

CROSS-CURRENTS



EAST ASIAN HISTORY AND CULTURE REVIEW

Misrepresenting Atrocities: *Kill Anything that Moves* and the Continuing Distortions of the War in Vietnam

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Nick Turse. *Kill Anything That Moves: The Real American War in Vietnam*. New York: Metropolitan Books, 2013. 384 pp. \$30.00 (cloth), \$17.00 (paper), \$10.00 (e-book).

Introduction

While a new body of serious academic scholarship on the Vietnam War has recently broken free from the polarized battles between “hawks” and “doves” that stunted the development of the field in the 1960s and 1970s, much mainstream historical writing on the conflict continues to be consumed by a strangely dated and zero-sum form of political combat.¹ Historians of the war who continue to work in this deeply politicized vein ignore many of the most critical theoretical and methodological developments in the historical study of warfare, as well as new studies of Vietnamese history that challenge old interpretations of the conflict. The academic establishment and the reading public must bear some responsibility for the survival of this mode of scholarship, since research addressing old topics in familiar ways continues to find a large audience.

The enduring popularity of politicized approaches to the Vietnam War in the United States is perfectly illustrated by the commercial success and critical praise garnered by Nick Turse’s new book, *Kill Anything that Moves: The Real American War in Vietnam (KATM)*, a *New York Times* best seller that has been reviewed widely and warmly in the press and discussed at length on radio and television. Turse is a fellow at the Nation Institute and managing editor of TomDispatch.com—a website of news and opinion devoted to criticism of American empire. His “progressive” politics and sympathy for the Vietnamese Communist project are confirmed in his portrayal of the Vietnam War as a “people’s war,” in which “America’s Vietnamese enemies maximized assets like concealment, local knowledge, popular support, and perhaps something

less quantifiable—call it patriotism or nationalism, or perhaps a hope or a dream” (11). A “progressive” anti-imperialist orientation may also be discerned in Turse’s consistent focus on the malevolence of the American military, both in his earlier book—*The Complex: How the Military Invades Our Everyday Lives* (2008a)—and in *KATM*.

Billed as a “startling history of the American war on Vietnamese civilians,” *KATM* assembles a trove of gruesome accounts of atrocities and war crimes that American soldiers committed in Vietnam. These include cases of “murder, torture, rape, abuse, forced displacement, home burnings, specious arrests, imprisonment without due process”—all of which demonstrate, according to Turse, the “stunning scale of civilian suffering in Vietnam” (6). Based on Pentagon files, interviews, press reporting, and secondary sources, and grounded in eighty-five authoritative pages of endnotes, these horrific accounts are presented in rapid succession and graphic detail.

While recounting a punishing accumulation of atrocity stories, *KATM* advances four relatively straightforward arguments. First, it asserts that this grim dimension of the Vietnam War was ignored at the time, has been neglected in the scholarship, and is today forgotten in popular memory.² Second, it claims that American atrocities were pervasive in Vietnam, perpetrated on a massive scale by every military unit, in every theater of battle, during every period of the war.³ Third, it contends that the proliferation of atrocities and war crimes was largely caused by command policies devised at the highest levels of the U.S. military and government.⁴ And fourth, as its subtitle indicates, it suggests that the atrocious record of the U.S. military in Vietnam reveals both the “true nature of the war” (16) and the “true history of Vietnamese civilian suffering” (262) that it left in its wake.⁵

In addition to being untrue, these arguments point to the isolation of Turse’s approach from current trends in the historical study of military violence against civilians. For example, most recent work on military atrocities—such as John Horne and Alan Kramer’s magisterial *German Atrocities, 1914: A History of Denial* (2001)—insist that primary and secondary sources on the topic must be treated with special care since they are notoriously vulnerable to politicization and distortion. Turse’s misleading estimate of the size and significance of the existing literature on Vietnam War atrocities flies in the face of this advice. As we will show, academics, lawyers, journalists, activists, and creative artists have been agonizing over American atrocities and war crimes in Vietnam for almost fifty years.

Turse's slipshod approach to the existing scholarship highlights more general problems with his research methods. "Only by combining veterans' testimonies, contemporaneous press coverage, Vietnamese eye-witness accounts, long classified official-studies, and the military's own formal investigations into the many hundreds of atrocity cases that it knew about," he writes, "can one begin to grasp what the Vietnam War really entailed" (258). But Turse's sloppy and tendentious use of sources represents the book's most serious problem. A perusal of the notes indicates that he relies on an indiscriminate mix of credible and unreliable sources and that his agenda-driven selection and presentation of evidence frequently misleads. Gary Kulik's *War Stories* (2009) uses the same military documents to examine the first American atrocity discussed at length in Turse's book: the so-called Trieu Ai massacre. Comparison with Kulik's much longer and more detailed account reveals a working method on the part of Turse marked by the cherry picking of data and the partisan framing of evidence. Eyewitness accounts of the incident that Turse collected in Vietnam in 2006 and 2008 raise more questions than they answer and point to problems with his use of this complicated source. Americans killed civilians at Triêu Ái, but Turse jumps to false conclusions about the circumstances that led to the killings, and he offers unqualified speculation about this episode as emphatic truth. As historians, we argue that Turse's opposition to war atrocities does not excuse these mistakes.

Turse's penchant for generalizations about the scale and the character of atrocities in Vietnam—as seen in his second argument that similar events occurred everywhere at virtually all times—violates another basic precept in the existing scholarship: the notion that military atrocities must be studied as specific events that occur in particular contexts, often as the result of a unique set of circumstances. "Instead of a world of black and white," wrote Tzvetan Todorov in his meticulous study of a Nazi massacre in occupied France in 1944, "I discovered a series of distinct situations, of particular acts, each of which called for its own separate evaluation" (1996, xvii). In contrast, central to Turse's argument is that "*every* [emphasis in original] infantry, cavalry, and airborne division, and every separate brigade . . . that is every major Army unit in Vietnam" committed atrocities (21). His evidence for this claim comes from an obscure Pentagon archive known as the War Crimes Working Group (WCWG) files. Turse claims that American atrocities "were widespread, routine, and directly attributable to U.S. command policies" (22). Moreover, he later asserts, atrocities witnessed in one province at one time could be seen in "Binh Dinh Province in the mid-1960s, Kien Hoa Province in the late

1960's, or Quang Tri Province in the early 1970's" (143). In other words, time, place, and the detailed specifics of war crimes do not matter. These stunning assertions are false and reflect a penchant for unsupported generalization repudiated in the existing scholarship. War crimes happen one at a time; the context, the triggers, the often contradictory details matter. If we want to build a case for the pervasiveness of American war crimes in Vietnam, we have to build it case by case.

The WCWG files constitute the most detailed and systematic evidence of war crimes available. Thanks to an inventory of the files released by Turse's ex-research partner, Deborah Nelson, we can examine his claims (Nelson 2008, 210–256). Nelson's appendix contains 254 cases, many featuring multiple allegations. The army dismissed 177 cases for lack of evidence or because the complainant refused to cooperate. Seventy-six cases were prosecuted. What those cases demonstrate is that time, place, and specific detail matter deeply. Thirty-six cases that the army chose to try, 48 percent, occurred in 1968 and 1969, two of the bloodiest years of the war. There were only twelve cases in 1966 and 1967. Thirty-five cases, 53 percent, occurred in three provinces—Bình Định (14), Quảng Ngãi (12), and Quảng Tín (8)—all areas of Việt Cộng strength and bitter fighting. Time and place matter. Were war crimes common to every major army unit? Army divisions in Vietnam contained roughly fifteen thousand men, brigades roughly five thousand, and such units of course served for several years. The WCWG make clear that some units, such as the 173rd Airborne Brigade and the 23rd Infantry Division and its subordinate units, saw far more war crime investigations than others. Others saw remarkably few. There was one case for the 1st Infantry Division, one for the 5th Infantry Division, two for the 25th Infantry Division, and two for the 82nd Airborne Division. So much for the ubiquity of army war crimes.

Turse's third argument, the idea that all war crimes were "command-driven," is a serious overstatement. Some were "command-driven" and others were not; the specifics of each case matter.⁶ The WCWG files offer examples that should surprise no one—drunken soldiers firing into a group of civilians, another opening fire on a POW camp, other random acts of shooting. These were acts committed by individual soldiers whose commands considered them war crimes. The cutting of ears and the abuse of enemy corpses were largely the ill-considered actions of junior enlisted men. Acts of rape were not the result of command orders. One of the ugliest rape and murder cases, the one documented in a famous *New Yorker* article by Daniel Lang (1969),

was the product of a twenty-year-old reconnaissance team leader's vile decision to force a young woman to accompany their patrol. No one ordered him to do that.

The historical study of war crime has reached a new level of sophistication by putting time, place, and specific detail at the forefront—everything that Turse's universalizing zeal obscures. Consider Timothy Snyder's monumental *Bloodlands* (2010), a book deeply immersed in place, not just the area between Berlin and Moscow—the bloodlands where fourteen million died—but also in Belarus, the bloodiest region of all. Time structured the deadly interactions of the Soviet Union and Germany in three distinct periods: 1933–1938, the time of the Soviet's Great Terror trials and the starvation of three million in Ukraine; 1939–1941, the time of the alliance and the destruction of the Polish state and large parts of the Polish intelligentsia; and 1941–1945, the time of the Holocaust. Snyder's ability to reconceptualize the worst mass killings of the century rests not simply on his attention to time and place, but on the fairness, balance, and sense of detail he brings to a blood-drenched subject. Time and place matter also to Omer Bartov (1985, 1991) who delineates the conditions that led to Germany's "barbarization of warfare" on the Eastern Front during World War II, and the contrast with the behavior of the German Army and its commanders in the West. Detail and specificity are central to Horne and Kramer's *German Atrocities, 1914* (2001) and their ability to fairly examine conflicting German and Belgian sources and claims "and adjudicate between them." They make the case in fine-grained detail that, despite the later belief that the Allies exaggerated German crimes for their propaganda value, the German army killed roughly 6,500 civilians. Mark Mazower's *Inside Hitler's Greece* (2001) offers a model reading of a massacre at Komeno in 1943, including the troubled thoughts of German soldiers both at the time and in memory. Richard Overy, in *The Bombers and the Bombed* (2003) has reframed the debate over strategic bombing—how could it "ever have been agreed to?"—while looking in depth and detail at the experience of the "bombed."⁷

Turse's fourth argument—that the study of American atrocities reveals the true nature of the conflict—raises additional problems. Given the Vietnam War's fratricidal character and the ruthlessness exhibited by every armed force that participated in it, Turse's one-sided history of American atrocities is too narrow to reveal the full extent of Vietnamese suffering during the war. Moreover, by virtually ignoring Communist atrocities, *KATM* obscures the critical causal dynamics behind the spread of violence against Vietnamese civilians: the combination of

asymmetrical warfare and civil war. The significance of these factors in the brutalization of civilians has been repeatedly affirmed in the existing scholarship on violence and war, as in Stathis Kalyvas's groundbreaking study *The Logic of Violence in Civil War* (2006). Once again, an absence of engagement with the existing scholarship damages Turse's account. A final problem with Turse's lopsided focus on American violence concerns the reactionary political impact of this approach within contemporary Vietnam. The ironic and unintended consequences of Turse's "progressive" approach to the war may be clearly seen in the enthusiastic embrace of *KATM* by the most repressive and conservative political forces in the country.

In the following pages, we survey the existing literature on American atrocities and war crimes in Vietnam, both to refute Turse's glib characterization of it and to identify the partisan tradition to which his book belongs. We then review his dubious use of sources, including the testimony of antiwar veterans, eyewitness accounts collected in Vietnam, and partisan propaganda issued from Hanoi. A close look at his account of the "Trieu Ai massacre" reveals flaws in his treatment of archival material. A final section discusses the implications of Turse's failure to examine Communist (alongside American) atrocities, as well as the broader political impact of the book in Vietnam following its translation and publication there in a bowdlerized form.

Sources of Atrocity

As with many blood-soaked civil wars and interstate conflicts, the Vietnam War gave rise to numerous partisan efforts to selectively document atrocities and war crimes perpetrated by one side against the other. The earliest examples took the form of propaganda tracts and white papers issued by the warring states themselves, which described in graphic detail the brutality of their enemies.⁸ As the war intensified during the latter half of the 1960s, the rise of global opposition to the American intervention upset the rough balance of charges and countercharges that had once structured this discourse. Outraged at the American role in the war, lawyers, activists, academics, artists, veterans, and religious leaders in the United States and beyond produced a huge body of work exclusively focused on American atrocities and war crimes. These efforts peaked following the explosive public revelations about the Mỹ Lai massacre in November 1969.

The dramatic scale of the discourse on American atrocities and war crimes is apparent in a long review article by war correspondent Neil Sheehan published in the *New York Times Book*

Review on March 28, 1971. Entitled “Should We Have War Crimes Trials?,” it surveyed thirty-three English-language books—including twenty published in 1970 alone—that cataloged a stunning array of American misdeeds in Vietnam: indiscriminate bombing, chemical and biological warfare, rape, the torture and execution of prisoners, massive forced population displacements, and the killing of civilians through targeted strikes, collateral damage, or premeditated massacre. Notable books and authors mentioned by Sheehan include *The Village of Ben Suc* (Jonathan Schell, 1967), *In the Name of America* (Seymour Melman, ed., 1968), *Casualties of War* (Daniel Lang, 1969b), *At War with Asia* (Noam Chomsky, 1970), *Atrocities in Vietnam* (Edward Herman, 1970), *My Lai 4* (Seymour Hersh, 1970), *Nuremburg and Vietnam* (Telford Taylor, 1970), and *Crimes of War* (Richard Falk, Gabriel Kolko, and Robert Lifton, eds., 1971). While some texts showcased original research, others relied on secondary data culled from the international news media. Indeed, atrocity stories from Vietnam loomed large the world over during this era, not only in published books but in the pages of daily papers, countercultural magazines, newsweeklies, and elite journals of culture, politics, and opinion.⁹

A thorough accounting of books and articles on American atrocities in Vietnam produced in the four decades since Sheehan’s article appeared would disclose hundreds of additional works of varying type and quality. They include memoirs,¹⁰ oral history collections,¹¹ and a wide range of documentary and academic studies by lawyers, historians, social scientists, and journalists.¹² A branch of clinical psychology pioneered by Robert Jay Lifton during the early 1970s drew attention to Vietnam War atrocities by highlighting their catastrophic impact on perpetrators as well as victims (Lifton 1973). Fueling this discourse further were a series of hearings staged during the late 1960s and early 1970s: the Russell Tribunals (1967), the Citizens Commission of Inquiry (CCI) into U.S. War Crimes in Indochina (1969–1970), the Dellums Committee Hearings on War Crimes in Vietnam (1971), the Winter Soldier Investigation (1971), and the International Commission of Enquiry into United States Crimes in Indochina (1971). While the impact of these public events is difficult to assess, their proceedings were transcribed (and, in some cases, filmed) and widely circulated on various media platforms.¹³ The Winter Soldier Investigation, for instance, was preserved as a published transcript, inserted into the *Congressional Record*, and disseminated as a twice-released documentary film.¹⁴ Other important documentary films featuring American atrocities in Vietnam include Oscar nominees *In the Year of the Pig* (1968) and *Regret to Inform* (1998) and Oscar winners *Interview with My*

Lai Veterans (1971), *Hearts and Minds* (1974), and *The Fog of War* (2003). At the same time, American atrocities became a familiar staple of Vietnam War fiction and feature films.¹⁵ The latter strongly shaped public opinion by reaching a large audience. Well-known examples include *The Visitors* (1972), *Coming Home* (1978), *Apocalypse Now* (1979), *Born on the Fourth of July* (1981), *Platoon* (1986), *Full Metal Jacket* (1987), *Casualties of War* (1989), and *Heaven and Earth* (1993). As with its size and scope, the persistence of the discourse on American atrocities and war crimes in Vietnam is worth noting. While the early 1970s witnessed a spike in publication that remains something of a high-water mark, documentary studies and portrayals in popular culture have appeared with remarkable regularity in the nearly five decades since.

The Mỹ Lai massacre looms large as an important subset of this discourse. Accounts of this notorious mass murder of Vietnamese noncombatants, along with its troubled juridical, political, and cultural aftermath, may be found in dozens of books, scores of articles, and numerous films and television documentaries.¹⁶ The most recent film about the episode was *My Lai*, an eighty-three-minute Emmy and Peabody Award–winning documentary released in 2010 as part of the popular PBS series *American Experience*.

The discourse on American atrocities and war crimes sheds light on a critical aspect of the Vietnam War, but given the hothouse political environment out of which it emerged, it is no surprise that its source base is uneven and its account of the broader dynamics of the conflict partial and incomplete. Most damaging to its credibility, the discourse has featured a fair number of sensational accounts that have been discredited on closer inspection. In 1970, Neil Sheehan decisively debunked some of the most lurid and implausible atrocity stories recorded by the lawyer and JFK assassination conspiracy theorist Mark Lane in his 1970 book, *Conversations with Americans*. Others have questioned the credibility of inconsistent witnesses and uncorroborated testimony from the CCI and the Winter Soldier hearings (see Lewy 1978, 307–342; Kulik 2009, 119–157). Research in folklore and oral history has drawn attention to the proliferation of apocryphal “war stories” involving prisoners thrown from helicopters, spat-upon veterans, and grotesque episodes of genital mutilation. After hearing identical tales, told many times over, during the course of hundreds of interviews with Vietnam veterans—“the booby-trapped casualty, the pregnant woman shot and killed whose fetus is added to the ‘body count,’ the mutilated corpse with its penis in its mouth”—Myra MacPherson “concluded that such stories called for ‘suspension of belief’” (Hagopian 1991, 143). Another oral historian, Mark

Baker, voiced similar reservations about the credibility of veteran testimony that he collected for *NAM: The Vietnam War in the Words of the Men and Women Who Fought There*: “It must be assumed,” he admitted, “that included here are generalizations, exaggerations, braggadocio and—very likely—outright lies” (Baker 1981, 14). Such circumspection does not negate the fact that Americans committed heinous acts during the Vietnam War, nor does it undermine the argument that callous, negligent, and perhaps even criminal U.S. command policies contributed decisively to the proliferation of atrocities and war crimes. But it does caution that the existing record presents an empirical minefield for scholars who seek to determine the prevalence of such episodes or to verify individual acts.

The contribution of state propaganda issued by the Democratic Republic of Vietnam (DRV) to the prevailing narrative on atrocities and war crimes raises additional questions about its integrity. Emboldened by the global growth of atrocity stories during the latter half of the 1960s, Hanoi redoubled its propaganda efforts by reaching out to its new foreign allies. Recent archival research confirms that Ho Chi Minh provided significant financial support for the Russell hearings, a finding that backs up suspicions long held by critics of the event.¹⁷ Moreover, between 1965 and 1972, the DRV hosted over 170 antiwar visitors from the United States alone (Clinton 1995). Orchestrated by official propaganda organs and closely monitored by the security police, such trips provided little opportunity for objective fact finding. Hanoi also shaped the global discourse by seeding it with “evidence” of atrocities and war crimes disseminated by its Foreign Language Publishing House. Unsurprisingly, stories pushed by Hanoi often made their way into foreign accounts.

The existing literature on American atrocities and war crimes poses several problems for Turse. Most obviously, its scale and resilience over time undercut his contention that the topic was neglected during the war, scrubbed from the historical record, and forgotten in popular memory. “Today, histories of the Vietnam War regularly discuss war crimes or civilian suffering,” he writes, “only in the context of a single incident: the My Lai massacre. . . . Even as that one event has become the subject of numerous books and articles, all the other atrocities perpetrated by U.S. soldiers have eventually vanished from popular memory” (2). Expanding on this point later in the introduction, he writes:

Until the My Lai revelations became front page news, atrocity stories were routinely disregarded by American journalists or excised by stateside editors. The

fate of civilians in rural South Vietnam did not merit much examination; even the articles that did mention the killing of noncombatants generally did so merely in passing without any indication that the acts described might be war crimes. Vietnamese revolutionary sources, for their part, detailed hundreds of massacres and large-scale operations that resulted in thousands of civilian deaths, but those reports were dismissed out of hand as communist propaganda. And then in a stunning reversal, almost immediately after the exposure of the My Lai massacre, war crimes allegations became old hat—so commonplace as to be barely worth mentioning or looking into. In leaflets, small-press books, and “underground” newspapers, the growing anti-war movement repeatedly pointed out that U.S. troops were committing atrocities on a regular basis. But what had been previously brushed aside as propaganda and leftist cookery suddenly started to be disregarded as yawn-worthy common knowledge, with little but the My Lai massacre in between. (5)

It is simply not true that American atrocities and massacres in Vietnam have been ignored. Many of the books cited by Sheehan, for example, belie Turse’s claim that the print media “routinely disregarded” evidence of atrocities prior to Mĩ Lai. Consider *In the Name of America*, a huge collection of newspaper and magazine clippings compiled to catalog possible U.S. war crimes in Vietnam (Melman 1968). It featured excerpts of over nine hundred articles printed in mainstream news outlets, which it organized into the following categories: mutilation of the wounded, interrogation, torture and murder, prison camps, counterterrorism, body count, treatment of suspects, use of gas, destroying huts and villages, scorched earth, pillage, aerial bombardment, mistakes, populated target areas, napalm and phosphorous, defoliation and crop destruction, forced transfer, refugees, civilian war victims, and the seizure and destruction of medical resources.¹⁸ Completed in January 1968, roughly two years prior to the public revelation of Mĩ Lai, the study relied mainly on press reporting from 1965 to 1967.

Moreover, contra Turse’s contention that scrappy antiwar pamphleteers kept the issue alive, it is clear that elite American trade presses led the publishing charge. Sheehan’s “Should We Have War Crimes Trials?” (1971) reviewed books released by the following houses: Simon & Schuster, Bantam, Pantheon, Vintage, McGraw-Hill, Harper & Row, Random House, Alfred A. Knopf, Charles Scribner’s, Holt, Rinehart & Winston, The Free Press, Anchor, Beacon, and Pilgrim. As the focal point of the discourse moved from journalism to academia during the postwar era, prestigious university presses displaced prestigious trade presses as the most common platform for research and writing on the topic.

A more serious problem for Turse is the agenda-driven way that he exploits the existing literature. An obvious example is his use of (what he quaintly calls) “revolutionary sources” issued by Hanoi, which, he complains, have been “dismissed out of hand as communist propaganda” (5). In contrast, Turse routinely cites pamphlets authored by official organizations founded in Hanoi during the conflict, such as the Committee to Denounce the War Crimes of the U.S. Imperialists and their Henchman in South Vietnam. The precise provenance of this body was mysterious during the war, but recent archival evidence identifies it as “part of the National Front for the Liberation of Vietnam,” whose “function was to investigate, gather evidence and make accusations about all the war crimes committed by the U.S. imperialists and their lackeys on the territory of Vietnam” (Phạm et al. 2006, 604). Given the partisan tone of its publications, it is no surprise that recently available sources in Hanoi confirm that its mission during the war included “international propaganda efforts” (Phạm et al. 2006, 604).

At the same time, Turse cites numerous American witnesses whose testimony has been discredited or seriously challenged. On forms of torture employed in the Phoenix Program, he quotes Kenneth Barton Osborn, a controversial informant whose trustworthiness has been contested by scholars, officials, and colleagues (191).¹⁹ On the nature of rape in the combat zone, Turse cites a lurid snippet of torture porn purveyed at the Winter Soldier hearings by the troubled and unreliable antiwar veteran Scott Camil.²⁰ Turse dismisses a complex series of challenges to the veracity of another of his sources—the military whistle-blower Anthony Herbert—as a ploy by overzealous army investigators “looking for ways to attack him” (246).²¹ Other eyewitness sources of dubious credibility, such as Michael Hunter, Mike McCusker, and Peter Norman Martinson, may be found deep in Turse’s notes.²² As with his uncritical approach to Hanoi propaganda, Turse almost never pauses to reflect on the complexities of these sources or to draw attention to the checkered record of their past testimony. Since Turse also extracts a large body of undisputed evidence from the existing atrocity discourse, it is frustrating that he lards his narrative with suspect accounts, rendering the whole untrustworthy.

Similar questions arise with regard to another important source for Turse: a series of interviews that he carried out in Vietnam during 2006 and 2008. Beyond providing the names of his interviewees and the date on which he met them (in most but not all cases²³), Turse offers no background information on the forty-odd witnesses that he interviewed. His failure to disclose the age of his informants is especially problematic, since most of them describe events that

occurred between thirty-five and forty years ago. Consider, for example, the case of Ho Thi A, who confirmed to Turse in 2008 that all victims of a 1970 massacre that she witnessed “were civilians” (60). While he refers to her vaguely as being a “young girl” at the time of the massacre, he does not reveal—either in the text or in the notes—the fact that she was no more than seven or eight years old when the incident transpired.²⁴ As a result, he does not discuss how a child so young could distinguish civilian casualties in a conflict famously marked by the intentional blurring of lines between combatants and noncombatants. Other oddities of the evidence Turse consults to describe this episode include an American witness who disputes the date of the event, contradictory reports about the presence of guerillas in the hamlet, and a “typo-ridden” source that identifies the sole survivor of the massacre as Hoang Thi Ai, not Ho Thi A.²⁵ Confusion over the status of witnesses and historical actors is compounded by Turse’s failure to furnish Vietnamese names with their accompanying diacritical and tone marks, making it difficult to identify and track down interview subjects. Some names are clearly inaccurate, as our discussion of Turse’s account of the “Trieu Ai massacre” will demonstrate. Also problematic is Turse’s neglect to describe the conditions in which his interviews took place: how long they lasted, how they were recorded, and whether they were conducted in private or in the presence of friends, neighbors, or local security officials. One of Turse’s Vietnamese-language translators confirms the presence and vocal participation of local officials at some of the interviews.²⁶ Turse also ignores critical elements of the broader cultural context in which his interviews took place: the persistence in Vietnam of an intrusive police state, tight controls over free speech, and the relentless promotion in schools and the media of official war narratives that feature civilian suffering, Communist heroism, and American aggression.

Interpreting the “Trieu Ai Massacre”

If Nick Turse’s use of secondary sources and interview data raises questions, what about the archival material that looms so large in his promotion of his project? The presence of an alternate account of what Turse calls the “Trieu Ai Massacre” in Kulik’s 2009 book *War Stories* sheds some light on Turse’s approach to the archival material. Turse opens his book with a chapter on that massacre in Triệu Ái, Quảng Trị Province—the “killing of a dozen civilians” by Bravo Company, 1st Battalion, 1st Marine Regiment, on the night/morning of October 21–22, 1967. It is, Turse says, “barely a footnote in the blood-soaked history of the

Vietnam War,” but it is also an emblematic story of the entire war “writ small” (39). “The key elements present at Trieu Ai,” he writes, “recur over and over again” (39). The latter is a claim fully endorsed by one review (Hunt and Bradley 2013). This is simplistic universalizing. As recent studies make clear, war crimes need to be studied in all their stark specificity. Chronology and detail matter, as do balanced and fair judgment. Turse’s account of what happened that October night cannot be trusted, and his assertion that it is “barely a footnote” (39) in the literature of Vietnam War atrocity is false.

The events of that October morning have earned far more than a “footnote.” They have been recounted in four books, of which *KATM* is only the latest. The first was Mark Lane’s *Conversations with Americans* (1970), in an interview conducted with a marine deserter named Terry Whitmore. Whitmore, who served with Bravo Company, 1st Battalion, 1st Marine Regiment in the fall of 1967, told a hideous story of an entire series of hamlets in Quảng Trị—thirteen, each with a population of thirty—all of whom were killed. “We just went through that mother-fucker,” Whitmore claimed, “and left nothing that I saw.” There were children. A marine officer ordered them killed. Whitmore never knew the name of the village, but there can be no doubt that this was a version of the same incident (Lane 1970, 73–74; Kulik 2009, 196–199).

Whitmore’s story was challenged by Neil Sheehan in his review of Lane’s book. Sheehan contacted two of Whitmore’s officers, both of whom denied that such a massacre ever happened. “They remembered an earlier incident,” Sheehan (1970) wrote,

involving Whitmore’s company in which four Vietnamese, two women, a man, and a child were shot to death in a hostile area at night. The company commander, a captain, and an enlisted man were tried by a court martial for murder. They were acquitted on the grounds that the company had just been fired upon, and it had been impossible in the darkness to distinguish the moving figures as civilians.

Sheehan hadn’t been privy to all the facts, but he had key parts of the story right (Sheehan 1970; Kulik 2009, 121–127, 198–199).

Despite Sheehan’s review, Doubleday and Company published an extended version of Whitmore’s story in 1971 as *Memphis-Nam-Sweden*. The University of Mississippi Press republished it in 1997 with an extravagant advertising blurb from the publisher: “one of the finest memoirs of the Vietnam experience.” Whitmore’s second version was inconsistent with his first, though the core story remained—a village wiped out, children incongruously rounded up separately and ordered killed—that is, murdered. This time, Whitmore claimed that his

company commander ordered the killings. All of this would unravel, according to Whitmore, when a “soft” marine went to the chaplain, as investigators descended on the company and as young marines were encouraged to lie. Whitmore’s “massacre” was a lie, but he had pieces of the story right. His company commander had been relieved of command, investigators had descended on the company and were fired on when they later returned to the area. Something bad had happened that morning, and some young marines were intent on covering it up (Whitmore 1971).²⁷

Years later, that “something” still troubled Bravo Company marines. In one of the opening scenes of the 1972 film *Winter Soldier*, Ken Campbell asked Scott Camil if he knew anything about that incident in Quảng Trị. Both Campbell and Camil had served in Bravo Company, 1/1, as enlisted forward observers, though not at the same time. Camil said he was there, and then offered another version, equally false, of a “massacre” on Operation Stone. That operation, however, happened in February 1967, not October, and in the vicinity of Đà Nẵng not Quảng Trị (Kulik 2009, 99, 191–192).

Whitmore’s horrendous tale and Camil’s faulty memory were the spurs driving Kulik to investigate what actually happened that morning. Finding the company commander’s name was easy. That was Robert Maynard. A search of navy records made clear that Maynard had been court-martialed. But the file was empty. Were there others subject to courts-martial? Navy and marine courts-martial records can be searched only by last name. Eventually a former Bravo Company commander provided a key piece of evidence, and Kulik was able to secure the detailed file of an Article 32 investigation, held to determine whether Cpt Robert Maynard, 1st Lt John Bailey, and LCpl Rudolph Diener should be court-martialed for murder. Kulik’s search also led him to Whitmore’s “soft” marine, the late Olaf Christian Skibsrud, whose conversation with a chaplain and honest testimony ensured that what happened that morning would not be forgotten. He told Kulik he slept with a loaded weapon to protect himself from his fellow marines (Kulik 2009, 236).²⁸

This is the necessary backstory to Turse’s “massacre.” On that night/morning in late October 1967, Turse writes, marines from Bravo Company, 1st Battalion, 1st Marine Regiment, on a “long, grueling patrol,” tripped a booby trap outside Triệu Ái. Whitmore never named the village; marines knew it as “Thon Nai Cuu” (Thôn Nại Cừ). A twenty-one-year-old marine, Ronald Pearson, from Port Angeles, Washington, died that night. Turse acknowledged Pearson’s

death, but chose not to name him. “Three others were injured,” Turse wrote (25). Two of those “injured” were wounded sufficiently to require a night medevac mission. The booby trap was “commonplace,” according to Turse (25). This was the way the “revolutionary forces,” the Việt Cộng, responded to the superior firepower of the United States (Turse 2013a, 25; Kulik 2009, 206; U.S. Navy Judge Advocate General [hereafter U.S. v. Diener] 1968²⁹).

After the medevac mission, Bravo’s commanding officer, Robert Maynard, sent two patrols into Triệu Ái, one led by Lt John Bailey, the other by Sgt Don Allen. Diener, a squad leader on Allen’s patrol, shot an unarmed and unresisting Vietnamese woman in the back—that is, murdered her—in front of children that were likely hers. Diener and his fellow squad members were about to kill the children, but Allen intervened, sparing the children. Bailey’s patrol would also kill Vietnamese civilians. The context, the circumstances, and the causes of those killings—that is, the ordering of them—were at the center of the Article 32 investigation and the courts-martial that followed. Turse states that twelve Vietnamese were killed that morning (26); marine investigators could confirm roughly half that number (Kulik 2009, 211–214, 218–222, 224–227; see also Kulik 2013).

Marine command convened an Article 32 investigation—roughly the military equivalent of a grand jury hearing. Turse mistakenly refers to the resulting document as a “court-martial transcript” (37). Marine criminal investigators descended on Bravo Company (Whitmore had that right), completing their report by November 1. On November 9, 1/1’s commander recommended that Maynard, Bailey, and Diener be charged with murder. On November 18, six marine lawyers had their case loads rescheduled to allow priority treatment for the investigation. The defendants were each represented by counsel. The government’s lawyers, however, were not, strictly speaking, prosecutors. They had an affirmative duty to seek the truth of what had happened. The hearing was presided over by a single investigating officer, Major Arthur A. Bergman, and was convened on November 21, 1967, just one month after the incident. Marine command had moved with remarkable speed, in a combat environment, to determine what had happened that morning, a measure of the seriousness with which they took the allegations (Kulik 2009, 209–210).

The transcript reveals testimony that is complicated, contradictory, and, at points, deliberately obfuscatory. Bergman came to believe that several marines were lying, and recommended that six of the most egregious liars be further investigated for perjury. The

transcript cannot be read as objective truth, but rather as a *Rashomon*-like text that must be approached with discernment. The testimony of young marines has to be weighed with care and measured against that of other marines—consistency and corroboration matter (Kulik 2009, 218).

Turse's reading of that investigation is deeply flawed. He ignores evidence crucial to understanding what happened that morning, evidence that conflicts with his account. He puts words in a witness's mouth. He isolates inflammatory witness comments while making no effort to determine whether other marines corroborated or contradicted those comments. Four of his citations of marine testimony claiming support for his account are demonstrably false. He fails to understand or comment on the effort of some young marines to lie to protect one of their own.

The investigation made clear that Triệu Ái/Thôn Nại Cửu was enemy territory, a place where marines had been attacked before and after that morning's incident. Marines encountered not a village or a hamlet, but a series of bunkers and fighting holes. According to Bergman, who visited the site,

Most of the normal living structures had been previously destroyed. Living bunkers had replaced what had previously been Vietnamese "hooches." The village site was located in what the Republic of Vietnam has cleared as a free fire site for U.S. forces. Defensive and ambush positions were abundant in and around the village site. The reputation of that particular area to marines of the 1st Battalion was, from actual encounters with the enemy, that the area contained Vietnamese hostile to U.S. forces.

For those readers who choose to focus on Bergman's description of the site as a "free fire" zone (U.S. v. Diener 1968, Bergman to CO 1st Marines, Enclosure 2, p. 2), the charges of murder in this investigation refute the oft-repeated canard that such zones offered license to kill any Vietnamese found there. Such zones were areas cleared in advance by South Vietnamese authorities for air or artillery strikes.

The day before, according to Maynard's radioman, Cpl Raymond Bertelle, Alpha Company, 1/1, had been in the same area and "had taken quite a few casualties from booby traps, mines, they received sniper fire all day long." About a week later, Bravo Company returned to the same area, according to LCpl Robert Labicki, and took sniper fire. PFC Grey was shot in the back. On November 23, Bergman, the defendants, the investigation's lawyers, and four witnesses traveled to the site. They observed "fighting holes at virtually every entrance." Three uniformed

Việt Cộng or members of the North Vietnamese Army were observed. Members of a security team from Hotel Company, 2/4, received “twenty to thirty rounds of automatic weapons fire,” and another Hotel Company marine tripped a mine or booby trap and was wounded sufficiently to require a priority medevac. This was a dangerous place of mines, booby traps, and sniper fire, and the marines of Bravo Company who patrolled among bunkers and fighting holes on that October morning knew that (U.S. v. Diener 1968, 235–236, 265, 468).

Turse mentions none of this. He does write that just a few days before Bravo Company arrived, the village had been “burned by U.S. troops” (32). He cites one of his Vietnamese informants and the testimony of Wilson Dozier and Labicki (272, n.33); that is, he claims that Dozier and Labicki witnessed a burned village on the morning of the incident. Dozier had nothing to say about a burned village, neither on the page cited nor anywhere else in his testimony. Labicki did note the existence of craters and “burned structures.” No houses were left, he said. But he was testifying not about the morning of his company’s first patrol, but about his second patrol “about a week later,” the one when PFC Grey was shot in the back (U.S. v. Diener 1968, 51, 266).³⁰ These are the first two of Turse’s citations that are clearly false.

Turse offers his incendiary version of the “orders” that preceded the two patrols. He tells us that Sgt Allen testified that Maynard’s orders were that “there was nothing to be left alive, or unburned, as far as the children goes, let our conscience be our guide.” Allen “remembered the orders vividly,” according to Turse (26). Other marines appeared to corroborate the orders. LCpl Eddie Kelly said that Lt Bailey’s orders were to “search-and-destroy everything in the ville.” PFC Edward Johnson “recalled a command”: “We was going to kill anything that we see and anything that moved” (26). Such quotes, recited by Turse as the bald truth that led to a “massacre,” served his purposes well, but he never understood the more complex and illusory story that lies behind them. Kelly was the only marine witness to claim that Bailey ordered his men “to search and destroy everything in the ville.” Four other witnesses testified that Bailey never said anything about destroying or killing, and one other witness wasn’t sure what Bailey said. Not only was Kelly’s testimony uncorroborated, but, as we shall see, Bailey’s patrol never acted on an order to “destroy everything in the ville.” PFC Johnson could not tell a consistent story about the command he heard. He contradicted himself three times, and in the end admitted that he never heard Bailey, or anyone else, issue a command: “We was going to kill anything we see and anything that moved” (26). Turse ignored the evidence that did not fit his frame and

chose not to report it. War crimes can't be universalized. Detail, specificity, and contradictory memory all matter and need to be reliably reported.³¹

“As far as the children goes, let our conscience be our guide.” This is the testimony that Allen “remembered vividly,” according to Turse (26). But Allen never said this in his first report to the investigating officers, two or three days after that morning. “It didn’t occur to me at the time,” he said (*U.S. v. Diener* 1968, 375–377). It took him more than a week to decide to sign that statement. Both Maynard and Bailey gave voluntary statements. Neither mentioned such an order. Allen testified under a grant of immunity, but even then he chose not to tell the whole truth. Allen knew that the price for immunity was testimony that would implicate Maynard, but he chose not to implicate Diener. He testified that he intervened to prevent Diener and other squad members from killing the children, but he never saw a woman. He did hear shots before he approached the bunker where the children were. There were two witnesses to Diener’s murder, LCpl Olaf Skibsrud and LCpl Ronald Toon. Both testified that Allen was at or near the bunker when Diener shot the woman, and that the shooting followed Allen’s order not to kill the children.³²

PFC Lester Beard overheard radio traffic between Bailey and Maynard. Bailey, according to Turse, said that they were “finding children in the shelters being grenaded” (34). Maynard’s response, according to Beard, was: “Tough shit, they grow up to be V.C.” (*U.S. v. Diener* 1968, 344, 380). This was another inflammatory quote that Turse failed to fully investigate. “Allen remembered it that way too,” Turse said, implying that he was a second witness. He wasn’t. He heard it only from Beard. The conversation took place prior to Allen’s order that the children were not to be killed, and makes sense only if Bailey’s patrol had already discovered children in bunkers. Turse appears to get the chronology wrong. His account suggests that Diener’s murder preceded the incidents on Bailey’s patrol. But a consistent sense of chronology is the least of Turse’s problems.

Turse quotes Beard as saying that Bailey was “finding children in the shelters being grenaded” (34). Beard never said that. He reported that Bailey said “there might be kids in some of these bunkers”—not “shelters” (*U.S. v. Diener* 1968, 380). Turse gratuitously added “being grenaded.” Beard was the only witness to this conversation between Bailey and Maynard—or, more accurately, between their respective radiomen. Several witnesses placed him at the bunker

with Diener, but he claimed he witnessed no murder. Beard was one of the six singled out by Bergman for further investigation for perjury.

Later in the investigation, Maynard's radioman, Bertelle, was called to testify (U.S. v. Diener 1968, 467–473). Bertelle recalled no conversation between Bailey and Maynard. He would have been standing next to Maynard if Maynard had picked up the handset. Bertelle recalled that the only radio traffic that morning was between the two patrols to confirm call signs. Bailey's radioman, Dozier, had earlier and independently confirmed traffic to confirm call signs. He also said that he called in after the killings at the first bunker. He never testified to a conversation between Bailey and Maynard (U.S. v. Diener 1968, 126–127).

We can't rule out that Bertelle and Dozier were protecting their officers. But, if they were, they were among a small number of marines doing so. The weight of evidence is that young marines were going to great lengths to protect Diener, one of their own. They were willing to lie in order to do so. Guzman heard no firing and saw no woman on Allen's patrol (U.S. v. Diener 1968, 291–304). Garrett saw no woman and never heard about a woman being killed (U.S. v. Diener 1968, 304–313). Kroll went to great lengths to testify that Toon was with him that morning, far back, and could not have witnessed Diener shooting anyone (U.S. v. Diener 1968, 428–438). It's in this context that the testimony of Beard and even Allen needs to be weighed. If someone had to answer for that morning, let it be the officers. Beard's uncorroborated "Tough shit, they grow up to be V.C." may best be seen as an attempt to suggest the license Maynard offered his men that morning. Allen, for one, clearly regretted his testimony. He was full of praise for both Bailey and Maynard, but in the end he stood by his memory of Maynard's order. Turse sought to mine the Article 32 investigation as a source of clear, objective truth, and thus failed to register its opaque complexity. Detail, motive, and the messiness of evidence matter, requiring historians to make careful judgments when faced with conflicting accounts.

Turse leads his readers to believe that "not long after the medevac" left, marines entered Trieu Ai, "firing their weapons, grenading shelters, and setting fire to some of the few remaining structures as they advanced." "As the burning homes cast a flickering glow beneath a crescent moon that threw precious little light," Turse writes, "the men crept forward, and fired" (33–36). The "precious little light" gets it right, but Turse frames the actions of marines that morning as preemptory, "firing," "grenading," and "setting fire" as their first acts. This is a fundamental

distortion of the available evidence and warps our understanding of what happened that morning. The testimony makes clear that there was no firing, and no grenading of bunkers, until Johnson heard voices and saw a light in a bunker. Dozier recalled that a marine called out “Lai Dai” (meaning “come here”). Turse fails to note this. Maybe those in the bunker didn’t hear, or didn’t understand, this call. They did not come out. Marines then responded as they had been trained, first throwing in grenades. Bailey, in his voluntary statement, said that after the grenades were thrown, “several figures began moving in front of us.” He could not tell their age, their sex, whether they had weapons, or even if they had come from the bunker. He ordered his men to fire, and when one of his men saw further movement, he ordered his men to fire again. Bailey’s statement referenced an earlier operation, when a wounded VC crawled threateningly close after his men had turned their attention elsewhere.³³

Bailey’s patrol continued, this time finding another bunker. But here people came out. A marine shouted “Lai Dai,” and more came out. Women and children were marched out of the village and across a river. There was one man held back who, according to Turse, “got bogged down in the mud, at which point a marine struck him and then shot him near the riverbank” (36–37). Cpl Terry Spann testified that Bailey, who was escorting that man, “pulled his pistol . . . and fired twice.” Turse has three sources for this claim. One is a Vietnamese informant; the others were two marines, Anderson and Kelly. Oddly, Turse provides no page numbers from the investigation. A full reading of Anderson’s and Kelly’s testimonies makes clear that neither witnessed a man being shot. Anderson said he never even saw a man. Kelly never witnessed a shooting. He saw a man walking with some children. Did he see what happened to them? “No sir, I didn’t see them.” The least we expect of sound scholarship is ensuring that the citations match the argument. Failing to do so is, at a minimum, sloppy and careless, and possibly worse. Three marine witnesses claimed that the man made a sudden move. Bailey and Spann fired, but they were not sure they hit him, and they did not find a body.³⁴

Allen’s testimony about Maynard’s order was the critical moment of the investigation—“there was nothing to be left alive, or unburned, as far as the children goes, let our conscience be our guide.” Years later, Diener’s lawyer remembered Allen as a sinister figure. He thought Bailey was a better candidate for immunity. Maynard, in an interview with Kulik, believed that it was Allen who gave Diener the order to “waste her.” Did Allen make up it all up? We can’t rule it out. Lloyd testified that he heard the phrase about children from Allen. Toon heard a version of

the same phrase from Diener. PFC Dennis Harlan also heard it, though, like Allen, his first written report failed to mention it, and he could not recall who said it. Harlan was one of the six Bergman believed should be investigated for perjury. Sgt Phillip Batelle also heard it and, in his written report, he said he heard it from Bailey. Called to testify, he recanted. He could no longer remember who said it. There was clearly talk. Young marines had just lost a well-respected platoon member. Diener was a close friend. If there were Vietnamese in the adjacent bunkers, many likely knew the location of the booby trap. Diener and others clearly sought payback, and several marines, Allen included, were prepared to lie to protect him.³⁵

Allen and Bailey were the only witnesses to Maynard's order. In the end, there can be no certainty about the nature of Maynard's order. In his written statement, Maynard said that his orders were to:

take no chances, in view of the previous history of that village and our previous encounters of the evening, to prep fire tree lines, to throw grenades in the many fighting holes in the village, to clear the village of all persons who were cooperative by escorting them to the river crossing site and insuring that they cross, and then to shoot at any moving shadow or bush to insure that no one gets hurt through hesitation. (U.S. v. Diener 1968, Enclosure 5)

Self-serving? Of course. But if Maynard gave an order that “there was nothing to be left alive,” as Allen claimed, it was an order that wasn't followed, and that fact is critical to understanding the events of the morning. Bailey's patrol led women and children out of the area. Allen's immunized testimony was sufficient to ensure that Maynard would be subject to court-martial, but in the end it wasn't sufficient to convict him (Kulik 2009, 235).

Marines testified to the dead bodies they saw, and some were clearly disturbed about what they saw and what they had done—“some of the men found there were children and older people which made everyone upset, including myself,” Dozier reported (U.S. v. Diener 1968, 40, 42–43). Bailey saw three—a man, a woman, and a child. Johnson saw the bodies of a woman and two children.³⁶ Dozier saw the bodies of three adults. Turse says that his Vietnamese informants remembered finding seven bodies in that bunker and recalled that a total of twelve villagers died that morning (36–37). It's possible that the death toll in that bunker was higher. Marines did not investigate. Bailey and Spann fired at the man they said had tried to escape, but they were not sure they hit him. Turse's informants said that they did and that he died. No

evidence was ever brought forth in the Article 32 investigation of a woman killed at a bunker opposite the one where Johnson first heard voices, as one of Turse's informants claimed. Marine witnesses saw the bodies of three adults and two children. The unnamed woman Diener murdered brings us to six. Could there have been more? Of course. We are dealing with flawed memory—marines stressed at the time; Vietnamese villagers recalling something that happened when they were very young, forty-some years ago.³⁷

Turse presents as fact the testimony of three Vietnamese survivors that the death toll that night was “twelve unarmed civilians,” a figure roughly double the number of casualties found in the Article 32 investigation (39). According to his endnotes, Turse questioned the three survivors on the same day (January 18, 2006), but he never describes the circumstances of the interviews, such as whether his informants were questioned together or overheard each other's accounts. One of Turse's translators confirms the active participation of an outside party at these interviews whose presence Turse never discloses.³⁸ One of the survivors, Pham Thi Luyen, describes one of the victims, Phan Van Tuyen, as her father, but Turse does not ask why father and daughter used different surnames (35). Turse fails to provide names for any of the other eleven victims, a critical piece of information that presumably could have been elicited from Pham Thi Luyen, who was apparently twelve or thirteen at the time of the killings.

What happened on those two patrols was ugly and tragic. Diener murdered a woman believing that he was following orders. Bailey's patrol killed some number of civilians. Was it a massacre, as Whitmore once claimed, and as Turse has reasserted? The marines on Bailey's patrol had no way of knowing that civilians were in that bunker. They did not knowingly or deliberately kill unarmed Vietnamese. They were patrolling in hostile territory in the dark, after a booby trap claimed one marine's life and wounded two others sufficiently to require a medevac. When no one emerged from that bunker, marines followed procedure, throwing in grenades and firing when people emerged. Hard and harsh? Yes, but, again, they did not know whether they faced civilians or combatants.

Bergman summarized the charges against Bailey: “The evidence reveals that some horrible acts were committed by his group, but [I have] concluded from the evidence that these acts were not premeditated and were the result of actions that would be automatic from military training and experience in a combat zone.” He recommended that the charges be dropped, as they were.³⁹

Diener and Maynard would face courts-martial. Marine command went to some lengths to justify holding Diener accountable. Reviewing the case at Headquarters, First Marine Division, Col Clyde R. Mann, accepting Allen's testimony against Maynard, concluded that Diener acted on an order that "was unquestionably illegal." Mann went on to say that "compliance with orders will not constitute legal justification for a homicide. . . . if the order is in fact illegal and of such nature that a man of ordinary sense and understanding would know it to be illegal."⁴⁰ An order to commit murder is an illegal order, which soldiers and marines not only can disobey but have an affirmative duty to disobey. In fairness, this was not a principle widely taught to the Vietnam-era military. But two men, of "ordinary sense and understanding," Skibsrud and Toon, witnessed a murder and testified to it. In the end, the court disagreed with Mann and found Diener not guilty. In a 2007 interview with Kulik, Col Russell Corey, the president of the court and a veteran of Iwo Jima, said he was not prepared to send a twenty-year-old lance corporal to prison for thirty years for an action whose responsibility he believed rested on his superiors (Kulik 2013a, 235).

Maynard, too, was found not guilty of the most serious charges. In an interview with Kulik, he recalled testifying in his own defense, claiming that he would do nothing differently. The court's reasoning remains unknown. The "record of his court-martial," Turse writes, "like so many other files relating to Vietnam war crimes, has since disappeared" (38), tendentially intimating a cover-up. The navy's Judge Advocate General office, which oversaw marine courts-martial, did not retain full courts-martial transcripts when defendants were found not guilty. As Turse might have noticed, there is no full transcript of Diener's trial, only a summary (Kulik 2009, 237).

In summing up that morning, Turse references a comment from the commanding officer of 1/1, who said that Diener "had been acquitted because the company was fired upon and it was impossible to distinguish civilians from combatants" (38). A search of the notes reveals that the source is Sheehan's review of Lane. Sheehan interviewed two men—a former battalion commander, likely LtCol Albert Belbusti, and a former platoon leader, likely John Bailey. Recall the quote from Sheehan (1970) from the beginning of this section:

Both of them remembered an earlier incident involving Whitmore's company, in which four Vietnamese, two women, a man and a child were shot to death in a hostile area at night. The company commander, a captain, and an enlisted man, were tried by a court martial for murder. They were acquitted on the grounds that the company had just been

fired upon, and it had been impossible in the darkness to distinguish the moving figures as civilians.

Turse ignored the exculpatory “in the darkness” and everything else that might have cast doubt on his ugly Manichean tale. Sheehan’s three sentences, written in 1971, largely confirmed by Kulik’s exhaustive account, are a more accurate and responsible summary of what happened that morning than Turse’s account of a “massacre.”

Turse chose to highlight the one phrase in Sheehan’s report that served his purposes—“the company was fired upon.” Turse goes on to say that “none of the marines reported enemy fire or the presence of enemy forces,” and that the “marines command chronology for October 1967 reported that ‘no significant contact’ was made at any point during the operation” (38–39). He is half right. No marines reported enemy fire, but enemy presence was noted that morning. There was reported movement toward marine lines, and Maynard recalled an effort to divert the medevac with colored lights different from those used by marines, a common practice of the Việt Cộng. By failing to tell his readers of this and of the enemy fire and enemy presence documented a day earlier, a week later, and again when the investigating team came to Triệu Ái/Thôn Nại Cửu, he is offering a thoroughly biased version of Bailey’s patrol that morning. And when he cites the command chronology’s “no significant contact,” he fails to tell his readers that Maynard never reported in writing, as he was duty bound, what had happened on that patrol, and thus the incident could not have appeared in the battalion’s monthly command chronology (Kulik 2009, 206, 236).

Nick Turse is an unreliable source for understanding the Article 32 investigation. He puts words in a witness’s mouth. He cites testimony in support of his arguments that fails to support those arguments. He gathered up blood-curdling quotes while making no effort to corroborate them, failing to read deeply enough into the transcript to see that they could not easily mean what he baldly claimed. He failed to note that several young marines lied, changed their stories, and struggled with memory. He ignored evidence of both previous and later VC attacks in the same area. His use of Neil Sheehan to affirm his account is intellectually dishonest, ignoring Sheehan’s conclusions that contradict the thrust of Turse’s story. This isn’t just sloppy scholarship; it is sloppy scholarship serving a consistent purpose: buttressing Turse’s ideologically driven caricature of the war in Vietnam. According to Turse, Triệu Ái was “the

entire war writ small,” and “the key elements present at Trieu An recur over and over again.” If Turse cannot get Triệu Ái right, how much else has he gotten wrong?

Balance and Politics

Kill Anything that Moves suffers from two additional problems, one obvious and one more obscure, but both connected to the allegedly “progressive” political agenda of its author. The obvious problem is its lack of balance, manifested most clearly in its tight focus on American atrocities and its near-total neglect of the widespread violence against civilians perpetrated by Communist forces. As a result of this partisan approach, a vast quantity of civilian suffering caused by Communist violence is absent in Turse’s account. In a wide-ranging comparative study of the use of terror by guerrilla movements, sociologist Timothy P. Wickham-Crowley singled out the Communist insurgency in Vietnam for its unprecedented brutality toward noncombatants: “The Viet Cong unleashed upon the civilian populace a siege of terror of such dimensions that it has not been subsequently approached by any other guerrilla movement” (1990, 215). Notwithstanding his avowed empathy for “civilian suffering,” Turse devotes less than a page to Communist atrocities and mentions no specific examples other than a glancing reference to the massacre of roughly three thousand victims by Communist forces in Huế during the Tet Offensive (102). While multiple sources indicate that women, secondary school students, monks, teachers, priests, and foreign aid workers were murdered during this notorious episode, many in horrible ways, Turse cites a Communist document to minimize the killings as “preplanned, targeted executions of select officials, military personnel and others loyal to the Republic of Vietnam” (103).⁴¹ His longest discussion of Communist atrocities occurs in a single footnote, marred again by suspect claims and slipshod research (299, fn. 120).⁴² Here, Turse restates the speculative claim that the “most common” Communist atrocities were targeted “assassinations of South Vietnamese government officials” (299–300). As with American atrocities, Communist atrocities are hard to quantify, but one study estimates that 80 percent of the casualties from Communist terror between 1968 and 1972 were civilians (Lewy 1978, 273). And the overall numbers are significant. The same study suggests that between 1957 and 1972, Communist forces killed over thirty-six thousand noncombatants and abducted close to sixty thousand.⁴³ Another study reaches different figures, claiming that between 1957 and 1970, Communist forces committed 26,922 assassinations, 39,293 kidnappings, and 151,168 terrorist

acts (Pike 1970, 82). That the Americans may have been more murderous and more indiscriminate in their brutality is beside the point and does not diminish the gravity of these numbers. Evidence of the vast scale of Communist atrocities appears in many reliable sources, including contemporary press coverage, Rand Corporation reports, and the *Pentagon Papers* (1:335–339). A motivated researcher could easily find graphic narratives of Communist butchery that resemble Turse’s account of American atrocities.⁴⁴

Given that the Vietnam War witnessed horrific levels of violence on all sides, Turse’s decision to eschew balance and write a book focused only on American atrocities makes little intellectual sense. The choice is more puzzling because the existing scholarly and journalistic literature, as discussed above, focuses on American atrocities almost exclusively. Consider, for example, the contrast between the large number of academic books on Mỹ Lai and the absence of a single scholarly monograph on the much more murderous Huế massacre.⁴⁵ Turse’s one-sided approach, therefore, cannot be defended as an effort to rebalance a distorted record. On the contrary, it adds to the distortion. It is also surprising because Turse describes his project as “the true history of Vietnamese civilian suffering” (2, 262). Such a broadly humanistic agenda is jarringly inconsistent with the selectivity of moral vision here on display.

Not only does Turse’s one-side approach ignore much “civilian suffering,” it discourages a nuanced understanding of the conflict’s transactional dynamics that encouraged violence against Vietnamese civilians. A balanced account that explores the behavior of both sides would reveal that the Vietnam conflict was both an “asymmetric war” and a “civil war.” Recent scholarship, including important work by Stathis Kalyvas (2006), suggests that both types of conflict, for different reasons, encourage violence against civilians. Kalyvas also links brutality toward civilians to “endogenous polarization,” cleavages heightened and created by the war itself (2006, 76). This factor seems especially significant for Vietnam given the remarkable length (1945–1975) of the postcolonial conflict there. Again, an understanding of asymmetry, cleavages, and civil conflict requires attention to relations between at least two forces, a feature wholly absent from *KATM*. Moreover, Turse’s depiction of murderous Americans, moderate “revolutionaries,” and innocent villagers obscures a much darker story about two warring sides equally willing to cause enormous civilian casualties to achieve political aims. It also ignores what Kalyvas calls the

large “grey zone” populated by those who partake in the process of violence in a variety of ways without, however, being directly involved in its outcome, as either perpetrator or victim. A corollary is that the line between perpetrators and victims is blurred as yesterday’s victims turn into tomorrow’s victimizers and vice versa. (2006, 21)

In short, the scope and the dynamics of atrocities, war crimes, and “civilian suffering” during the Vietnam War can only be grasped through an unflinching appraisal of both Communist and anti-Communist brutality.

For readers in the West, a less obvious problem with *Kill Anything that Moves* is the support that it provides for the authoritarian political agenda of hard-line opponents of reform within the Vietnamese party-state. Leading elements of this dominant political faction include party bosses at the local, regional, and national level, the enormous state security apparatus, the military, and a coterie of recently enriched captains of Vietnamese industry (mainly party men whose wealth derives from corruption and the monopolization of public assets for private gain).⁴⁶ Presiding over one of the worst human rights and civil liberties records in the region, this small elite maintains a stranglehold over the national media, which unceasingly recycles a distorted, self-serving history of the war to bolster the party’s sagging legitimacy.⁴⁷ The depiction of the war in this history as a simple conflict between the American military and the Vietnamese people undergirds a parallel official narrative, in which local democracy and human rights activists are dismissed as dupes or puppets of the United States (deserving of persecution and jail), which remains bent on undermining Vietnam through “peaceful evolution” (*diễn biến hòa bình*).

Given that all local and national newspapers are owned by the party-state, the widespread promotion of *Kill Anything that Moves* in the Vietnamese media throughout 2013 reflects the Communist establishment’s approval of its message.⁴⁸ Extensive local press coverage—including the printing of excerpts from the text and interviews with its author—has been facilitated by the rapid translation of the book into Vietnamese and its publication by the Youth Publishing House a mere three months after its American release (Turse 2013b).⁴⁹ Further insight into the strategic mobilization of *Kill Anything that Moves* by local hard-liners may be found in a lead editorial about it, republished in the electronic version of the ultra-orthodox party daily *The People (Nhân dân)* (Lý 2013). After offering up a glowing review, the editorial posited three lessons that different groups of readers should take away from the book. For military veterans of the southern Republic of Vietnam “who raise statues to the glories of the American-Vietnamese

strategic partnership,” it reminds them that they cannot escape their guilty past. For the “privileged whiners [*câu ám bất mãn*] in Hanoi who admire and hope to follow the United States as a political model for Vietnam in the future,” it reveals that American politics reflect a violent culture that originated with trigger-happy cowboys. And for those readers “who would welcome foreign bandits into our home, it underscores the unforeseen harm that can come from bandits trumpeting the values of freedom, democracy and human rights” (Lý 2013).

Printed without citations, the Vietnamese version of the book does not include the single lengthy discussion of Communist atrocities found in the notes, and the brief paragraph on the Hue massacre has been scrubbed from the text.⁵⁰ The effect of these cuts is to provide Vietnamese readers with an even more distorted picture of their recent history, while enhancing the book’s value as an instrument to validate the authoritarian and antidemocratic impulses of the party-state. It is unclear if Turse consented to the censorship of his own book for a Vietnamese audience, but there is no evidence yet that he has registered a protest.

Nobody can argue with Nick Turse’s condemnation of atrocities committed during the Vietnam War, but there are whiffs of anachronism and ethnocentrism in the broader political project that his book seeks to advance. It is no surprise that the discourse on atrocities during the war years was polemical, marked by the selection of data to strengthen positions in an urgent ongoing political and military struggle. What’s more difficult to understand is the adoption of this thoroughly dated approach today, forty years after the end of the war. Moreover, Turse seems unaware that the postwar reconfiguration of Vietnamese politics has altered—and in some cases reversed—the specific political charge of the discursive tactics employed on both sides during the war era. While the one-sided dissemination of American atrocity stories may have once served the broad cause of “peace” in Vietnam, a similar approach today strengthens the most illiberal and repressive forces in Vietnamese society. Hence, just as its unreliable treatment of evidence raises doubts about its utility as a documentary source, the enthusiastic embrace of *Kill Anything that Moves* by the authoritarian Vietnamese political establishment undermines its value as an instrument of progressive politics.

Conclusion

“The country desperately needs a sane and honest inquiry into the question of war crimes and atrocities in Vietnam,” wrote Neil Sheehan in 1971. Turse’s *Kill Anything that Moves*

doesn't come close to meeting that test (Turse 2013a, 39; Sheehan 1970). The issue before us, however, is larger than Turse. We need to move beyond the agenda-driven scholarship of both the left and the right—the orthodox/revisionist lockstep remains mired in the politics of the 1960s. As the Vietnam War recedes further into the past, we have the opportunity to look with fresh eyes, to bring to the study of that war and its war crimes a fairness, a balance, and a sense of complexity that it too frequently lacks. Scholars of the vast European war crimes of the twentieth century have already succeeded at moving beyond simplistic conclusions and writing history attentive to time, place, and specificity—to get the story right, so that the full horror emerges detail by detail. They've done that by asking new questions, as well as by moving beyond the boundaries of national history. The war in Vietnam was not just an American war. Younger scholars of Vietnamese history, many of whom were too young to sup at the kitchen tables of the 1960s, have also begun to ask new questions. Their findings are only now making their way into print, but they have already begun to redefine the war. We can expect to see in the future a history of Vietnam and the war marked with nuance, subtlety, and depth. That's the future. Nick Turse is the past.

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Editors' Note: Cross-Currents has invited author Nick Turse to respond to this review. As of the date of publication, we have not received a response, but we welcome his comments.

Notes

- 1 For the new scholarship on Vietnam, see especially Catton (2002), Goscha (2011), Asselin (2002, 2012), Miller (2013), Nguyen (2012), and Miller and Vu (2009, 1–17).
- 2 Turse makes this point repeatedly. See, for example: “Matter-of-fact mass killings that dwarfed the slaughter at My Lai normally involved heavier firepower and command policies that allowed it to be unleashed with impunity. This was the real war, the one that barely appears at all in the tens of thousands of volumes written about Vietnam” (22). Or this: “When you consider this, along with the tallies of dead, wounded and displaced, the scale of suffering becomes almost unimaginable—almost as unimaginable as the fact that somehow, in the United States, all that suffering was more or less ignored as it happened, and then written out of history even more thoroughly in the decades since” (191). Or this:

- “Throughout the early years of the Vietnam War, civilian suffering was everywhere and yet nowhere in the American media” (222).
- 3 See, for example: “This was the war in which the American military and successive administrations in Washington produced not a few random massacres or even discrete strings of atrocities, but something on the order of thousands of days of relentless misery—a veritable system of suffering” (23). Or consider Turse’s views on the spread of atrocities in two out the Republic of Vietnam’s forty-four provinces: “Quang Nam and Quang Ngai had a particularly long revolutionary history and a strong NLF presence. But a similar record could be compiled for any populous province heavily targeted by Americans during any year of the conflict. In Binh Dinh Province, south of Quang Ngai along the coast; in Hau Nghia Province, on the Cambodia border to the west of Saigon; in the verdant Mekong Delta—and the story I’ve chosen this particular format and these few incidents only to demonstrate that year after year, in attacks carried out by unit after unit, the atrocities were of the same type, the horrors of a similar magnitude, the miseries of the same degree” (109).
- 4 See, for example: “killings of civilians—whether cold-blooded slaughter like the massacre at My Lai or the routinely indifferent wanton bloodshed like the lime gatherer’s ambush in Binh Long—were widespread, routine, and directly attributable to U.S. command policies” (22). Or this: “There is, of course, no excuse for the acts carried out by the American troops on the ground at Trieu Ai, but these actions did not occur in a vacuum. Rather, they were the unmistakable consequence of deliberate decisions made long before, at the highest levels of the military” (40).
- 5 This idea of a true history is conveyed in the subtitle. See also: “While no exact figures are available, there can be little question that such events occurred in shocking numbers. They were the very essence of the war: crimes that went on all the time, all over South Vietnam, for years and years” (191). Or this: “Bumgarner’s shootings of civilians, Donaldson’s ‘gook-hunting’ missions, and Ewell’s blood-soaked Speedy Express were emblematic of the entire American enterprise in Vietnam” (220). Or this: “The true history of Vietnamese civilian suffering does not fit comfortably into America’s preferred postwar narrative—the tale of a conflict nobly fought by responsible commanders and good American boys, who should not be tainted by the occasional mistakes of a few ‘bad apples’ in their midst” (262).
- 6 The argument that some atrocities were “command-driven” has been made repeatedly in the existing scholarship. For examples from the orthodox and revisionist schools, see Lewy (1978, 76–126) and Young (1991, 172–192).
- 7 See also Bartov and Nolan (2002), Grimsley and Rogers (2002), Engelstein (2009), McCord (2001), and Fogel (2000).
- 8 For the United States, see United States Department of State Office of Public Services (1961) and United States Department of State Office of Media Services (1965). For the Democratic Republic of Vietnam (DRV), see Committee to Denounce the War Crimes of the U.S. Imperialists in Vietnam (1966, 1967). For the Republic of Vietnam (RVN), see Anh (1962a, 1962b).
- 9 The newspaper discourse is discussed below. For atrocity reporting from the periodical press, see Pepper (1967), Schell (1967, 1968), Moser (1968), Poirer (1969a, 1969b), Lang (1969a), and Wingo (1969).

- 10 For example, O'Brien (1973), Caputo (1977), Van Devanter (1983), Ketwig (1985), and Ehrhart (1986).
- 11 For example, Baker (1981), Santoli (1981), Terry (1984), MacPherson (1984), and Appy (2003).
- 12 Notable recent examples include Solis (1997), Sallah and Weiss (2003), Nelson (2008), Greiner (2009), Weaver (2010), and Barnett (2010).
- 13 For example, see Duffet (1970), Citizens Commission of Inquiry (1972), and Browning and Forman (1972).
- 14 Vietnam Veterans against the War (1972); *Winter Soldier* ([1972] 2005).
- 15 For fiction, see Jason (2000) and Epstein (1993).
- 16 See the thirteen-page "Bibliographic Essay" in Belknap (2002, 269–282). The essay does not include important work published in the last decade, such as Kwon (2006), Oliver (2006), Noto (2011), Allison (2012), and Hagopian (2013).
- 17 "In total, Ho contributed 50,000 new francs (equivalent to US\$10,200) to the BRPF (Bertrand Russell Foundation) and the IWCT (International War Crimes Tribunal) and more than double that amount on financing the visits of the IWCT's investigators to Vietnam, which made the DRV a significant contributor to the foundation and the tribunal" (Mehta 2012). For early suspicions about sources of the tribunal's funding, see DeWeerd (1967).
- 18 In addition to extracting material from wire services and weekly news magazines, Melman (1968) cites articles from the *New York Times*, *New York Herald Tribune*, *New York Post*, *Washington Post*, *Washington Star*, *Chicago Daily News*, *Baltimore Sun*, *St. Louis Dispatch*, *Los Angeles Times*, *Christian Science Monitor*, *World Journal Tribune*, and *Wall Street Journal*.
- 19 For an assessment of Osborn, see Kulik (2009, 134–138).
- 20 "She was stabbed in both breasts, then forced into a spread-eagle position, after which the handle of an entrenching tool—essentially a short-handled shovel—was thrust in her vagina" (169). For an assessment of Camil, see Kulik (2009, 138–144).
- 21 For the challenges to Herbert's credibility, including evidence presented at an independent investigation by the television show *60 Minutes*, see Lewy (1978, 322–324).
- 22 For McCusker, see p. 325, note 148; for Hunter, see note on p. 321; for Martinson, see p. 344, note 51. For questions about the testimony of these three figures, see Kulik (2009, 124, 155, 156).
- 23 For Turse's interviews with Le Thi Dang (305), Nguyen Huu (305), Ho Ngoc Phung (305), Huynh Thi Nang (333), and Phan Thi Dan (333), the only date given is "2006."
- 24 Turse discloses that she was eight in an article that he published in *In These Times* (Turse 2008b). The computation of age in Vietnam typically adds one year to the conventional Western calculation.
- 25 The latter two issues are only disclosed in Turse's *In These Times* article (2008b).
- 26 Interview with Trần Hạnh, Berkeley, California, March 16, 2014.
- 27 The quotes are from Whitmore (1997, 59–66). See also Kulik (2009, 199–201).
- 28 On Skibsrud, see Kulik (2009, 208–209, 211–215, 243–244, 257). See also Turse's unreferenced mention of Skibsrud (38).

- 29 United States v. Lance Corporal Rudolph O. Diener. This is the full record of the Article
32 Investigation of the charges against Lance Corporal Diener, Lieutenant John C.
Bailey, and Captain Robert W. Maynard).
- 30 Dozier's full testimony can be found in U.S. v. Diener (1968, 37–58 and 126–127).
- 31 Kelly's original quote is in U.S. v. Diener (1968, 107). Four other witnesses contradicted
Kelly (U.S. v Diener 1968, 102). Johnson and his contradictions are also in U.S. v.
Diener (1968, 6, 21, 30, 33).
- 32 In U.S. v. Diener (1968), Maynard's statement is Enclosure 5; Bailey's Enclosure 6;
Allen's testimony, 342–343; Skibsrud's, 211–215; and Toon's, 155–157.
- 33 U.S. v. Diener (1968): Johnson's testimony, 7; Dozier's, 39–49; Bailey's statement,
Enclosure 6.
- 34 U.S. v. Diener (1968): Anderson's testimony, 66 (his full testimony comprises pp. 59–
69); Spann's testimony, 82–103; Kelly's, 105–114.
- 35 Kulik (2009, 227, 237, 216); U.S. v. Diener 1968: Lloyd's testimony, 269; Toon's, 153;
Harlan's, 448–454; Batelle's, 402; Bergman to C.O., 1st Marines, Enclosure 2.
- 36 U.S. v. Diener 1968: Bailey's statement, Enclosure 6; Johnson's, 11.
- 37 Turse buries in an endnote that Spann wasn't sure that Bailey hit the man and neither
Spann nor Bailey could find the body (273, n. 54).
- 38 Interview with Tran Hanh, Berkeley California, March 16, 2014.
- 39 U.S. v. Diener (1968), Bergman to C.O., 1st Marines.
- 40 U.S. v. Diener (1968), Mann to C.G., 1st Marine Division, February 8, 1968.
- 41 The wide spectrum of victims of the Hue killings is captured by Vennema (1976, 127–
162) and chillingly evoked in Nhã Ca's *Mourning Band for Hue* (1976), a brilliant piece
of reportage by a young South Vietnamese woman who survived the massacre. Nhã Ca's
account, like all southern Vietnamese writing on the topic, goes unmentioned by Turse.
- 42 In this lengthy note, Turse curiously cites anecdotal sources that mention no Communist
atrocities, such as "Francis Fitzgerald, *Fire in the Lake*, 174" and "Gene Roberts,
'Village Endures Night of Terror,' *New York Times* February 1, 1968," while ignoring
critical data-rich sources on the topic, such as Hosmer (1970).
- 43 A more elaborate attempt to quantify victims of Communist terror may be found in
Hosmer (1970, 63–78).
- 44 See, for example, Browne (1965, 103): "At another hamlet farther north in the Mekong
Delta, a hamlet chief (newly arrived and inexperienced) had been trying to collect
government taxes and get young men registered for the national draft. One night the Viet
Cong came in tied him to a stake in the center of the market place and forced all the other
villagers to come and watch. Among them were the chief's pregnant wife and child. They
all watched as the man was slowly disemboweled. The child was then decapitated.
Finally, the widow was tied to the same stake and also disemboweled."
- 45 The Hue massacre is examined by journalists such as Don Obedorfer (1971, 197–237)
and Peter Braestrup (1994, 211–217), but only as a small part of larger studies. The
obscure but useful account of the medical doctor Vennema (1976) is both a memoir and a
work of amateur sleuthing. The most detailed study of the Hué massacre is in Pike
(1970), but this episode is simply one of numerous Communist atrocities that it covers.
- 46 For accounts of this new political economy, see Gainsborough (2010), Hayton (2010),
and Templer (1998).

- 47 For the history and dynamics of party discourse in this area, see de Tréglodé (2012) and Pelley (2002).
- 48 For examples, see Trúc (2013), Thanh (2013), Lý (2013), Cam (2013), Giang (2013), “H.G.” (2013), and Anonymous (2013).
- 49 This must be some kind of record for a nonfiction book.
- 50 Compare Turse, *Kill Anything that Moves* (2013a, 102) with Turse, *Mệnh lệnh lưỡi lê: sự thật về cuộc chiến của Mỹ ở Việt Nam* (2013b, 171).

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