

DEPARTMENT OF STATE

CONFIDENTIAL

December 23, 1971

Subject

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TO: EA - Mr. William H. Sullivan

FROM: L/EA - Robert I. Starr

SUBJECT: An Tri Reforms - Saigon 19140

You have asked for our reactions to the changes in the GVN's An Tri procedures described in Saigon 19140 (attached). The basic thrust of these changes is to withdraw from the province security committees (PSC's) the power to recommend An Tri detention under certain circumstances. The changes may well reflect GVN recognition of the desirability of having guilt or innocence determined by the regular courts, rather than by the PSC's, and of avoiding any appearance of double jeopardy.

These reforms are another welcome step in the right direction but fall short of effectively dealing with the underlying problems (Saigon's cable crossed with our earlier An Tri cable -- State's 220744). It is too early to know how the PSC's will respond to the new procedures, but I would not be surprised if they became even more hesitant to refer detainees to the regular courts -- thus frustrating the apparent intent behind the new procedures. This demonstrates the need for a comprehensive rather than piecemeal approach to reform.

Attachment:

Saigon 19140

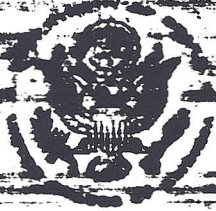
CC: EA/VN - Mr. Hydle
Amembassy Saigon - Mr. Askew

L/EA/RIS Starr; OT Johnson/cbf
12/13/71 X23039

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <u>SS</u>	DATE <u>3-27-81</u>
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE _____	
TS AUTH. _____	REASON(S) _____
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	
DECLASSIFIED <input type="checkbox"/> RELEASABLE <input checked="" type="checkbox"/>	
RELEASE DENIED <input type="checkbox"/>	
PA or FOI EXEMPTIONS _____	

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Department of State

TELEGRAM

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ACTION PA-14

INFO OCT-01 08-14 NSC-40 7-03 CIAE-00 CODE-00 INR-06

NSAE-00 P-03 RSC-01 USIA-12 PRS-01 AID-20 RBR-01 1086 W
010400

R 081010Z DEC 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 2917

CONFIDENTIAL SAIGON 19100

SUBJECT: AN TRI REFORMS

REF: (A) STATE 190209; (B) SAIGON 15018; (C) SAIGON 17240;
(D) SAIGON A-213

1. GVN IN MEMO 2686/BNV/ANCT/1/R/M (8 NOV 71) HAS WITHDRAWN FROM PROVINCE SECURITY COMMITTEES (PSCS) THE POWER TO RECOMMEND AN TRI DETENTION AGAINST:

A. COMMUNIST OFFENDERS WHOSE COURT-IMPOSED SENTENCE HAS EXPIRED.

B. VCI SUSPECTS WHO ARE REFERRED BY PSCS TO THE COURTS BUT ARE RELEASED PRIOR TO TRIAL DUE TO LACK OF SUFFICIENT EVIDENCE.

C. VCI SUSPECTS WHO ARE REFERRED BY PSCS TO COURT FOR TRIAL AND ARE ACQUITTED.

2. THE SUBJECT MEMO DOES NOT AFFECT THE PSCS' POWER TO RECOMMEND EXTENSION OF AN TRI DETENTION PROVIDED THAT "NEW FACTORS" ARE SPECIFIED AS THE BASIS FOR THE RECOMMENDATION.
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