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SVN: Phoenix

unpopular with the local population. The rural people had little alternative but to acquiesce to the demands of local VC cadre. In these circumstances, the implication or latent threat of force alone was sufficient to insure that the people would comply with Communist demands. The local farmer could see the armed guerrillas, the local forces and the North Vietnamese Army units. He could not see a counterbalance to that force representing the national government. The necessarily slow process of political fencemending, called pacification, only gradually began to re-establish the government presence and to introduce that long absent counterbalance.

With the defeat of the Communist main force units in the 1968 offensive, the subsequent growth of security in the countryside, the expansion of the Regional and Popular Forces and their continually widening deployment, and the arming of the people through the People's Self Defense program, the people were provided with an alternative. It became more and more difficult for the VCI to extort the food, clothing, money, recruits and services required to sustain their insurgency from a rapidly decreasing population base. VC "recruiting" agents who had formerly been able to fill the ranks under the guise of giving the head of the family an opportunity to "volunteer" a son or daughter to fight for "freedom" now had to resort to outright kidnapping of adolescent children. VC tax collectors had to resort to methods amounting to armed robbery to fill their coffers. VC terrorists who had formerly "tried and executed" local administrators appointed by the government were now publicly murdering hamlet and village officials elected by their neighbors.

E. Terrorism

In 1969 alone, the Viet Cong infrastructure murdered more than 6,000 officials and ordinary citizens in South Vietnam, including 23 village chiefs, 126 hamlet chiefs, 229 refugees and 4,350 private citizens. In the same period the VCI wounded over 15,000 and kidnapped more than 6,000 people from among the civilian population. The purpose of the Phung Hoang program is to protect the people of South Vietnam from this terror.

II. THE PHUNG HOANG (PHOENIX) PROGRAM

A. Legal basis of the program

The Phung Hoang program was formally established by Presidential Decree on 1 July 1968 which defined the VCI target and established Phung Hoang committees from central down to district level.

From a legal standpoint, members of the VCI are subject to two legal procedures:

1. Prosecution for crimes against national security. These involve full judicial proceedings in military courts, and result in criminal convictions to sentences in accordance with law.

2. Administrative detention under emergency powers. These are similar to emergency measures used by other countries such as Malaya, Kenya and the Philippines during period of insurgency or national emergency. (See also U.S. Code Title 50, Section 812 et seq.) Detention is determined by a Province Security Committee, comprising the Province Chief, the Province Judge, the Chairman of the Provisional Council and other officials.

Ministry of Interior Decree 757 of 21 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 to 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."

B. Forces.

The Phung Hoang program has national, corps, provincial and district committee levels. The national chairman is the Minister of Interior and Secretary General is the Director General of the National Police. Its membership contains representatives from the Defense Ministry, the Chieu Hoi (Open Arms) Ministry, the Rural Development Ministry, the Military Security Service of the Army, the Special Police Branch, the Police Field Forces and the Joint General Staff. The composition at each of the lesser committee levels is essentially the same. While all elements of the government participate in the Phung Hoang program, a leading role is played by the National Police with the support of the Special Police, National Police Field Force (NPFF) and the Provincial Reconnaissance Units (PRUs). The military participates in the Phung Hoang program through its intelligence and security services and through the operations of its Regular,

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Regional and Popular Forces. The People's Self Defense Force, the RD cadre, the Information Services, local officials and all other elements of the government further contribute to the effort.

The Provincial Reconnaissance Units were developed and funded by the United States to conduct operations against the VCI. They first functioned under the Authority of the GVN Joint General Staff. On 31 March 1969, by Decree 044-SL/NV, the PRU was designated a police program controlled by the Director General of National Police, and an ARVN officer was assigned as National Commander. While the PRU is still funded by the United States, plans are in progress for the transition of the PRU to full GVN funding and support. In each province the PRU is controlled by the province chief, with a subordinate province PRU commander who is in most instances an ARVN officer.

C. U.S. role

The U.S. role with respect to Phung Hoang is one of advice and assistance. This relationship is maintained by CORDS under COMUSMACV. American Phung Hoang officers are present in most District Operations Centers and U.S. staffs are present at province and at the national level, to work with the appropriate GVN Phung Hoang committees at those levels. These officers work closely with their Vietnamese counterparts in the Province Operations Centers/District Operation Centers, which operate on a 24-hour basis, receiving, collating verifying and coordinating intelligence on the VCI from all sources on the one hand, and on the other hand facilitating the exploitation of the intelligence by the various action arms of the Phoenix program.

The U.S. officers also obtain and coordinate U.S. technical, material and fire support for the Province and District Operations Centers and its action arms. Most of the American personnel are military. In addition to those American personnel working directly with Phung Hoang committees and DIOCCs, other American personnel are closely involved with many of the GVN services participating in the program, such as the military, the police and others.

On 15 October 1969, a memorandum (copy attached) was distributed to members of the Phung Hoang U.S. staff and forwarded for inclusion in the training of Phung Hoang advisors in Vietnam and at Fort Holabird, Maryland. It pointed out that the Phung Hoang program against the VCI is an inherent part of the war effort in Vietnam and that U.S. personnel are under the same legal and moral constraints with respect to operations under this program as with respect to military operations against enemy units in the field.

D. Procedures

The key element of the Phung Hoang program is the District Intelligence and Operations Coordinating Center (DIOCC). This is a center established at each of the 250-odd districts of Vietnam to serve as a central point of information and coordination of operations against the VCI. Its chairman is the district chief, and its membership consists of all the services which have information on the VCI or conduct operations against them. Thus, the National Police, the military, the Chieu Hoi service, Rural Development cadre and others provide to this center such information as they have on the VCI. The center collates this material and develops from it lists of VCI in the neighborhood, organizational charts and operational plans and targets. There are similar Phung Hoang committees at province, regional and national levels, and some village officials are beginning to collate information on the VCI in their village.

To reduce the threat of the VCI, the GVN has established VCI operational goals for the Phung Hoang agencies in each geographic area of South Vietnam. These goals are based on the estimated strength of the VCI, local security situations and the capabilities of the various GVN agencies. These goals can be met by counting VCI who rally or are induced to rally, those who are captured and sentenced and those who are killed in the course of security operations. The desirability of capturing VCI is stressed, for the intelligence and other values they can offer. Hoi Chanh frequently provide important intelligence and their information serves as the basis of many operations.

In order to single out key personnel for primary attention, Phung Hoang guidance for both 1969 and 1970 has designated certain VCI elements for priority attention. These include, in addition to all personnel operating at district level or above, specialists assigned to these four key components of the Viet Cong organization:

Revolutionary Committees
Current Affairs Committees

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Security Sections, and
Finance and Economy Sections

In addition, the 1970 Pacification and Development Plan, the goals have been made more sophisticated, requiring a percentage of the goal of those VCI neutralized to consist of previously identified VCI, rather than those whose status is only revealed during interrogation or search after capture or death. Also, VCI captured can only be credited toward the goal after they have actually been sentenced to the appropriate administrative detention or criminal conviction, and specific goals will be stated for higher level VCI, rather than permitting the entire goal to be met with lower level VCI. The effect of these changes is to place emphasis on the arrest and detention of higher level, previously identified VCI.

E. Popular Participation

The government took an important step in October 1969, when it decided to mobilize the people in the attack on the Viet Cong infrastructure. Under the slogan of "protection of the people against terrorism," the GVN has publicized the program, the enemy against which it is aimed, and the assistance the average citizen can give it. In addition to general explanations, local Phung Hoang activities have been explained in more specific terms, in leaflets and posters featuring photographs of the neighborhood VCI. In a number of cases this has resulted in capture of a wanted person through information provided by the public, or in the individual turning himself in as a Hoi Chanh because of the pressure generated against him.

F. Justice

The government has also taken positive steps to insure justice in the implementation of the program. In Ministry of Interior Decree 2212 of 20 August 1969, a detailed procedure was established by which information would be assembled and recorded to warrant the arrest of the individual VCI. The 1970 Pacification and Development Plan, Annex H on Protection Against Terrorism, stresses the importance of treating the population and detainees in a fair, current and humane manner and sets out requirements for the implementation of the program. Prime Minister's Directive No. 1293–Th. T/PCI/M dated 27 November 1968 outlines a set of regulations for rapid screening of their cases. The government is engaged in a program of improving and upgrading its detention facilities for detainees. Higher ranking VCI are sent to maximum security detention facilities on Con Son Island. Other specialized national correction centers have been designated for women. While the Geneva Convention does not require it, the GVN has permitted the International Red Cross to inspect facilities where VCI detainees and convicted VCI are kept.

G. Results

In 1968, the year it originated, Phung Hoang operations resulted in 11,288 captures, 2,229 ralliers and 2,259 VCI killed, for a total 15,776 VCI. 2,050, or about 13% of these were personnel functioning at District level or higher.

In 1969, operating under much stricter classification criteria, the results were 8,515 captured, 4,832 ralliers and 6,187 killed for a total of 19,534, of whom 21% were from District level or above. The higher echelon personnel included:

From district level	3,031
From province level	770
From city level	279
From region level	126
From COSVN level	23
Total	4,229

About 48% of the VCI captured, rallied or killed in 1969 were specialists from the four key components singled out for priority action:

Security section personnel	4,007
From finance and economy sections	3,670
Revolutionary committee members	1,108
Members of current affairs committee	609
Total	9,394

Allowing for the 1,948 specialists who were from District level or higher, the total priority VCI targets were 11,675, or about 60% of the 19,534 overall 1969 total.

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The total fell about 10% short of the 1969 goal of 21,600, largely due to poor results in the first six months of the year. Performance in the last six months averaged slightly better than the 1,800 monthly goal, but not well enough to balance the first semester short fall. There has been some decline in the figures during the past three months, which is partly a reflection of stricter GVN standards, partly increased discipline and security by the VCI and partly an end of year slump. GVN has put much stress on the program for 1970, and it should gain in effectiveness against the enemy in coming months. It needs improvement in a number of its aspects, but the direction is set to bring this about. At the same time, it is making substantial contribution to the national effort today.

In one province, for example, Party members are being assigned two or more functions in villages, due to lack of personnel to fill existing vacancies. By November, VC Infrastructure who were unable to cope with the GVN pacification campaign had fled to sparsely populated areas, and even into Cambodia, where they were able to exert little influence over the areas to which they were assigned. Reports received in late November indicated that Cadre of District level and below had been ordered to return to their villages from their Cambodian sanctuaries. There has been a complete turnover of personnel in this district in 1969, some positions two or more times; most positions remain double slotted or vacant for lack of personnel.

The most notable successes against COSVN and Regional level Viet Cong have occurred in the large urban areas around Saigon, Danang and Hue. During 1969, the Police effectively neutralized a COSVN level intelligence net directed against the office of the President and GVN Ministries in Saigon.

A member of the Political Struggle Section of VC Sub-Region 5, immediately Northwest of Saigon, expressed his concern over the situation, following his arrest on November 7. He stated that the recent period of VC inactivity in both the military and political fields was not a sign of willingness for peace, but rather a period needed by the VC to reorganize their military and political strategies. He said that COSVN Revolution 9, which places a greater degree of emphasis on political activities, was an example of this new planning. He said that the Phung Hoang (PHOENIX) Program has been given top priority for destruction by the VC.

III. CONCLUSION

The Viet Cong Infrastructure has not been severely hurt, but the Communists are having problems, and the problems are becoming more difficult to solve. The Government of Vietnam is increasing the effectiveness of the Phung Hoang Program in 1970. By continuing the publicity campaign to enlist popular support for Phung Hoang, and by emphasizing and practicing justice, the government is involving the people in the effort to end Communist terrorism. The Government is also improving the work of its agencies against this level of the enemy's activity.

In short, the VC Infrastructure is still there. The Vietnamese Government and people are determined to end this threat to internal security in Vietnam.

Appendix II

Statement of Former U.S. Senator Joseph S. Clark

I am Joseph S. Clark and it is a great personal privilege for me to present my views before this Committee and its distinguished Chairman, the Senator from Arkansas, Bill Fulbright. This Committee, on which I had the honor to serve for four years, is the one that I believe can play, and it has played, a crucial role in changing the tenor and tone of our foreign policy. The distinguished Chairman has often spoken of the historic role of this Committee, and to him and my former colleagues I can only wish God speed in their deliberations during what I believe will be the most crucial decade of our existence: the decade of the 1970's. It will be, I believe, in the next ten years that we will have to face the hard decisions about our role in the world and our prospects for enduring peace.

This Committee can be a countervailing power against those forces in the U.S. that would commit our country to military intervention in difficult and perilous danger spots around the world where our presence is neither necessary, desired nor justified. At its very best, the Senate under the guidance of this Committee can be that countervailing balance for peace and sanity, as it was during the recent secret sessions to discuss our involvement in Laos and Thailand. The resulting bipartisan amendment called on the Executive Branch *not* to commit ground troops to Laos or Thailand without Congressional consent. This was clearly in line with constitutional authority granted to Congress to give advice

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