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SUBJECT: PHOENIX/PHUNG HOANG Project

BACKGROUND:

1. (S) During 1967, the Intelligence Coordination and Exploitation (ICEX) program which was the forerunner of the PHOENIX program, was developed [REDACTED]

[REDACTED] This was an effort to identify the political level of the enemy and did provide an initial appreciation of the VC political and terrorist apparatus. In July 1968, President Thieu issued a Presidential directive which established the PHOENIX program.¹ Its principal characteristic was that it was a program, not an organization, to bring about collaboration cooperation, and coordination among all government agencies which could contribute to the identification and neutralization of the VCI. Committees were established at the national, regional, province and district level.² A special US advisory effort was developed, utilizing available military officers who had little or no expertise in the subject. [REDACTED]

[REDACTED]

1. GVN Presidential Decree, 1 July 1969
2. GVN Prime Minister Directive, 5 March 1968
3. Ambassador Colby Testimony, December 1970

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During the two and one-half years from July 1968 to December 1970, a series of actions were launched to improve and make more effective the overall PHOENIX program, including:

a. PHOENIX Structure. Operation centers were established at the national, regional, provincial, and district level. A training program for GVN officials working in the PHOENIX program was initiated.⁴ On the American side, advisory personnel were given special training and assigned to the various centers throughout SVN.⁵

b. Command Attention. On a number of occasions, the President and the Prime Minister stressed the importance of the program to assembled high level officials. A series of special seminars were held at which the Prime Minister outlined its objectives. The program was included within the 1969 and 1970 Pacification and Development Plans and was a prominent element in the implementation of those plans.⁶

c. National Police Role. In the 1970 Pacification and Development Plan, the National Police were called upon to take a leading role in the PHOENIX program and an effort was initiated to upgrade National Police capability, authority, and responsibility for the program. This culminated in May

4. Ambassador Colby Testimony, December 1970 page unnumbered

5. MACCORDS Fact Sheet, 1 December 1970.

6. 1970 Pacification and Development Plan, Annex II.

1970 in the transfer of the Central PHUNG HOANG office from the Prime Minister's office to the Directorate General of the National Police and was established as a separate "bloc" therein.⁷

d. Identification. The first application of the program involved the identification of VCI individuals and organizations. A collation of available information was made throughout the country and over the years these identifications have improved and overall estimate of VCI had declined. Associated with identification is the GV ID card program, designed to provide solid identification for all citizens over 15 years of age. This program has enjoyed considerable success and there is little doubt that the VC are concerned, as they have been collecting and destroying cards, counterfeiting them, tampering with them, etc.⁸

e. Quotas. Quotas have been assigned to all levels for the neutralization of VCI. Over the years, a successive hardening of the quota system was instituted in order to obtain maximum incentive toward elimination of higher level VCI. A number of debates have occurred over the

7. Ambassador Colby Testimony, December 1970, pge 8

8. Ambassador Colby Testimony, December 1970, pge 9

quotas, but the GVN after review retained them for their incentive effect upon lower officials.⁹

f. Operations. Since the VCI in great part now inhabit base areas away from populated zones, many operations against them have a military character. Individual arrests check point detentions, cordon and searches of populated zones, etc., exist but the most productive operations are those targetted against individuals during the course of larger scale raids on enemy bases and safe areas, or by ambushes against VCI elements attempting to regain contact with the populated communities.¹⁰

g. Legal Processing. A variety of steps were taken by the GVN to improve the legal handling of the VCI after capture. Some have been to provide a greater component of justice in the proceedings to include, outlining mandatory sentences for certain category VCI, sending additional prosecutors to the provinces to assist in the proper handling of cases, and time limit on detention before trial.¹²

h. Rehabilitation. As of December 1970, little or no action had been undertaken on a consistent basis to

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9. Ambassador Colby Testimony, December 1970, page 10
10. Ambassador Colby Testimony, December 1970, page 11
11. GVN Minister of Interior Directive, 21 March 1969, pages 2
12. GVN Minister of Interior Directive, 20 August 1969, page 1

rehabilitate detainees. However, certain areas had a reorientation program, primarily as a result of the initiatives of an individual Province chief and the possibility of a parole system had also been studied. Eventually, an effort was made to extend reorientation to all communist detainees and to apply more sophisticated techniques in the handling and rehabilitation of political prisoners.¹³

i. Information Program. On 1 October 1969, the Prime Minister initiated the PHOENIX Public Information Program. This was designed to surface PHOENIX publicly, under the rationale of protecting the people from terrorism. The current goal is the public exposure of 100 percent of identified VCI. The information program has essentially two elements: (1) general information about the need for and desirability of the PHOENIX program, and (2) specific announcements of individual VCI whose capture is sought.¹⁴

j. Vietnamese Attitudes. A variety of explanations exist

13. MACCORDS Fact Sheet, 10 December 1970

14. MACV Fact Sheet, 12 December 1970, pages 1, 2

for the reluctance on the part of many lower level Vietnamese officials to engage fully in the PHOENIX program. These include:

(1) Penetration by the enemy: True to some degree but not considered a major drawback to the program.

(2) It was considered an American program vice a Vietnamese program.

(3) Accommodation, or live and let live: This probably exists where a rough balance of power has been achieved between the opposing forces.

(4) Fear: In some areas individual targetting of VCI might bring rapid retaliation on the official or his family.

(5) A complex of psychological attitudes, involving a certain grudging admiration for the VCI struggle, an inferiority complex in regard to it, and a disinclination to personalize the battle against friends, neighbors, and relatives.

2. (u) (c) The overall PHOENIX program was supported by CORDS/DOD/PHOENIX, CORDS/USAID/Public Safety, and OSA, plus the incidental assistance given through such programs as territorial security (RF/PF), PSOF, and Chieu Hoi. PHOENIX

advisers specialized on the PHOENIX program, Public Safety advisers primarily on the ordinary workings of the National Police as a whole and CSA advisers on the Special Police. In the earlier days of the PHOENIX program there was inadequate training and orientation and there were frequent occasions in which the advisers knew very little about the program. Since this was combined with a lack of focus of responsibility for the program on the Vietnamese side, there were frequent occasions where inadequately trained and oriented advisers carried the major burden of the program in a district. This created many initial problems and adversely affected the program, particularly as regards public acceptance. However, training subsequently was improved and, as a result, the effectiveness of the program increased and acceptance by the general public is more apparent.¹⁵

3.4(c) Initially the PHOENIX/PHUNG HOANG program was funded by the US and in 1968 and 1969 a total of 351 million piasters was provided. However, in 1970 the US furnished only 45 million piasters while the GVN furnished 11.3 million. In 1971, the US furnished 47.4 million piasters and GVN 1,704,000. In 1972, the US furnished 24.3 million piasters and the GVN 1,800,000. No figures are available for 1973.¹⁶

15. Ambassador Colby Testimony, December 1970, pages 22-23

16. ISA/VNTP Discussion Paper, 18 September 1972

4. ^(u) ~~(TS)~~ At its peak, the US advisory effort to the PHOENIX program totaled 473 personnel; 450 Army personnel and 23 civilians. Of this total 262 were assigned at key district and city levels, with the remainder at higher levels. The primary duties of these advisors were to give advice and assistance on: (1) organization and management techniques, (2) procedures of intelligence collection and files, (3) analysis and dissemination of intelligence.¹⁷ By mid-1971, the PHUNG HOANG program had progressed to the point where it was feasible to close some of the PHUNG HOANG offices and assign responsibility for further efforts over to the National Police. In August 1972, as part of the military phase out, 136 US military advisors were still assigned to PHUNG HOANG advisory duties. By 31 December 1972, only 45 remained and they were to be curtailed or reassigned at that time.¹⁸

5. (U) In May 1970, MACV issued Directive 525-36, which established policy and responsibilities governing US participation and support of PHOENIX/PHUNG HOANG operations. The directive states that if US personnel come in contact with GVN

17. LLA to CJCS Memorandum for CJCS, 27 April 1971

18. CORDS Fact Sheet, 9 August 1972

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activities which fail to meet the standards of land warfare they are: (1) not to participate further in the activity, (2) make their objections known to the Vietnamese conducting them, (3) to report the circumstances to the next higher US authority.¹⁹ (NOTE: Insofar as we can determine, no similar type controls existed prior to the issuance of this directive.)

6. (U) In December 1970, MACV issued Directive 525-8 which established US policy and guidelines for support of the GVN programs to screen, process, incarcerate, and provide humane treatment of civilian offenders. This directive stresses the importance of establishing adequate screening of suspects and to insure humane treatment as a part of an ongoing program of rehabilitation.²⁰

PRINCIPAL ISSUES

1. ~~(U)~~ Legal Ramifications. The legal aspects of the INCHON program have been questioned on several occasions by both members of Congress and anti-war factions. However, the legality of the program is based on RVN constitutional law, since article 4 of the constitution of 1967 states: (1) The Republic of Vietnam opposes communism in any form; (2) any activity designed to publicize or carry out communism is prohibited. This constitutional provision is implemented by a series of ordinances and laws against the crimes of treason, espionage, insurgency, revolt, or terrorism, some

19. MACV Directive 525-36, 19 May 1970

20. MACV Directive 525-8, 28 December 1970

of which were enacted as early as 1956. Conviction of these crimes is determined by military courts, in accordance with legislation which established these crimes against national security. This formal judicial procedure is supplemented by a procedure for administrative sentencing for a maximum of two years of persons regarded as dangerous to the national security. The administrative sentencing rests on the declarations of National Emergency and of War in 1964 and 1965 respectively, and on a series of implementing decrees, laws and ordinances. Similar detection procedures have been used during national emergencies in other countries such as Malaya, Kenya, and the Philippines, and even the US suspended the writ of habeas corpus during our Civil War and maintains legislation which allows for the detention of members of subversive organizations in time of an internal security emergency. (US Code Title 50, Sections 792, et. seq.). The PHUNG HOANG program itself stemmed from Presidential Decree dated 1 July 1968, defining the VCI target and establishing PHUNG HOANG committees from central to district level to coordinate plans, programs and operations against the VCI. Minister of Defense decree 757 of 1 March 1969 provided specific definitions of classes of communist offenders and outlined the appropriate periods of detention, depending upon their party status and responsibilities. The preamble of this decree stated "The government policy is to completely eliminate the

VCI by capturing as many as possible while the lenient rehabilitation policy aims at releasing as many as possible."²¹

2. (U) Moral Ramifications. The moral aspects of the PHOENIX program have come under fire from several sources including clergymen, anti-war groups, and members of Congress. Many articles have appeared in the news media citing the PHOENIX program as a quasi-legal organization whose primary activities involve torture, murder, and assassination of suspected VCI. There have been stories, ostensibly from Vietnam veterans who claim to have been eyewitnesses, alleging that US personnel assigned to the PHOENIX program participated in torture and murder of both men and women on numerous occasions. The inference is that these acts had the tacit approval of higher authority.²² The bulk of these articles appeared during the latter part of 1970 and extended through the middle of 1971. Since that time most of the furor over the PHOENIX program has died down, probably because the US withdrawal and the ceasefire have served to draw the media's interest elsewhere. As far as J-3, DCCSA, has been able to determine, through informal coordination with OCLL, OED(ISA), State Department, and DCSPER DA, Congress has made no effort to initiate a formal investigation into the allegations that higher authority condoned mistreatment of individuals interrogated or incarcerated

21. COMUSMACV msg, 240301Z December 1969.

22. Newspaper articles, 3 August 1971.

under the PHOENIX program. Numerous allegations have been made and several hearings have been convened, but no formal charges have been made as a result of these hearings and apparently none is contemplated at the present time. Additionally, a check was made with the Office of the Inspector General, Department of the Army, and the Office of the Provost Marshal General in an effort to determine if any military investigation had been conducted as regards these allegations. Both of these offices indicated that an examination of their records fails to reveal any report of investigation initiated as a direct result of PHOENIX program allegations. However, the PHOENIX program is specifically designed ^{ated} in the Congressional Record of August 1971 as an object of congressional concern regarding possible violation of the Geneva Conventions and the entire problem could resurface at some future date.²³

SUMMARY:

1. ^(u) ~~(S)~~ From a modest beginning the PHOENIX/PHUNG HOANG Project was enlarged to encompass virtually all of SVN. Operations centers had been established at the national, regional, provincial and district level and were staffed with officials specifically trained in duties associated with the PHOENIX program. Command attention was focused on the program and its importance stressed to Region Commanders, Province Chiefs and

23. Congressional Record, 3 August 1971, pages H7761-H7762

other officials. Command and control of forces involved had been streamlined and the role each agency plays was more clearly defined. The program appears to have achieved impressive results. For example, the official neutralization claim for the period January 1968 to July 1972, the latest data available, totals 81,740 VCI of which over 22,000 were claimed during 1970.²⁴ With the departure of the last US military advisors in December 1972, there was considerable speculation as to whether or not the GVN would be able to continue the program as planned. However, on 1 April 1972, the National Police initiated a Special Anti-VCI campaign, a corollary of the PHOENIX program, which lasted until 2 January 1973. During the nine months of the programs existence, and with only limited assistance from a substantially reduced force of US advisors, the National Police arrested over 29,000 suspected VCI and sentenced almost 12,000 to terms ranging from two weeks to two years.²⁵ Consequently, it appears that the US has provided the GVN with the technical know-how and methods which have enabled it to build the elements of a reasonably solid organization. While the operation will probably become more Vietnamese in character, there is evidence that the effort will be continued at a reasonably effective level, particularly in the relatively secure areas where the infrastructure has already been seriously weakened.

24. ISA/VNTP Discussion Paper, 18 September 1972

25. MACCORDS Fact Sheet, 7 March 1972