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SECTION A

Equal and Opposite Danger: Politics and Objectivity in Two Periods of Scientific Advice to
President Eisenhower

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On November 25, 1957, President Dwight Eisenhower wrote a letter to Admiral Lewis Strauss, Chairman of the Atomic Energy Commission (AEC). In the letter, the President invited Strauss to ride aboard the *Columbine*, the President's personal aircraft, en route to the upcoming NATO meeting in Paris. The President wished to discuss a development which he found deeply troubling: "This is the extent to which generals, admirals, and laymen are talking on science, and conversely, the extent to which scientists have suddenly become military and political experts."¹ Throughout his presidency, Eisenhower struggled to define the limits of these two competing forms of expertise.

Prior to November 1957, no formal instrument existed for the coordination of scientific advice in the White House. Instead, scientific perspectives came to the President from a vast number of sources, including government contractors, independent international conferences, testimony in the media, and a handful of close advisors within the apparatus of the state.

The launch of the Soviet satellite *Sputnik*, and the accompanying public and private debates about U.S. scientific capability, forced Eisenhower to reconsider the relationship between the President and science.² But the post-*Sputnik* hysteria coincided with increasing popular opposition to nuclear testing, an opposition which was itself based, in part, on statements from the scientific community. Scientists were frequently the source of both moral opposition to nuclear weapons testing, and a source of warnings about the specific dangers that came with these tests.³ As it was not always clear what was moral outrage and what was scientific warning, the public was prone to conflate the two. This worried Eisenhower, who feared that the failure to separate policies based on fact from policies based on fear would lead to another costly, dangerous, and unnecessary race with the Soviet Union.⁴ The whole situation, wrote Eisenhower to Strauss, "reminds me of an old German folk song involving a quack doctor. A rough translation was: 'I make the blind so they can hear; I make the deaf so they can see.'"⁵

As Chairman of the AEC, Strauss had, until recently, enjoyed a nearly uncontested monopoly over scientific advice to the President. In a postscript on Eisenhower's letter to Strauss, the President sought to soften the blow by noting that when he had written against

¹ Dwight D. Eisenhower to Lewis Strauss, November 25, 1957, Staff Notes - November 1957, Box 28, Ann Whitman Files, Eisenhower, Dwight D.: Papers as President of the United States, 1953-1961, Eisenhower Presidential Library.

² For more on Eisenhower and *Sputnik*, see Robert A. Divine, *The Sputnik Challenge*, (New York, NY: Oxford University Press, 1993); Nicholas Michael Sambaluk, *The Other Space Race: Eisenhower and the Quest for Aerospace Security*, (Annapolis, MD: Naval Institute Press, 2015), and Yanek Mieczkowski, *Eisenhower's Sputnik Moment: The Race for Space and World Prestige*, (Ithaca, NY: Cornell University Press, 2017).

³ The General Advisory Committee of the AEC's response to popular and scientific advocacy against nuclear testing are noted in G.A.C. Paper on Atomic Tests – May 1958, Box 5, White House Office, Office of the Special Assistant for Science and Technology, 1957-61.

⁴ On Eisenhower's concern about the proliferation of "races" with the Soviets, see Glennan, T. Keith: Diary, 1958-1961; Staff Notes - March 1958, Box 31, Ann Whitman Files, Eisenhower, Dwight D.: Papers as President of The United States, 1953-1961, Eisenhower Presidential Library; Meeting Notes – December 1959, Box 1, US President's Science Advisory Committee: Records, 1957-61.

⁵ Dwight D. Eisenhower to Lewis Strauss, November 25, 1957, Eisenhower Presidential Library.

“generals and admirals,” Eisenhower had not meant Strauss himself, who the President described as “an authority in the field to which I refer!” Yet, Strauss resembled precisely the kind of figure Eisenhower derides in the text of his letter – a non-scientist shaping policy and opinion on matters of nuclear weapons and atomic power, a complicated and highly technical field of interest.

Lewis Strauss was described by his biographer Richard Pfau as stubborn, self-righteous, uncompromising, and prone to respond to political disagreements with personal spite.⁶ Additionally, when the President began advocating for first steps towards disarmament, Strauss emerged as one of his foremost opponents, and objected to any initiative that would curb American nuclear weapons development. In his role as science advisor, this combination of personality traits and policy views led Strauss to exaggerate evidence that served his objectives, omit information that challenged his views, and make public statements of disagreement with the position of the President.⁷

Amid the *Sputnik* fervor in November 1957, Eisenhower moved to create a permanent President’s Science Advisory Committee (PSAC) within the White House, with direct access to the President. Dr. James R. Killian Jr. was appointed chairman of the committee and Special Assistant to the President for Science and Technology. The new roles of PSAC and Killian were designed to address the problems that arose from Strauss’ blatantly political approach to scientific advice.

PSAC was ostensibly introduced to equip policymakers with neutral, objective, and accurate technical advice in a moment when there was significant demand for more scientific input in policymaking. It attempted to generate more objective advice by creating a diverse body of experts whose perspectives were readily available to the state. But it was also an explicitly political maneuver. PSAC introduced new expertise intended to debunk policies favoured by Strauss, and provided information which confirmed the political aspirations of the President, particularly in the field of disarmament. And ultimately, the committee revealed itself to be committed to those objectives even when their data could no longer support their politics. The history of PSAC in the Eisenhower years thus raises important questions about the extent to which objectivity can be maintained and morality and politics separated from scientific advice – and the extent to which such a separation is desirable.

Cold War Science and Objectivity

Many scholars have addressed the relationship between objectivity, morality, and politics in their studies of “Cold War science.” After the invention of nuclear weapons, scientists assumed a new role in public affairs. Scientists -- and particularly the physicists and chemists

⁶ Richard Pfau, *No Sacrifice Too Great: The Life of Lewis L. Strauss* (Charlottesville, VA: University Press of Virginia, 1984), 182-183.

⁷ Benjamin P. Greene, *Eisenhower, Science Advice, and the Nuclear Test-Ban Debate, 1945-1963*, (Stanford, CA: Stanford University Press, 2022), 113.

associated with nuclear weapons development -- began to interact increasingly with policy and public opinion, as both activists and advisors. A field of historical scholarship traces the evolution of the state-science relationship, the transnational networks formed between scientists in the postwar period, and the influence of science and scientists on politics and culture around the world.⁸

Some scholars regard Cold War science of this period as a binary, separating scientist-activists from scientist-statesmen using a logic of objectivity. One historian describes the science of Killian and other PSAC scientists as “technical, unemotional, pragmatic, and patriotic,” as opposed to the “moral, emotional, utopian, and vaguely suspicious” science of individuals like Linus Pauling, a Nobel Prize-winning chemist and an outspoken critic of nuclear weapons.⁹ The basis of this contrast is objective versus moral uses of science, implying a disagreement between the two. According to this view, scientists who collaborated with the state following the ostracism of Dr. J. Robert Oppenheimer were submitting to a state-sanctioned vision of science and engaged in a process of scientific knowledge production which “explicitly or implicitly supported the state’s idea of proper nuclear policy.” Memoirs and other recollections composed by presidential advisors themselves tend to take this view.¹⁰

Other scholars interpret the separation of science and politics as more rhetorical than literal. Writing about the International Atomic Energy Agency (IAEA), Elisabeth Roehrlich argues that the accusation of “politicization” is an allegation used to kill an opposing perspective rather than to meaningfully distinguish between political and technical issues. The IAEA, she argues, is not and cannot be a purely apolitical institution, but was compelled by the conflicting demands of its member states to “cultivate the image of being a technical assistant to the international community.”¹¹ A similar logic was arguably at play in the definition of the roles and expectations of the President’s Science Advisory Committee. Both institutions were expressly concerned with nuclear policy, and thus both ran up against the contradictions of projecting a “technical,” “objective” façade while executing a highly political mandate. Mark Mazower

⁸ Other important books that deal with this idea of “Cold War science” include Jessica Wang, *American Science in an Age of Anxiety: Scientists, Anticommunism, and the Cold War* (Chapel Hill, NC: University of North Carolina Press, 1999) and Audra J. Wolfe, *Freedom’s Laboratory: The Cold War Struggle for the Soul of Science* (Baltimore: Johns Hopkins University Press, 2018).

⁹ Paul Robinson, *Redefining Science: Scientists, the National Security State, and Nuclear Weapons in Cold War America*, (Amherst, MA: University of Massachusetts Press, 2016), 5.

¹⁰ David H. Guston, “Science, Politics, and Two Unicorns: An Academic Critique of Science Advice,” in *Presidential Science Advisors: Perspectives and Reflections on Science, Policy, and Politics*, ed. Roger Pielke and Roberta A.A. Klein (Springer Netherlands, 2010), 10. See also memoirs by scientific advisors, including James Rhyne Killian, *Sputnik, Scientists, and Eisenhower: A Memoir of the First Special Assistant to the President for Science and Technology*, (Cambridge, MA: MIT Press, 1977); Herbert F. York, *Making Weapons, Talking Peace: A Physicist’s Odyssey from Hiroshima to Geneva*, (New York, NY: Basic Books, Inc., 1987); and Jerome B. Wiesner and Walter A. Rosenblith, *Jerry Wiesner--Scientist, Statesman, Humanist: Memories and Memoirs*, (Cambridge, MA: MIT Press, 2003).

¹¹ Elisabeth Roehrlich, *Inspectors for Peace: A History of the International Atomic Energy Agency*, (Baltimore, MD: Johns Hopkins University Press, 2022), 8.

summarizes the trap that international organizations often find themselves in: “the claim to stand above politics ... was both rhetorically necessary and scarcely possible.”¹² Some historians in this camp take this conclusion to the opposite extreme by regarding Eisenhower’s scientific advisors as explicitly political agents, identifying them as the motivating force which led directly to the pursuit of test ban agreements in the late 1950s.¹³ There is truth to both sides of this debate, but the issue proves more complex than either side allows.

Nuclear policy was one of the primary areas of jurisdiction over which the science advisor exercised his influence. It is an ideal location for an exploration of the relationship between objectivity and politics in science because it is an issue in which pure objectivity is impossible. Since they possessed an understanding of nuclear weapons that was deeper and more comprehensive than the general public’s, nuclear scientists had a vested interest in atomic policy. While PSAC was asked to keep evaluations technical, the Committee under James Killian’s leadership emerged as some of the most active participants in the formulation of nuclear policy, even becoming delegates for an early round of test ban negotiations with the Soviet Union. As test ban discussions stretched across Eisenhower’s second term, Committee members felt less and less restrained by their positions as technical advisors and became increasingly vocal advocates of pursuing measures towards disarmament.

The chapter “PSAC, the Test Moratorium, and the Geneva System (October 1957–August 1958)” in Benjamin Greene’s book *Eisenhower, Science Advice, and the Nuclear Test-Ban Debate, 1945-1963* uses a similar chronology to study the politics and influence of PSAC. The chapter contains a detailed exploration of the events described in this paper and the book provides valuable insight regarding the broader arc of scientific advice in this period. This paper shares many of Greene’s observations, but departs from his conclusion that PSAC’s influence was a primary cause of the administration’s pursuit of a test ban. Instead, this paper argues that the new apparatus of scientific advice was designed to support the policy objectives of the President. While the committee gradually evolved to become a more independent instrument and at times diverged from Eisenhower’s preferred policy, it was less effective and less influential when such divergence occurred.

Examination of the nuclear test suspension negotiations reveals the similarities and differences between the unrestricted earlier period of science advice, embodied by Lewis Strauss, and the formal, “objective” apparatus headed up by James Killian. While both advisors pursued their own political objective through their advice, Strauss used deception, exclusion, and censorship to influence matters of scientific policy. Killian, on the other hand, came to balance

¹² Mark Mazower, *Governing the World: The History of an Idea, 1815 to the Present*, (New York, NY: Penguin Books, 2015), 254.

¹³ Benjamin P. Greene, *Eisenhower, Science Advice, and the Nuclear Test-Ban Debate, 1945-1963*, 6. Scholars who occupy this position sometimes accuse scientists of flaunting their credentials to intentionally lead policymakers to believe exaggerated scientific claims motivated by political ends.

his role as a scientist, which obligated him to present objective facts, with his role as a statesman, which compelled him to present those facts in a broader context which included political considerations. Ultimately, it was not just the technical support of PSAC, but its political alignment with the President and public that made it a more effective instrument for scientific advice.

Early science advice and Lewis Strauss

Science returned to the forefront of American statecraft during the Second World War, as the fate of the war hinged on the ability to develop and implement new weapons technology. The breakthroughs engineered by scientists at Los Alamos renewed governmental interest in coordinating state-science cooperation. Yet it was Lewis Strauss, a non-scientist in Washington, who would enter the 1950s as the primary wielder of scientific influence in the White House.

President Franklin D. Roosevelt frequently consulted the engineer Vannevar Bush of the National Academy of Sciences throughout the 1930s and elevated Bush's position for the duration of the war.¹⁴ Yet even prior to the successful detonation of the atomic bomb, the wartime collaboration between civilian science and the United States military had begun winding down. As Pfau explains in his biography of Strauss, the Office of Scientific Research and Development, the body which oversaw the Manhattan Project, began dialling back its operations after the German surrender in May 1945.¹⁵ But after the scientific achievements of the war, it was clear that the government would continue to require some apparatus for harnessing the contributions of civilian science. Scientists urged that the civilian and largely scientist-run National Academy of Sciences serve this purpose. Rear Admiral Lewis Strauss and Secretary of Defense James Forrestal feared that such a move would diminish the priority of military research. Consequently, Strauss, Forrestal, and Senator Harry F. Byrd maneuvered in Congress to maintain military control of some elements of scientific research through the establishment of the Office of Naval Research.¹⁶ As a result, the power to define problems of scientific interest to the government fell under the direct control of Lewis Strauss.

President Harry Truman was the first to establish a permanent apparatus for civilian scientific advice, on Bush's recommendation. After considerable debate, a permanent Science Advisory Committee (SAC) was established, but located in the Office of Defense Mobilization (ODM).⁷ The chairman of this committee reported to the director of the ODM, who then reported to the President. The committee was populated with prominent scientists, but it languished in disuse throughout the Truman years and through Eisenhower's first term. Its members discussed disbanding the committee, but it was ultimately decided to maintain it in reserve, just in case.⁸ The SAC failed because there was already a de facto system of science advice to the President, through the Atomic Energy Commission.

In 1946, Congress passed the Atomic Energy Act, which established the Atomic Energy Commission (AEC) as the peacetime inheritor of the Manhattan Project's responsibility for

¹⁴ Peter D. Blair. "The Evolving Role of the US National Academies of Sciences, Engineering, and Medicine in Providing Science and Technology Policy Advice to the US Government." *Palgrave Communications* 2, no. 1 (2016): 2.

¹⁵ This paragraph draws on Richard Pfau, *No Sacrifice Too Great*, 77-83.

¹⁶ *Ibid.*

atomic energy.¹⁷ The AEC was made up of a bipartisan group of bureaucrats, one newspaperman, a single scientist, and Lewis Strauss.

After the departure of Undersecretary of the Navy Ralph Bard, Strauss, then an assistant to Forrestal, inherited the position of Navy representative on the Interim Committee on Atomic Energy. In this position, he was granted access to top secret reports on the status of atomic research which included the theoretical possibility of the fusion bomb.¹² Strauss, whose postwar career was to be defined by a determination to maintain and expand the nuclear capabilities of the United States, was immediately committed to realizing the potential of this weapon. A November 1949 letter sent by Strauss, then a commissioner of the AEC, to President Truman demonstrates Strauss' conviction regarding the value of a thermonuclear weapon, and regarding who should have the power to dictate its development:

I believe that the United States must be as completely armed as any possible enemy ... I recommend that the President direct the Atomic Energy Commission to proceed with the development of the thermonuclear bomb, at highest priority, subject only to the judgement of the Department of Defense as to its value as a weapon, and of the advice of the Department of State as to the diplomatic consequences of its unilateral renunciation or its possession.¹⁸

Notably, Strauss' evaluation of the parties who should be allowed a stake in this decision excluded the scientific community.

The broader context in which Strauss offered this evaluation makes clear that the omission of nuclear scientists was an intentional choice. Strauss ended the attached memorandum by informing the President that he "cannot agree with those of my colleagues who feel that an announcement should be made by the President to the effect that the development of the thermo-nuclear weapon will not be undertaken by the United States at this time."¹⁹ Of the colleagues that Strauss refers to, many of the most vocal were scientists. The feud between Strauss and Oppenheimer had reached a critical crossroads earlier that year, as Oppenheimer repeatedly exercised his influence in opposition of the development of thermonuclear weapons.²⁰ Additionally, as Cold War foreign policy adopted a logic that encouraged the arms race and accepted nuclear risk, some scientists who understood the extent of atomic power increasingly appealed to outlets outside the halls of government to express their opposition to continued nuclear weapons development. Throughout the late 1940s and into the 1950s, Oppenheimer was joined by a transnational network of scientists including Niels Bohr, Albert Einstein, and Linus Pauling in condemning the continued development of nuclear weapons and advocating for control and disarmament.²¹

¹⁷ Pfau, 88.

¹⁸ *FRUS*, 1949, (Washington: Government Printing Office, 2010), vol. I, Document 219.

¹⁹ *Ibid.*

²⁰ Furthermore, a 1949 hearing brought before Congress's Joint Committee on Atomic Energy by the General Advisory Committee of the AEC, designed to appeal Congress to overturn the prohibition on the export of radioisotopes unpopularly pushed through the AEC by the sole dissenting vote of Strauss, added insult to injury when Oppenheimer made an insulting joke on the stand.

²¹ For examples of this type of activism, see Neils Bohr, "For an Open World," *Bulletin of the Atomic Scientists*, 6:7, 213-217, Albert Einstein, "On the Moral Obligation of the Scientist," *Bulletin of the Atomic Scientists* 35 no. 3 (1979), Andrew Brown, *Keeper of the Nuclear Conscience: The Life and Work of Joseph Rotblat*, (Oxford: Oxford University Press, 2012).

Strauss was fundamentally opposed to these disarmament initiatives and used all the power at his disposal to limit their influence. Famously, this included the revocation of Oppenheimer's security clearance by the AEC, the outcome of a four-week hearing orchestrated by Strauss.²² It was also characterized by the careful selection of experts who supported the Chairman's policy objectives. By assuming the role of the filter through which scientists and scientific advice reached the President, Strauss successfully positioned himself as the foremost scientific advisor to the President.

Early test ban discussions, 1957

Throughout Eisenhower's first term, Strauss was a trusted advisor of the President. During that time, the United States arsenal of nuclear weapons, including thermonuclear weapons, grew significantly.²³ But by early 1957, it had become Eisenhower's firm belief that the United States should pursue disarmament negotiations with the Soviet Union. Shifts in the Soviet attitude to initial U.S. probes gave the President reason to believe he could make progress towards de-escalation of East-West tensions, and with it, a reduction in the atomic arsenal. The preferred first move in such a campaign was a moratorium on nuclear testing. With this objective in mind, Eisenhower dispatched Governor Harold E. Stassen, Special Assistant to the President for Disarmament, to London to engage in the first round of serious disarmament talks. On May 23, back in Washington, Stassen gave an encouraging report to the NSC. He was received favourably by the Soviets, who offered a number of major concessions, including the abandonment of their earlier demands for a complete ban of nuclear weapons and withdrawal from American overseas bases.²⁴ The Soviets had also indicated surprising flexibility on the question of mutual inspection to confirm any limitations put in place. On hearing this, Eisenhower "forcefully" concluded the meeting by insisting on the "absolute necessity" of putting the arms race to an end.²⁵

Strauss was immediately at odds with Stassen's progress. In a widely attended discussion held by Stassen at the Office of the Secretary of State on May 24, Strauss raised several objections to Stassen's proposals for the basis of an introductory arms limitation agreement.²⁶ A month later, Strauss brought the prominent nuclear scientists Dr. Edward Teller, Dr. Ernest Lawrence, and Dr. Mark Mills before Eisenhower to argue against the nuclear test ban proposal

²² Perhaps the most famous example of Strauss' political overreach is the case of the 1954 Oppenheimer hearing in the AEC. Strauss was widely blamed for orchestrating the hearing and influencing its outcome, which saw Dr. J. Robert Oppenheimer, an advocate for disarmament and a long-time political rival of Strauss, removed from his position of influence within the AEC.²² In a 1969 interview reflecting on Strauss' subsequent failure to be confirmed as a member of Eisenhower's cabinet in 1958, Dr. James R. Killian Jr. said that the President did not seem to grasp "the deep distrust on the part of many members of Congress and many other people in the judgment and wisdom of Lewis Strauss."

For more information about the Oppenheimer hearing, Strauss' role in the hearing, and the relationship between Strauss and Oppenheimer, see Philip M. Stern, and Harold P Green, *The Oppenheimer Case; Security on Trial*, 1st ed., (New York, NY: Harper & Row, 1969), and Kai Bird and Martin J. Sherwin, *American Prometheus: The Triumph and Tragedy of J. Robert Oppenheimer*, 1st ed., (New York, NY: A.A. Knopf, 2005).

²³ For more information about the American nuclear build-up during this period, see David Alan Rosenberg, "The Origins of Overkill: Nuclear Weapons and American Strategy, 1945-1960." *International Security* 7, no. 4 (1983): 3-71.

²⁴ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 201.

²⁵ *Ibid.*

²⁶ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 204.

tentatively favoured by the President.²⁷ Strauss and the scientists made a moral case for the continuation of testing, insisting they were committed to developing “clean” weapons which would solve the fallout problem. A memorandum from a senior member of the NSC staff to the President’s Special Assistant for National Security Affairs Robert Cutler summarizes the argument of Strauss’ scientists accordingly: “if we know how to make [clean] weapons, but fail to do so and to convert existing weapons into [clean] ones, then the use of dirty weapons in war would be a ‘crime against humanity.’”²⁸

The scientists added that it was “essentially correct” that there would be no possible harm to humanity from testing, and that any exceptional effects would be “miniscule.”²⁹ The President pointed out that world opinion had turned against testing, and he felt compelled to act accordingly. He told the scientists that he did not think that the United States could permit itself to be “crucified on a cross of atoms,” and assured them that a test ban would only be agreed to as part of a package deal with the ultimate end of stopping war.

Stassen’s efforts, for the time being, came to nothing – disarmament talks fizzled out.³⁰ Strauss’ efforts had eroded the President’s confidence in the disarmament proceedings.³¹ What Eisenhower’s acquiescence reflects more than anything else was a troubling uncertainty. He was clearly convinced that test suspension was the right decision for American national security and for his hope for maintaining peace, but lacked the expertise to stand firm by that choice. As Benjamin Greene points out in his history of the test ban debate, Eisenhower was swayed by the testimony of Strauss’ scientists.³²

By the end of the test ban affair, Eisenhower doubted Strauss and his scientists’ conclusion that continued testing served the national interest.³³ Eisenhower had clearly begun to see that behind the veil of expertise, Strauss and his scientists were providing advice that served a set of political interests that did not necessarily reflect his own. The President was demonstrably frustrated by this fact. After Strauss’s triumph in the test ban debate, Eisenhower wondered to Dulles and Cutler whether “our statecraft was becoming too much a prisoner of our scientists.”³⁴

Nonetheless, Strauss’s victory was short-lived. Just over a month later, Strauss was ultimately undermined by an unexpected source: the launch of a Soviet space vehicle carrying the satellite *Sputnik*. The public’s panicked reaction to the Soviet satellite illustrated to Eisenhower that neither the public nor the experts were satisfied with the state of American

²⁷ Notably, these negotiations were occurring concurrently with the highly politicized trial of Dr. J. Robert Oppenheimer. Dr. Lawrence and Dr. Teller were among those who testified against Dr. Oppenheimer. Dr. Teller was also intimately involved in pro-nuclear politics in his own right, frequently testifying before government committees, appearing on television, and authoring articles advancing his view that continued tests were both valuable and necessary.

For further reading on the Oppenheimer trial, see Harold P. Greene and Philip M. Stern, *The Oppenheimer Case: Security on Trial* and Kai Bird and Martin K. Sherwin, *American Prometheus*. Full citations in bibliography. For further reading on Teller’s political activities, see: Melinda Gormley and Melissa Fellet, “The Pauling-Teller Debate: A Tangle of Expertise and Values.” *Issues in Science and Technology* 31, no. 4 (2015): 78-82.

²⁸ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 249.

²⁹ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 248.

³⁰ Greene, 122.

³¹ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 281.

³² Greene, 121.

³³ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 204.

³⁴ *FRUS*, 1955-1957, vol. XX, Document 281.

science, or of American policy respecting issues of scientific interest.³⁵ A late October meeting with Strauss and Dr. Isidor Rabi, former Manhattan Project physicist and chairman of the antiquated Science Advisory Council (SAC), demonstrated to Eisenhower the political divisions that existed among the scientific-technological elite. Rabi contended that the SAC had reason to believe a unilateral moratorium on testing would freeze the American advantage in nuclear capability by preventing the Soviets from addressing certain critical issues with their weapons.³⁶ Strauss opposed this view. In the face of such seemingly overwhelming evidence that a moratorium would serve American interests, the President was forced to confront the extent and the effects of Strauss's bias. "Incidentally," the President wrote in a diary entry on October 29th, "I learned that some of the mutual antagonisms among the scientists are so bitter as to make their working together almost an impossibility. I was told that Dr. Rabi and some of his group are so antagonistic to Drs. Lawrence and Teller that communication between them is practically nil."³⁷

In a post-*Sputnik* meeting of the SAC with Eisenhower on October 15th, Rabi suggested that the President establish a new office in an effort to assuage public fears that American science had lapsed: a full-time advisor on science and technology.³⁸ Eisenhower responded enthusiastically to the suggestion. A few days later, James Killian was approached by White House Chief of Staff Sherman Adams for the position.

James R. Killian, Jr. was President of Massachusetts Institute of Technology, and considered a gifted administrator. He capitalized on the wartime connection between MIT and the military to maintain a relationship after the war, offering civilian scientists up for ad-hoc policy examinations, technical expertise, and undertaking exploratory studies on questions of military interest.³⁹ In return, MIT was the beneficiary of massive federal funding, leading all American educational institutions in government contracting.⁴⁰

Throughout the 1950s, Killian's star rose in government after he was asked to chair a panel tasked with examining the threat of surprise attack. The resulting Technological Capabilities Panel (TCP) was invited to address their final report to the National Security Council in March 1955. Its findings elucidated the American advantage in weapons development and outlined the timeline by which they estimated the Soviets would meet and ultimately threaten to surpass American superiority. The report and its accompanying recommendations contributed to decisions to accelerate the ICBM and IRBM development programs and pursue the U2 aircraft reconnaissance program.⁴¹ The TCP was a success, and the President celebrated the report as a "splendid contribution."⁴² Killian was next asked to chair a second panel on foreign intelligence, which he accepted. He declined the chairmanship of the SAC-ODM in late 1955 due to his wife's poor health.⁴³

³⁵ "Reaction to the Soviet Satellite – A Preliminary Evaluation," National Archives and Research Agency, Dwight D. Eisenhower Presidential Library, Sputnik and the Space Race.

³⁶ *FRUS*, 1955-1957, (Washington: Government Printing Office, 2010), vol. XX, Document 308.

³⁷ *FRUS*, 1955-1957, vol. XX, Document 308.

³⁸ James Rhyne Killian, *Sputnik, Scientists, and Eisenhower: A Memoir of the First Special Assistant to the President for Science and Technology*, 19.

³⁹ Richard V. Damms, "James Killian, the Technological Capabilities Panel, and the Emergence of President Eisenhower's 'Scientific-Technological Elite.'" *Diplomatic History* 24, no. 1 (2000), 66.

⁴⁰ Stuart W. Leslie, *The Cold War and American Science: The Military-Industrial-Academic Complex at MIT and Stanford*, (New York, NY: Columbia University Press, 1993), 77.

⁴¹ Killian, 82.

⁴² Richard V. Damms, "James Killian, the Technological Capabilities Panel, and the Emergence of President Eisenhower's 'Scientific-Technological Elite.'" 73.

⁴³ Damms, 75.

Curiously, Killian was not himself a scientist. Educated in business and engineering administration at MIT, Killian had earned the trust of the scientific community through close contact and competent work. He also shared its ideology regarding the rightful place of science in the halls of power. Killian agreed that science could operate as a truly objective source of information, and that the administration had been led to make ignorant claims in the absence of such knowledge.⁴⁴ Furthermore, Killian believed that scientists were motivated by curiosity and duty but suffered from no intrinsic lust for power.⁴⁵ Despite this, he believed that scientists were obligated by the burden of their knowledge to involve themselves in politics when their expertise bore it upon them.⁴⁶ He was critical of the expectation that political considerations be removed completely from technical questions. And yet, he did not believe the task of the advisor to be so conflicted as to be impossible. In a 1969 interview, Killian said: "I cannot accept the conclusion that it is essentially impossible for the advisor to render objective technical advice in a political context, but I do recognize that advisors have not always been able to be objective."⁴⁷ Killian believed he could succeed in this respect where others had failed. Overall, Killian agreed with the President on the proper place of science in the affairs of the state. He was Eisenhower's first choice for the new office.

Killian supported Rabi's idea for a permanent scientific advisory position. At Eisenhower's behest, Killian prepared a memorandum in which he described the elevation of the SAC from the ODM to the White House, with a chairman who served as an advisor with direct access to the President and the NSC.⁴⁸ The proposal was accepted, and Killian was appointed chairman. The final form of PSAC took shape after Killian's appointment. The committee would be strictly non-partisan, its advice confidential, and its staff protected by executive privilege against requests for Congressional testimony.⁴⁹ Furthermore, the new science advisor was committed to upholding presidential policy. Should the advisor disagree substantially with the policy taken by the President, he was expected to resign.⁵⁰ In summary, the new instrument for facilitating scientific input in the affairs of the state was designed to make scientific advice neutral, reducing it to its technical components and supporting the advisor with a team of experts to diversify the perspectives brought to bear on policy. It suffered, however, from idealistic assumptions the ability of scientists to render -- and the willingness of other services to accept -- objective advice.

PSAC and test ban negotiations, 1957-1958

Although the summer's test ban negotiations failed to produce any agreement between the Soviet Union and the United States, Eisenhower, Stassen, and the few other advocates of a test ban still hoped the opportunity for a first step towards disarmament would arise. The establishment of PSAC introduced new actors to the private discussions which continued among policymakers. The perspectives of these actors proved susceptible to influence by the public and private pressures that continued to mount in favour of test cessation.

⁴⁴ Reminiscences of James Killian (1969), *Eisenhower Administration Project*, page 117, Oral History Archives at Columbia, Rare Book & Manuscript Library, Columbia University in the City of New York.

⁴⁵ Reminiscences of James Killian (1969), *Eisenhower Administration Project*, 123.

⁴⁶ Reminiscences of James Killian (1969), 125.

⁴⁷ Reminiscences of James Killian (1969), 127.

⁴⁸ Killian, 36.

⁴⁹ Killian, 25

⁵⁰ Killian, 22.

On December 10, 1957, Harold Stassen wrote to James Killian shortly after the latter's appointment to office, asking for his views "on the procedural manner in which you and the Scientific Advisory Committee to the President participate in the problems in the disarmament area in general, and on the question of inspected short term suspension of nuclear testing in particular."⁵¹ Stassen attached a memorandum dated October 7, 1957 which he had sent to the Secretary of State for the President. He drew Killian's attention to suggestions therein for numerous disarmament initiatives, including a moratorium, the installation of an inspection system, and the establishment of an international Armaments Regulation Organization under the aegis of the United Nations Security Council.

Despite Stassen's earnest appeal, Killian declined involvement in the disarmament question. On December 26, Killian replied that "After mature consideration, it is my feeling that the competences and experience within our Committee probably are not such as to enable us to assist you effectively in this area."⁵² In fact, Killian was already involved in discussions of disarmament: he simply did not share Stassen's position.

On January 5, 1958 Killian received a memorandum aiming to prepare him for an upcoming meeting of the NSC. The memorandum included a review of a report from the SAC Panel on Disarmament, composed of PSAC members Hans Bethe, Isidor Rabi, Herbert York, C.P. Haskins, and George Kistiakowsky, as well as CIA scientist Herbert Scoville. The panel concluded that "the U.S. should not proceed with additional proposals for a nuclear test suspension or for international studies on ways to limit long-range rocket testing without up-to-date technical appraisals of these two possibilities."⁵³ The memorandum concluded that this recommendation, and the studies outlined within it, enjoyed the unanimous support of the President's Science Advisory Committee.

The topic of test cessation nonetheless returned to the attention of the nation's top policymakers at the NSC meeting, which took place the next day, January 6, 1958. It was Stassen again who led the charge. He recommended to the council that they revise the disarmament proposals issued by the United States the previous summer. His updated proposals included the installation of test monitoring inspection stations in both the US and the USSR, and the establishment of two inspection zones against surprise attack, one each in the Eastern and Western spheres of influence.⁵⁴ Although Strauss had been stripped of his unofficial role as scientific advisor, his official role as chairman of the AEC meant he retained a voice at the NSC. Predictably, Strauss and Secretary of Defense Neil McElroy were quick to express their dissent. The President responded that he agreed with Stassen regarding the value of demonstrating progress towards the goal of disarmament insofar as it would benefit public opinion.⁵⁵ While he felt aligned with Stassen on the urgency of disarmament initiatives, he said he was more inclined

⁵¹ Harold Stassen to James Killian, December 10, 1957, Disarmament – General – Aug 1955-Dec 1960 1, Box 7, White House Office of The Special Assistant for Science and Technology (James R. Killian and George B. Kistiakowsky): Records, 1957-61, Eisenhower Presidential Library.

⁵² James Killian to Harold Stassen, December 26, 1957, Disarmament – General – Aug 1955-Dec 1960 1, Box 7, White House Office of the Special Assistant for Science and Technology (James R. Killian and George B. Kistiakowsky): Records, 1957-61, Eisenhower Presidential Library.

⁵³ Memorandum for James Killian, January 5, 1958, Disarmament – General – Aug 1955-Dec 1960 2, Box 7, White House Office of The Special Assistant for Science and Technology (James R. Killian and George B. Kistiakowsky): Records, 1957-61, Eisenhower Presidential Library.

⁵⁴ 350th Meeting of the National Security Council, January 7, 1958, Box 9, NSC Series, Eisenhower, Dwight D.: Papers as President of the United States, 1953-1961, Eisenhower Presidential Library.

⁵⁵ Ibid.

to agree with the Joint Chiefs of Staff on the specifics, and disagreed with Stassen's inspection zones suggestion. He then expressed concern about the lack of consensus among experts, and the evident adherence of Stassen to one group of scientists and Strauss to another.

After the President's statement, Killian read from a report produced by PSAC's Panel on Disarmament, conveying their finding that the United States should not proceed with additional proposals for nuclear test suspension without up-to-date technical appraisals. With the present level of detection technology available, Killian indicated, the United States could not detect all nuclear tests with certainty. The President concluded the meeting by soberly reminding his advisors that "we were in the midst of an arms race, and the burdens of armament hung heavy everywhere. We must keep the hope of disarmament before the world." Among the proposals agreed to at the meeting were a set of new studies to be conducted by PSAC, including a technical feasibility study regarding the monitoring of a test suspension.

On February 4, 1958, Secretary of State John Foster Dulles sent a letter to Killian following up on the NSC's request. Dulles reminded Killian of the President's suggestion to Soviet Prime Minister Nikolai Bulganin that the two states cooperate in their study of the technical aspects of arms regulation. He told Killian that the studies requested of PSAC at the January 6 meeting would be foundational for that cooperation should the Soviets agree.⁵⁶ After outlining points of interest in the disarmament proposals for further study, Dulles made a rather bold statement to Killian: "It occurs to me that you are in an excellent position to recommend ways of handling this matter, particularly in view of the fact that they transcend the responsibility of any single agency or department of government."⁵⁷ This letter preceded a major shift in Killian's and PSAC's treatment of the disarmament issue, which was subsequently more active, more outspoken, and certainly more political.

On March 24, 1958, the President received an intelligence report indicating that the Soviets were preparing to move forward with a unilateral suspension of nuclear testing. He quickly called a conference of his top advisors. Seeking to prevent the public relations defeat which would follow from a unilateral Soviet move, the President resumed his interest in pursuing a suspension of nuclear testing.

In a March 24 meeting, Eisenhower appeared to surprise his advisors by stating that the United States would be willing to give up nuclear weapons if they could be sure that all other states had done so.⁵⁸ Few of his advisors seemed to share this point of view, and Strauss in particular opposed it. The President indicated that he was willing to cede some military strength if it would provide "some basis of hope for our own people and for world opinion." Strauss asked Eisenhower why the development of "clean" weapons could not have this effect, using the same argument which had begrudgingly won over the President in 1957. This time the President would not budge, insisting that people had come to see testing as "evil," and that accordingly the United States could not project its desire for peace and protection while still engaging in such tests. The expected Soviet announcement came just days later, on March 31.

Killian was absent from this crash conference. But a meeting of PSAC at Ramey Air Force Base in Puerto Rico at the beginning of April would set a new precedent for the

⁵⁶ John Foster Dulles to James Killian, February 4, 1958, Disarmament – General – Aug 1955-Dec 1960 2, Box 7, White House Office of The Special Assistant for Science and Technology (James R. Killian and George B. Kistiakowsky): Records, 1957-61, Eisenhower Presidential Library.

⁵⁷ Ibid.

⁵⁸ Memorandum of conference with the President, March 28, 1958, Staff Notes - March 1958, Box 31, Ann Whitman Files, Eisenhower, Dwight D.: Papers as President of The United States, 1953-1961, Eisenhower Presidential Library.

Committee's involvement in disarmament discussions. At Ramey, the test ban dominated the committee's agenda. The panel tasked with studying the technical feasibility of test detection had come up with a more promising outlook than expected.⁵⁹ As such, PSAC congregated to determine whether they should make their first recommendation as a committee which was political and not merely technical in nature. Killian warned PSAC members that they would face significant opposition from others in government if they chose to press for disarmament, and that they were unlikely to change any minds.⁶⁰

Although it was not the protocol of PSAC to require a vote on committee decisions, an exception was made on this topic due to its importance.⁶¹ Herbert York was the only negative vote. York's disagreement with the decision was due to the politics of the issue. In his memoir, York wrote that he argued "the matter before us was essentially a political and strategic issue and that a group made up entirely of scientists wasn't appropriate for deciding such questions."⁶² In spite of this, York ultimately changed his mind and completed the consensus. York told Killian that Dr. Jerome Wiesner, who would serve as scientific advisor to President John F. Kennedy, had persuaded him that whether or not PSAC was the best group to make such a recommendation, "there really was no one else; it was us or no one, be that plausible or not."⁶³

On April 17, 1958, Killian took PSAC's new directive to the President in a conference with Eisenhower and General Andrew Goodpaster. Killian acknowledged that "this is a controversial subject on which the observations of his group are limited to technical aspects only and must of course be balanced against other considerations."⁶⁴ Nonetheless, PSAC's findings indicated that test cessation would in fact extend the American advantage. The President welcomed PSAC's input, confiding that "he had never been too much impressed, or completely convinced by the views expressed by Drs. Teller, Lawrence and Mills that we must continue testing of nuclear weapons."⁶⁵

At an April 26 meeting of the President with his disarmament advisors, Secretary Dulles opened proceedings, warning that "it is urgent that we do something to erase the picture which people abroad hold of the United States as a militaristic nation."⁶⁶ The stakes were thus defined immediately and unquestionably as political ones. PSAC announced its new conclusion that a test suspension, accompanied by inspections, that began after the end of the ongoing Hardtack series of nuclear weapons tests would be advantageous to the United States on military and technical grounds. Defense and the AEC opposed PSAC's views.

⁵⁹ Reminiscences of James Killian (1969), 62.

⁶⁰ Gregg Herken, *Cardinal Choices: Presidential Science Advising from the Atomic Bomb to SDI*, (New York, NY: Oxford University Press, 1992): 109.

⁶¹ Reminiscences of James Killian (1969), 62.

⁶² Herbert F. York, *Making Weapons, Talking Peace: A Physicist's Odyssey from Hiroshima to Geneva*, (New York, NY: Basic Books, Inc., 1987), 118.

⁶³ Herbert F. York, *Making Weapons, Talking Peace: A Physicist's Odyssey from Hiroshima to Geneva*, 118. Interestingly, in Wiesner's book, he says he doesn't remember this, and that he felt his best arguments were technical.

⁶⁴ Memorandum of conference with the President, April 17, 1958, Staff Notes - April 1958, Box 32, Ann Whitman Files, Eisenhower, Dwight D.: Papers as President of The United States, 1953-1961, Eisenhower Presidential Library.

⁶⁵ Ibid.

⁶⁶ Memorandum of conversation, April 26, 1958, Disarmament - General - April 1958, Box 1, White House Office of The Special Assistant for Science and Technology (James R. Killian and George B. Kistiakowsky): Records, 1957-61, Eisenhower Presidential Library.

In the ensuing discussion, however, Killian's technical arguments dealt handily with the largely unfounded claims of Strauss and Deputy Secretary of Defense Donald Quarles. Strauss and Quarles contended that testing was not a danger, that cessation would not help with public opinion, and that further development of warheads remained an overwhelming advantage to the security of the United States. Killian disputed their claims, informing the group that PSAC had found that effective monitoring was possible. Further, their findings suggested that failure to engage in a test ban may lead the Soviets to announce a more comprehensive ban on both nuclear tests and ballistic missiles, the latter being an area of technical development in which the Soviets did have a clear lead. Such a ban would thus be unacceptable to the United States, putting them in an impossible situation regarding public opinion and deferring public favour once again to the Soviet Union. By decoupling bombs from missiles, the United States would not be risking security and would have an opportunity to improve its public image. Any further developments required, said Killian, were electronic in nature and could therefore continue to undergo development after the entry into force of any test ban agreement. Such debate between Strauss, Quarles, and Killian continued until Dulles intervened once again, asking the advisors bluntly: "Do we want further refinement of nuclear weapons at the cost of moral isolation of the United States?"⁶⁷

With the President's endorsement, physicist and PSAC member Hans Bethe was asked to chair an interdepartmental panel for the study of test detection systems. Bethe reported the findings of that panel to the NSC. With a renewed confidence in the feasibility of real progress on a test suspension, Eisenhower wrote to Soviet Premier Nikita Khrushchev, and the two leaders agreed to convene a multilateral conference of experts to discuss test suspension in Geneva beginning on July 1.⁶⁸ The delegations were composed entirely of scientists. The U.S. delegation was led by PSAC member Dr. James Fisk of Bell Telephone Laboratories, and included scientists and PSAC member Dr. Robert Bacher, with Bethe assisting as an advisor. At Lewis Strauss' behest, Ernest Lawrence was also sent as a delegate.⁶⁹

In a memorandum to Killian after the negotiations had ended, Bethe reported that "technical discussions have proved highly successful as a method of negotiation."⁷⁰ He continued:

It is true that negotiations have been difficult, and the Russians have been bargaining hard. However, they have been convinced by solid, technical arguments. Fortunately, we had such arguments ... Most of their scientific delegates were objective and could be convinced by experimental results and sound theoretical arguments, even if these results and arguments were contrary to their own original ideas, and contrary to the points which the Soviet delegation wished to prove.

Bethe wrote Killian that it was his impression that the Soviets wanted agreement and were willing to make concessions to achieve it. He believed that they would comply with any

⁶⁷ Ibid.

⁶⁸ Donald A. Strickland, "Scientists as Negotiators: The 1958 Geneva Conference of Experts." *Midwest Journal of Political Science* 8, no. 4 (1964): 372-84.

See this article for further quotes from those correspondences as well.

⁶⁹ In a tragic turn of events, Lawrence suffered a flare-up of his ulcerative colitis while in Geneva, and though sent back to California for treatment, succumbed to his illness in August.

⁷⁰ Memorandum for Dr. Killian, April 26, 1958, Arms Control, Box 3, US President's Science Advisory Committee: Records, 1957-61, Eisenhower Presidential Library.

inspection system the two parties could agree to. He strayed into a political evaluation as he concluded his memo. Bethe expressed the delegation's belief that a partial agreement on test cessation would not be acceptable to the Soviets, and that an attempt to agree on limiting the agreement to smaller yield weapons rather than complete cessation would "in my opinion, jeopardize the gains made in the Geneva Conference."

At the meeting of the NSC following the delegates' return, Dr. Fisk gave an extensive report on the outcomes of the technical conference. He described the atmosphere of the discussions as "technical with heavy political overtones."⁷¹ Fisk told the council that he thought "that if political negotiations take place they will have a solid foundation in the technical agreement," suggesting that he perceived his role as preliminary to any actual agreement. He did relay a telling comment made by a Soviet representative that "science must not interfere with the task of the delegates," a warning to the Western delegates that only so many Soviet concessions could be compelled through data.

Fisk told the President and his advisors that the results of the conference were merely an outline of a test monitoring system, and that important political and organizational problems remained. Nonetheless, despite his assurances that his advice was merely technical, he concluded his report with a substantive recommendation, suggesting that "between now and October 31 the United States should give careful consideration to any proposals for nuclear tests before actually carrying out such tests."⁷² When the President asked Dr. Fisk to expand on this comment, he replied that "the decision to conduct additional tests would have an impact on the success or failure of subsequent political negotiations." Under Secretary of State Christian Herter congratulated Fisk on a job well done, relaying the compliments of the senior U.S. diplomat in Geneva and suggesting that "perhaps Dr. Fisk had missed his vocation in life." The President added that "Dr. Fisk might look upon this compliment as the kiss of death."

The Geneva Conference of Experts captured all the hopes, contradictions, and inherent failures of using science as an instrument of policy. The technical negotiations had lived up to the expectation that science could act as a common language, successfully depoliticizing complex and highly volatile issues like nuclear policy enough to generate agreement between rival parties. The very fact of achieving agreement, however, was a political and not just a scientific outcome. Science therefore had a direct and significant impact on policy. Further, by putting scientists in the position of negotiators, and thus representatives of the state, they were serving a political purpose. The Soviet delegation, unburdened by intellectual freedom, was never fooled by the false separation of science and state, and thus never regarded the technical negotiations as apolitical. Consequently, the Soviets were compelled to remind the Western delegates that technical agreements could only take them so far. A consensus arrived at amid such contradiction is an unstable one. Less favourable data quickly emerged to undermine it.

The collapse of test ban talks

By the end of 1958, science as the basis of a monitored test ban began to falter. An undated memorandum from Killian's office noted that new data obtained from the last round of nuclear weapons tests showed that the ability to detect underground nuclear tests was far more limited

⁷¹ 378th Meeting of the National Security Council, August 28, 1958, Box 9, NSC Series, Eisenhower, Dwight D.: Papers as President of the United States, 1953-1961, Eisenhower Presidential Library.

⁷² Negotiations for a test ban agreement building on the basis established at the Conference of Experts were due to begin on October 31.

than originally thought. The report concluded that “while the qualitative basis for seeking the initial technical agreements and for continuing in the present Geneva negotiations appear to be unchanged, detection and identification will be more difficult than had been expected.”⁷³ As a result of these findings, the American demand for inspection stations rose from 70 to 650, an incursion the Soviets deemed unacceptable and a crippling blow to the test ban negotiations.⁷⁴

Nonetheless, the negotiations limped on. The original increase to 650 inspection stations was deemed an overreaction and reduced to 180.⁷⁵ But faith in the feasibility of a comprehensive test ban had been lost by scientists and politicians alike. Killian began to lend his support to a limited ban instead. While scientific input continued, the nature of the discussions had become increasingly political. As science could no longer provide a workable basis for agreement between the two parties, technical feasibility had finally come to be weighed as just one of many factors informing the desirability of a test suspension agreement.

Yet Killian remained a vocal participant in test ban talks. At a meeting on March 26, 1959 on the subject of the Geneva nuclear test negotiations, Under Secretary of State Herter read a memorandum prepared by Dulles on the question of mobile inspection. In the memorandum, Dulles argued that “whereas our scientists can advise us on the size, composition and nature of controls, they are not in a position to make the required judgement as to the overall value to us of the establishment of mobile control personnel behind the Iron Curtain.”⁷⁶ Both Eisenhower and Dulles considered this an extremely important aspect of the negotiations in terms of its value for pressing for future progress in disarmament. Killian opposed their judgement, telling the group he “felt that we should not let insistence on mobile inspection hold up whatever progress was possible on limited measures where it was not required.” As discussion continued on whether mobile inspection would be needed as part of an atmospheric test agreement, Killian added that the uncertainties without mobile inspection would be minor, and that “we should not let the genuine USSR fear of inspection as an instrument of espionage prevent us from getting agreement on atmospheric testing.” Killian’s advice was not only unscientific but committed to disarmament to an extent which exceeded the role laid out for him by Dulles and the President.

Killian resigned at the end of May 1959. His reasons are not clear, but it may have been the result of frustration over the stalemate at Geneva and the increasing discord between scientific advisors and other top policymakers. By this time, the place of science in the highest echelons of

⁷³ Possible Modifications in the Position at the Geneva Conference on the Discontinuance of Nuclear Tests, Disarmament – Nuclear Test Policy – May 1958-Oct 1960 1, Box 8, White House Office of The Special Assistant for Science and Technology (James R. Killian and George B. Kistiakowsky): Records, 1957-61, Eisenhower Presidential Library.

⁷⁴ Gregg Herken, *Cardinal Choices: Presidential Science Advising from the Atomic Bomb to SDI*, 115.

⁷⁵ Herken, 116.

⁷⁶ Memorandum of conversation, March 26, 1959, US Position on Test Negotiations— Ambassador Wadsworth's Statement on April 13, 1959 When Conference Reconvened, Box 5, McCone, John A.: Papers, 1958-61, Eisenhower Presidential Library.

policymaking had been firmly established.⁷⁷ But the future of the test ban was unclear. Killian's successor as Special Assistant, George Kistiakowsky, continued Killian's advocacy for test cessation. Kistiakowsky experienced some success on this front – Eisenhower extended a moratorium due to end in October, 1959 to the start of 1960, and expanded the purview of the limited ban from atmospheric testing alone to include testing underground and in outer space.⁷⁸ Tensions between PSAC and a coalition composed of the Department of Defense, the Joint Chiefs of Staff, and the AEC grew more charged as the technical basis for the monitored test ban fell away.⁷⁹ Eisenhower clung to the hope of a comprehensive ban, but Kistiakowsky had become convinced that such a thing would never achieve ratification in the Senate in light of the cohort of opposition. Accordingly, Kistiakowsky pushed the President to pursue a threshold ban, under which explosions up to a certain yield would be permitted to continue, instead.⁸⁰ This time, however, tensions between the superpowers had risen, and the Soviets were less receptive to American offers. After the downing of a U2 spy plane over the Soviet Union on May 1, 1960, the political conditions which had enabled negotiations evaporated entirely.

Politics, objectivity, statecraft, and expertise

The trajectory of scientific advice to Eisenhower was, ultimately, circular. Under the influence of Strauss, authority over scientific advice drew on only those scientists whose politics formed a natural alliance with that of the AEC. Science was merely another weapon in the arsenal of the policymaker. Then followed an attempt to make science neutral, to utilize its objectivity for the formation of sound policy. The President's Science Advisory Committee followed from this instinct, and the mandate of the Special Assistant for Science and Technology was informed by it. But ultimately, scientific advice circled back to politics, as indeed it had to. Sound nuclear policy could not be formulated in a vacuum, an inconvenient truth which led Dulles and Eisenhower to invite ever more politics into the appraisals and actions of PSAC.

By the end of Eisenhower's presidency, the relationship between science and policy within the administration had become a topic of study. A Panel on Science and Foreign Affairs was established, and a December 1960 statement by that panel made the following observation: "Scientists have no unique competences for making broad decisions affecting international policies; some may, indeed, be ill-fitted for such responsibilities by virtue of their training and temperament. But scientists do have special knowledge which enables them to contribute to

⁷⁷ In that Killian's resignation letter to the President, Killian claims his resignation is for the purpose of returning to MIT, and for "personal reasons about which you have been warmly understanding." In his book about the history of presidential science advice, Gregg Herken wonders if the resignation had to do with frustration over division among government scientists and stalemate in Geneva.

Herken, 118.

⁷⁸ Herken, 119.

⁷⁹ Ibid.

⁸⁰ Herken, 115.

important issues that may arise.”⁸¹ The report’s conclusion came no closer to balancing these two truths in theory than any scientist-statesman had done in practice. For example, at the Geneva conference, the scientist delegates were not empowered to make political decisions and lacked the necessary expertise to do so. These talks ultimately failed. Yet the initial success of the technical negotiations suggests that there are conditions under which the alignment of the role of the scientist and the diplomat, as opposed to the separation of those two perspectives, can be a valuable political tool.

Another factor in the growing politicization of science was the deepening connection between industry, the military, and the university. The military-industrial complex which Eisenhower lamented in his farewell address had an additional partner in the government-sponsored laboratories and research facilities on campuses across the United States. In an August, 1958 meeting of the NSC concerned with the composition of the new National Aeronautics and Space Agency (NASA), General Nathan Twining tried to press Eisenhower to acknowledge the perspective of the military, which held that scientists “were not really in sympathy with the military objectives in the exploration and exploitation of outer space.”⁸² The President replied that “if we hoped to obtain the advantages which can be provided to us by our U.S. scientists, we must go to them and not to the military.”⁸³ Killian replied that “fifty percent of our American scientists were now working in one way or another for the military services.”

Throughout the second term of Eisenhower’s presidency, the number of scientists in the White House – and their influence -- grew significantly. The transformation of their role was so drastic that the President would include the “scientific-technological elite” in the list of warnings presented in his 1961 farewell address:

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.⁸⁴

The inclusion of this ominous counsel in the President’s last address is a demonstration that the terms of the relationship between science and the state were yet undetermined, and not readily resolved.

⁸¹Science and Foreign Affairs Panel Statement, December 21, 1960, International 1, Box 3, US President's Science Advisory Committee: Records, 1957-61, Eisenhower Presidential Library.

⁸² 376th Meeting of the National Security Council, August 15, 1958, Box 9, NSC Series, Eisenhower, Dwight D.: Papers as President of the United States, 1953-1961, Eisenhower Presidential Library.

⁸³ Ibid.

⁸⁴ “Reading Copy of the Speech,” *Farewell Address*, Dwight D. Eisenhower Presidential Library.

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SECTION B

Clio Vol. VIII

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In the Shadow of Confucius: An Exploration of Confucian and Marxist-Leninist Localization Within the Vietnamese Political Schema

Zoë Mason

Vietnamese history is an extraordinarily complex series of tragedies and triumphs. Centuries of subjugation to Chinese, French, and finally American occupations each left a mark on the making of Vietnam's unique culture. Two philosophies in particular loom large over Vietnam: Confucianism, the ethical and quasi-religious philosophy inherited from ancient China; and Marxism-Leninism, the product of a materialist conception of history and society in the European political imagination. While they appear an unlikely combination on the surface, these forces have synthesized as a result of their meeting in Vietnam's unique historical circumstances. They interacted with one another to form a distinctive political culture in Vietnam, defined by a distinct brand of communism developed under the influence of Ho Chi Minh, the revolutionary and first leader of an independent Vietnam. Through a compilation and interpretation of scholarly literature as well as an analysis of the words of Ho Chi Minh himself, this paper seeks to examine the ways in which both Confucianism and Marxism-Leninism were localized upon their import to Vietnam, and to identify the consequences of these alterations in the resulting political culture.

Framework

In his influential 1982 book, *History, Culture, and Region in Southeast Asian Perspectives*, Oliver Wolters established the localization framework for the comparative analysis of national cultures in Asia. For the purposes of this paper, this framework is essential. Wolters' central argument concerning localization was that other words used to describe the process by which local cultures absorb and adapt foreign elements, such as adaptation, synthesis, and syncretism, are inadequate. He holds that these terms either imply an endpoint, which is misleading, or a reconciliation of difference, which suggests a contradiction which may or may not have been present in these cultures at the start.¹ Localization seeks to address these shortcomings by using the presence of foreign elements to highlight the "something else" that is present in the local culture which results in the process of localization.²

Wolters provides the example of the Hindu deity Vishnu to validate his framework. In India, Vishnu's periodic reincarnations prevent the world from crumbling. His reappearances in Bali are seen as "infusions of new religious and status energies from the periphery," and are therefore conceived of as locally motivated by a Balinese culture of social mobilization wherein network building and meritocracy allow outsiders to be integrated into ancestral groups.³ Thus, a religion inherited from

¹ O.W. Wolters, *History, Culture, and Region in Southeast Asian Perspectives* (Ithaca, NY: Southeast Asia Publications, 1999), 62.

² Wolters, *History, Culture, and Region in Southeast Asian Perspectives*, 67.

³ Wolters, *History, Culture, and Region in Southeast Asian Perspectives*, 60-61.

a foreign power is adapted in order to suit the values of a local community. The same framework can be deployed for the adoption and adaptation of religious, political, military, or social norms. In the case of Vietnam, its proximity to China and history of Chinese occupation has led to countless occasions of such localization. For the purposes of this paper, Wolters' localization framework will be used to illuminate how Confucianism and Marxism-Leninism have been localized and thus transformed into fundamentally distinct facets of Vietnamese cultural expression, thereby identifying Wolters's "something else" in this context.

Historiography

Alexander Woodside, a professor of South Asian history and a prolific author on the topic of Vietnam, discusses the complicated and at times contradictory relationship between Nguyen Vietnam and Ch'ing China in his book, *Vietnam and the Chinese Model*. According to Woodside, the Vietnamese adopted the Chinese model of administration under the belief that the closer they could approximate it, the less likely their government would be to collapse to another Chinese invasion.⁴ Having been subordinated in various capacities to China between the twelfth century BCE and the nineteenth century and continually forced to carve out an existence in its shadow likely imposed equal parts fear and respect on Vietnamese administrators, which coloured their assessment of Chinese governance. These conflicting

⁴ Alexander Woodside, *Vietnam and the Chinese Model: A Comparative Study of Vietnamese and Chinese Government in the First Half of the Nineteenth Century* (Cambridge, MA: Council on East Asian Studies, Harvard University, 1988), 61.

sentiments resulted in a dichotomy of self-definition in Vietnamese politics and culture as well. Woodside holds that this dichotomy produced a challenging task. It constructed boundaries, real or imagined, between China and Vietnam to prevent any future Chinese claims to participation in Vietnamese political society from attaining legitimacy, and all while contending with the intellectual spirit of biculturalism.⁵ It is important to note that Chinese governance structures were inextricably tied to Chinese cultural values due to their common foundation in Confucianism.

Confucianism is unusual in that it blurs the lines between political philosophy, moral prescription, and religion. Its overarching aim is to create a harmonious society, which Confucians believe rests on several pillars, including strict hierarchy of political and personal relationship, filial piety, and a “Great Unity” wherein the world is common property to all men.⁶ In the ideal Confucian state, the executive power (the ruler) acts according to the will of the moral power (the Confucians). Thus, there is a harmonious agreement between ruler and subject despite the authoritarian nature of governance; should that harmonious agreement fail, the people may consider the ruler to have lost the mandate of heaven —that is, his divine right to rule —and are therefore both authorized and obligated to remove him from power.⁷ In terms of day-to-day administration, these values

⁵ Woodside, *Vietnam and the Chinese Model*, 60.

⁶ Eske Møllgaard, *The Confucian Political Imagination* (Cham, CH: Palgrave Macmillan, 2018), 4.

⁷ Møllgaard, *The Confucian Political Imagination*, 30.

were upheld via the implementation of Chinese education and examination systems, bureaucratic structures, and Confucian social conventions of deference and respect.⁸ Therefore, in importing the Chinese model, the Vietnamese could not help but import the Chinese interpretation of Confucian values as well. Due to both the inherent differences between the Vietnamese and Chinese states, and the competition between the indigenous Vietnamese interpretation of Confucianism and the one which they inherited through Chinese political structure — which were not always in agreement — the Chinese model was modified as it was practiced in Vietnam.

The vastness of China and the relative density of Vietnam demanded a deviation from the Chinese model in several respects. One such deviation was the adoption of the Chinese devices for bureaucratic control, such as the six offices of the Censorate, which fulfilled a much reduced role in the Vietnamese state than the Chinese one since the Vietnamese bureaucracy was so much smaller and less complex.⁹ Perhaps more importantly, bureaucracy in China was defined by “laws of avoidance,” which sought to give the emperor more control over his officials by disconnecting them from the particularistic attachments that were venerated in Confucian society.¹⁰ These laws included such restrictions as preventing officials from seeing their relatives or

⁸ Minghui Li and David Edward Jones, *Confucianism: Its Roots and Global Significance* (Honolulu: University of Hawai‘i Press, 2017), 4.

⁹ Woodside, *Vietnam and the Chinese Model*, 72.

¹⁰ Woodside, *Vietnam and the Chinese Model*, 82.

visiting their native villages.¹¹ However, such a practice would likely have offended the sensibilities of the Vietnamese, for whom the village occupies a special place in their culture. Perhaps for this reason, it was never actively adopted in Vietnam.

The aim of these historical anecdotes is to provide an example of the localization of Chinese practices which were adopted in Vietnam, and to combat the reductive view that the rigidity of the Confucian way prohibited any deviation from the Chinese framework. As is illustrated in the aforementioned examples, this is not the case. That said, one should be careful not to understate the similarities between the state models, nor downplay the significance of the Chinese influence on Vietnamese political culture. In fact, there was a concerted effort in Vietnam to use national culture to counteract these similarities and establish a cohesive, distinctive, and unified state. Historiography and mythology were both used to invent a history which declared that a united Vietnamese kingdom had always existed, and therefore no outside power had the right to sovereignty over it.¹² Woodside held that these modifications to the collective national memory helped to facilitate a Vietnamese political culture which “was capable of absorbing Chinese learning so completely that its Chinese origins became irrelevant.”¹³

The above overview of the localization of Chinese administrative structures and associated cultures in Vietnam is intended to provide the necessary context to understand

¹¹ Woodside, *Vietnam and the Chinese Model*, 83.

¹² Woodside, *Vietnam and the Chinese Model*, 20.

¹³ Woodside, *Vietnam and the Chinese Model*, 21.

Vietnam's unique political situation. Outside of political structures, there are several ideological factors inherent in the established Confucian ethos which laid the foundation for Marxist-Leninist success within the Confucian sphere of influence in Southeast Asia. Beyond the broad objective of a perfect social order, some of the more specific political prescriptions of Confucianism agree with those of Marxism-Leninism. In *Marxism and Asian Cultural Traditions*, a document in the Sam Johnson Vietnam Archive Collection, three important Confucian principles are identified: (1) a political authority that is ideally derived from universal, cosmic reason; (2) the concept of Utopia as the social application of universal reason, also derived from cosmic harmony; (3) underlying the previous two, a principle of reason which could be superimposed upon a harmonious world order as the *raison d'état*, the national interest which guides the actions of the state.¹⁴ While the specifics of the Marxist-Leninist ideal does depart from these provisions, it provides a significant structural jumping-off point for Marxism-Leninism to take root in the region. Marxism-Leninism and Confucianism share the Utopian vision of a harmonious world order, and Marxism-Leninism modernizes the Confucian doctrine by providing a material basis for the so-called "cosmic reason" which should produce it.

However, the intersection of this Confucian society with Marxism-Leninism did not come until much later, by which point the trajectory of Vietnamese development had taken it in a very

¹⁴ Emanuel Sarkisyanz, "Marxism and Asian Cultural Traditions," August 1962, Box 25, Folder 2, Douglas Pike Collection: Unit 6, Vietnam Center and Sam Johnson Vietnam Archive, Texas Tech University, 57.

different direction than that of China. The desire to construct unique boundaries around the definition of Vietnamese society in the face of continued outside influences persisted well into the twentieth century. In many ways, it was exacerbated by the brutal colonial occupation of the French between 1887 and 1945. While Chinese rule over Vietnam could be legitimized in some sense via the Confucian concept of the mandate of heaven, the French occupation could not, and its eventual collapse seemed to obey the Confucian framework when power was eventually handed over to Ho Chi Minh, who appeared to Vietnam's rural villages as an "executor of the Law of Heaven."¹⁵

The presence and collapse of the French prepped the Vietnamese state for an eventual adoption of Marxism-Leninism in various ways. One such example was the brutal and repeated French efforts, via reeducation and exclusion from governance, to assimilate the Vietnamese to French culture. This in turn triggered a greater desire amongst the indigenous Vietnamese to consolidate their own culture and preserve it from attempted French extermination. In light of this, it is easy to see how the collapse of the French-backed government in Saigon complied with the rules of Confucianism, which continued to occupy a significant place in the traditions and history of pre-colonial Vietnam. The colonial rule in China was never so direct as in Vietnam due to a number of reasons, including geographic scale and administrative complexity. This may have generated a sense of cultural security, for there was much more of a concerted effort

¹⁵ Sarkisyanz, "Marxism and Asian Cultural Traditions," 58.

to eradicate Confucianism from political discourse in China — and particularly in communist China — than in Vietnam. Revolutionary Chinese leader Mao Zedong criticized Confucianism as elitist, and used the nationalistic and anti-Confucian May Fourth Movement in 1919 to engender support amongst young intellectuals.¹⁶ As will be discussed in a subsequent section, revolutionary Vietnamese leader Ho Chi Minh took the opposite approach, appealing to the Vietnamese history of Confucianism to legitimize his Marxist-Leninist revolution and using it to imply that these ideologies are inherently compatible with Vietnamese culture. While the threat of the French was certainly an important factor in the consolidation of indigenous Vietnamese cultures, the French connection also exposed the Vietnamese to certain ideologies — for example, the idea of the republic and such Western philosophies as self-determination and dialectic materialism — which would provide them with opportunity to throw off the chains of colonialism.

Primary Source Analysis

Ho Chi Minh was the son of a scholar and French educated, but he was not himself exposed to Marxist-Leninist rhetoric, the brand of communism which would radicalize his political views, until he went to Paris as a young man. In his short essay, “The Path Which Led Me To Leninism,” Ho recalls that

¹⁶ Xing Lu, *The Rhetoric of Mao Zedong: Transforming China and Its People* (Columbia, SC: University of South Carolina Press, 2017), 62.

upon being given Lenin's readings by a French comrade, he found within its pages the path to salvation for oppressed nations and colonized peoples.¹⁷ In fact, in a fashion that would become typical of his rhetoric, he contextualized it for his Vietnamese audience by comparing it to a local legend:

There is a legend, in our country as well as in China, about the magic "Brocade Bag." When facing great difficulties, one opens it and finds a way out. For us Vietnamese revolutionaries and people, Leninism is not only a miraculous "Brocade Bag," a compass, but also a radiant sun illuminating our path to final victory, to socialism and communism.¹⁸

This same enthusiastic embrace of the Marxist-Leninist doctrine did not occur in China. Chinese leaders saw Marxism as a European phenomenon and Mao advocated for the "sinification" of it. For example, in 1958, Mao declared that "in the management of the State we should combine Marx and Qin Shi Huangdi."¹⁹ This inclination of Ho Chi Minh and the Vietnamese to take Leninism at face value and the disinclination of China to do the same illustrates the ways in which these nations had evolved apart over time and reflects the beginnings of two very different communist

¹⁷ Ho Chi Minh, "The Path Which Led Me To Leninism," in *Selected Works*, vol. 4 (Hanoi: Foreign Languages Publishing House, 1962), 251.

¹⁸ Ho Chi Minh, "The Path Which Led Me To Leninism," 252.

¹⁹ "The Differences Between the Vietnamese and the Chinese Revolution," *Journal of Contemporary Asia* 12, no. 2 (1982): 252.

states. Again, the source of these conflicting opinions can be traced back to their recent histories.

Unlike China, Vietnam was coming unto itself as a national entity and, in emerging from the shadow of two imperial powers in 1945, was faced with the unique circumstance of (1) the diffusion of foreign cultures into Vietnamese society, and (2) the reinvention and reinvigoration of indigenous Vietnamese culture. Whereas China was politically insecure but had an established foundation for national culture, Vietnam was forced to contend with a patchwork of European, Chinese and indigenous political thought. For that reason, modernization demanded not solely reinvention, but also required the construction of a common ground. Ho Chi Minh and his peers found this common ground in Leninism, which appealed to the collective national identity forged in colonial oppression, complemented the Confucian Vietnamese heritage, and represented a progressive, scientific, and European style of governance. Despite the same Confucian heritage existing in China, Mao rejected traditional Confucian efforts to address inequality and instead advocated for the outright replacement of Confucian philosophy — which, with its mandate of heaven, could pose a danger to an autocratic leader — with communist philosophy, which is clear in his aggressive rhetoric.²⁰ In contrast, Mao's revolution was founded not in reconnecting the people to their national heritage but in rewriting that heritage; Mao aimed to change the ways that arts and

²⁰ Lu, *The Rhetoric of Mao Zedong*, 70.

literature traditionally were expressed and recreate a harmonious but hierarchical Chinese culture into a radical, revolutionary one.²¹

Furthermore, the Vietnamese notion of time and history also agrees with the accompanying Marxist-Leninist understanding. The Vietnamese conception of time and history is a unique one, and one that remained ingrained in the post-revolution culture. In China and Russia, revolution was followed by a period of a reinterpretation and, at times, condemnation of the past, but this has not been the case in Vietnam.²² Wolters wrote that although the Vietnamese did adopt the Chinese convention of using reign periods as a dating system, they did not adopt a strictly linear conception of time more generally.²³ The Vietnamese historiography of national heroism, he argues, expresses a pattern wherein different generations produce heroes who accomplish similar ends through nearly identical exploits; therefore, victories such as those against the Chinese or the Chams in the Vietnamese past could be expected to repeat themselves, and this repetition is understood to be so inevitable that the possibility of change is negligible.²⁴ In other words, the past in Vietnam is perceived intellectually “for its relevance to the present, and not for its own sake.”²⁵ While Wolters’s discussion of this unique understanding of historical continuity centers on the 13th century, there is

²¹Lu, *The Rhetoric of Mao Zedong*, 54.

²² John K. Whitmore, *Vietnamese Communism in Comparative Perspective*, ed. William S. Turley (Milton, UK: Routledge, 2019), 25.

²³ Wolters, *History, Culture, and Region*, 147.

²⁴ Wolters, *History, Culture, and Region*, 148.

²⁵ Wolters, *History, Culture, and Region*, 148.

evidence that this mindset persisted into the modern age. The aforementioned understanding of Ho Chi Minh as an executor of the Law of Heaven under the Confucian tradition meant that the Vietnamese saw his Marxist-Leninist revolution not as a break from the past, but as a resumption of an immortal trajectory marked by traditional values which had been interrupted by Western colonial rule.²⁶ Woodside's earlier claim that there is an understanding of a continuous and united Vietnamese kingdom has implications for the nation's historiography. Thus, in Vietnamese collective memory, military victories over China are transformed into a historical force in their own right, and these phenomena further reinforce the search for harmony under one ruler.²⁷ Ho Chi Minh's overarching aim as a revolutionary was always to deliver Vietnam to this harmonious state, and he appealed to this rhetoric in his speeches accordingly. For example, in his "Proclamation of Independence of the Democratic Republic of Vietnam," Ho Chi Minh said that the Vietnamese were politically denied by the French "...every freedom They have enforced upon us inhuman laws. They have set up three different political regimes in Northern Central and Southern Viet Nam (Tonkin, Annam, and Cochinchina) in an attempt to disrupt our national, historical, and ethnical unity."²⁸

²⁶ Sarkisyanz, "Marxism and Asian Cultural Traditions," 58.

²⁷ Woodside, "Vietnam and China: Acculturation's Apparitions and Certain Realities Behind Them," 20.

²⁸ Ho Chi Minh, "Proclamation of Independence of the Democratic Republic of Vietnam (September 2, 1945)," in *Vietnam: The Definitive Documentation of Human Decisions*, ed. Gareth Porter (Stanfordville, NY: E. M. Coleman Enterprises, 1979).

In this way, Marxist-Leninist rhetoric both agrees with the existing Vietnamese conceptions of time and history and also lays the groundwork for this agreement simultaneously. Marxist-Leninist dialectics suit the conception of time previously discussed, but it also strengthens this conception due to its similarly dogmatic and forward-marching understanding of history. Confucians do not adjust themselves to the existing rule, but instead act according to the Confucian principles under the belief that the ideal moral order may at any time emerge and the Confucians will thus be prepared to transform the state accordingly.²⁹ A similar understanding of the inevitable arrival of a just and moral order marks the communist understanding of history. According to communist philosophy, history is predetermined according to a scientifically conceived — as opposed to cosmically conceived — reason.³⁰ To clarify, Confucianism sets forth a normative framework for ideal political rule, and Marxism-Leninism provides the specific political proscriptions with which to achieve it. This understanding was able to take root in Vietnam specifically due to the ways in which the Vietnamese both absorbed foreign elements into their own political culture and strengthened indigenous values within that culture. This is a sentiment effectively summarized in “Vietnamese Confucian Narrative,” in the controversial Confucian writings of scholar Tran Trong Kim, who laments the corruption of Confucian teachings in Vietnam, despite himself

²⁹ Møllgaard, *The Confucian Political Imagination*, 26.

³⁰ Sarkisyanz, “Marxism and Asian Cultural Traditions,” 58.

being educated by the French and not in the traditional Confucian manner.³¹ Author K.W. Taylor notes the significance of this contradiction:

This contradiction appears to be related to a desire to mark out a non-French cultural area for Vietnamese to inhabit within the French colonial scheme. The presence of the French requires an acknowledgement of discontinuing with the past, but the need for a non-French cultural space requires affirmation of continuity with something prior to and other than the French. To resolve this contradiction, China is conveniently at hand.³²

In addition to this statement, it is important to note that since China has also historically been a threat to Vietnamese sovereignty, it is not Chinese cultural space at large, but a Vietnamized interpretation of Chinese structures and discourses which is at hand to fill this gap.

However, in a fashion typical of Vietnamese politics, the Marxist-Leninist revolution led by Ho Chi Minh did not settle for the inherent agreement between Marxist-Leninism and Vietnamese Confucianism, but in merging them it continued to shape them in the Vietnamese image. Under French rule, the administration suppressed a culture which had been defined by

³¹ K.W. Taylor, "Vietnamese Confucian Narrative," in *Rethinking Confucianism: Past and Present in China, Japan, Korea, and Vietnam*, ed. Benjamin A. Elman, John B. Duncan, and Herman Ooms (Los Angeles: UCLA Asian Pacific Monograph Series, 2002), 361.

³² Taylor, "Vietnamese Confucian Narrative," 362.

lively and broad-based political life based on Confucian concepts and replaced it with a system which had little upward mobility or opportunity for indigenous Vietnamese.³³ In doing so, the French relegated the indigenous population, nearly in its entirety, to the status of political bystander. This circumstance then laid a rich foundation with which revolutionaries such as Ho Chi Minh would use Marxist-Leninist rhetoric to appeal to the masses.

Few documents reveal Ho Chi Minh's expert amalgamation of sentiments more than his 1930 "Appeal Made on the Occasion of the Founding of the Communist Party of Indochina." Ho Chi Minh alludes to the Confucian mandate of heaven and the illegitimacy of the imposed French rule in the appeal, stating that "in order to restore the capitalist forces in France, the French imperialists have resorted to every underhand scheme to intensify their capitalist exploitation in Indochina."³⁴ Ho Chi Minh describes French conduct as unethical, dishonourable, and underhanded, to remind the people of their obligation to rebel against the oppression for the sake of their collective benefit. He confirms this implication thusly: "if we give [the French] a free hand to stifle the Vietnamese revolution, it is tantamount to giving them a free hand to wipe our race off the earth and drown our nation in the Pacific."³⁵ To restore justice and put Vietnam back on

³³ Peter DeCaro, "Struggle for Independence: The Reconstitutive Rhetoric of Ho Chi Minh" (PhD diss., Florida State University, 1988), 93, <https://search-proquest-com.proxy.bib.uottawa.ca/docview/304427455?pq-origsite=primo>.

³⁴ Ho Chi Minh, "Appeal Made on the Occasion of the Founding of the Communist Party of Indochina," 129.

³⁵ Ho Chi Minh, "Appeal Made on the Occasion of the Founding of the Communist Party of Indochina," 129.

its righteous path towards sublime moral governance, Ho Chi Minh then draws the parallels between Leninism and Vietnamese interests that have been investigated in this paper.

Also notable is the way in which the French subjugation of the indigenous Vietnamese to the periphery of political engagement simultaneously induced an empathy with the figure of the proletariat in Leninist discourse. This empathy, when capitalized upon by Ho Chi Minh, enables a wider empathy which allows the Vietnamese to see themselves in the worker's movements around the globe, and derive encouragement from their successes. Ho appeals to a sense of comradeship amongst workers in Asia in order to provide further justification for his revolution. In his speech "Workers Movements in the Far East," he strengthens this identity through, first, the anecdote of successful Japanese strike and the solidarity amongst workers in Japan, and second, the differentiation between workers ethics in the West and in the Far East.³⁶

Furthermore, unlike in other communist cultures, there was no concerted effort in the Democratic Republic of Vietnam to verify the legitimacy of their regime based on the charismatic figure of Ho Chi Minh. Instead, his patriotism, dedication, and personal ethics were celebrated in Vietnamese media; he was not portrayed as omnipotent or omniscient, but instead, celebrated in a manner rather markedly more Confucian than Leninist or

³⁶ Ho Chi Minh, "Workers Movement in the Far East," in *Selected Works*, vol. 1 (Hanoi: Foreign Languages Publishing House, 1960).

Maoist.³⁷ There is no tradition in Vietnam of deifying leaders; leaders are able to receive the confirmation of heaven, but are not themselves considered gods. Instead, heroes in Vietnam are ancestors, scholars and warriors whose personal traits make them exceptional, and they are revered not as gods but as common men and women. Therefore, the lack of a cult of personality in the Vietnamese communist narrative is a distinct product of Vietnam's unique culture and in fact further reinforces the natural marriage between Confucianism and Marxism-Leninism in the country on this account. Moreover, while land redistribution and poverty were certainly concerns of the Communist Party under Ho Chi Minh, the primary basis on which he adopted Marxism-Leninism was connected to neither; instead, Vietnamese communists often stressed the contemporary elements of Leninism (such as the liberation of colonized peoples) and reduced or outright ignored the theoretical elements, such as dialectical materialism.³⁸ It is likely for this reason that there is little use of Marxist-Leninist jargon in Ho Chi Minh's addresses to the Vietnamese public. He preferred Confucian language, referring to workers, scholars, and peasants rather than the proletariat or the bourgeoisie. In his speech "Equality!" he did not

³⁷ William J. Duiker, *Vietnam: A Nation in Revolution* (Boulder, CO: Westview Press, Inc., 1983), 130.

³⁸ Whitmore, *Vietnamese Communism in Comparative Perspective*, 25-26.

mention communism specifically, but only condemns the capitalist exploitation of people of colour.³⁹

The opposite effect is also true, wherein the revolutionary doctrine in Vietnam adopted certain Marxist-Leninist measures in favour of Confucian ones. The most notable example of this phenomenon is the example of equality on the basis of sex. To illustrate, take the tenth of ten slogans listed at the end of his "Appeal on the Occasion of the Founding of the Indochinese Community Party:" "To implement equality between man and woman."⁴⁰ Traditionally, a woman's role was defined by three Confucian relationships of subordination: to her father, to her husband, and if widowed, to her eldest son. Therefore, Ho Chi Minh's advocacy for gender equality breaks with tradition. His reasons are simple; Ho's use of Confucian ethics is due to a desire to justify communism in Vietnam, and he is using Confucian-communist parallels to engender support for his revolution. However, he is also forced to acknowledge the shortcomings of the Confucian way in order to widen its appeal.

Conclusion

Three million Vietnamese died over the course of the American war (1955-1975) that followed the collapse of French colonial rule in Vietnam in 1954. Countless more were casualties

³⁹ Ho Chi Minh, "Equality!" in *Imperialism in the Modern World*, ed. William D. Bowman, Frank M. Chiteji, and J. Megan Greene (New York: Routledge, 2007), 57.

⁴⁰ Ho Chi Minh, "Appeal Made on the Occasion of the Founding of the Communist Party of Indochina," 131.

of the colonialism which preceded it. The human toll is difficult to comprehend, and it can be difficult to understand the insurmountable Vietnamese will in the face of it. The communist party started by Ho Chi Minh was less than forty years old when the Americans began direct military action; the communist state, even younger. This paper has established a deeper understanding of the complex political culture in Vietnam, wherein a tradition of resisting assimilation and promoting adaptation in its stead has grown and flourished. The springboard for Vietnamese communism is certainly Vietnamese nationalism; however, one cannot overlook the ways in which the two have become inextricable. In fact, Vietnamese communists have claimed to be the most faithful followers of the doctrine, truer to its intentions than their comrades in Moscow and Beijing.⁴¹ To conclude, in order to understand the indomitable Vietnamese nationalist spirit, one must peer at it through the unique lens of historiography that defines their own understanding of selfhood as a nation. Through this lens, it becomes clear that communism in Vietnam was not — or at the very least, was not perceived as — a twentieth-century conversion to European ideals. Instead, it reflected the present evolution of a continuous Vietnam; the manifestation of its Confucian culture and its complex heritage in a concrete form.

⁴¹ Georges Boudarel, "Influences and Idiosyncracies in the Line and Practice of the Vietnam Communist Party," in *Vietnamese Communism in Comparative Perspective*, ed. William S. Turley (Milton, UK: Routledge, 2019), 137.

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SECTION C

2019/2021

CANADIAN YEARBOOK OF
HUMAN RIGHTS

ANNUAIRE CANADIEN
DES DROITS DE LA PERSONNE

VOL. III

About the Canadian Yearbook of Human Rights

The Canadian Yearbook of Human Rights (CYHR) is published by the University of Ottawa's Human Rights Research and Education Centre (HRREC). Submissions, addressing topics of human rights in Canada or international issues connected to or of relevance for Canada, are accepted in the English or French languages. Submissions are subject to peer-review and editing. The CYHR seeks to publish high quality scholarly work of contemporary significance and value for practitioners and academics alike.

The CYHR seeks to cover or reflect developments over one or more calendar years. The yearbook is composed of three sections. The first, general section is mainly comprised of unsolicited submissions, double-blind peer-reviewed articles. The second section addresses one or more specially selected topics and may include commissioned articles, sometimes primary in nature and may or may not be peer-reviewed as appropriate. The third section includes documentary material, such as conference reports.

For further information on the CYHR, including to submit an article for possible publication, and past Yearbooks (Volumes I and II), see the CYHR home-page at: <https://www.uottawa.ca/research-innovation/hrrec/publications/canadian-yearbook-human-rights>

For questions or further information, please contact the Managing Editor at: CHRY@uOttawa.ca.

Ottawa, 2022

À propos de l'Annuaire canadien des droits de la personne

L'Annuaire canadien des droits de la personne (ACDP) est publié par le Centre de recherche et d'enseignement sur les droits de la personne (CREDP) de l'Université d'Ottawa. Les articles portant sur les droits de la personne au Canada ou sur des questions internationales liées ou pertinentes pour le Canada sont acceptés en anglais ou en français. Les articles sont soumis à un examen par les pairs et à une révision. L'Annuaire canadien des droits de la personne vise à publier des travaux savants de haute qualité, d'importance et de valeur contemporaines pour les praticiens et les universitaires.

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Ottawa, 2022

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HUMAN RIGHTS
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INDEPENDENCE PERSONIFIED: WORKING FOR WOMEN'S HUMAN RIGHTS IN CANADA AND BEYOND

Marilou McPhedran with Brendan Keane and Zoë Mason



Marilou McPhedran, LL.D. h.c. University of Winnipeg (1992) at convocation ceremony in 2015

Marilou McPhedran was appointed to the Senate of Canada in 2016. Born and raised in rural Manitoba, she has blazed a trail for human rights across Canada and beyond, in particular the advancement of equality for women. In 1985, she was named a Member of the Order of Canada with the following commendation:

"A Toronto lawyer and civil rights activist, she was one of the most influential leaders of the 1980-81 Ad Hoc Committee of Canadian Women on the Constitution. This apparently instantaneous galvanization of women from across the country won a guarantee of equality between the sexes which was the greatest step forward for Canadian women since the Persons Case of 1929."

A lawyer (LLB Osgoode/York, 1976, and Bar of Ontario, 1978), she has been an indefatigable advocate and educator specialized in teaching and developing systemic and sustainable change mechanisms to promote equality and diversity, having co-founded several impactful organizations including the Women's Legal Education and Action Fund (LEAF—which has led constitutional equality test cases or contributed interventions for over 30 years), the Metropolitan Action Committee on Violence Against Women and Children (METRAC), and the Gerstein Crisis Centre for homeless discharged psychiatric patients. In 1998, she founded the International Women's Rights Project and, in 2009, she became the founding director of the Institute for International Women's Rights

(based on her intergenerational models "evidence-based advocacy" and "lived rights") at the Global College at the University of Winnipeg where she was a Full Professor and Principal (Dean) 2008-2012.

An influential scholar-practitioner, Senator McPhedran has developed innovative human rights courses and programmes, chaired independent enquiries, led pioneering and influential research and advocacy to promote human rights through systemic reform in law, medicine, education and governance, and published in leading academic journals. Amongst her many roles, in 2006 she chaired the international Forum on Women's Activism in Constitutional Reform and in 2007 she held the Ariel F. Sallows Chair in Human Rights at the University of Saskatchewan College of Law, whereupon she was appointed Chief Commissioner of the Saskatchewan Human Rights Commission. She was also the creator and director of the annual 'Human Rights UniverCITY' summer institute based at the Canadian Museum for Human Rights (2011-2018).

In the 'red chamber', Senator McPhedran has continued her defence of human rights and advocacy for equality, for an effective second chamber of the Canadian Parliament and for good governance, as well as for the effective participation of youth in the enjoyment of political rights (notably by means of lowering to the age of 16 years the right to vote). She has also maintained her energetic commitment to a range of international human rights issues as this interview in part identifies.

CYHR: What type of initiatives are you working on right now? What does a typical week look like for you?

MARILOU MCPHEDRAN [MM]: Well, a typical week has no typical days. I've just flown all night. I left a conference in Victoria, B.C. last evening and I flew through the night and got into Ottawa about 9:30 this Monday morning. When you ask about a typical week, it really depends on what bills, queries, and motions are going to be coming up in the Senate. Has someone asked me to speak on a particular bill or an inquiry or motion? I almost always say yes if a colleague in the Senate asks me to speak to a bill, and then I also choose myself when I want to be the one speaking. Outside the Senate Chamber, my parliamentary agenda is much bigger and longer term. My work is mostly about moving multiple active human rights files, and pursuing our "long-game" strategy for moving my bill to lower the federal voting age to 16

that I've sponsored in three sessions of Parliament.¹ I'll never stop working on that because of my concern for our moribund democracy. I believe that after 50 years, the time is ripe to extend the right to register to become a voter to 14 and the right to vote to begin at age 16, instead of 18.

A lot of what someone with my title gets to do is participate in events, and I treat those occasions with respect as an opportunity to connect with people that may well be able to assist or influence on any one of my active files. As an example, in July [2021], I reached out to parliamentarians in the House of Commons and the Senate and put together a joint letter that went to the Canadian Government, to the cabinet, warning about what was clearly a big problem in Afghanistan and urging Canadian leadership under our "feminist foreign policy" and our National Action Plan on Women, Peace and Security.

I took that initiative because I've worked on women's and children's rights in Afghanistan for more than 20 years and I have a long working relationship with organizations like the Afghan Women's Organization as well as the Canadian Council of Muslim Women, to give just two examples. We were seeing and hearing warning signs, so we wrote a joint civil society/parliamentarian letter that urged the Government to get ready with interventions of support—to anticipate that there were going to have to be Canadian interventions. I can tell you nobody envisioned the chaos that occurred a few weeks later, in mid-August [2021]. The irony that Kabul fell on the same day that the Prime Minister of Canada announced a federal election created huge challenges, but also some opportunities. And so, in these kinds of situations, it's not a matter of me as a Senator having particular authority—that's not what I have. At best, I may have some influence and a lot of what I try to do on a range of human rights issues is figure out if I can leverage that influence based on the office that I hold, informed by almost 50 years of advocacy as a human rights lawyer, which helps me assess strategic opportunities, because I'm not humanly capable of saying "yes" to every request.

CYHR: How did your work with human rights law begin?

MM: I was 19 (1970) when I was elected the first woman student President² at the University of Winnipeg and the right for a woman to choose to have an abortion did not exist in Canada; that was probably the first time I connected the dots between my personal freedom and the law.

I also experienced some dramatic targeted sexism and ageism as a young woman in that elected position, so I gravitated intuitively toward human rights at the very beginning of my legal career in the 1970s, before there was a Canadian Charter of Rights and Freedoms. I cared deeply about women's rights, children's rights, disability rights, but we didn't have a constitutional framework for human rights lawyers back then. My first full-time job as a lawyer was actually at the Ombudsman of Ontario working on a whole range of complaints at the provincial level with a very strong emphasis on labour, conditions of work, and social disadvantage. That led to a completely unexpected job as the in-house lawyer for a CBC National television program called "The Ombudsman." That was a 1970s TV version of social media – an interesting model because at that time Canada did not have a national human rights commission or a Canadian Human Rights Act and many people brought their complaints about the government to this TV programme, which deployed teams of investigators paired with producers in response to real-life cases of discrimination. Going to a human rights commission hadn't really entered the Canadian consciousness, whereas in many provinces across Canada there were ombuds offices, all called at that time Ombudsmen—plus this Ombudsman TV show to which many people were responding. Out of that TV collaboration, in 1980 I became one of the co-founders of the "Canadian Human Rights Reporter" periodical, led principally by Kathleen Ruff, who was the Ombudsman show's host, followed by Shelagh Day until the last issue 40 years later. I think my work in TV so soon after becoming a lawyer, shaped my "plain language" communication style and years later, my teaching style, when my work shifted to university settings. Just after my TV time, I worked as a staff lawyer at the Toronto legal clinic known as "ARCH"—the Advocacy Resource Centre for the Handicapped—when into my life came a luminous being named Justin Clark who had been born with severe cerebral palsy and used a device known as a "Bliss board" to communicate. Due to my years as a camp counsellor for children with disabilities, I was the lawyer who could communicate best with Justin in preparing his affidavit to launch his lawsuit against his parents, challenging his forcible confinement in the residential care facility to which they had consigned him as an infant. After quite a long court battle, Justin won his freedom. We kept in touch and soon after I arrived in the Senate, about 35 years later, I was able to visit him in Ottawa.

¹ Most recently as Bill S-201(44-1), "An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum (voting age)".

² For a video with archival photos of Marilou McPhedran as student President, see: <https://www.facebook.com/uwinnipeg/videos/student-voice-marilou-mcphedran/10155482818635733/>



Senator McPhedran with Justin Clark in 2017

Prior to that, for a short intense time (2007-2008) I was fortunate to hold the Sallows Chair in Human Rights at the University of Saskatchewan College of Law and then to be named Chief Commissioner of the Saskatchewan Human Rights Commission. This was a period in my life when human rights investigations and human rights education merged in how I had come to see education and practical training in knowing, claiming and living rights as the bedrock of a functioning democracy.



With fellow Saskatchewan Human Rights Commissioners in 2007

By the time I returned to my home province of Manitoba, after my years in Saskatchewan (about 40 years after I left Manitoba to go to the University of Toronto and then Osgoode Hall Law School), I had become convinced that community-based learning was essential to a university education in human rights. So I was thrilled when then University of Winnipeg President Lloyd Axworthy encouraged me to "come home" to lead his creation, the University's Global College, just as the Canadian Museum for Human Rights (CMHR) was being launched in 2008. I was the first professor to teach a full course based at the CMHR (beginning in 2011), with civil society partners, CMHR curators and experts from the community who were guest faculty. On a sabbatical year, I was seconded to the UNFPA office in Geneva and was able to work on women's sexual and reproductive rights at the UN and in some specific countries. That experience helped me add more detailed and practical aspects of human rights multilateralism to my teaching.



At the UN Human Rights Council in Geneva, 2013, with the SG's Special Representative on Sexual Violence, Zainab Bangura, 2013

For a few years after becoming a senator, I returned in August as a volunteer professor to direct and teach in an intensive summer institute I designed for the Global College entitled: "The Human Rights UniverCITY" because while our main classroom was in the CMHR, the whole city was our human rights landscape.³

³ <https://humanrightsuniversity.com/2014-2/>



UniverCITY 2015 class photo at the Canadian Museum for Human Rights in Winnipeg

CYHR: Going back in time for a minute, you were called to the Bar of Ontario in 1978, and only a few years later served as a point of contact between planning committees in Toronto and Ottawa that resulted in the Ad Hoc Committee of Canadian Women on the Constitution. Can you tell us about this committee's objectives? How did you get involved with the committee and what was your role within it?

MM: Well, it was truly ad hoc—not previously planned! The Latin term was applied to it because it popped up out of a very deep concern that the same wording as in the Canadian Bill of Rights (under which women had lost every case they brought to courts) was transported into the “final draft” being circulated of the Canadian Charter of Rights and Freedoms to be entrenched in the new Constitution Act. In those early days of “Ad Hoc” in January 1981, I was the only lawyer (and one of the youngest) on the hastily assembled conference committee. Remember, there was not a single law firm that existed in Canada at that point in time which had lawyers who were specialists in human rights. Now every law firm will take the Constitution and Charter very seriously. Then, the only explicit human rights cases were at the provincial level under human rights codes, and law firms did human rights by helping the people with money defend against the people making complaints. Now that's a gross simplification, but in my world as a young lawyer, that's what I saw. And so there was no employment opportunity because I wasn't going to do that work—it just didn't align with my values, as a lawyer or as a person. Maybe it was my independence growing up in rural Manitoba but I was raised to believe that my work had to align with my values, because my work defined me.

In November 1980, prior to the Ad Hoc Committee, I'd attended a study session at Toronto City Hall that was part of a cross-Canada tour by the federally appointed

(and now long defunct) Canadian Advisory Council on the Status of Women (CACSW) then chaired by the journalist Doris Anderson. Also during this time, there was a special joint committee of senators and MPs on the constitution—the first in Canada's Parliament to be televised, with thousands of viewers, so there was a higher level of awareness across the country. Doris Anderson was a big deal to me, because of my mother. For her, in a small rural town in Manitoba (she never identified as a feminist but chafed at the social limits on her), reading *Chatelaine* magazine was the high information point as a 1950s housewife. She was of that post-World War II generation who did everything to support their soldier-husbands. So, leave your job. Stop earning your own money. Go into the home. The truth is, my mother supported my father and made his professional status possible. When he came back after the war, he hadn't even finished high school because he lied about his age and enlisted in the Air Force, and my mom supported my father all the way through finishing high school and becoming a veterinarian. And he almost never gave her fair credit for that. Growing up in the 1950s-60s, I saw a lot of this attitudinal diminishing of the importance of what women typically did. So, imagine the impact at that workshop in Toronto City Hall, in the same room with this iconic editor of *Chatelaine*, Doris Anderson— a heroine in our household—and Mary Eberts, already a heroine to newly minted feminist lawyers as one of the country's most brilliant constitutional lawyers. They were doing a workshop and I showed up for it, and it ignited my interest and it gave me an avenue. It wasn't a formal legal avenue, but it was an advocacy avenue, and it was bringing my fledgling legal skills to my longstanding civil society engagement—show up at meetings, do the readings, ask (not tell) how you can help. At that time I was making the trip back and forth between Toronto and Ottawa for my work week, staying with a friend of mine from law school. I asked at a Toronto meeting after that workshop, “Well, how can I help?” One of the older women at the meeting, another Canadian icon, Kay McPherson, turned to me and said, “Well, aren't you going to Ottawa?” And I said, “Yeah, I take the bus back and forth, and I'm heading down there on Monday.” And she said, “Well, you know, there's this joint constitutional committee that's meeting in Parliament, and NAC [the National Action Committee on the Status of Women⁴] has to present but they don't have any lawyers working with them. So why don't you get on that bus early and go work with them?” I said, “Well, OK.” I was very lucky to have studied constitutional law at Osgoode directly under Peter Hogg; both he and I were surprised when I got really good marks because most of what I did in law school was shit-disturb. They didn't really think of me as having much academic skill; I was student President on the Osgoode Senate, and always bugging

⁴ <https://riseupfeministarchive.ca/activism/organizations/national-action-committee-on-the-status-of-women-nac/>

them about how legal education had to modernize. By no means was I an academic star, but I thought, "OK, well, I guess I'm the only lawyer." And so I got on the bus and I went to Ottawa early and Kay gave me the phone number of where the women from NAC were preparing their presentation to the joint parliamentary committee on the constitution. And I showed up in their hotel room, and I worked with them through the night. So that brought me into their women's rights vortex and about two months later those women were among the founders of the feisty Ad Hoc Committee of Canadian Women on the Constitution.⁵

The first Ad Hoc meeting was about two months later, at this funky little place called the "Cow Café" in Toronto, and the women there were saying "Well, the Government has cut us off. They've cancelled the conference that we were all counting on as being the place where we could really focus on the dangers of this draft Charter. We have to represent ourselves and get into this constitutional process." As a sidenote, my LL.M. thesis twenty years later challenged Hogg's "constitutional dialogue" between governments and courts as the model for constitution building, by documenting the "trialogue" of constitution building through ad hoc constitutional activism by grass roots women in Canada in the 1980s and South Africa in the 1990s, which resulted in stronger protections in their national constitutions.⁶

Women at the Cow Café were seasoned feminist activists, hyper-aware of the risks, partly because the American women's movement had been battling to get an equal rights amendment (ERA) into their constitution and it was pretty clear by then that they were on the brink of failing—yet again—after over 100 years of multiple attempts. So we were like, wow, if we don't get this done before it's in the constitution, what we're seeing in the United States is telling us that we're sunk—unless we make the change now. And I was very strongly persuaded by that, having been exposed, that weekend at Toronto City Hall, to Doris Anderson explaining why we had to act immediately.

It's one of the things I think is an accurate description of how I've worked for decades, and that is once I commit to trying to do something I generally do my utmost to follow through. And I also do a lot of volunteer work. I feel like I learned very early on, even before I became a lawyer, that if I waited to try to get a perfect job that was going

to pay me well to do what I believed in, I would starve. It was not going to happen. I was not going to be that young, new, woman lawyer that some fancy law firm was going to hire. Not at all. My profile was already "[She's] trouble, we don't want her here." I was always trying to figure out how I could not contradict my core values and how I could use my legal knowledge simultaneously. The constitution-building gave me that. I mean, I was a baby lawyer; I'm not sure how much skill I had. But in making that presentation to the joint Senate/House of Commons committee on the constitution, I think I brought added value. I wrote bits and pieces of it as well—but the NAC executive did the lion's share of the work. A lot of the time, that's what human rights lawyers should be doing—we really should be the ones who are supporting, helping, and facilitating what civil society leaders need to do.

And I believe that some of what you see of the "Ad Hockers" present in Susan Bazilli's documentary film *Constitute*,⁷ I contributed to that.

Susan Tanner, my longtime friend from law school, was my Ottawa housemate at the time of the Ad Hoc constitutional conference on February 14, 1981. It's funny because, at the conference I just attended this weekend, she told the story of how the morning of the 1981 conference I had the covers pulled over my head and I would not get out of bed, and I kept saying to her, "There's no one coming!" She yanked the covers off and she said, "Get up, we're going." Well, it was a massive turnout. - Over 1000 women on a Saturday showed up at the House of Commons, as Flora McDonald said in her speech (also in *Constitute*!). In many ways this was a political protest, because in the documentary you notice the MPs speaking were opposition parliamentarians. There was only one Liberal MP in that entire room for that entire day and he was there undercover, basically. It was Jim Peterson, and we became friends after that. He came up to me at the end of that day and said to me, "I have never seen anything like this co-leadership in my life." The truth is, the Ad Hoc planning group wasn't prepared for such a huge crowd... and then we were like, "Oh my, we've got to start. So who's gonna speak first?" That co-leadership was organic. I think it was actually five of us who were in and out of the chair all day long, into the evening. I didn't show up that morning with a script. I had put together the legal panel and they said "OK, well obviously you should chair it because you know who the lawyers are."

⁵ In Susan Bazilli's documentary "constitute", see NAC presenting to the joint parliamentary committee on the constitution (NB Marilou McPhedran is sitting behind the NAC presenters): <http://www.constitute.ca/the-film/>

⁶ McPhedran, Marilou, "A Truer Story of Constitutional Trialogue", in: Ian Peach, Graeme Mitchell, David Smith and John Whyte (eds.), *A Living Tree: The Legacy of 1982 in Canada's Political Evolution* (LexisNexis, 2007).

⁷ *Constitute* can be downloaded free of charge at: <http://iwrp.org/news/constitute-on-youtube/#:~:text=go%20to%C2%A0https%3A/www.youtube.com/watch%3Fv%3DokL45WSjXXI%26feature%3Dyoutu.be> and from www.constitute.ca

In 2006, twenty-five years later, I convened and co-chaired the retrospective "Ad Hoc" conference in the same Room 200 of the West Block on the same date—February 14th—and again over a thousand women turned up, but those were the days of Prime Minister Harper so we were forced to turn away hundreds and hundreds—it was heartbreaking!



Leaning in as Co-Chair of the Ad Hoc Women's Constitutional Committee, Room 200 of the Parliament Building, 1981



Again Co-Chairing an Ad Hoc conference exactly 25 years later in the same room, 2006

Back in 1981, the Ad Hoc conference was organized in just a few weeks, with no real authority and it had happened because none of the existing organizations in the system seemed prepared to create space, so we created it ourselves. Then it was like, whoa, OK, we survived that. We got it done. We got this very clear set of resolutions. And then it was, "What now?" So me, I'm like, "Well, I think I'm gonna get on the bus and go back and see my boyfriend and my dog." But a young woman named Patti, who was a staffer for NDP MP Margaret Mitchell, said, "Oh no, you're not. You have to be on Parliament Hill first thing tomorrow morning because this

thing is in the news. You have got to ask to speak to the Prime Minister, the Attorney General, every caucus, the NDP, the Conservatives, and I will help you."

A few of us showed up the next morning; I was clutching the resolutions from the day before, with handwritten notations on them. Patti had secured appointments. I mean, we were top of the news, nobody expected this. So it was just responding to these opportunities. And Patti took the page of resolutions, put them in a nice folder and warned us: "Do not make the mistake of thinking that if you don't show up today, they're going to give you time tomorrow. You either show up today and grab this or it's gone."

That was a very powerful lesson—that's basically become a recurring theme in everything I do. It's like, "OK we got the words now. How do we match that up? How do we make something really substantial happen out of it?"

CYHR: What are some of your obligations as a Senator?

MM: Senators have scope in deciding their priorities and how they work on them. Chunks of my time are mostly spent on human rights advocacy with civil society, except for when the Senate is sitting and then it is my primary obligation to be participating as a Senator in all the deliberations, typically starting at 2:00 PM on a Tuesday, Wednesday, and Thursday with endpoints on those days often being deep into the evening. In addition to that, Senate committees meet when Senators are not deliberating in the Chamber and Senate committees are well known for thorough work—often referred to as "sober second thought". But in my experience the Senate is actually often the place of "first thought" because some really interesting laws have started on the Senate side. For example, Senators have been the leaders for over 30 years in trying to bring a basic livable income to Canada. I have served on the Human Rights Committee, Fisheries and Oceans Committee, Aboriginal Peoples Committee, and the Security and Defence Committee, to name a few. In my five years in this job, I have always served on a minimum of two committees—sometimes three, and during one period, four. I believe deeply in what Senate committees can do, sometimes examining issues more thoroughly, calling witnesses that perhaps weren't available when the House of Commons was trying to study something in committee. Many Members of Parliament do not get to sit on committees and there are many more MPs than there are seats on committees. We're much luckier in the Senate. So, such committee work will typically take place on mornings or evenings in a Monday to Thursday time frame for the committee meetings. It also involves preparation and follow-up and it often will involve drafting, working with other Senators or working with civil society leaders to try to strengthen a particular bill.

Gun control is a good example of that, because the civil society leaders are the ones with the most expertise (in

my opinion). For a long time now, even though there's commitment, stated by several Liberal governments whether under PM Justin Trudeau and before that under Paul Martin and Jean Chrétien, there have been numerous attempts to bring in more effective gun control legislation. The expert-advocates like the "Canadian Coalition for Gun Control" or "Poly Se Souvient" are the groups I work with most, which means that whenever there's a gun control issue that comes up, I'm one of the parliamentarians targeted by the anti-gun control lobby whose behavior can be unsavory. I still haven't figured out how they think sexist commentary on my genitalia is relevant to gun control legislation but clearly some of them think so, given the hateful messages I have received.

CYHR: What are some things that might surprise people about the Senate?

MM: The Senate is completely self-governing in a closed circuit controlled by a small number of Senators. The Canadian Charter of Rights and Freedoms does not apply to Senators in the Senate. They cannot claim their rights and freedoms under the Charter or labour laws as a Senator *qua* Senator. When I first started in 2016, none of the labour standards that operated across this country through law applied in the Senate of Canada to Senators. Now the legislation that applies in addition to the Parliament of Canada Act is the Canada Labour Code, as amended by Bill C-65, activated in 2021. That was the first time that parliamentarians (both in the Senate and in the House of Commons) clearly became liable for harassment of staff in the workplace. Even then, that was interpreted to apply primarily to employee/employer relations, but between Senators it was—and is—considered to remain a question of parliamentary privilege.⁸

If you've looked at my CV, you know that's been a very strong area of my practice for a very long time, with a particular emphasis on the sexual abuse of patients by regulated health professionals. But a lot of the concerns that operate in that power dynamic between a patient and a regulated professional are about power; they're not about whether you're in a hospital or a religious institution, or a school or the Senate. So as a Senator, I've been trying a range of ways to make my Senate workplace more accountable and more transparent and to have better, clearer standards of protection for everyone including Senators. I'm not alone in that goal but there is a big divide between what I believe is necessary and what the majority of Senators have decided they want. My professional experiences lead

me to conclude that secrecy and silencing generally benefit perpetrators, but in opposing increased secrecy in the new Senate harassment prevention policy, I was in a minority among Senators and it was a factor in my quitting the Independent Senators Group to go it alone.⁹ I think many Senate offices have become more complex work environments that need clear protections for staff, interns and Senators. A growing number of Senators have started to realize how much students can bring, and how their being well-informed by youth leaders provides a better pulse on what's happening inter-generationally in our country. I am deeply concerned about our Canadian democracy as well as the shrinking space for democracy in our world and I believe inter-generational co-leadership is vital.

CYHR: What are some initiatives you have taken to increase engagement with the Senate and Canadian democracy at large?

MM: Demystifying national and global governance was a priority for me as a professor specializing in human rights, focusing on how to engage my students, and now as a Senator, on how to facilitate young leaders engaging in the Senate and the United Nations system; finding ways to try to get young people to Ottawa and to the UN in New York for a range of the high-level meetings and conferences. We've had limited engagement during COVID and it's all been on Zoom but we continued our practice established in year one as a Senator to offer as many parliamentary internships as we can. Well over 50 students have worked with me in the past five years. We have a policy in my office: there either has to be compensation by way of an academic credit for interns, or we pay them. I don't think it is fair to ask young people to do their work for free with no form of compensation. Students, especially at law school, can ask to take a separate additional course and extend their time with me into a second term. A lot of what those interns are doing is essential for me. They're pulling together research on issues, drafting potential questions that I can be asking of the Government during Question Period, suggesting areas of inquiry, or raising current issues from youth perspectives. The students are working on requests coming from me and they are welcome to pose their own questions. A specific example coming from a student recently is, "Can I prepare a question on the difference between refugees from Afghanistan and how they're treated compared with other refugees?"

My office, unlike most Senators' offices, has a youth advisory council, the Canadian Council of Young

⁸ https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421C65E

⁹ <https://www.theglobeandmail.com/politics/article-senator-mcphedran-resigns-as-part-of-the-isg-will-now-sit/>; <https://www.hilltimes.com/2021/10/17/why-i-resigned-from-the-isg-before-my-expulsion-hearing-senator-marilou-mcphedran/323092>

Feminists.¹⁰ I place substantive reliance on young people and the perspective of young people and part of how I interpret my job as a Senator is to educate and to create skill-building and learning opportunities. In terms of a typical schedule, my larger commitment is to introduce as many diverse young leaders as I possibly can to our constitutional democracy and how Parliament actually operates.

CYHR: How does your work with democratic engagement in the Senate run parallel to your concern with issues of human rights?

MM: Where you have shrinking democracy and diminishing access to resources, you have a very serious question about whether people can actually live their human rights. That's where, as a researcher and as a professor, I long ago coined the phrase "lived rights" and as the Dean of Global College, I initiated the "Lived Rights Guest Lecture Series" and developed my course material as a professor around this notion that a lot of what happens in academic programmes is theory—a knowing of rights. That's very different from getting to the place where you have the civic skills to claim your rights, to articulate your rights, and then another big jump to actually *living* your rights.

That's the human rights lens of "lived rights" that I bring to pretty much everything. What that comes down to is that I'm always looking for the implementation of the law or the policy, and looking for where that gap is. What that means is that I consider it part of my responsibility in committees, in chamber, to bring the voices of people who theoretically may well have rights and may well be trying to claim those rights, but they're not necessarily living those rights at all. It's all about the in-between. It's all about the little unwritten, undocumented ways in which systems grind down people's daily lives.

People working to support a particular system or institution don't have to get up in the morning with a bad intention in their mind that they're going to deny someone their rights. All they have to do is plug into the grinding of that system and, for example, let systemic discrimination take care of it. Technically, they just have to "do their job." This is one of the big challenges when making the transition from being a lawyer and a professor to a legislator and a lawmaker. It's very tempting every time you get passage of a bill that is going to become law, and you're thinking, "Oh good, done that!" No, that's just the beginning.

Typically, lawmakers are very bad at checking on implementation and actually cycling back through and reaching out to people who are directly affected by the law. An example of that would be medical assistance in

dying when Bill C-7 was opposed by a small number of Senators, including myself, (although in principle I am not opposed to medical assistance in dying) on human rights grounds.¹¹

CYHR: What are some human rights issues you've been working on as of late?

MM: I've long been concerned about nuclear disarmament and non-proliferation. The Government of Canada needs to pay closer attention to nuclear weapons and the existing international treaty, the UN Treaty on the Prohibition of Nuclear Weapons (TPNW). Together with other Parliamentarians and renowned former Senator and Ambassador for Disarmament Hon. Douglas Roche, we're calling out the Government on its non-involvement with the TPNW. I noted that Canada was not even in the room at the UN headquarters in New York—one of the easiest places to get to in the entire UN system for anyone from Ottawa—when the TPNW was negotiated a couple of years ago. We have been unquestioning, in lockstep: whatever NATO says, we do. It didn't used to be that way. This Prime Minister's father, former PM Pierre Trudeau, led Canada's advocacy in NATO to look much more closely at unquestioning support for nuclear weapons and to open up the NATO policy allowing member countries more nuance in concern over escalating nuclear arms.



Advocating in 2019 for signature of the TPNW

¹⁰ <https://www.ccyf-cjcf.com/>

¹¹ <https://biopoliticalphilosophy.com/2021/02/12/senator-mcphedran-and-bill-c-7-amendment/>

With my research director I wrote a chapter entitled "Why Was Canada Not in the Room for the Nuclear Ban Treaty?" on those formative years leading up to the actual treaty which was activated in January 2021.¹² At that time of activation, I convened a webinar with three former Canadian ambassadors for disarmament (from the days when Canada had an ambassador for disarmament—which we haven't had for over 20 years). Canada is not paying attention to this issue in a substantive way. Although postponed several times due to COVID, Austria is hosting the First Meeting of State Parties that ratified this new UN treaty, to take place in Vienna in June 2022.¹³

At this point in time, despite the experiences over the last number of years with North Korea, there's no indication that the Government of Canada is sending anyone to Vienna. At minimum, we should send a delegation of parliamentarians and youth leaders as observers. You know, at least let's get in the room. What I tend to do is take that human rights lens and ask the question: "Where are we stalled? Where do we need movement? And what can I do as an individual Senator, bringing other Senators in, and often other parliamentarians?"

Another current project is the quite new Canadian Association of Feminist Parliamentarians. The truth is that parliamentarians are incredibly busy. And so when you found a new parliamentary organization, finding a space for it and finding resources for it is really challenging. What I often end up doing is just asking for a one-on-one meeting and building the relationships. It's also not typical for a Senator to go to the House of Commons, and I try to be the one who makes the effort to make the trip to the House. I have been working with Iqra Khalid, a Liberal Member of Parliament and a young Muslim woman lawyer. We've worked together on different issues; we've both been very dedicated to engaging women parliamentarians, across party lines and across Parliament. Iqra is a member and I'm a co-founder of the Canadian Association of Feminist Parliamentarians, and one of the reasons that we needed to look at a new inter-parliamentary association is because the existing Women's Caucus operates in the House of Commons with Members of Parliament. It's cross-party, which means that they don't touch the question of reproductive choice. One of the reasons that I was involved in designing and co-founding the Canadian Association of Feminist Parliamentarians is because if you sign on to be a member of the feminist parliamentarians, you're signing a clause that specifically endorses reproductive choice, including the right to abortion. With the likely reversal on reproductive choice by the US Supreme Court, this only makes this parliamentary group more relevant.

CYHR: You've been involved in a lot of women's health and sexual violence initiatives, committees, and projects. As a human rights professional, why has health been such a such a central focus in your career? Where, in your opinion, do health and human rights intersect?

MM: The short answer is because I'm a woman. Throughout my life as a lawyer, educator and legislator, if I started with a focus on human rights, I'd end up including health—and vice versa. Reproductive health and rights were big issues when I was a young woman because, when I went to university, I did not have the right to go to seek birth control or an abortion. Back then, there was not a legal birth control clinic allowed in the Province of Ontario, which is where I was going to university. Control over your own body is essential to realizing your full potential as a human being. But that wasn't our reality. We were being actively denied even getting information, let alone getting birth control. And so as a young woman that became a real focus of my advocacy, my activism.

And then I got to law school, in 1972. I finished law school in 1976, and I was called to the Ontario bar in 1978—still no Charter of Rights and Freedoms. By then it was clear that the law was essential to squelching us—it was the primary tool for the State to limit women's rights and therefore their lives. So, when I went into my first criminal law class, and I was older than most of the other students in my law school, I had already come out of several years at two universities. I had already been the first woman student president at my initial university when I wasn't quite 19. Sexism was an everyday reality. For example, I had found out that some men on my executive (all older than I was) where I was the president had been running a betting pool that entire year on who was going to be the one to have sex with me. And when none of them succeeded, they then started calling me the Virgin Queen.

So my lived reality was the sexism of stories. mean, that's the kind of stuff that really happened, and so I came to law school with an awareness that I think was probably more directly experiential than a lot of the younger women who were in my class, partly because I'd already been living on the edge, I'd already taken a leadership position that had never been held by a woman and I'd had all kinds of backlash. Yes, I was a white cis privileged woman but my privilege did not prevent my being sexualized—perhaps also because I was in those days stereotypically pretty; you know, I was slim etc.

In law school, when they started teaching the rape cases I went ballistic. I was terrified of law school. I'm a loquacious person, but I didn't say a word in most of

¹² Marilou McPhedran and David Hebb, "Why Was Canada Not in the Room for the Nuclear Ban Treaty?" in: Jonathan Black-Branch and Dieter Fleck (eds.), *Nuclear Non-Proliferation in International Law – Volume IV* (Springer & T.M.C. Asser Press, 2019).

¹³ <https://meetings.unoda.org/meeting/tpnw-msp-1-2022/>

my classes of law school for weeks and weeks when we started, and then we got to the rape cases and I was openly furious in class right under the professor's nose because I sat in the front row and I'd be like this the whole time, "Oh my God, none of this makes sense to me."

Law school was a real turning point for me, because that was when the Toronto Rape Crisis Centre (TRCC)—one of the first in Canada—opened¹⁴; I was blessed to have one of the TRCC co-founders, a 3rd year law student at Osgoode named Barbara Betcherman, watching over me as a "femtor" and she encouraged me to volunteer. I took my dog and did the midnight shift in the very early days and as a law student I accompanied women to hospital and to court when there was a request for that. So I was right at that coalface as an individual young woman and law student, seeing up close the effectiveness of the criminal legal system and, I mean, trivialization isn't even the correct word—I saw the erasure of women as legal persons with rights.

Living of that reality as a young woman informed pretty much everything I tried to do after that. BIPOC people are the best experts on this kind of denial of lived rights. As student president in law school, I also focused a lot on trying to reform the way we were educated, because I saw it largely as a brainwashing exercise to teach us how to skillfully navigate and profit from the status quo.

CYHR: What's next for you? Are there any other initiatives for you on the horizon?

MM: Well, actually, my team and I have an ambitious agenda for both in and beyond the Senate Chamber. I often think back to that day in November 2016 when I took the senatorial oath, with Senator Murray Sinclair as my sponsor.



After swearing in the Senate with Senators Murray Sinclair (right) and Peter Harder (left)

I can give some examples here of work that has flowed from that oath.

Afghanistan: I work on cases of trying to get women out, then safely to Canada. There are a few other Senators who have been working hard for Afghans, but we tend to work individually. From what I have seen, these days the Canadian Government will not lift a finger to help anyone left inside the country, including women who were paid every day by Canada to work on promoting women's rights. If they're still in Afghanistan, the Canadian Government is like, "Good luck with that." With Laura Robinson, an amazing consultant on my Senate team, we have succeeded in getting a number of women human rights defenders who were at high risk out of Afghanistan and now many of them are stuck in a bureaucratic tangle trying to get to Canada. Much of the time we work with an international network of mostly volunteers. Working across time zones, Rumiko is in Japan, Susan is in Australia and Jason is in the USA. Laura seems to work all day long, all night long. I check in with the network in the mornings and again at night. The request that usually comes up is, "OK Senator. Now we need you to write or we need you to call now..." So I do the best I can and have been doing that since August 15th, when Kabul fell to the Taliban Conflict-Related Sexual Violence: I've been trying to focus on reports of sexualized violence. I asked maybe one of the very first questions in Question Period about that. And it's not because I expect an answer. You seldom get a substantive answer in Question Period, right? But you put it on the record. You try to get it on the radar so that at least someone inside the government is responding: "Oh, we didn't see that. Oh, maybe we should ask for more information to answer that Senator's question... Do we have a report on that?"

Vote16: A top priority for me is lowering the federal voting age to 16. I established three paid internships for youth leaders from Manitoba. I'm an independent Senator for Manitoba, so Manitoba youth are a priority. One of the Manitoba internships is for a youth liaison intern who focuses on high school engagement. I also have one internship with a focus on university age youth engagement, but not just at universities. The young woman just finishing up in our Indigenous internship has been doing a lot of work on what kind of research and engagement we need to be doing on "Vote 16" in Indigenous communities. With support from two Indigenous Senators, Senator Audette and Senator McCallum, we plan to engage in a discussion with the Assembly of First Nations and other Indigenous organizations about what kind of programming is possible.

¹⁴ <https://riseupfeministarchive.ca/culture/buttons/torontorapecrisiscentre/>

I was the first Senator to ever introduce the vote16 bill, but numerous MPs over the years have tried. Our vote16 strategy is to work with like-minded MPs so that we have a bill in the House at the same time as we have a bill in the Senate. Nothing becomes law in Canada unless it crosses over into the other House. So we're focused on doing whatever we can wherever we can to move this along and to engage communities, especially communities that have not typically been engaged in extending the right to vote.¹⁵

Nuclear weapons: We are waiting to hear from the Government of Canada on whether a parliamentary delegation of observers will be sent to the UN's First Meeting of State Parties to the TPNW. I so wish that Canada would engage on this crucial issue but I'm not optimistic, so at our own expense, MP Elizabeth May and I are making plans to travel to Vienna and participate as much as possible as independent parliamentarians. I helped to obtain community support for one of my Manitoba interns to attend and we will be working together on getting the message out and back to concerned Canadians.

Civil society voices in the Senate: In my office, a typical question is: "Where do we need to pay attention? Where are voices not being heard on human rights and can I be of assistance potentially?" The example that I started to give, which I'll finish with now, is the debate on Bill C-7 to expand access to medical assistance in dying. Yes, the Senate Conservative caucus voted against that bill. But a small number of women Senators also voted against it. I support medical assistance in dying. That's not the issue. What I was doing was bringing forward the collective voice of a coalition of more than 100 disability rights organizations in this country who all agreed that the way in which disability was defined and the way in which disability became a *reason* for choosing to die was antithetical to the living of rights of disabled people.

So that was my theme. That was what I worked on, and I said what I said and did what I did out of both my own personal conviction, but also my primary responsibility as a parliamentarian with a voice in the Senate to give voice to the disability rights organizations that came together on grave concerns about the particular wording in Bill C-7.

Senate self-governance and the Senate Code of Ethics: This topic is likely the most daunting of the challenges that make up my parliamentary agenda and it may well be the most dangerous to pursue as a parliamentarian. On several occasions I have written open letters to the Senate ethics committee and I have started inquiries in the Senate to try to encourage thoughtful explorations of

the wide latitude given to "parliamentary privilege" and given to Senators to earn substantial income in addition to their publicly funded Senate salary. I believe more thought and discussion needs to be given to whether such additional enrichment creates conflicts of interest that Senators are not currently required to disclose. One aspect of this issue is whether there is misuse of "NDAs"—non-disclosure agreements—required in certain Senate processes that are largely conducted in secret. Just now, the majority of Canadian Senators seem quite content with the status quo so I've shifted to working internationally with like-minded parliamentarians in Ireland, Australia, the UK, some States in the USA along with legislators in PEI (who've passed the first such law restricting NDAs in Canada). We're planning an international roundtable on the misuse of NDAs and I'm looking at a possible bill to address this issue more directly.

I'm turning 71 and retirement seems like a ridiculous idea, so if fate grants me a full term as a Senator to age 75, my parliamentary agenda will remain full and inspiring. This place has patriarchy deep in its DNA. When Prime Minister Trudeau called to ask if I would agree to be recommended for appointment to the Senate, I asked him what he thought I could contribute, and he said that he hoped I would help reform the Senate. I'm trying. Sometimes I say to my team: we're not here to coast or do the easy stuff; we're here to ask the tough questions and do the harder stuff that makes a real difference.

¹⁵ See: www.vote16.ca