLA	Russell Discusses	6	96	543	News
11/18/1966	Reuters	Ho Chi Minh Hails	5	88	55	Wire
11/19/1966	Reuters	AMERICAN ASSA	17	68	150	Wire
11/21/1966	None	That 'War Crimes	44	92	347	editorial
11/25/1966	None	RUSSELL TRIBUN	26	76	219	News
12/10/1966	Ralph Schoenman	War Crimes Tribur	36	76	277	Letter
12/30/1966	Reuters	Russell 'Tribunal'	4	50	124	Wire
01/01/1967	Reuters	Team for Russell's	3	220	122	Wire
01/11/1967	Harrison Salisbury	Hanoi Inviting We	1	96	3985	News
01/12/1967	United Press Internat	Russell Aide Deta	6	80	124	Wire
01/13/1967	Reuters	5 on Russell 'Crim	2	84	165	Wire
01/16/1967	Associated Press	Russell Group Lea	69	83	49	Wire
02/16/1967	Robert Dallos	2 Networks Spurn	1	80	729	News
02/19/1967	Bernard Levin	Bertrand Russell:	234	441	4023	Opinion
02/20/1967	Dana Adams Schmid	FUND BID DENIE	13	76	550	News by Dana
02/22/1967	None	Newsweek Repor	6	60	78	Wire
02/23/1967	Dana Adams Schmid	BRITON ACCUSE	2	72	505	News by Dana
03/02/1967	None	Russell Panel on V	9	72	102	Wire
03/12/1967	Joseph Heller, Facult	IN DEFENSE OF B	241	538	1215	Letter
03/23/1967	None	Russell's 'Tribuna	4	72	127	Wire
03/24/1967	None	Paris Appears to E	4	64	137	Wire
03/30/1967	None	RUSSELL 'TRIBUN	9	92	148	Wire
04/11/1967	None	Western Visitors S	4	96	1132	Wire
04/12/1967	None	Russell 'Tribunal'	2	96	135	Wire
04/16/1967	Ralph Schoenman at	Schoenman vs. Le	338	543	1728	Letter
04/18/1967	None	Bertrand Russell's	7	84	140	Wire
04/23/1967	Gloria Emerson	De Gaulle Bars Vie	15	480	337	News

Date	Author	Title	page number	Daily total pages	word count	type
04/24/1967	None	DE GAULLE EXPL	11	68	224	Wire
04/26/1967	None	RUSSELL'S 'TRIB	6	96	149	Wire
05/02/1967	Dana Adams Schmid	RUSSELL INQUIR	1	95	1535	News by Dana
05/03/1967	Dana Adams Schmid	SARTE INDICATE	3	90	812	News by Dana
05/04/1967	Dana Adams Schmid	Tribunal' Hears Re	19	80	771	News by Dana
05/05/1967	Dana Adams Schmid	Sartre, at the 'Trib	6	79	790	News by Dana
05/06/1967	Hendrick Smith	CHARGE AT 'TRIA	3	64	974	News
05/07/1967	Dana Adams Schmid	Russell Tribunal Is	3	594	626	News by Dana
05/07/1967	None	U.S. IN THE DOCK	220	594	105	Wire
05/08/1967	Dana Adams Schmid	Russell Aide Accu	8	84	498	News by Dana
05/09/1967	Dana Adams Schmid	RUSSELL 'COURT	15	96	543	News by Dana
05/10/1967	None	Russell Panel May	14	96	111	Wire
05/11/1967	Dana Adams Schmid	Tribunal' Finds U.S	6	96	568	News by Dana
05/12/1967	C.L. Sulzburger	Foreign Affairs: Co	46	96	733	Op-ed
05/14/1967	Henry Tanner	Russell Trial Flogg	206	488	505	Op-ed
05/20/1967	Graham E. Johnson,	Lord Russell Defe	27	72	606	Letter
05/22/1967	United Press Internat	Russell 'War Crim	13	88	162	Wire
07/14/1967	WERNER WISKAR	Captive U.S. Flier	6	64	1195	News
08/18/1967	None	PEACE GROUP P	11	68	201	Wire
08/31/1967	Associated Press	Russell's Tokyo 'T	2	68	132	Wire
10/09/1967	Reuters	New Russell Stud	5	96	63	Wire
11/03/1967	RICHARD J.H. JOH	BOLIVIANS DEPO	9	92	368	News
11/15/1967	Reuters	SCHOENMANN'S	3	96	177	Wire
11/21/1967	None	RUSSELL TRIBUN	6	96	239	Wire
11/23/1967	United Press Intern	WAR 'TRIBUNAL'	3	84	205	Wire
11/26/1967	None	RUSSELL 'TRIBUN	10	696	198	Wire
11/26/1967	None	Optimists Have Th	367	696	717	News
11/29/1967	FRED P. GRAHAM	3 in G.O.P. Say Ha	12	96	886	News
12/02/1967	Reuters	Russell 'Tribunal'	3	80	240	Wire
12/21/1967	United Press Intern	U.S. Court of App	29	67	91	Wire
12/30/1967	None	Lynd Says He Dec	44	48	154	News
01/09/1968	None	Head of Russell T	3	88	140	Wire
01/13/1968	None	... and Retrogress	30	55	265	editorial
03/24/1968	Sol Stern	When the Black G	343	558	545	Opinion

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## **Résumé**

Ce mémoire explique la relation complexe entre le Tribunal International Des Crimes de Guerre de 1967 (autrement dit « le Tribunal Russell »). La représentation de la guerre au Vietnam dans les médias américains avait concerné Bertrand Russell autant que la guerre elle-même en organisant son Tribunal, cependant le Tribunal auprès du média était peu étudié jusqu'ici. Ce mémoire démontre comment le Tribunal a employé les reportages du média dans leurs effort contre la guerre. Il élabore également comment les médias ont pu profiter du Tribunal tant qu'une cible pour renforcer les sentiments occidentaux pendant la Guerre Froide. Finalement, il éclaire les diverses connections entre le Tribunal et le mouvement pacifiste aux Etats-Unis vis-à-vis les médias tout en argumentant qu'il a occupé un rôle beaucoup plus important dans ce mouvement qu'on reconnaît aujourd'hui.

## **mots-clés**

Vietnam

Bertrand Russell

média

le Tribunal Russell

Tribunal International Des Crimes de Guerre