

**Delayed Justice: How US Actions Paved the Way for the Khmer Rouge and
Prevented Justice in Cambodia**

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Introduction

From 1975 to 1979 under the Khmer Rouge regime, the Cambodian genocide was one of the most devastating human tragedies of the 20th century. While the role of the Khmer Rouge and their leader Pol Pot in the genocide is well-known, the involvement of the United States in this tragic period has been less explored. This thesis aims to investigate the extent of the US involvement and contributions to the Cambodian genocide including their bombing campaign in Cambodia and their continued financial and military support for the Khmer Rouge after the Vietnamese invasion and dismantling of the official Khmer Rouge regime. Through an analysis of primary sources and historical accounts, this thesis seeks to shed light on the complex and often overlooked role of the United States in this dark chapter of Cambodian history.

In the foreword of the book *Getting Away With Genocide? Elusive Justice and the Khmer Rouge Tribunal* (2005), Roland Joffe provides a poignant account of his visit to Cambodia and his interaction with a man named Mr. Heng. Mr. Heng, a survivor of the Cambodian genocide, shares his story with Joffe, recounting the horrors he endured at the hands of the Khmer Rouge regime. Joffe's experience in Cambodia serves as a powerful reminder of the ongoing impact of the genocide, and the importance of seeking justice and accountability for the victims.

When Roland Joffe arrived in Cambodia he noticed “in Phnom Penh life had returned to this sleepy, stylish capital— a capital that a few years before had been drained of its population, left as an empty shell, inhabited by mindless torturers and their deranged masters, the Khmer Rouge leadership. As I stood in the moist air, the lowering sun gradually washing the scene with a luminous pink, I caught Mr. Heng’s eye. He dropped his gaze. I asked him what he was thinking. It took him a long time to answer. We stood in silence while he struggled with himself. When he looked up I could see the tears coursing slowly down his face. “Why?” he asked simply. A battalion of answers flooded into my mind. After a slight pause Mr. Heng continued, “Why? Why didn’t we count? Why did no one do anything?” Again answers flitted through my mind— Cambodia was a sideshow to the bigger war, to the ideological struggle that underpinned the cold war. But that wasn’t the question Mr. Heng had in mind. “Why?” he asked quietly, ‘when your

government knew what the Khmer Rouge was doing, about the mass killings and suffering, did it send men from your special forces to train Khmer Rouge soldiers?”¹

This quote demonstrates how the Cambodian population was largely ignored during the conflict and the US did not consider what their involvement would mean for the people. The US had a singular focus on restricting and containing communism and, therefore, saw sending special forces to train the Khmer Rouge as a countermeasure against Vietnamese communism but, in truth, this negatively affected Cambodian civilians. The Khmer Rouge were able to enact genocide on such a large scale in part because of this special training, and while the US surely did not intend for this, the Cambodians were seen as expendable and the US did nothing to remedy the consequences of their actions.

This thesis will address the reasons as to why the United States contributed and escalated the Cambodian genocide for their own gain, hindered justice being realized following the Cambodian genocide, and supported Khmer Rouge leadership because of their common enemy of Vietnam. This thesis is grounded in recently released top secret correspondence from the Digital National Security Archive, and this reveals the US government’s entangled involvement in the Cambodian conflict. The Digital National Security Archives provides access to declassified government documents and offers insights into the inner workings of US foreign policy during the Cold War era. The use of DNSA to demonstrate how US politicians hid their actions in Cambodia from the US public is crucial, as it provides a comprehensive and factual account of the events that transpired, free from biased or incomplete narratives. While the Khmer Rouge regime is widely recognized as the primary perpetrators of this atrocity, the United States’ played a secondary role in perpetuating genocidal conditions. This research will explore the ways

¹ Tom Fawthrop and Helen Jarvis, *Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal* (Sydney: UNSW Press, 2005), viii.

in which the US government's policies and actions, including its support for the Lon Nol regime and covert bombing campaigns, contributed to the conditions that allowed the Khmer Rouge to rise to power and carry out their brutal campaign.

In researching the US involvement in the Cambodian genocide and the longevity of the Khmer Rouge, the work of genocide scholars Ben Kiernan and Helen Jarvis are invaluable in clarifying the historical context and political complexities of the conflict. Kiernan's extensive research on the Khmer Rouge regime and its atrocities provide a nuanced perspective on the political climate in Cambodia leading up to the genocide as well as the US's staunch commitment to containing communism regardless of the human cost. Kiernan's interviews with Cambodian genocide survivors also provide important testimony on the influence the US bombing campaign had on the Khmer Rouge's ability to radicalize and recruit Cambodians to be fearful of foreign influence. Jarvis's work on the factors that hindered the genocide tribunal's success, such as the role of the US limiting the scope of the trial to ignore their contribution, political interference, inadequate funding, and procedural delays, helps illustrate why the genocide tribunal was ineffective and failed to hold the large majority of perpetrators accountable. Overall, Kiernan and Jarvis's scholarship has been instrumental in developing a more comprehensive understanding of the complex factors that contributed to the Cambodian genocide, the Khmer Rouge's longevity, and the lack of justice for the Cambodian people.

Historical Background and Literature Review

France established a protectorate over Cambodia in 1863. This protectorate lasted until World War II, when the Japanese occupied Cambodia. The Japanese demanded that the French colonial authorities in Indochina allow them to occupy the Cambodian military bases to prevent the Allied forces from using them instead. The French agreed but by March of 1943, the Japanese had taken full control of the country, declared Cambodia independent from France, and the Governor-General of French Indochina, Jean Decoux, as well as the Cambodian Crown Council, elected King Norodom Sihanouk. With Japan's defeat, they were forced to give up Cambodia and it returned to French rule in 1945. In 1953, King Sihanouk negotiated with France to make Cambodia independent, causing the kingdom to experience economic growth and improved infrastructure, but also extensive political repression and corruption.²

Prince Norodom Sihanouk cut off US aid and refused to allow the US military to continue to operate in Cambodia in 1963 because he wanted to maintain Cambodia's neutrality during the Vietnam War. He wanted to maintain good relations with both the US and North Vietnam because he believed any aid or military assistance would lead to an invasion or intervention by one of the warring parties. Both the political right and left in Cambodia approved of his decision to cut off US aid and keep Cambodia out of the Vietnam War. On the positive side, Sihanouk was able to maintain his political legitimacy and avoid significant opposition from the right and left in Cambodia. However, there were also negative consequences in cutting off US aid, such as their reliance on the aid to finance key development projects and maintain Cambodia's military. Additionally, without US military support, Cambodia became frequently used territory for the North Vietnamese and the Viet Cong. This went against the US's belief in the domino theory, the idea that communism in one nation would spread to its neighbors, would

² David Chandler, *A History of Cambodia*, (Philadelphia: Routledge, 2019), 208.

lead to Cambodia becoming communist. Thus, the US wanted a staunch anti-communist leader in Cambodia and Sihanouk was not that man. This led to General Lon Nol's United States-supported coup in 1970, which overthrew Sihanouk and replaced him with a pro-American and anti-communist government.³

In the first six months of 1973, the US "brutally postponed a Communist victory by conducting a bombing campaign...that...hardened the will of the surviving Communist forces."⁴ Although the US aimed to destroy communist Vietnamese forces hiding in Cambodia or force them to retreat back to Vietnam, the Cambodian government noted a growing number of communist troops hiding in the country. Cambodian leader Lon Nol observed this was "motivated by 'the cleaning-up operation' of the US-Saigon forces."⁵ The US-backed government was threatened from within. By April 17, 1975, the Khmer Rouge had overthrown Lon Nol, reset the nation's calendar to "Year Zero," and imposed one-party rule under the Democratic Party of Kampuchea. The US, meanwhile, was distracted by the impending fall of Saigon to North Vietnamese forces and the imposition of communist rule over all of Vietnam.

The United States was instrumental in creating the pretenses necessary for the Khmer Rouge takeover and the genocide that followed. The United States bombed the Cambodian countryside comprehensively in the beginning of the 1970s to disrupt supply routes of the communist Viet Cong along the Ho Chi Minh trail. In actuality, the bombings destabilized the relative economic stability of Cambodia and radicalized shell-shocked Cambodian peasants to join the Khmer Rouge to avenge their dead relatives and friends. Not only did the United States inadvertently provoke the Khmer Rouge coming to power, they also shielded Pol Pot and his

³ David Chandler, *A History of Cambodia*, (Philadelphia: Routledge, 2019), 246.

⁴ David Chandler, *A History of Cambodia*, (Philadelphia: Routledge, 2019), 252.

⁵ Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-1979* (New Haven, CT: Yale University Press, 2008), 18.

lieutenants from prosecution during the 1980s, massively contributing to impunity for crimes against the people of Cambodia. According to Ben Kiernan, a leading scholar in the Cambodian genocide, the United States had two main reasons for delaying justice for Cambodia. The first reason being that, due to the Cold War, the United States provided military and financial support to the Khmer Rouge during the 1980s in order to undermine the Vietnamese occupation of Cambodia, which demonstrated that they saw Cambodia as a dispensable pawn in a larger ideological struggle between the dominant nations of the day. The United States waited until “1997...to condemn the Khmer Rouge” because then they no longer posed a military threat to the Vietnamese and, therefore, their role to the US was over.⁶ The second reason that the United States delayed justice in Cambodia was because of their muddy involvement in the genocide. The Extraordinary Chambers in the Courts of Cambodia (ECCC) was limited to prosecuting Khmer Rouge crimes from 1975-1979 because the United States could have been culpable for their contribution to the genocide with the bombing campaigns and the aid they provided to the Khmer Rouge after the official genocide ended. The impact the bombing had on the economy was enormous and the consequences of the bombing continued to negatively impact Cambodians lives for years to come because “by 1971, 60 percent of refugees surveyed in Cambodia’s towns gave US bombing as the main cause of their displacement” which means these civilians had to rebuild their lives slowly.⁷

During the Cambodian genocide, the Khmer Rouge killed 1.7 million Cambodians through forced labor, starvation, and other brutal methods. The United States was hesitant to officially declare the Khmer Rouge’s actions as genocide because the Khmer Rouge had initially been financially and ideologically supported by China, which the US considered a sign that they

⁶ Fawthrop and Jarvis, *Getting Away with Genocide?* 1.

⁷ Kiernan, *The Pol Pot Regime*, 19.

could form an alliance against Vietnamese expansion in Southeast Asia. China, which was also a communist country, wanted to defeat the North Vietnamese because China saw themselves as the leader of the communist movement and was critical of Vietnam's alignment with the Soviet Union. China saw the Soviet Union as a threat to China leading the global communist regime as well as wanting to expand their influence in Southeast Asia to gain more territory. By supporting the Khmer Rouge, both China and the US believed they could counter Vietnam's expansionism in the region but for two different reasons. China wanted to defeat North Vietnam in order to weaken the Soviet Union and be seen as the communist model while the US wanted to contain communism and defeat the Southeastern communist revolutions that were forming. Because of their similar goal of defeating North Vietnam's communist government, they were unlikely allies. Following the Cambodian genocide, when persecution for the crimes of the Khmer Rouge could have began, the US government was preoccupied with the aftermath of the Vietnam War and did not want to be seen as intervening in another Southeast Asian conflict as well as some officials in the US believing that the Khmer Rouge was a legitimate government and that reports of genocide had been exaggerated. After the Vietnamese invasion of Cambodia in 1979 that dismantled the Khmer Rouge, "the Khmer Rouge resumed guerilla resistance in the countryside and, with the support of China and the United States (which regarded Vietnam as an ally of the Soviet Union) retained Cambodia's United Nations seat until 1982."⁸ The Khmer Rouge were able to retain their UN seats with the help of the United States who convinced,

"some small countries remote from the process [by wining and dining them] at the best restaurants in New York with offers of aid linked to their UN voting behavior. The 71 votes mustered in favor of the Pol Pot regime's credentials stand out in UN history as a major embarrassment and a poignant reflection of cold war alignments and power politics."⁹

⁸ Cribb, "Political Genocides in Postcolonial Asia," 460.

⁹ Fawthrop and Jarvis, *Getting Away with Genocide?* 31.

Therefore, the United States contributed to, escalated, and elongated the Khmer Rouge rule and the consequent genocide, which made them hesitant to realize justice for Cambodia even though the Cambodian genocide caused “over one quarter of the total population...to perish.”¹⁰

When studying the Cambodian genocide it is imperative to view it through a Cold War lens where political interest trumped protection of human life. The United States provided the Khmer Rouge, the Cambodian genocide’s perpetrators, with imperative financial, diplomatic, military, and ideological assistance throughout the years 1970 to 1997. The US provided military equipment such as guns and military vehicles, ammunition, and military training for the Cambodian forces. Until the Soviet Union collapsed in 1991, the persecution of the Khmer Rouge could not begin because of their role as a Cold War pawn. The Cold War was “a time of acute polarization between secular ideologies...[with the belief that] the fate...of the world as a whole, seemed to be at stake.”¹¹

The secondary literature regarding the Cambodian genocide and US involvement in the conflict is extensive. The main secondary sources are Ben Kiernan’s *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-1979*, Tom Fawthrop and Helen Jarvis’s *Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal*, and *The Oxford Handbook of Genocide Studies*, edited by Donald Bloxham and A. Dirk Moses. Other secondary sources include Vicken Cheterian’s article “Cambodia: Justice after Genocide” on OpenDemocracy.net, Ben Kiernan’s article “Introduction: Conflict in Cambodia, 1945-2002,” and Brett S. Morris’s article “Nixon and the Cambodian Genocide” in *Jacobin*. These secondary sources illuminate how the United States was essential in the coming to power of the Khmer

¹⁰ Fawthrop and Jarvis, *Getting Away with Genocide?* 14.

¹¹ Cribb, “Political Genocides in Postcolonial Asia,” 460.

Rouge in Cambodia and how the US has successfully avoided taking any accountability for aiding this murderous regime.

Ben Kiernan's book *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-1979* provides an in-depth analysis of Pol Pot and his policies with an extensive examination into US involvement in creating the necessary situation for Pol Pot to come to power and enact genocide. Kiernan vehemently blames the United States for Pol Pot's revolution because "although it was indigenous, Pol Pot's revolution would not have won power without US economic and military destabilization of Cambodia, which began in 1966 after the American escalation in next-door Vietnam and peaked in 1969-1973 with the carpet bombing of Cambodia's countryside by American B-52s."¹² He explains how the escalation of the war in Vietnam made it increasingly impossible for Sihanouk to remain neutral because "Cambodia depended for its revenue on taxing rice exports [but] large amounts of Cambodian rice began to be smuggled across the Vietnamese border to the armies of both sides."¹³ This created extreme poverty for many Cambodians, which encouraged them to support a new government ideology. The economic distress coupled with the physical destruction caused by the United States bombing campaign allowed Pol Pot's Communist Party to rise from the ashes of rural Cambodia and "it used the bombing's devastation and massacre of civilians as recruitment propaganda and as an excuse for its brutal, radical policies."¹⁴ Ben Kiernan's book provides essential information regarding the effect United States' policies had on the people of Cambodia and Vietnam. Although it is impossible to prove without a doubt that the United States intended to create genocidal circumstances, the genocide was carried out by a regime that the US, unwittingly and without much care, helped to bring to power. The United States was concerned with international

¹² Kiernan, *The Pol Pot Regime*, 16.

¹³ Kiernan, *The Pol Pot Regime*, 17.

¹⁴ Kiernan, *The Pol Pot Regime*, 19.

credibility, containing communism, and their alliances and saw Cambodia as a dispensable country in the larger international stage.

In Tom Fawthrop and Helen Jarvis' book, *Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal*, the authors provide explanations regarding the role Cambodia played in the Cold War and larger Vietnamese conflicts and also examine how the US delayed justice in Cambodia due to their muddled involvement with many aspects of the conflict. Like other Cambodian genocide scholars, Fawthrop and Jarvis assert that "Cambodia was a sideshow to the bigger war, to the ideological struggle that underpinned the Cold War."¹⁵ The US was preoccupied with containing the spread of communism and this contributed to the lack of action the US took to bring justice to the Cambodian people in the years following the genocide. The dominant nations of the time saw the world through the lens of "realpolitik [which is the idea that] no nation state can treat the rest of the world as composed of anything other than a set of shifting self-interested alliances."¹⁶ Not only does this book explain how the great powers of the time were preoccupied with their political alliances as opposed to human rights violations, it also describes how the US was able to keep the Khmer Rouge in the Cambodian government due to their enthusiastic anti-Vietnamese stance. Fawthrop and Jarvis explain this further by explaining "clearly most countries that voted for Pol Pot's credentials as the "legitimate representative of the Kampuchean people" at the UN were not principally concerned with the sanctity of international law. The prime movers in denying the Cambodian seat to the new regime installed by Vietnam were determined to block by any means what they perceived to be a strategic advance of the USSR and its allies in Southeast Asia. It was primarily a "Cold War manoeuvre with little

¹⁵ Roland Joffe, "Foreword," in *Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal*, by Tom Fawthrop and Helen Jarvis (Sydney: UNSW Press, 2005),vii.

¹⁶ Joffe, "Foreword," ix.

concern for international law.”¹⁷ During the 1980s the US and China had a shaky alliance against the Soviet Union. The Soviet Union was allied with Vietnam who had installed a pro-Vietnam government in Cambodia and, therefore, the US and China saw the Khmer Rouge keeping their UN seats as a way to invalidate the Vietnamese and Soviet backed Cambodian government. If the US and China had been mainly concerned about delivering justice to the Cambodian people they wouldn’t have let those who killed 1/5 of Cambodia’s population remain in power. This conveys that even after the Khmer Rouge had been taken from power by the Vietnamese, the US enabled them to stay in the UN regardless of the severe toll they took on Cambodia, just to ensure that communism didn’t spread. This text is important in understanding how the US claims to promote justice but in practice will sacrifice justice for self-interest.

In Robert Cribb’s chapter entitled “Political Genocides in Postcolonial Asia” in *The Oxford Handbook of Genocide Studies*, edited by Donald Bloxham and Dirk A. Moses, provides information regarding US support for the Khmer Rouge guerilla campaign, how the US and China helped the Khmer Rouge retain Cambodia’s United Nations seat until 1982, and how the era of the Cold War created conflicts that were unprecedented up until that point. Due to the Cold War, “the [United States] believed themselves to be eliminating enemies who were all the more dangerous for the powerful allies that they were believed to have on the other side of the Cold War divide.” Therefore, a small, economically underdeveloped country like Cambodia was seen as a necessary fatality in the larger struggle against the USSR.¹⁸ Not only did the US provide the Khmer Rouge with international legitimacy, they also accidentally gave them ideological support due to “the death of an estimated seventy-five percent of the draught animals needed to cultivate the fields [in Cambodia which appeared] to have generated increasing support for the

¹⁷ Fawthrop and Jarvis, *Getting Away with Genocide?* 31.

¹⁸ Robert Cribb, “Political Genocides in Postcolonial Asia,” in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and Dirk A. Moses (New York: Oxford University Press, 2010), 464.

Communist Party of Kampuchea.”¹⁹ The death of these animals caused many Cambodians to starve or fall into extreme poverty. This, combined with the bombing campaign, created the perfect stage for a revolutionary regime. Cribb’s argument reinforces Ben Kiernan’s thesis that the US was essential for the creation and continuation of the Khmer Rouge.

In Brett S. Morris’ article, “Nixon and the Cambodian Genocide” in the *Jacobin*, he discusses how essential US aid and support from 1970 to 1991 was in economically and politically destabilizing Cambodia and how they hindered justice following the Cambodian genocide due to their policy of isolating Vietnam. Morris describes the two factors that strengthened the Khmer Rouge’s power and influence in Cambodia, which were “the US bombing campaign in Cambodia [destabilizing] an already fragile government” and “the US-backed coup that removed Sihanouk from power in 1970...that dramatically strengthened the KR insurgency.”²⁰ The US was conspiring against the Cambodian government and created a power vacuum that allowed the Khmer Rouge to rise. Morris also discusses how “the United States sought closer relations with China as a way of redistributing global power away from the Soviet Union; it saw Cambodia as a potentially useful counterweight,” which demonstrates how the United States saw Cambodia as nothing more than a weapon to be used against the Soviet Union and Vietnam without care for the stability and economic or political success of the country. Morris also includes a quote from Henry Kissinger, who was influential in the weaponization of Cambodia against communist nations. Henry Kissinger “added that [Thailand’s foreign minister] should also tell the Cambodians that we will be friends with them’ ‘They are murderous thugs, but we won’t let that stand in our way. We are prepared to improve relations

¹⁹ Cribb, “Political Genocides in Postcolonial Asia,” 460.

²⁰ Brett S. Morris, “Nixon and the Cambodian Genocide,” *Jacobin* (April 2015): 1.

with them.”²¹ An example of justice being hindered is the final argument of Brett Morris’s article, where he says,

“When the Khmer Rouge Tribunal was finally established in 2003 [...] it explicitly chose only to cover crimes committed by KR leaders while they were orchestrating the 1975-1979 genocide, ignoring US crimes that helped nurture and sustain the KR [because] the great powers have no interest in providing an honest accounting of why the KR came to power in the first place, or how the United States supported them and shielded them from justice for decades, even after they were driven from power.”²²

Morris addresses how the Khmer Rouge was removed from power, a Vietnamese backed government put in its place, and the Khmer Rouge wouldn’t have had the resources or political sway to remain relevant in Cambodian politics. However, the US did not allow this to happen due to their commitment to restricting the expansion of Soviet communism in Southeast Asia.

²¹ Morris, “Nixon and the Cambodian Genocide,” 1.

²² Morris, “Nixon and the Cambodian Genocide,” 1.

The United States' Role in the Cambodian Genocide

The United States' bombing campaign of Cambodia and Laos during the Vietnam War had a severe impact on the region, causing a significant loss of life, displacement of civilians, and long-term political and economic instability. From 1969 to 1973, the US bombed Cambodia, targeting the Ho Chi Minh trail because of its use as supply routes for the Viet Cong and North Vietnamese Army, transporting troops and supplies through Laos and Cambodia into South Vietnam. The United States believed that the bombings would undermine the North Vietnamese war effort and that they would be forced to negotiate an end to the war on terms favorable for the US; however, there was significant collateral damage. The bombing campaign saw Cambodian villages, crops, and homes destroyed, and the Khmer Rouge used these bombings as propaganda to radicalize Cambodian peasants.²³ The US was a significant contributor to civilian suffering, declared propagandists, and only the Khmer Rouge could protect their ways of life. Not only did the bombings escalate the Khmer Rouge's power in Cambodia, it was also kept a secret from the American public by using code in all government documents in order to avoid public backlash. "This bombing of Cambodia and all follow up "Menu" operations were kept secret from the American public and the U.S. Congress because Cambodia was ostensibly neutral. To keep the secret, an intricate reporting system was established at the Pentagon to prevent disclosure of the bombing."²⁴ This prevented Cambodia from becoming more involved in the war, to avoid interference from other countries, and to avoid scrutiny from the UN since the latter could have condemned the bombing campaign as a violation of international law due to Cambodia's neutrality. In trying to contain the Vietnam War, the United States contributed to the rise of the Khmer Rouge and the genocide to follow.

²³ Kiernan, *The Pol Pot Regime*, 10-30.

²⁴ "U.S. bombs Cambodia for the first time," March 18, This Day In History, last modified March 16, 2021. <https://www.history.com/this-day-in-history/u-s-bombs-cambodia-for-the-first-time#:~:text=This%20bombing%20of%20Cambodia%20and,prevent%20disclosure%20of%20the%20bombing.>

As a result of the United State's bombing campaign against Cambodia, the relative economic stability of the country was destroyed and radicalized the Cambodian population. Scholars now look at "the carpet bombings of Cambodia's countryside by American B-52s [as]... probably the most important single factor in Pol Pot's rise."²⁵ The American bombing of Cambodia gave Pol Pot a concrete example of an American plan to destroy their country, which he used to convince newly made widows and orphans to join the Khmer Rouge's cause. Not only did the bombings psychologically destroy Cambodia, it also did economically. Rising American troop levels necessitated the importation of Cambodian rice, leading to artificial shortages in the country.²⁶ These conditions gave the Khmer Rouge opportunities to convince Cambodians that the US was the enemy.

As Cambodian conditions were worsening, great lengths were taken in the United States to hide key details of their campaigns which led to misunderstandings of the Cambodian situation in the US. As scholar Ben Kiernan has observed, "[Secretary of State Henry Kissinger] was unsure if the Cambodian insurgency was 'regional' and 'factionalized' with only a 'veneer of central control' or whether 'the real power' lay with Pol Pot's center. The tragedy is that the former had largely been true in 1972, the latter was largely true in 1974, and Kissinger and Nixon were largely responsible for the change."²⁷ Because United States' government officials did not understand the composition of power in Cambodia, they made a fatal mistake with their comprehensive bombing campaign that actually strengthened and bolstered Khmer Rouge power in Cambodia. Their goals were very different. An early example (1970) of the Nixon administration's misunderstanding is the president's statement in a meeting with Henry Kissinger, saying, "they have got to go in there and I mean really go in... I want everything that

²⁵ Kiernan, *The Pol Pot Regime*, 16.

²⁶ Kiernan, *The Pol Pot Regime*, 17.

²⁷ Kiernan, *The Pol Pot Regime*, 25.

can fly to go in there and crack the hell out of them. There is no limitation on mileage and there is no limitation on budget, is that clear?”²⁸ In the 1960s Pol Pot himself had described the Khmer Rouge as “fewer than five thousand poorly armed guerillas...scattered across the Cambodian landscape, uncertain about their strategy, tactics, loyalty, and leaders.”²⁹ As the 1970s approached and the bombing campaign accelerated, the Khmer Rouge gained support. According to Chhit Do, a former Khmer Rouge officer, “every time after there had been bombing, they would take the people to see the craters, to see how big and deep the craters were...the ordinary people sometimes literally shit in their pants when the big bombs and shells came... their minds just froze up and they would wander around mute for three or four days.” Do continues, “terrified and half crazy, the people were ready to believe what they were told [and] it was because of their dissatisfaction with the bombing that they kept on cooperating with the Khmer Rouge.”³⁰ This first-hand account confirms that the United States pushed the distraught Cambodian peasants right into the hands of a radical political movement. In 1975 then-President Gerald Ford summarized the American attitude on the Khmer Rouge, which was “we are willing to move slowly in our relations with Cambodia, hoping perhaps to slow down the North Vietnamese influence although we find the Cambodian government very difficult. [Secretary of State Henry Kissinger] then explained Beijing’s similar strategy: ‘The Chinese want to use Cambodia to balance off Vietnam... We don’t like Cambodia, for the government in many ways is worse than Vietnam, but we would like it to be independent. We don’t discourage Thailand or China from drawing closer to Cambodia’.”³¹

²⁸ Quoted in Ben Kiernan and Taylor Owen, “Bombs Over Cambodia,” *The Walrus*, October 2006.

²⁹ Quoted in Kiernan and Owen, “Bombs Over Cambodia.”

³⁰ Quoted in Kiernan and Owen, “Bombs Over Cambodia.”

³¹ Ben Kiernan, “Introduction: Conflict in Cambodia, 1945-2002”, *Critical Asian Studies* 34, no. 4 (2002): 487.

The bombing campaign in Cambodia was kept secret from the American public for several reasons. First, the Vietnam War was already unpopular in the US, and by revealing their expansion of the war into a neighboring country, the Nixon administration would have caused controversy and opposition among anti-war Americans. Second, the US government worried about potential backlash from other countries if China and the Soviet Union decided to retaliate to the bombings. From 1965 to 1973, the United States dropped “2,756,941 tons’ worth [of bombs], dropped in 230,516 sorties on 113,716 sites [and] just over 10 percent of this bombing was indiscriminate, with 3,580 of the sites listed as having “unknown” targets and another 8,238 sites having no target listed at all.”³² This demonstrates how the US acted recklessly when choosing bomb sites and seemed to take little account of the human toll. Instead, the espoused intention was their singular goal of containing communism. The bombing campaign was concealed by “the White House staff [who] devised an elaborate scheme to cover the operation [where] secret records were kept separately from regular reports, which covered up the nature of the operations, and great pains were taken to conceal such tell-tale things as the expenditures of munitions.”³³ The US did not just cover up their operations, they engaged in full fledged lies. In a September 10, 1973, Department of Defense Report on Selected Air and Ground Operations in Cambodia and Laos, there is a statement that the various bombing campaigns nicknamed the MENU strikes were purposefully recorded as not occurring in Cambodia.³⁴ Therefore, any government official who attempted to find information on this topic, unless specifically authorized, would see the MENU bombings as occurring in Vietnam, not Cambodia. Not only were senior American government officials lying to the American public but also to Congress. In

³² Kiernan and Owen, “Bombs Over Cambodia,” *The Walrus*, October 2006.

³³ Center for the Study of Intelligence (U.S.). *U.S. Intelligence and Vietnam [Studies in Intelligence Special Issue]* 1984, 74.

³⁴ “Department of Defense Report on Selected Air and Ground Operations in Cambodia and Laos,” United States Department, ProQuest, last modified in 1973.

1970 when Nixon ordered the biggest bombing of Cambodia up to that point, he broke a promise to Congress that combat operations within the country's borders would remain within thirty kilometers of Vietnamese territory and no bombing would take place more than a kilometer of any village.³⁵

To hide the extent of the US military's operations in Cambodia, the US used classified information, control over the media, the use of code names, distraction tactics, and disinformation. The bombings displaced thousands of Cambodians creating a refugee crisis in Southeast Asia as well as a hunger and malnutrition crisis because acres of their subsistence farmland was blown up. The bombings also destroyed much of Cambodia's infrastructure such as roads, bridges, and buildings, which exacerbated their ongoing poverty and underdevelopment. The US backed government in power at this time, which was already weakened by decades of civil war, was completely destabilized by the bombing creating a power vacuum for the Khmer Rouge to fill. Clearly, the bombing campaign contributed to political and social instability in Cambodia, creating conditions that allowed the Khmer Rouge to gain power. Because of the extent of the civilian casualties caused by the bombings, the Khmer Rouge used these internal catastrophes to inspire resentment towards the United States and the Cambodian government that was seen as working with the US. The US-backed Cambodian government from 1970 to 1975 was a republican system with President Lon Nol being the head of state and power divided between three branches: the executive, legislative, and judicial branches. The government was capitalist with the US providing military and economic aid to combat communist forces, but Lon Nol's government was known in Cambodia for its ineffectiveness in solving the country's economic and social issues. The Khmer Rouge used the death and destruction to portray themselves as the patriotic party of Cambodia that would bring them back

³⁵ Ben Kiernan and Taylor Owen, "Bombs Over Cambodia."

to their prewar glory and enlisted thousands of Cambodians into their numbers during and after the bombings. As Ben Kiernan and Taylor Owen have observed, “The failure of the American campaign in Cambodia lay not only in the civilian death toll during the unprecedented bombing, but also in its aftermath, when the Khmer Rouge regime rose up from the bomb craters, with tragic results.”³⁶

Hindering Justice Following the Cambodian Genocide

In 1979, Vietnamese forces invaded Cambodia despite “the Viet Cong [helping to] remove the American backed Republic of Kampuchea” and replacing them with a Khmer Rouge regime in 1975.³⁷ Although Vietnam initially thought the Khmer Rouge would be beneficial to them, the situation quickly deteriorated in Cambodia and “[Vietnam’s] northern border with China was becoming insecure while attempts at negotiating a peaceful solution with Cambodia in the south had failed [and]... the Khmer Rouge attacks and the growing pressure from China on the Sino-Vietnamese border were seen in Hanoi as a Chinese pincer strategy aimed at threatening Vietnam on two fronts.”³⁸ In Vietnam’s view, its invasion and occupation of Kampuchea was unavoidable. The Khmer Rouge began attacking Vietnamese districts across their border in 1976 for fear that the Vietnamese would use them as a puppet state. This caused the Vietnamese to decide to invade and replace the government in Cambodia. Following the Vietnamese invasion and Khmer Rouge overthrow in 1979, no immediate persecution of the genocide’s perpetrators occurred. Several factors shaped the situation, including continued instability in Cambodia, Cold War dynamics, and international indifference due to ignorance of the genocide. Vietnam installed

³⁶ Kiernan and Owen, “Bombs Over Cambodia.”

³⁷ Kevin Downey, “Vietnam-Cambodia War: Causes & Effects,” Study.com, accessed April 11, 2023.

³⁸ Nicholas Wheeler, “Vietnam’s Intervention in Cambodia,” in *Saving Strangers: Humanitarian Intervention in International Society* (Oxford University Press, 2002), 83.

a new government in Cambodia headed by Heng Samrin, a former Khmer Rouge military commander who had defected to Vietnam. The Vietnamese-backed government faced resistance from Khmer Rouge elements as well as the United States. Because Cambodia was aligned with Vietnam during this period, capitalist governments like the United States and Great Britain refused to acknowledge the Vietnamese-backed government and in a bizarre turn of events, continued to support Khmer Rouge officials in hiding and in exile.³⁹

When Vietnam invaded Cambodia in 1979 to remove the Khmer Rouge from power, the ousted Khmer Rouge leadership including Pol Pot and the chief ideologist Nuon Chea retreated to the jungle on the Cambodian-Thai border. Although removed from power, the Khmer Rouge continued to “play a significant role in Cambodian politics for the next two decades [and they] would likely not have survived without the support of its old patron China [...] and the United States.”⁴⁰ In 1979, a civil war began between the Sihanouk-Khmer Rouge political party and the Vietnamese-sponsored Cambodian government, which caused almost 150,000 Cambodians to flee to the US as refugees between 1979 and 1989.⁴¹ The Sihanouk-Khmer Rouge political party was also called the Coalition Government of Democratic Kampuchea (CGDK) and it consisted of the Khmer Rouge, the Khmer People’s National Liberation Front, and the Armee Nationale Sihanoukienne. The CGDK was formed in 1982 with the goal of overthrowing the Vietnamese-sponsored Cambodian government with Pol Pot as the nominal head, but they caused mayhem for Cambodians because of their forced relocation of civilians, the use of child soldiers, and the killing of perceived enemies.⁴² The United States provided indirect support to the CGDK throughout the 1980’s through its ally Thailand by providing military equipment and

³⁹ “1980-1991 Back to Square One,” Frontline World, PBS.

⁴⁰ “1980-1991 Back to Square One,” Frontline World, PBS.

⁴¹ “1980-1991 Back to Square One,” Frontline World, PBS.

⁴² Lee Dong-Yoon, “Civil War: Cambodia (1970-1975 and 1979-1991),” in *Civil Wars of the World: Major Conflicts since World War II*, ed. Karl DeRouen Jr. & Uk Heo (2007), 1.

training.⁴³ The Vietnamese-sponsored Cambodian government was also known as the People's Republic of Kampuchea (PRK) and they were the official communist government of Cambodia from 1979 to 1989 that received vital economic support from their ally, the Vietnamese government. Prince Norodom Sihanouk and the Khmer Rouge formed an alliance to repel Vietnamese forces from Cambodia while the US continued to give the Sihanouk-Khmer Rouge coalition millions of dollars in aid. Not only this, but the United States also enforced an economic embargo against the Vietnamese-backed Cambodian government in order to weaken their influence.⁴⁴ The US government was unwilling to recognize the new Cambodian government because Vietnam remained allied with the Soviet Union and China, who was also the Khmer Rouge's longtime patron. Yet China was continuing to improve relations with the US and they didn't want to sour these. The United States initially refused to recognize the new Cambodian government "as a diplomatic decision to manipulate the Sino-Soviet split and isolate and punish Vietnam [but it became] a moral blunder that ensured the survival of the genocidal Khmer Rouge."⁴⁵ Although the "United States...did not become directly involved in the Cambodian conflict, they expedited support for the ASEAN countries and the rebel groups inside Cambodia [which included the Khmer Rouge and the CGDK] to prevent the communization of the Indochina countries one after another."⁴⁶

After Cambodia signed the Paris Peace Accords in 1991, their government needed a massive overhaul. In March of 1992 "U.N peacekeepers arrived in Phnom Penh...to supervise the revival of Cambodia's constitutional monarchy...[and] the following year elections were held and a new constitution was ratified."⁴⁷ This new government saw Norodom Sihanouk assuming

⁴³ "1980-1991 Back to Square One," Frontline World, PBS.

⁴⁴ "1980-1991 Back to Square One," Frontline World, PBS.

⁴⁵ "1980-1991 Back to Square One," Frontline World, PBS.

⁴⁶ Dong-Yoon, "Civil War: Cambodia (1970-1975 and 1979-1991)," 1.

⁴⁷ "1980-1991 Back to Square One," Frontline World, PBS.

the throne while Hun Sen, the leader of the Cambodian People's Party, and Prince Norodom Ranariddh, the leader of FUNCINPEC, shared the office of prime minister. Although they now had a constitutional monarchy, "the economy was in ruins, tens of thousands of people remained displaced, and the countryside was littered with as many as 8 million landmines."⁴⁸ During the years between 1991 and 2003, political instability and corruption ran rampant in Cambodia. A bloody coup between Hun Sen and Norodom Ranariddh saw Hun Sen, in 1997, accusing Ranariddh of supporting a Khmer Rouge insurgency. Within a matter of days Hun Sen had taken control of all of the major cities and declared himself the sole leader of Cambodia. In 2003, "the United Nations and the Cambodian government approved the "Draft Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution of Crimes Committed during the Period of Democratic Kampuchea" which was also called the March Agreement.⁴⁹ The March Agreement established that "the Trial Chambers shall be composed of three Cambodian judges and two international judges, while the Supreme Court Chamber, which will serve as the appellate chamber and the chamber of final instance, shall consist of four Cambodian judges and three international judges."⁵⁰ The establishment of a joint tribunal was new and controversial because there was "a lack of judicial independence due to interference by political manipulation of the Cambodian government, no independent international prosecutor, the limited number of competent Cambodian judges, and a flawed supermajority formula," which would allow the Cambodian judge a veto power over any decisions of guilt or innocence made by the tribunal.⁵¹

⁴⁸ "1980-1991 Back to Square One," Frontline World, PBS.

⁴⁹ Katheryn Klein, "Bringing the Khmer Rouge to Justice: The Challenges and Risks Facing the Joint Tribunal in Cambodia," *Northwestern Journal of International Human Rights* 4, no. 3 (Spring 2006): 550.

⁵⁰ Klein, "Bringing the Khmer Rouge to Justice," 551.

⁵¹ Klein, "Bringing the Khmer Rouge to Justice," 552.

On June 6, 2003, the Extraordinary Chambers in the Courts of Cambodia (ECCC) was created “by the [Cambodian] government and the UN” as a joint effort to investigate the Khmer Rouge regime.⁵² The ECCC was a hybrid tribunal that adhered to Cambodian and international law and took place in Phnom Penh. The ECCC was ineffective, however, because the US government exerted political pressure on the Cambodian government to limit the scope of the investigation. Countries such as the US provided very limited funding which hindered a thorough investigation and the US refused to provide access to key documents and witnesses related to their involvement in the Cambodian conflict. This demonstrated the US government’s foreign policy approach during the 1990s and early 2000s which was in favor of stability and economic development rather than accountability for past crimes. The tribunal only convicted two high-level Khmer Rouge officials: the former head of state, Khieu Samphan, and the chief ideologist, Nuon Chea.

The ECCC was “limited in its ability to fully satisfy the needs of justice for the Cambodian people and the international community, especially given the challenges of funding, high profile resignations, allegations of corruption and political interference, and slow progress.”⁵³ The key issue in the ECCC is that they refuse to examine the causes of the Cambodian genocide because “as a result of strong pressures exerted on the Cambodian government [by the United States], jurisdiction of the Khmer Rouge tribunal will be strictly limited to the period between 17 April 1975 and 6 January 1979.”⁵⁴ This meant that only the Khmer Rouge would be subject to investigation even though the United States “helped bring them to power pre-1975, succored them while in power and revived them post-1979” because the

⁵² “About ECCC,” Home, Drupaul, <https://www.eccc.gov.kh/en/about-eccc>.

⁵³ Wendy Lambourne, “Justice After Genocide: Impunity and the Extraordinary Chambers in the Courts of Cambodia,” *Genocide Studies and Prevention: An International Journal* 8, no. 2 (May 2014): 30-40.

⁵⁴ Jarvis and Fawthrop, *Getting Away With Genocide?*, 5-7.

“reasons for the temporal exclusions of US bombing... have little to do with any principle of justice and everything to do with international politics.”⁵⁵ The tribunal was not allowed to mention, analyze, or mandate judgment on whether or not the US secret bombing of Cambodia in the 1970s constituted a war crime. Therefore, the ECCC did not address the structural or root causes of the genocide which made imprisonment for several Khmer Rouge leaders relatively meaningless. Due to the ECCC’s restriction on mentioning the United States, truth, recovery, and justice in relation to the United States and its bombing of Cambodia during the Vietnam War is impossible. The United States helped to create the structural context for revolution by decimating their infrastructure and murdering civilians through bombings and, therefore, aided Pol Pot in gaining popular support in Cambodia.

⁵⁵ Jarvis and Fawthrop, *Getting Away With Genocide?* 5-7.

Conclusion

The United States played a significant role in contributing to the Cambodian genocide and delaying justice following the genocide due to their commitment of containing communism. The US bombing campaign of Cambodia had unintended consequences, including the radicalization of the Khmer Rouge regime. The bombing campaign provided a justification for the Khmer Rouge's anti-Western and anti-urban ideology, which served as a rallying cry for the regime's supporters. The bombing campaign also contributed to the regime's rise to power by destabilizing the Cambodian government and increasing support for the Khmer Rouge. Furthermore, the US bombing campaign weakened the Cambodian government's ability to resist the Khmer Rouge's advance. The bombing campaign destroyed military infrastructure and decreased the morale of the Cambodian army, making it easier for the Khmer Rouge to take control.

Following the Vietnamese invasion in 1979 and the dismantling of the official Khmer Rouge regime, the United States enabled the Khmer Rouge to stay afloat. The United States' preoccupation with the domino theory had a significant effect on the Khmer Rouge and the Cambodian genocide. The United States' focus on containing communism in Southeast Asia led to unintended consequences, including the support of anti-communist regimes in Cambodia that weakened the government's ability to resist the Khmer Rouge's advance. The United States' opposition to communist insurgencies next door emanating out from North Vietnam also contributed to the support of authoritarian regimes in Cambodia, including the Khmer Rouge, which presented themselves as the only force capable of resisting the United States and its allies. The effects of the United States' preoccupation with the domino theory undermined the

importance of prioritizing human rights over geopolitical interests and the need to consider the unintended consequences of foreign policy decisions.

This thesis analyzes the factors that led to the elongation of the Khmer Rouge's power and how the United States' involvement in the Cambodian genocide was a crucial aspect in the delay of justice for the victims. The United States initially supported the Khmer Rouge regime to counteract Vietnam's influence in Cambodia which resulted in the regime's rise to power. This support came in the form of military and financial aid, which contributed to the regime's atrocities. Furthermore, the United States obstructed efforts to bring the Khmer Rouge leadership to justice by vetoing a United Nations resolution in 1997 that would have established an international tribunal. At the time of the genocide and in the beginning of the 1980's, the United States and the Soviet Union were the two superpowers of the world, and their competition had a significant impact on the international community's response to the genocide. The United States viewed the Khmer Rouge as a valuable ally against Vietnam, a Soviet ally and, therefore, did not prioritize justice for the victims of the Cambodian genocide. The geopolitical interests of powerful countries signaled less powerful countries to follow in their footsteps. Other countries, such as France and the United Kingdom, were reluctant to support an international tribunal due to the United States' hesitation, which further delayed justice for the victims.

To prevent future genocides, there are several lessons that can be learned from the Cambodian genocide. The international community must prioritize human rights over geopolitical interests. Additionally, countries must take responsibility for their past actions and be held accountable for their involvement in atrocities committed by regimes they supported. Cambodia continues to suffer the long lasting consequences of the genocide while the United States remains relatively unaffected. Education also plays a critical role in preventing future

genocides. Educating people about the consequences of genocide and promoting the values of tolerance and acceptance of diversity can prevent the spread of hate that leads to atrocities.

Governments and civil society organizations must work together to ensure that education about genocide and human rights is integrated into school curriculums and public discourse.

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