

The Phoenix Program

1175

The Phung Hoang or Phoenix Program was originally designed by the United States to "neutralize" the political apparatus of the National Liberation Front or VCI (Việt Cộng Infrastructure). The techniques used ranged from paying informers to assassination. Though generally conceded to be a failure in terms of reducing the NLF's political strength, the Phoenix Program has come to be a significant aspect in the repression of political dissent in south Viet Nam.

Wayne Cooper, a former Foreign Service Officer who spent most of his 18 months in Viet Nam as an advisor to the Phoenix Program described the origins of the operation:

In the mid 1960's, the Central Intelligence Agency began a program which came to be known as "counter terror" or "C.T." It was a unilateral American program, never recognized by the south Vietnamese government. CIA representatives recruited, organized, supplied and directly paid CT teams, whose function was to use Việt Cộng techniques of terror -- assassination, abuses, kidnappings and intimidation -- against the Việt Cộng leadership.³³

Cooper traces the development of the Phoenix Program from an exclusively American operation to its incorporation into the Saigon police network. In the process, the original objectives of Phoenix were altered.

In the field, we saw the inertia and ineptitude and knew the program wasn't succeeding, but we failed to notice that Phung Hoang was becoming something else-- a means for repressive political control over the south Vietnamese. ...The "subversive" nationalist who expressed fatigue with the war, scorn for Thiệu and Ky, and enthusiasm for a coalition government, was by definition a threat to public security. He might easily find himself on Côn Sơn Island, his arrest being explained to advisors by ascribing to him a VCI title.³⁴

PHOENIX TODAY

Members of the VCI are considered neutralized if they: voluntarily surrender or "rally" to the Saigon government; are killed; or are imprisoned or detained. The ralliers become the responsibility of the Chiêu Hồi (Open Arms) Program, which aims to "reeducate" former NLF followers to become loyal citizens of south Viet Nam. Returnees who do not become reeducated are sent to jail; those who complete the Chieu Hoi Program are eligible for the draft.

The south Vietnamese government claims that most of those killed under the Phoenix die in fire fights with Saigon or paramilitary police forces. How many people are actually assassinated is unknown, because the Phoenix Program has tried to shed its counter-terror image, as it moved into the open as part of

FILE 1175 DATE 11/75 SUB-CAT
a pacification program. In spite of this, it is certain that a number of those listed as killed have died as a result of torture administered while they were being interrogated or detained. In hearings before the House Foreign Affairs Committee, K. Barton Osborn, a former intelligence operative in Viet Nam, testified on specific instances.

They antagonized him several times by taking him with his elbows behind his back, hands tied, running him up to the door of the helicopter and saying: "If you don't tell us what we need to know we are going to throw you out of the helicopter." They did this two or three times and he refused to say anything. He couldn't respond. He wouldn't respond. Therefore, on the fourth trip to the door they did throw him out from the helicopter to the ground.

I saw other interrogations, to describe them briefly: The use of the insertion of the 6-inch dowel into the 6-inch canal of one of my detainee's ears and the tapping through the brain until he dies. The starving to death of a Vietnamese woman who was suspected of being part of the local political education cadre in one of the local villages. They simply starved her to death in a cage that they kept in one of the hooches at that very counterintelligence team headquarters.³⁵

Osborn also stated that:

I will say this: individually I never knew an individual to be detained as a VC suspect who ever lived through an interrogation in a year and a half, and that included quite a number of individuals. That may be my experience; may be a tremendous exception to the rule, but the experience of my peers there and my own experience firsthand, which I swear to, and have sworn to, was categorically inhuman and with no rhyme, reason, or bureaucratic justification for a murder program which had gone way beyond the level of any competence at that level.³⁶

The "captured" are apprehended by military or police units and eventually confront the judicial system. These suspects encounter the worst aspects of Vietnamese "justice" including arbitrary arrest, torture, no trial and renewable two-year sentences. A vast number of those currently held by the south Vietnamese government have been apprehended under Operation Phoenix.

The plight of those captured under the Phoenix Program can be best understood by placing oneself in the position of a prospective victim.

--His apprehended either by a military unit sweeping through his town or village by the Special Branch of the National Police.

--He may be on a district or provincial police "blacklist" of security suspects because of reports by paid informers or his fellow villagers. Informers often turn people in simply to earn a fee, and neighbors use this as a convenient way to settle a grudge.

--Once detained, a suspect has no legal rights. Habeas Corpus was suspended over five years ago and the police can hold arrestees up to 46 days for investigation. During this time suspects are often tortured to obtain confessions, which are admissible as evidence.

--If sufficient evidence is gathered to warrant a trial, the suspect goes before a military court. He has no right to appeal unless a death penalty is imposed.

--If there is not enough evidence for a trial, the accused is brought before a Provincial Security Committee and may be detained for up to two years--and his sentence is renewable.

An examination of testimony presented before Congress and of official Phoenix documents reveals that these abuses of justice are not accidental but an integral part of the Phoenix Program.

Theoretically, those captured by Phoenix are high-level local VCI, identified by means of carefully screened information from paid informers and the local populace. In fact evidence from these sources has often proved unreliable. As Michael Uhl, a former military intelligence officer testified:

Our paid sources could easily have been either provocateurs or opportunists with a score to settle. Every information report (IR) we wrote based on our sources' information was classified; (1) unverifiable and (2) usually reliable source. As to the first, it speaks for itself; the second, in most cases was pure rationale for the existence of the program.³⁷

Information is also to be obtained from the general population. The instructions on who should be reported are not a model of legal precision. For example, a document distributed in Viet Nam to United States advisors to Phoenix describes the type of actions reported by neighbors which could get a person blacklisted.

Residents of the area who make suspicious utterances, such as, (1) expressions which distort the Government of Vietnam policies and the action of the Government of Vietnam cadres; (2) false rumors which confuse and frighten the people; (3) creation of division and hatred among the populace and between the populace and the Government of Vietnam cadres.

Those who act suspiciously:

- (a) the hesitation or fearful attitude of a dishonest person;
- (b) contact with those whom we suspect; or
- (c) regular secret colloquies of a certain group of people in the area.³⁸

Predictably, these methods of soliciting information have proven totally inadequate. The number of people falsely killed or imprisoned is unknown-- but the following dialogue between U. S. Ambassador to south Viet Nam, William Colby, and Congressman Ogden Reid of New York gives some idea of the margin of error.

Mr. Reid: Can you say there is a high degree of accuracy in the initial dossier or report or do you have some concern as to the accuracy? Ambassador Colby: I have never been highly satisfied with the accuracies of our intelligence effort on the Việt Cộng Infrastructure. Mr. Reid: Are we talking about substantial number, say over a thousand, who might have been improperly identified, or are you talking in terms of a hundred or what?

Ambassador Colby: I would say initially identified, misidentified. I would say that in the past you had larger numbers than that. Mr. Reid: Meaning what, over 5,000?

Ambassador Colby: I wouldn't like to give you a figure, but I would say that--

Mr. Reid: Or 7,000? Is that the implication?

Ambassador Colby: I frankly don't have a number, Mr. Congressman.³⁹

Suspects picked up under the Phoenix program have to endure two months in an interrogation center before being sentenced. Police officials frequently torture these citizens during this period. The widespread use of torture during interrogation can be explained by the admissibility of confession as evidence in court and by the fact that local officials are under pressure from Saigon to sentence a specified number of high level NLF officials each month.

According to Ambassador Colby, Phoenix divides the VCI into three categories; A leaders, B cadre and C followers. "The goals assigned to the provinces and districts apply only to those A and B category personnel and only to those actually sentenced rather than merely captured."⁴⁰

If a district or province chief cannot identify and arrest VCI members by means of informants, he produces his assigned quota by torturing confessions out of the suspects he has on hand. Michael Uhl observed the impact of the quota system while working as an intelligence officer in Viet Nam.

For instance, Ambassador Colby gave the impression that the Phoenix targeted specific high level Viet Cong Infrastructure whose identity had been established by at least three unrelated intelligence sources. In his prepared statement delivered before this committee on July 19, 1971, he cites several interesting statistics. Among these is the number of Viet Cong Infrastructure (VCI) successfully

targeted and "neutralized" during the period 1968 - May 1971. 1970 figures show 22,341 VietCong Infrastructure "neutralized". Colby thus would have us believe that the vast majority of these people were targeted according to the rules that he outlined.

This capacity on the part of the military intelligence groups in Vietnam seems to me greatly exaggerated. A mammoth task such as this would greatly tax even our resourceful FBI, where we have none of the vast cross-cultural problems to contend with.

What types of operations "generate" this supplementary body count then, assuming the figures are accurate? It was my experience that the majority of people classified as VietCong Infrastructure were "captured" as a result of sweeping tactical operations. In effect, a huge dragnet was cast out in our area of operation (AR) and whatever looked good in the catch, regardless of evidence, was classified as VietCong Infrastructure.

Uhl went on to tell the subcommittee:

All CD's, because of this command pressure (the majority of our detainees were classified a CD's), were listed as VietCong Infrastructure. To my knowledge, not one of these people ever freely admitted being a cadre member. And again, contrary to Colby's statement, most of our CD's were women and children.⁴¹

After interrogation and investigation, the suspect encounters the sentencing stage of Phoenix. He is either brought before a military court or a Provincial Security Committee, depending on whether there is sufficient evidence for trial. From either group, the suspect usually ends up with a sent-

ence of several years in prison and there is no appeal.

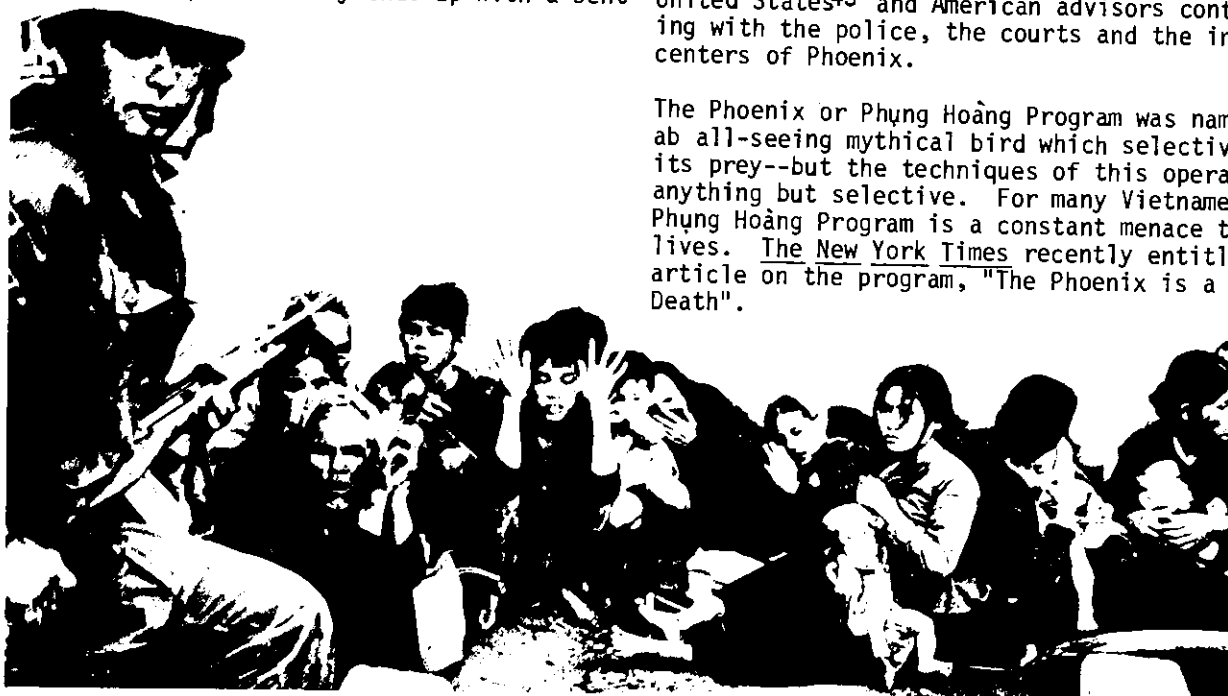
Those who have been unlucky enough to be apprehended under Phoenix are never confronted with the evidence against them or allowed legal council. They have entered a process where conviction is almost a certainty. Every step of the way there is pressure to elevate a mere suspect to the A or B categories. The abuses of this program are obvious. As the Committee on Government Operations concluded in the summer of 1971:

The committee notes that, according to official figures furnished by Ambassador Colby, a total of 20,587 suspected VCI were killed from the beginning of 1968 through May 1971. It is impossible not to wonder how many of those persons were the innocent victims of faulty intelligence. The committee can think of no other U.S.-funded or supported program in which the consequences of inefficient management are so extreme.⁴²

Despite its appearance as a totally Vietnamese operation, the Phoenix Program is actually a microcosm of the profound U.S. influence which permeates the affairs of the south Vietnamese people. While few Americans are directly involved in the program, Phoenix was created, organized and funded by the CIA. The district and provincial interrogation centers were constructed with American funds and provided with American advisors. Quotas were set by Americans. The national system of identifying suspects was devised by Americans and underwritten by the United States. Informers are paid by U.S. funds. American tax dollars have covered the expansion of the police and paramilitary units who arrest suspects.

The Phoenix Program is still funded entirely by the United States⁴³ and American advisors continue working with the police, the courts and the interrogation centers of Phoenix.

The Phoenix or Phụng Hoàng Program was named after an all-seeing mythical bird which selectively snatches its prey--but the techniques of this operation are anything but selective. For many Vietnamese, the Phụng Hoàng Program is a constant menace to their lives. The New York Times recently entitled an article on the program, "The Phoenix is a Bird of Death".



American Responsibility and the Saigon Government

The government of President Nguyễn-văn-Thiệu is a narrowly-based, military regime. It has been described by the pro-government Saigon Daily News as "a coalition of the extreme right"⁴⁴ It is opposed by the National Liberation Front-- and it is also opposed by the majority of the most politically active Buddhist and Catholic clergy, labor leaders, students and intellectuals. The military result of this opposition has been a devastating war; the political result has been a vast apparatus of repression.

United States funding and advising of the prison and police systems of south Viet-Nam make us responsible for the current plight of the political prisoners. In a large sense, the U.S. must share responsibility for the nature of the Saigon government itself. It is a government of limited scope whose very essence is dictated by American policy, not Vietnamese reality.

The Pentagon Papers record the objectives and the difficulties of American efforts in Indochina. From the very beginning, the United States faced almost insurmountable obstacles in establishing a pro-American government in Viet-Nam. In 1948, the State Department asserted that "Hồ Chí Minh probably is now supported by a considerable majority of the Vietnamese people...[and] is the strongest and perhaps the ablest figure in Indochina and that any suggested solution which excludes him is an expedient of uncertain outcome."⁴⁵

In spite of this fact, the effort to find a rival to Hồ continued and the Catholic mandarin, Ngô-Đình Diệm was selected. The American objective was a strong anti-communist government.⁴⁶ The problem with the plan was that in the eyes of most of the people of south Viet-Nam, the Việt-Minh were the nationalists,⁴⁷ and Diệm "existed by reason of U.S. support."⁴⁸

As the nationwide election set for the summer of 1956 by the Geneva Conference approached, Diệm's chances of winning did not improve. But rather than allow the Vietnamese to elect a communist, whether nationalist or not, the United States and Diệm cancelled the scheduled election.⁴⁹ The cancellation of elections had an immediate political impact in south Viet-Nam. The very month of the scheduled election, the CIA declared "The trend toward authoritarian rule through the political parties led by Diệm's relatives and a small circle of trusted associates will probably continue. Isolation and neutralization of government critics and men disliked or distrusted by Diệm will also continue."⁵⁰

The United States continued to support Diệm despite increasing repression. By 1959, the political situation had become very uneasy. "This dissatisfaction is caused primarily by the authori-



What will be the fate of these prisoners in the event of a cease-fire?

tarian and pervasive political controls of the Ngo (Dinh-Diem) family and its associates." 51 U.S. officials, while making no public admissions, were well aware of Diem's activities. One such official, General Edward G. Lansdale, commented privately, "I cannot truly sympathize with Americans who help promote a fascistic state and then get angry when it doesn't act like a democracy." 52

This first American experiment at creating an anti-communist government for the Vietnamese ended with the assassination of President Diem on November 1, 1963. Months of civil turmoil preceded this event and by the fall of 1963, even the United States had been forced to admit its error. Representatives of the U.S. military and the CIA played a major role in the coup which brought Diem down.

But the U.S. government still persisted in its efforts to dictate a type of government for south Viet-Nam. No political accommodation was to be allowed. President Johnson wrote the U.S. Ambassador to Saigon: "It ought to be possible to explain in Saigon that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think that nothing is more important than to stop the neutralist talk wherever we can and by whatever means we can." 53

The political chaos which followed Diem's overthrow continued for 18 months and ended with a military coup led by Nguyen-Cao-Ky and Nguyen-van-Thieu. They supported U.S. objectives--and re-instituted political controls which had characterized Diem era.

To preserve this pro-American government the United States mounted a dual effort. To counter NLF insurgency, half a million men and a vast arsenal of supplies were sent to Indochina; to control the political opposition in south Viet-Nam, millions of dollars and hundreds of advisors were dispatched to organize the national police system. American troops apprehended thousands of Vietnamese civilians. They were turned over to the south Vietnamese National Police whose salaries were paid for by U.S. tax dollars and who were trained and advised by Americans. Suspects then were detained, interrogated and often tortured in U.S. financed centers. After sentencing, they were imprisoned in jails expanded and outfitted by U.S. agencies. Except that U.S. troops arrest fewer Vietnamese, this picture remains the same today.

The United States has claimed that the repression of political opposition and treatment of prisoners are internal affairs of south Viet-Nam. But such opinion indicates how limited the U.S.'s view of Vietnamese sovereignty really is. We created the Diem government, then deposed it; we sent half a million troops, then withdrew them. We bombed their land and defoliated their forests without asking permission--and yet in deference to their independence we permit them to abuse their prisoners.

Footnotes

1. *Christian Science Monitor*, July 30, 1971
2. "arrests are continuing at the rate of 14,000 per month..." *Time*, July 10, 1972.
"On November 9, 1972 Hoang Duc Nha, President Thieu's closest advisor reportedly told a group of Vietnamese publishers that 40,000 communist agents had been arrested throughout the country in the past few weeks." *Washington Post*, Nov. 10, 1972.
3. "A reasonable figure is probably at least two hundred thousand civilians in custody of one kind or another in the area of conflict." News Release, *Amnesty International*, November 2, 1972.
"The prisoners now thought to be in south Viet-Nam allegedly total more than 240,000 and include students, adults and a number of clergy." News Release, *Anglican News Service* (Canadian), December 14, 1972.
"He (Ngô Công Đức, former legislator and former President of the Saigon publishers Association) put the total number of political prisoners in south Viet-Nam at 200,000." *New York Times*, Sept. 7, 1972.
4. President John F. Kennedy, interview with Walter Cronkite, *CBS*, September 2, 1963.
5. *Washington Star*, June 29, 1972.
6. *Washington Post*, September 15, 1968.
7. *Ibid*.
8. *New York Times*, June 23, 1972.
9. *New Statesman*, October 8, 1972.
10. "As one aspect of Vietnamization, the Vietnamese National Police are called upon to carry a progressively greater burden. They must share with the Vietnamese armed forces the burden of countering insurgency and provide for daily peace and order--not only in the cities but in the countryside. Preface to *Fiscal Year 1972 AID Presentation*."
11. *Fiscal Year 1971 AID Program and Project Presentation to Congress* (quoted in NARMIC report "Police on the Homefront", p. 107.)
12. *Fiscal Year 1970 AID Report to the Ambassador*, p. 35.
13. *Twenty-Second Report*, by the Committee on Government Operations, October 17, 1972, p. 19.
14. *Area Handbook for south Viet-Nam*, Department of Army Pamphlet 550-55, p. 414.
15. Richard Pollack, "Public Safety in Viet-Nam: The New Mercenary Force," July 4, 1972, p. 4.

17. An Analysis of Provincial Security Committee, (SOP-3), Congressional Record, April 21, 1971, p. E3331.
18. New York Times, August 13, 1972.
19. A summary of the Vietnamese legal system issued to American military legal officers in 1967 justified this procedure in the following fashion: "Since security suspects are particularly likely to learn of an impending arrest and flee, they are commonly arrested without a warrant, although one may be obtained later." Handbook on National Security: Laws and Procedures, Saigon, December 1967.
20. Washington Post, November 10, 1972.
21. Boston Globe, June 24, 1972.
- 21a. San Francisco Chronicle, June 4, 1972.
22. New York Post, June 28, 1972.
23. Christian Science Monitor, June 23, 1972.
24. Time, July 10, 1972.
25. New York Times, June 23, 1972.
26. *Ibid.*
27. The Handbook on National Security: Laws and Procedures mentions the admissibility of confessions and acknowledges that force might have been used to extract them: "Confessions are accepted in evidence, signed by the accused. He may, however, attempt later to show coercion and thus overcome its effect. It is said that a substantial number of convictions of VC are obtained through confessions."
28. New York Times, August 13, 1972.
29. New York Times, August 13, 1972.
30. Congressional Record, April 22, 1971, pp. 3330-1.
31. New York Times, August 13, 1972.
32. "Another CORDS Phoenix advisor enlightened me on the word 'neutralization'. Previously, he explained, the major goal of Phoenix was the 'elimination' of the VCI. 'Elimination', however, gave the unfortunate impression to some Congressmen and to the interested public that someone was being 'eliminated'. Now the major goal is 'neutralization' of the VCI. Of course, the same proportion of VCI are being killed in combat, and killed or captured by the mobile teams established for that purpose. But Congress seems mollified now that suspected Vietcong are 'neutralized' rather than 'eliminated'." Statement of Richard Winslow, former AID employee, to Government Operations Subcommittee U.S. Assistance Programs in Viet-Nam, July 21, 1971, p. 24.
33. Wayne Cooper, "Operation Phoenix: A Vietnam Fiasco Seen From Within," Washington Post, June 8, 1972.
34. *Ibid.*
35. Twenty-Second Report by the Committee on Government Operations, October 17, 1972, p. 100.
36. *Ibid.*, p. 101.
37. *Ibid.*, p. 52.
38. Excerpt from Phoenix document "Analysis of Provincial Security Committees (SOP-3), *Ibid.*, p. 98.
39. *Ibid.*, p. 48.
40. *Ibid.*, p. 49.
41. *Ibid.*, p. 51.
42. *Ibid.*, p. 54.
43. *Ibid.*, p. 98.
44. Saigon Daily News, May 29, 1969.
45. State Department Policy Statement on Indochina, September 27, 1948 (GPO 8, pp. 145 - 48) [Footnotes which cite the Pentagon Papers will use the following abbreviations in referring to different editions of the Papers. BEA means Beacon Press, and GPO stands for Government Printing Office. Both abbreviations are then followed by the volume number and the page number.]
46. "In French-U.S. discussion here, we and French have reached conclusion we should support Diem in establishment and maintenance of a strong, anti-communist national government." State Department Telegram, September 30, 1954 (GPO 10, p. 765)
47. "Furthermore, nationalist appeal in Viet-Nam is so closely identified with Hồ Chí Minh and the Việt-Minh movement that, even in areas outside Communist control, candidates and issues connected with 'nationalism' and supported by the Việt-Minh would probably be supported by a majority of the people." International Security Agency to State Department, April 22, 1955 (GPO 10, p. 935-36).
48. John Foster Dulles 'Telegram to Saigon Embassy, April 9, 1955 (GPO 10, p. 908)
49. "Only the U.S. presence held the south together under far more favorable circumstances, and enabled Diem to refuse to go through with the 1954 provision calling for nationwide