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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: AC/CMG	EXTENSION	NO.
		DATE

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. DCI				
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13 JUN 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Briefings and Documents Related to PHOENIX Program for Minority Staff Members of Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities

1. On Thursday, 29 May 1975, at the request of Mr. William E. Nelson, DDO, I met at the Senate Office Building with Mr. Curtis Smothers, Counsel to the Minority, and his associates, to respond to their questions concerning the PHOENIX/Phung Hoang Program in South Vietnam. I understood that this meeting was preliminary to a more formal DOD briefing at the Pentagon the following day, and was to enable the minority counsel to prepare for Mr. Colby's testimony on PHOENIX before the Select Committee. Mr. Smothers' staff associates included former Ambassador William Trueheart, Mr. Frederick Baron, Miss Susan Pitts, and Miss Elizabeth Smith. At this meeting I presented them with the MACV documents listed at Tab A, after Mr. Smothers obtained DOD concurrence from Mr. Latimer.

2. On the following day, Friday, 30 May 1975, I was asked again to represent the Agency at the DOD PHOENIX briefing presented by Colonel Clarence E. Skoien, USA, JCS/J3/SOD. A Colonel Finkelstein, a veteran of Army service in Vietnam with the 1st Cavalry Division, also participated very actively in the extended question-and-answer period following the prepared briefing. A copy of the draft of this briefing is at Tab B. Colonel Finkelstein's remarks were particularly useful in describing typical PHOENIX missions involving combined US Army - RVN National Police operations against VCI targets which had been identified from intelligence from all sources, such as the PRU, Police Special Branch, military intelligence, and so on. The DOD briefing and question-and-answer period served also to underscore the fact that the bulk of "VCI killed" statistics were derived from these types of operations, rather than from an alleged "mass assassination program."

3. Again on Thursday, 5 June 1975, I met at the Headquarters Building with Miss Smith and Mr. Baron and gave them a second selection of PHOENIX-related documents. See list at Tab C. These were documents reviewed previously for this purpose with Mr. Colby, and which together with those listed at Tab A comprise most of the documents listed on pages 154 and 155 of Hearing Before the Committee

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on Armed Services, United States Senate, Ninety-Third Congress, First Session on Nomination of William E. Colby to be Director of Central Intelligence, July 2, 20 and 25, 1973. At this time I explained to Smith and Baron the significance or purpose of each document and answered additional questions. I also loaned to them the following documents which Mr. Colby asked be returned to him:

(1) A briefing notebook, Internal Security in South Vietnam - PHOENIX, Ambassador William E. Colby, DEPCORDS/MACV, December 1970.

(2) Handbook, National Security Laws and Procedures.

4. Finally, on Friday, 13 June, I sent Miss Smith a third selection of documents, also cleared previously with Mr. Colby, with the names of CIA personnel deleted. See Tab D.

5. At all three meetings with the minority counsel or his staff members, I responded to questions related to why the PHOENIX program was proposed, who proposed it, who approved it and when, and how it was organized and implemented. I was asked to explain the Agency's initial role, and the reasons why the Agency later (July 1969) withdrew from its primary management role but continued in an active supporting role. I explained, as did the DOD briefers, the dual functions of US, including CIA advisors, as advisors to their respective GVN programs and as advisors or coordinators in the PHOENIX program. I sought also to stress that PHOENIX and other intelligence related-programs, the overall MACCORDS - GVN pacification program, and military operations were all interrelated and mutually supportive. I noted our concern with such related problems as the screening, legal processing and detention, and even the parole and rehabilitation of VCI cadres.

6. With respect to Agency programs per se, other than Agency management and support to getting PHOENIX under way in 1967-1969, I was asked, and to the extent that I could give positive answers, replied to questions concerning:

a. Basic CIA organization in Vietnam--station in Saigon, and a region-province structure roughly paralleling the US MACCORDS structure.

b. Number of CIA personnel--roughly 600, plus or minus, including formally seconded US military personnel.

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c. Numbers of CIA personnel in PHOENIX--initial cadre in PHOENIX Staff, MACCORDS, initial involvements as PHOENIX Coordinators and/or advisors to RVN Phung Hoang agencies, and phase down beginning in July 1969. Rough estimate of high point--120-plus in full or significant part-time roles.

d. Details on the PRU--I described only, in general terms their mission, training, and typical operations (night operations, long range penetration of VC-controlled areas, intelligence collection, and so on, in contradistinction to tasks assigned the National Police Field Force, RF-PF, and regular military forces. The staff was interested in the extent to which US personnel accompanied PRU operations, the effectiveness of control over the PRU (I stressed the Province Chief's role here), PRU pay (no comment), and the attitude of other RVN forces toward the PRU.

e. The staff was interested in the "PIC"--the Provincial Interrogation Center--and remarked that one informant or witness had reported that "no one came out of a PIC alive". I described a typical PIC in detail, and our basic role with respect to it and the Police Special Branch. I stated, in reply to a specific question, that in addition to carrying out our basic mission in Vietnam--the collection of intelligency--our CIA advisory efforts essentially included: our phased roles in the PHOENIX Staff and PHOENIX Committees, and the PRU, Police Special Branch, RDC, and Static Census Grievance Programs.

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Acting Chief,
Career Management Group

Attachments:
Tabs A - D

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The following documents were furnished to Mr. Curtis Smothers on 29 May 1975. After permission was obtained from Mr. Latimer, DOD, three copies of each were made by Mr. Smothers' staff, two for the latter's retention, one for DOD.

1. MACV Dir 381-41, 9 July 1967, Military Intelligence - Intelligence Coordination and Exploitation for Attack on VC Infrastructure (C) Short Title: ICEX (U). (CONFIDENTIAL)

2. MACV Dir 381-43, 25 November 1967, Military Intelligence - Reporting on Elimination of Viet Cong Infrastructure (C), Short Title: ICEX (U) (RCS: MACJOIR-01). (CONFIDENTIAL)

3. 1967 Action Program - Attack on VC Infrastructure, Year-End Report to ICEX Committee. (This paper was prepared by the ICEX Staff attached to DEPCORDS, USMACV) (CONFIDENTIAL)

4. Message, DTG 020908Z Jan. 68, from COMUSMACV to CINCPAC info JCS, DOD, State, USIA, AID, CIA and White House, CONFIDENTIAL 00107 from MAC JOIR, Subj: Phoenix (ICEX) Directive.

5. Message, DTG 251134Z Apr. 68 from COMUSMACV to: CINCPAC, info JCS, DOD, State, AID, CIA and White House, CONFIDENTIAL 11722, Komer sends, Subject: Phoenix Program.

6. Republic of Vietnam, Office of the President, Decree No. 280-a/TT/SL, 8 July 1968 (SECRET). (This decree promulgated the national plan - "Phung Hoang.")

7. MACV Dir 381-41, 9 July 1968, Military Intelligence Coordination and Exploitation for Attack on VC Infrastructure (C), Short Title: Phoenix (U). (CONFIDENTIAL)

8. Change 1, to the above, 11 October 1968. (CONFIDENTIAL)

9. MACV Dir 10-20, 23 May 1968, Organization and Functions - Organization, Functions and Responsibility for Support to the Attack on the VC Infrastructure (U) Short Title: Phoenix (U). (CONFIDENTIAL)

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The following unclassified documents also were made available for information and copying.

1. Booklet - The Viet Cong Infrastructure - Modus Operandi of Selected Political Cadres (U).

2. PHUNG HOANG - Current Breakout of VCI Executive and Significant Cadres.

3. PHUNG HOANG Advisor Handbook.

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I am Colonel Skoien, of the Special Operations Division, of the OJCS. My division happens to be the custodian of the remaining operational information pertinent to the PHOENIX or PHUNG HOANG program yet held within the Joint Staff. I hasten to point out that I have no personal expertise by virture of experience with the PHOENIX program in the field or at this level. I only happen to hold very limited operational data as a result of assuming the functions of the now defunct Office of the Special Assistant for Counterinsurgency and Special Activities which was disestablished in 1971. ~~There is not, to my knowledge, anyone in the Washington area, other than perhaps Mr. Colby, who can speak with any authority regarding the PHOENIX program at this level~~ However, to the extent that I can, I will respond to your specific questions, ~~Be advised that~~ but I suspect that your knowledge of the program is likely already more thorough and more complete than is mine.

With that personal disclaimer, let me begin by saying that during 1967, the Intelligence Coordination and Exploitation (ICEX) program, which was the forerunner of the PHOENIX program, was developed under the auspices of ~~the CIA~~ Ambassador Komer. This was an effort to identify the political activities of the enemy within the RVN and did provide an initial appreciation of the VC political and terrorist apparatus. It was not until July 1968, however, that President Thieu issued the Presidential directive which established the PHOENIX program. Its principal characteristic was that it was a program, not an organization, to bring about collaboration, cooperation, and coordination of all government agencies which could contribute to the identification and neutralization* of the Viet Cong Infrastructure, or VCI. PHOENIX Committees were established at the GVN national, regional, province and district level which initially had only limited success. A US military advisory effort for PHOENIX was developed, utilizing available military officers to assist in the organization of the program. CIA personnel were gradually withdrawn from direct responsibility

* Neutralization is construed to include: causing VCI to rally to the GVN, detention and/or arrest, or killing.

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for the program ending their direct involvement in July 1969. They did, however, remain as participants in the coordination procedure on the American side and through their liaison with the Vietnamese Special Police. It is important to remember that the program was a GVN, not a US program, ~~although~~ and ~~ultimately~~ the GVN organization was paralleled with a US military advisory effort. At its peak in 1970, there were 704 military advisors to the program. This was at the highpoint of "Vietnamization" when US troop strength in Vietnam was already declining and the major thrust was to have the GVN assume complete responsibility for its defense. The role of these advisors was strictly to advise and to provide assistance on organizational and management techniques, intelligence acquisition and file procedures, and dissemination of that intelligence. This advisory system was under the supervision of the PHOENIX Directorate of the Deputy COMUSMACV, Civil Operations and Rural Development (MACCORDS).

The PHOENIX program included: collecting intelligence to identify VCI, inducing them to abandon their allegiance to the VC, capturing or arresting them to bring them before lawful tribunals for sentencing, and as a final resort, using military or police force against them if no other way existed to prevent them from carrying out their illegal activities.

The PHOENIX program had as its foundation Article 4 of the 1967 RVN Constitution which states: "The RVN opposes Communism in any form" and "Any activity designed to publicize or carry out Communism is prohibited." There were a series of ordinances and laws to implement this constitutional provision which dealt with crimes of treason, espionage, insurgency, revolt or terrorism. Some of these laws actually predated the Constitution, appearing as early as 1956. Trials for these crimes were before military courts in accordance with legislation which established these crimes as being against national security. Administrative sentencing was possible (2-year terms maximum). This procedure stemmed from the declarations of National Emergency and War in 1964 and 1965, respectively. Similar detention

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procedures have been used in other countries during emergencies such as Malaya, Kenya, the Philippine Islands and even the US suspended the writ of habeus corpus during the Civil War, ~~and still has laws which would allow detention of subversives in a national emergency~~.

The PHOENIX program was publicly proclaimed in RVN in October 1969 under the title of "Protection of the People Against Terrorism." Each VCI who was captured was identified to the public in an obvious attempt to generate "peer pressure." Further, the program involved detailed explanations of PHOENIX activities at the local level through leaflets, posters, photographs of known VCI, and propaganda teams.

Regarding the operations associated with the PHOENIX program, I believe it would be proper to characterize them as tending to assume a conventional nature. While individual arrests, check point detentions, cordon and searches of populated areas did take place, more often than not, the productive operations were larger scale military operations targetted against enemy bases or safe areas. You must recall that subsequent to Tet of 1968, the character of the enemy was significantly altered. Rather than engaging in open warfare, US military operations forced the VC and NVA into redoubts from which they staged classic guerrilla warfare. As such, when intelligence identified a target, an operation was mounted using police, paramilitary and/or regular military units. While searching for only one or a few individual members of the VCI, chances were that a VC/NVA guard/security unit would be encountered and a firefight resulted. Because of the nature of the target, unless escape was possible (and carefully planned operations of this type generally deny escape) there was no surrender even though destruction was the inevitable result. Yet another type operation proved to be effective--that was the night ambush laid between populated areas and known or suspected VC/NVA bases. As the VC/NVA attempted to reenter the populated areas night ambushes denied access to the people who were under GVN protection.

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A word now about resources which were involved. As indicated earlier, at its peak, there were over 700 military advisors to the PHOENIX program. By year, the totals are:

1968 - 435

1969 - 434

1970 - 704

1971 - 397

1972 - 125

The last military advisors left the PHOENIX program on 31 December 1972.

My information does not indicate how many Vietnamese were involved in the program.

Funding for the program breaks out this way, according to information which I cannot verify:

	US (millions)	GVN (Estimates - millions of piasters)
1968	$1.53	--
1969	1.46	.5
1970	.38	1.8
1971	.40	1.7
1972	.11	1.8
TOTALS	$3.88	VN 5.8

These funds were provided both by CIA and ~~MACV~~ DOD prior to 1 July 1969 with ~~MACV~~ DOD providing two-thirds of the total. Subsequent to that date, funding for support of the program was wholly the responsibility of ~~MACV~~ DOD.

One always seeks to apply some measure of effectiveness when resources are expended in military operations. There is, of course, no absolute measure since war is not, cannot be cost effective. There were, however, some yardsticks applied which may or may not be valid. By year the available data includes the following to provide some measure of effectiveness.

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	Rallied	Detained	Killed	Total
1968	2,229	11,288	2,259	15,776
1969	4,832	8,515	6,187	19,534
1970	7,745	6,405	8,191	22,341
1972 (end July)	1,586	2,138	2,675	6,399
TOTALS	22,013	33,358	26,369	81,740

In sum, the following points bear repeating:

- The PHOENIX program was a GVN program with the 1967 RVN Constitution as its basis.
- The PHOENIX program was aimed at reducing the influence and effectiveness of the VCI within the RVN.
- Operations associated with the PHOENIX program involved intelligence collection to identify VCI, capturing or arresting them to bring them before tribunals for lawful sentencing, and as a final resort, use of military or police force to prevent them from their illegal activities.
- In terms of the total US effort in Vietnam, the US military role was relatively small and short lived.

This completes my briefing. I will attempt to answer your questions, ~~but you are reminded again,~~ that my knowledge of ~~the program is quite limited~~.

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MACV Dir 381-46, 27 Dec 67, Military Intelligence - Combined Screening of Detainees.

Letter of Transmittal, from Chairman of Central PHC to Capital, City, Province PH Committees, 7 Apr 1969, re classification of offenders. (VN-SECRET)

MACCORDS-PHOENIX Disposition Form, 24 Apr 69, Classification of Detainee Guidelines and Implementation Instructions, with attached GVN Min/Interior Ltr, Classification and Rehabilitation of Offenders, 21 Mar 69. CONFIDENTIAL.

MACCORDS-PHOENIX DF, 26 Apr 69, with Ltr from Min of Interior, 0708/UBPHTU/VPTT/KH/M, re development of dossiers. CONFIDENTIAL.

Circular 1206-PTHT/BDPT/HC, from Prime Minister, 24 Apr 70, Phases of Interrogation and Procedures Applied to Arrested VC Cadres. SECRET

Enclosure, CPDC/CC No. 1440/PThT/BDPT/KH, 13 May 70, from Prime Minister to Minister of Justice, The Public Prosecutor's Role in Pacification and Development.

TAB 6: An Tri Handbook to Appendix D, Protection of the People from Terrorism (from RVN Central Pacification and Development Council, "1972-1975 Four Year Community Defense and Local Development Plan."

Ltr from W. E. Colby to Prime Minister, 12 Oct 70, re legality of the An Tri procedure, with attachment.

Ltr from W. E. Colby to Prime Minister, 13 Nov 70, re establishment of a formal system of parole, and attachment.

Memorandum, The Geneva Conventions and the PHOENIX Program.

Circular, Prime Minister, No. 1042-TT/ThT/PC1/1/M, 2 Aug 71, An Tri Procedures. (CONFIDENTIAL)

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MACV Dir 525-36, 18 May 70, Military Operations-PHOENIX (Phung Hoang) Operations.

Chart, undated, CORDS Provincial Organization.

Pamphlet (copy), Pacification, March 1969. (Pub. by MACCORD/MACOI as Command Information Pamphlet 12-69.

PHOENIX Year-End Report-1968, 16 Mar 68, CONFIDENTIAL-NOFORN.

PHUNG HOANG/PHOENIX 1969 End of Year Report, 28 Feb 70. (CONFIDENTIAL)

MACJOIR-PHOENIX Memorandum for DEPCORDS, 17 Oct 68, Plan for Special Campaign Against the Viet Cong Infrastructures (SECRET), w/att.

PHUNG HOANG SOP #1	23 Jul 68	(CONFIDENTIAL)
PHUNG HOANG SOP #2	1 Nov 68	(CONFIDENTIAL)
PHUNG HOANG SOP #3	1 Feb 70	(CONFIDENTIAL)

Program of Instruction - PHOENIX Coordinators Orientation Course, Vietnam. (CONFIDENTIAL)

MACV Dir 381-43, 14 Mar 69, Military Intelligence-Reporting on Neutralization of Viet Cong Infrastructure (C) Short Title: PHOENIX(U) (RCS: MACJOIR-01 (RI). CONFIDENTIAL

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Memo from Minister of Interior, 29 Dec 1967, #39/CT/1/M, The Destruction of the VC Infrastructure. (CONFIDENTIAL). (Note: Predecessor to Office of President, No. 280-a/TT/SL, 8 July 1968, "The Phung Hoang decree".

Cable from Central PHOENIX (i.e. Phung Hoang) Committee, 15 Sep 69, re informing village and hamlet officials of PHUNG HOANG operations.

Circular, Min/Int-Central PH Permanent Office, 13 April 70, "To give village authorities information on the situation of the persons arrested by PHUNT HOANG operations. (CONFIDENTIAL)

Circular, Office of Prime Minister, No. 105-TT/Tht/PCI/1, 5 June 70, Handling of persons captured during operations.

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RVN, Prime Minister circular, 2 Aug 71, An Tri Procedures.

Chart, Statistics of Courts of the Republic of Vietnam.

Circular, Min/Interior No. 757-BNV/CT/13/A/M, 2 Aug 71
Classification and Rehabilitation of Offenders. (CONFIDENTIAL)

Circular, Min/Interior, No. 2212/VnV/CT/13-A/M, 20 Aug 69,
Improvements of the Methods of resolving the status of
offenders (CONFIDENTIAL).

Report, July 1968, "National Security Legal Problems-Summary
and Appraisal.

VCI Target Personality Data Form

Checklist of Dossiers

Confinement Facilities in Vietnam. (Oct 68)

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Typical PHOENIX Wanted Poster

PHOENIX FACT SHEET, 11 Aug 68, In-Country Training of US PHOENIX Personnel (CONFIDENTIAL).

Extract, Progress of the War on the Infrastructure, 8 April 1968 (CONFIDENTIAL).

Min/Def Memo, 23 June 1969 (transl), Coordination of operation and devotion to duty of members of PH Committees at all echelons, and DIOCCs. (CONFIDENTIAL).

Change 1, MACV DIR 10-20, 1 Jul 69.

RVN Pres. Memo No. 210-TT/SL, to realign organizational system of the Phung Hoang Plan.

Dir. of Prime Minister, 5 Mar 68, re organization and management of Intelligence Coordinating Committees. (CONFIDENTIAL)

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DGNP # 005648/TCSCG/S/DHCT, 29 Sep 68. Operations of Provincial Interrogation Centers.

Undated draft, assessment of attack on the VCI.

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Memorandum from H. C. Lodge to (OSA, Saigon), 25 November 1966, subject: Elimination of Viet Cong Infrastructure. (SECRET)

Memorandum from H. C. Lodge to (OSA, Saigon), 9 March 1967, concerning "Impact of Friendly Operations in V.C. Guerillas and Infrastructure." (SECRET)

Memorandum from OSA to ACOS, J2, MACV, 8 March 1967 (A-2359, subject: Impact of Friendly Operations on VC Guerrillas and Infrastructure, with attachment, (OSA) Memorandum for the Ambassador, 6 March 1967, same subject (A-2354). (SECRET NOFORN)

Memorandum from OSA for the Ambassador, 12 March 1967, subject as above, (A-2365). (SECRET NOFORN)

Memorandum from W. E. Colby for the Honorable Robert W. Komer, 28 April 1967, subject; Rapid Action Against the FC Infrastructure. (SECRET)

Memorandum, dated 22 May 1967, subject: Organizational Recommendations for Attack on VC Infrastructure. (SECRET/EYES ONLY)

Memorandum from R.W. Komer for General Westmoreland, 14 June 1967, re "new concept for attack in infrastructure. (SECRET/EYES ONLY)

Memorandum from: R. W. Komer for General W. C. Westmoreland, 14 June 1967, subject: Organization for attack on VC Infrastructure, w/attachment-A Concept of Organization for Attack in VC Infrastructure. (SECRET/EYES ONLY)

Memorandum from R. W. Komer for Ambassador Bunker, 14 June 1967, subject: Organization for Attack on VC Infrastructure, w/att: A Proposal for the Coordination and Management of Intelligence Programs and Attacks on the VC Infrastructure and Local Irregular Forces. (SECRET)

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