

US & Laos: Gen. Vang Pao's Last War

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The wars of the 20th century destroyed many millions of people who once lived in the hillsides and valleys of remote rural worlds. Few were hit as hard as the Hmong, an ancient tribe whose members hewed out rough lives upcountry in Laos, west of Vietnam. Half a century ago, Laos became a cockpit of the cold war. The Hmong, led by a charismatic soldier named Vang Pao, sided with the United States in the fight against Communism in Southeast Asia. They lost everything — their land, their way of life, their country.

Now the war on terror has engulfed Vang Pao in his land of exile, California. It has given him cause to question his faith in America. Last year, the United States indicted the 78-year-old general as a terrorist, accusing him of plotting to overthrow the Communist government of Laos. His prosecutors painted him as a Laotian bin Laden; they said he conspired “to murder thousands and thousands of people.” In open court, they called the case a conspiracy as immense as the attacks of Sept. 11. Few former friends of American foreign interests have fallen further from favor in Washington's eyes.

The case against Vang Pao grew out of a sting operation, a crime created in part by the government itself. What evidence there is rests largely on secretly recorded conversations led by an undercover federal agent, and while the transcripts implicating some of the co-defendants in the case seem damning, the agent barely met Vang Pao. The talk between them was brief; though Vang Pao may have dreamed aloud of a glorious revolution in Laos in years gone by, his role in the conspiracy charged by the government may be hard to prove. The government presents the case as a clear-cut gunrunning conspiracy in violation of the Neutrality Act, which outlaws military expeditions against nations with which the United States is at peace. But the old general's defenders contend that the case against him is the consequence of a misguided post-9/11 zeal. If convicted in a trial, the former American ally could face the rest of his life in prison. And already his indictment has apparently emboldened Laotian and Thai authorities to crack down on the beleaguered Hmong who remain in refugee camps or in hiding in the jungles of Laos.

The government has a checkered record of late in its sting operations against people subsequently charged with planning acts of political terror. In 2006, to take one example, Attorney General Alberto Gonzales announced that a joint terrorism task force had broken up a plot to “levy war” and to blow up the 110-story Sears Tower in Chicago. In that case, as two trials have shown, an F.B.I. informant known to the defendants as Brother Mohammed created some of the key evidence — leading the group in an oath of loyalty to Al Qaeda, for instance. He provided them with plans and plots and gave them military gear like combat boots. The defendants never had contact with actual terrorists, never obtained weapons or explosives. Two juries have failed to see the logic of the case; a federal judge has had to declare two mistrials. (The government plans to try the case a third time.)

The sting operation against Vang Pao exhibits some similar traits. It has also dismayed a number of American intelligence officers who worked with the Hmong against the army of North Vietnam in the 1960s and 70s. “We taught him how to do these things — to fight political warfare, to try to defeat the enemy,” I was told by Larry Devlin, a former C.I.A. station chief who worked with the general in Laos. “We helped Vang Pao learn to do some of the things that he and his troops are now charged with.”

The United States forged a bond with Vang Pao and his people decades ago. The pact was created after North Vietnam began carving the Ho Chi Minh Trail through the jungles of Laos in 1959 to send its soldiers and spies southward. The Central Intelligence Agency set to work installing a pro-American government in Laos and building guerrilla forces to attack the trail; the North Vietnamese, in turn, infiltrated Laos and backed the local Communists, the Pathet Lao. In 1960, the C.I.A.'s Bill Lair recruited Vang Pao, an officer in the Royal Lao Army, to lead the agency's paramilitary fight upcountry. Vang Pao had said, " 'We can't live with the Communists,' " Lair recounted seven years ago in an interview for the Vietnam Archive Oral History Project at Texas Tech University. " 'You give us the weapons, and we'll fight the Communists.' " In the final days of the Eisenhower administration, the C.I.A. began shipping weapons and military materiel to the Hmong, a mountain tribe whose members were an isolated minority in Laos. (The country's dominant Lao are largely lowland dwellers.) Within a few months, Vang Pao had organized some 9,000 tribesmen to join the battle. Leonard Unger, the American ambassador to Laos under Presidents Kennedy and Johnson, has a vivid memory of Vang Pao saying at the time: "It is I, Vang Pao, and my people who certainly have to keep the Vietnamese from moving into and taking over our country." His force grew threefold over the next eight years, to some 39,000 Hmong guerrillas.

Recently I met Vang Pao in his lawyer's office in San Francisco. The ex-general, who is out on bail, has an upright bearing and an impassive gaze and talks in formal and rehearsed sentences; he seems weighed down by decades of political warfare and by the burden of speaking for an entire people. "There were three missions that were very important that were given to us and to me," he recalled. "One was stopping the flow of the North Vietnamese troops through the Ho Chi Minh Trail to go to the south through Laos. Second was to rescue any American pilots during the Vietnam War. Third, to protect the Americans that navigated the B-52s and the jets to bomb North Vietnam." Many thousands of Hmong died on these various missions, which were an official U.S. government secret throughout the 1960s and remain one of the least-known chapters in the annals of the American experience in Vietnam.

When Hmong soldiers died, their sons picked up their guns, and when the elder sons died, their younger brothers took over. In 1969, Richard Helms, then the director of Central Intelligence, sent a downbeat report to the White House about Vang Pao and his soldiers. They had "borne a major share of the active fighting" against the Communists in Laos, Helms reminded President Nixon. "These irregular forces are tired from eight years of constant warfare," Helms wrote. Vang Pao "has been forced to use 13- and 14-year-old children to replace his casualties." And the secret war in Laos went on for six more years, until the final collapse of American forces in Southeast Asia. "The U.S. put the Hmong into this meat grinder, mostly to save U.S. soldiers from fighting and dying there," says Lionel Rosenblatt, president emeritus of Refugees International, who has followed the plight of their exile for three decades. "The U.S. had no compunction about putting the Hmong into this role, which saved thousands of American lives."

By all accounts, Vang Pao did not lose confidence during those difficult days. "Honor with one another, sympathy for one another, faith for one another, that's how we survived," he told me. His American counterparts felt the same. "This guy was like a brother," said Devlin, the C.I.A. station chief, who worked with Vang Pao from 1967 to 1970. "He was an extremely good leader. He was worshiped by his troops. We all admired him. Respected him. Liked him." The C.I.A. and Vang Pao had an understanding about what would happen if the war went badly. "I had been told when I went out there to tell the Hmong we'll back them to the end, and if we have to pull out, we'll pull them out too," Devlin told me. But that was not how things worked out. The end came 33 years ago this week, in May 1975. It was a disaster. Saigon had fallen; the final rout of American military and intelligence officers from the war zones of Southeast Asia was nearly complete. The C.I.A.'s last outpost in Laos was its mountain air base at Long Tieng, the hub of the paramilitary operation. Tens of thousands of

Hmong gathered at the primitive airstrip, looking for planes. Very few came, for there was no coherent evacuation plan after 15 years of secret missions. As Dan Arnold, the last C.I.A. station chief in Laos, later recounted, authorization for an airlift had to come from Washington. In his words, the request met “delays at the highest political levels.”

The evacuation was abandoned after a chaotic race against time. “Of course, most of the Hmong wanted to fly along with me to Thailand, but they couldn’t because we only had enough aircraft to lift the officers and family members,” Vang Pao said. At least 50,000 Hmong, including many fighters and their families, were left behind in and around Long Tieng even as Vang Pao and his C.I.A. case officer flew to safety. Thousands were killed by the victorious Communists, according to survivors. Tens of thousands fled into the jungle and wound up as refugees in Thailand; many became boat people, cold-war flotsam, forsaken. Vaughn Vang, now a 50-year-old school counselor in Green Bay, Wis., and chairman of the Lao Human Rights Council, an organization seeking to bring attention to the plight of the jungle Hmong, became a teenage refugee when Laos fell to the Communists. “I ran through the jungle for two years,” he said. “We were 260 when we left, and 39 of us made it out to Thailand.”

The luckiest of the refugees made their way to the United States. Their traditions were hunting and gathering; they had been slash-and-burn farmers who cultivated opium as a cash crop, animists who believed in the spirit world. They were not well suited for life in Sacramento. Today more than 200,000 Hmong live in the United States, mostly in California, Wisconsin and Minnesota. More than half are under 18. While many of the second and third generation are adapting to life in America, overall a quarter or more of the Hmong live in poverty and speak little English, if any.

Over the years, Vang Pao and the other Hmong leaders in the United States have by and large sustained themselves by raising money — raising it by raising hope that someday the Hmong would go back to their land. During the cold-war years, he gave stirring speeches about liberating Laos. The promise proved empty. Unlike, say, Miami’s Cubans, the Hmong have no real hope of return. Their survival has depended far more on social services and welfare agencies than on the political dreams of their aging patriarchs.

“Their way of life has been destroyed,” Dick Holm, a C.I.A. officer who served in Laos, wrote in a memoir. “They can never return.” The United States, in his view, “failed to assume the moral responsibility that we owed to those who worked so closely with us during those tumultuous years.” His colleague, Larry Devlin, said, “We let the Hmong down terribly.”

Thousands of Hmong survive today as refugees in dismal camps in Thailand. Perhaps 1,000 are still on the run in the jungles of Laos itself. Human rights groups, filmmakers and journalists have documented their plight. Though the jungle Hmong are believed to have staged occasional hit-and-run attacks in the past, Amnesty International reported last year that “the jungle-dwellers’ military capacity is all but depleted decades after some Hmong fought in the C.I.A.-funded ‘secret army’ in Laos during the Vietnam War.” The jungle Hmong say they are being slaughtered by Lao military units who hunt them with automatic weapons and rocket-propelled grenades, exacting blood vengeance for the wars of the 1960s and ’70s. Veterans — American and Hmong — of the secret missions in Laos see this struggle as the last battle of the Vietnam War. “The Communists accuse the Hmong of bringing American bombs to Laos,” Vaughn Vang, the Lao human rights advocate, told me. “This country used the Hmong. They trained them how to fight. Now the Hmong are dying because they were allies of the United States.”

This struggle is where the case against Vang Pao began, though the government asserts that the suffering of the jungle Hmong is irrelevant to its indictment. If the aim of the defendants was “to prevent genocide, while one may say that’s politically a good thing to happen in a battle between a

Communist government and free peoples, that's a macropolitical question," the lead federal prosecutor, Bob Twiss, argued in a pretrial hearing. "We're talking about: Did these folks conspire to set in motion a plan to kill human beings in a foreign country? If the answer is yes, it makes no difference whether they were going to overthrow the government or overthrow a bank and steal money. The point is, they were going to use those weapons in Laos to kill people."

The government's case got under way early last year when an undercover agent of the federal Bureau of Alcohol, Tobacco and Firearms placed a call to a 61-year-old retired United States Army officer named Harrison Jack at his home in Woodland, Calif., just west of the state capital, Sacramento. The federal agent, posing as an arms dealer, said his name was Steve Hoffmaster. He had received a tip, he said, that Jack was in the market for some AK-47 assault rifles to arm the jungle Hmong.

In late January of last year, the two met at a Thai restaurant in Sacramento in the first of many such meetings secretly recorded by the undercover agent, a balding, unimposing, pleasant-faced man in his mid-40s. "Hoffmaster" introduced himself as a Special Forces veteran who traveled in and out of Iraq and sold weapons on the side. Jack — a generation older than the agent, going gray, trim physique, friendly demeanor — was a 1968 graduate of West Point. He served on spooky missions in Vietnam: an Army Ranger going deep into the jungle on long-range reconnaissance patrols in search of the enemy. After leaving active duty in 1977, he became a lieutenant colonel in the California National Guard, ran a state project on converting disused military bases and then served as a member of a state commission on terrorism. He created a nonprofit Hmong Emergency Relief Organization. Its acronym is HERO.

Court documents and lawyers in the case depict another side of Jack: he had a somewhat mystical bent — a New Age faith in the metaphysical powers of "kinetically charged water," magic crystals and the like — and held a contract to sell his favorite healing water at Hmong festivals in California. His most recent résumé maintains that he has a Ph.D. in clinical hypnotherapy. The transcripts of the undercover agent's meetings, which the government turned over to defense lawyers in pretrial discovery proceedings, suggest a kind of autohypnosis as well: the Vietnam veteran was transfixed by a romantic vision of saving the Hmong refugees and exiles still struggling against the Communists of Laos.

At the Thai restaurant, Jack gave the agent who called himself Hoffmaster a Hollywood version of Hmong history. Jack, according to transcripts I have read of the taped conversations, explained how the C.I.A. had "recruited Vang Pao, flew in airplane-loads of counterfeit money, bought off the Hmong, put 'em in uniforms, gave 'em status, trained 'em up in like 30 to 90 days and put 'em in the field. Gen. Vang Pao was their leader. So they ran for 15 years like that. Took on everybody. Vang Pao basically led them out of the country when the U.S. left . . . and he's been their military leader, their spiritual leader and their political leader."

The agent wasn't that interested in the back story. He wanted to get down to business and sell weapons, but at first it was no sale. Jack left the undercover agent a telephone message six days later saying his friends among the Hmong weren't going forward: "It doesn't look like the Hmong community is going to be in a position to continue with their activities."

Jack himself had no money to buy the guns and yet showed a desire to help the jungle Hmong acquire arms. The undercover agent stoked that desire and kept his investigation alive.

The following week, on Feb. 7, 2007, Jack brought a number of Hmong leaders, Vang Pao included, back to the Thai restaurant to meet "Steve." It was there that the agent had his only recorded face-to-face conversation with Vang Pao:

Jack: "General?"

Vang Pao: "Hi."

Jack: "This is Steve."

Vang Pao: "How do you do? Gen. Vang Pao."

Steve: "Nice to meet you."

Vang Pao: "Yeah."

The undercover agent had something to show the group, a surprise. Out in the parking lot was a recreational vehicle, and he led them to it. Inside was an arsenal: not just AK-47s, but also M-16 machine guns, C-4 explosives, Claymore mines, rockets and rocket-propelled grenade launchers. "Good selection," Vang Pao said. That ended his direct involvement in the matter, insofar as the evidence to date reflects. The undercover agent provided an inventory list for the weapons at a total cost of \$9.8 million. No money changed hands, then or ever. The Hmong never had anything like that kind of cash on hand. But the agent kept raising the stakes.

"I just got my hands on three Stingers," he told Jack a few weeks later. The Stinger missile is a sophisticated shoulder-fired weapon designed to shoot down aircraft. Illegal possession of a Stinger is punishable by a mandatory minimum sentence of 25 years to life in prison. (Through his attorney, a federal public defender, Jack declined a request for an interview.)

The investigation began to enter a political and military never-never land on March 5, 2007, when the undercover agent leaned over the table at the Hangar 17 restaurant in Sacramento and confided to Harrison Jack: "I'm willing to bet, Harrison, that the C.I.A. is aware of what's going on." He continued: "They know what the hell's going on. They don't want to get into another Vietnam, but if Vang Pao goes in there and takes over the frickin' country and gets things squared away and then wants to have democratic elections — it's going to be like that. I have no doubt in my mind."

Jack replied: "O.K., that's good to hear. That's good to hear. You see, part of the question and concern I have is where is the embarrassment factor politically for the C.I.A.? They went in there; they left behind 75,000 to 100,000 people."

The undercover agent said: "Well, you've got a different C.I.A. today than you had then, Harrison. I think that — I think they'll step in and go, hey, you know, this is what we can do and this is why we can do it. Because we have the backing of our government, not just the agency, and we want to back your political endeavor of democracy." At this meeting, the government asserts in its indictment, Jack said that Vang Pao had told him that he "wanted to overthrow the government of Laos immediately."

Two days later, Jack telephoned the undercover agent. He reported that his Hmong friends "have made an informal contact with the C.I.A. already" and that they were "looking for a meeting down the road."

But all of this C.I.A. talk may have been just talk. One of Vang Pao's younger acolytes, named Lo Cha Thao, seems to have been the protagonist in his own reverie about recruiting the C.I.A. Now 35 years old, Lo Cha Thao was once an aide to a Wisconsin state senator who did prison time for taking kickbacks; he has supported himself in recent years by raising money for the Hmong cause. He told Jack in late March that he had met with Steve Kappes, the deputy director of the C.I.A.

Jack relayed this riveting information to the undercover agent in a March 28, 2007, telephone message: "They seem basically supportive," Jack said. "They also mentioned that they had some funding available." A week later, Jack passed on assurances from Lo Cha Tho that the C.I.A. would provide intelligence as well as money for the Hmong. In a third recorded conversation, Jack told the undercover agent that he had asked Lo Cha Thao, "Where does the agency stand?" He said Lo replied, "They can make funds available as soon as we're able to provide them the intel, the requirements and, you know, meet some of the terms." Federal prosecutors in the case have said in open court that they were assured by the C.I.A.'s general counsel that no such meeting took place — although given the nature of the C.I.A.'s work, it is theoretically possible that the agency's representatives might not have been fully forthcoming with an assistant United States attorney from Sacramento. But no available evidence contradicts the prosecutors' assertion that the C.I.A. played no role. Indeed, it is highly unlikely that a high-ranking intelligence officer would ever sit down with a man like Lo Cha Thao and provide such an offer. The United States and the C.I.A. have no evident interest in avenging the long-ago loss of Laos. These days American foreign policy toward the nation is more focused on trade than on human rights or regime change.

The reported meeting with the C.I.A. "didn't happen," said Lo Cha Thao's lawyer, Mark Reichel. "Lo Cha Thao is a hustler and a half," not a master spy or a wannabe terrorist. But it was his cockeyed vision of an assault upon the government of Laos that brought the case closer to fruition.

According to the indictment, on April 24, 2007, in a room at a Hilton Hotel in Sacramento, Lo Cha Thao looked over a cache of weapons offered by the undercover agent — five crated AK-47s, three antitank rockets, one M-14 rifle and one Stinger missile — and said he would take two Stingers. Then, on May 11, he and Harrison Jack sat down with the agent, who pumped Lo Cha Thao for his battle plan.

No worries about the money for the weapons, Lo Cha Thao assured the agent. Vang Pao had plenty: "He's like the fifth-richest guy in the world," Lo Cha Thao said. This was nonsense. So was his plan of attack. He laid out a chain of events in which Hmong insurgents would infiltrate the capital, Vientiane. Their fellow warriors would transport the weapons from a safe house in Thailand. According to the indictment and the undercover recordings, Lo Cha Thao told the agent that he wanted seven or eight key government buildings blown up at the same time.

"You want it to be rubble, it'll be rubble," said the undercover agent.

The Communist government of Laos would flee the capital at the first shot, Lo Cha Thao said. The Lao military would surrender instantly, and Laos would become a neutral country, "just like Switzerland." It would all be over in as little as three days.

The plot proposed "was not a serious plan by any stretch of the imagination," Bill Lair, the C.I.A. veteran who was Vang Pao's case officer and who spent more than 20 years training security forces in the region, said in a sworn affidavit in the case. "To think that large amounts of weapons and explosives could be delivered and transported freely within Thailand and across the border into Laos is utterly naïve and unrealistic."

Three weeks later came the arrests. Two hundred federal agents executed search warrants as the indictments of Harrison Jack, Vang Pao, Lo Cha Thao and eight other Hmong were announced with fanfare.

The indictment charged that Vang Pao led a conspiracy aimed at "the overthrow of the existing government of Laos by violent means, including murder, assaults on both military and civilian officials of Laos and destruction of buildings and property" in the Laotian capital. The government

charged that the defendants aimed “to destroy these government facilities, to reduce them to rubble and make them look like the results of the attack upon the World Trade Center in New York on Sept. 11, 2001.”

Steve, the undercover man, collared Jack. The two men had a talk once Jack was in custody. This one was recorded on videotape.

“I’ve got you,” Steve said. “I’ve got you wrapped up. . . . You’re not gonna walk away, but the more you cooperate, the better.”

So, he asked, how deeply was Vang Pao involved in the case?

“I can’t speak to Gen. Vang Pao very well,” Jack said. “He has his own style. Keeps everything insulated. And I’ve heard he’s even going in a different direction. That he’s not directly involved in this effort.”

The same day, Scott Maldonado of the federal Bureau of Alcohol, Tobacco and Firearms interviewed Salen Tong Va Lor, a Vang Pao associate who would not be indicted. “You said on June 2 that Lo Thao [another defendant] met with Gen. Vang Pao and discussed this plan to buy weapons and take them over and fight a war over there — right?” Maldonado asked. “Yeah,” came the answer. “And you said that Gen. Vang Pao was not in agreement with this plan and that’s what Lo Thao told you?” The answer, again, was yes.

The investigation, which had been given the cinematic title of “Operation Tarnished Eagle,” was proclaimed as a stellar piece of work by leading federal law-enforcement officials. Notably, the Bureau of Alcohol, Tobacco and Firearms acting director, Michael J. Sullivan, said, “This investigation read like a movie script, but turned out to be reality.”

Vang Pao’s lawyer had a different view. “The notion of the Hmong people taking over the government of Laos is a fantasy,” John Kecker argued in open court during a bail hearing, a fever dream created and stoked by the government. Bail was granted.

Prosecutors expect it may take a year or more before the case comes to trial. When it does, Kecker told the court, “we happen to believe it’s going to be a fiasco and that the jury is going to be chasing the prosecutors down the street for having brought it.”

The news that Vang Pao had been indicted by the government of the United States on a charge of conspiring to kill the leaders of Laos reverberated throughout Southeast Asia. The Thai government and the Lao military accelerated plans to repatriate Hmong refugees a week after he was handed up; the Thais deported 160 people trying to reach a wretched border encampment. The State Department said nothing about the matter. “We had to leave Laos because we are the children of the C.I.A. allies,” one leader of the Hmong refugees, Ly Seu, said at the time. “We would rather die in Thailand than be sent back to die in Laos.”

Thousands more may follow, and the likelihood that they will be questioned harshly — or worse — is very real, says Lionel Rosenblatt of Refugees International: “The Lao are feverish to get their hands on refugees who might be able to shed light on the remaining 1,000 Hmong fighters still in Laos. This heightens the Lao military’s pressure on the Thai government to force the refugees back to Laos to interrogate some of them about the resistance.” The Thai military is reportedly financing and helping to construct a site in Laos for Hmong refugees, but “the Hmong will almost certainly resist” forcible repatriation, he said, and “there will be Hmong suicides to avoid being forced back to Laos. Press stories and photos of this will not be pretty.”

In the days when Vang Pao worked with the United States to kill Communists in Laos, his troops saw him as more than a military leader. His ability to provide his soldiers with food and a wage and a gun was unfailing (all were supplied through the C.I.A.'s airlifts rice and money and guns quite literally fell from the skies). This was a kind of magic, and it made him something of a secular demigod. Yet he is no saint, even if some of his aging adherents still see him that way. There have long been credible, if unproven, allegations that he has sold commissions in a nonexistent Hmong army. And there isn't much question that for years he also sold false hopes among his fellow exiles that someday they would return in triumph to Laos. But he seemed to have abandoned that dream five years ago, when he startled many of his followers by saying it was time to find peaceful ways to negotiate with the government of Laos.

Some of his dwindling generation still have relatives in Laos and among the jungle Hmong. Some still hold out a hope of being buried in their ancestral land, but it is held by fewer and fewer. In the Reagan years, even after the cold war died down, "a lot of the Hmong said, 'Wouldn't it be wonderful if I could get my land back, my family back, my farm, my silver necklaces that I buried,' " I was told by Jane Hamilton-Merritt, an American expert on Hmong history and culture. But the second- and third-generation exiles, born after 1975, have never seen Laos. Few evince an overwhelming desire to go back; many, if not most, are reconciled to no return. That is not the burning issue among them at the moment. The issue is the case against Vang Pao.

"Are the Hmong right when they whisper to themselves that the United States set up the general?" Hamilton-Merritt said. "That's a question the Hmong community is asking. They are frightened. They say if they can take down the general and tear his home apart, they can tear my home down, too. The Hmong see this as an attack on them. They are afraid they are going to be in jail next."

After his arrest, Vang Pao suffered cardiac problems and was brought to a hospital bed. A SWAT team stood guard over him, said Keker, his lawyer. Then a judge granted his release, but he remained under house arrest. Today he is free, though he may spend the rest of his life fighting the government he once fought for. His lawyer says he would like to get the case dismissed before the old man dies.

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P.S.

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