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## C.I.A.-Planned Drive on Officials Of Vietcong Is Said to Be Failing

**U.S. Sources Say Suspects Are Often Freed by Local Vietnamese Authorities**

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SAIGON, South Vietnam, Aug. 18—Operation Phoenix, a program designed by the United States Central Intelligence Agency to track down and sideline Vietcong officials, is reported to be bogging down. American officials blame local accommodation by the South Vietnamese.

Officials in charge of the program acknowledge that fewer than 20 per cent of the 25,233 suspected agents and sympathizers who have been arrested have received prison sentences of a year or more.

More than 80 per cent have been released or permitted to escape by Vietnamese authorities at the local level, acquitted or given sentences of a few months or less.

Since American involvement in the program stops at the point of arrest, United States officials say they are unsure about what happens when the suspects are turned over to the local authorities.

"Many of them just go out the back door of the jail," said John Mason, the head of the American advisers to the program. "We know that."

### Some Are Treated Favorably

"Favoritism is part of it," he said. "Sometimes family relationships are involved. We know very well that if one of our units picks up the district chief's brother-in-law, he's going to be released."

Bribery and payoffs are also part of the explanation, American officials maintain. In some cases there seems to be a subconscious sympathy on the part of the local authorities who understand that accommodation with the Vietcong is often the key to survival in the countryside.

In other cases the Vietnamese authorities have been reluctant to penalize a Vietcong cadre member who, as a result of a compromise settlement achieved at the Paris peace talks, might turn out to be a province official. Like many Vietnamese, the local authorities tend to hedge their bets.



**Gen. William C. Westmoreland cordoned off villages in action now thought to be inferior to Operation Phoenix in detecting the enemy.**

This is said to result in a critical weakening of a program that American officials have been describing as the most ambitious intelligence-gathering effort ever mounted in South Vietnam.

### C.I.A. Created Phoenix

Phoenix was conceived by the Central Intelligence Agency in 1967 and put into operation in July of 1968. The object was to identify, ferret out and dispose of the Vietcong "infrastructure," enemy agents, organizers and cadre members that exist in nearly every village and city in South Vietnam.

The theory was that if these people could be eliminated, Vietcong and North Vietnamese units would be denied the vital indigenous support they have enjoyed in intelligence, supplies and personnel.

"Phoenix teams," composed of South Vietnamese intelligence officers, National policemen, soldiers and Government representatives, have been installed in all 44 provinces and most of the 242 districts and cities throughout the country. Each team has one or two American advisers—some 450 in all.

Some of the advisers are intelligence officers of the Special Forces, or Green Berets, but it is reliably reported that none of these are involved in the current case involving eight Special Forces soldiers who are facing possible murder charges

in the death of a Vietnamese national.

The teams coordinate all available intelligence to compile a blacklist of Vietcong recruiters, supporters and sympathizers in a given area. Once the dossier on an individual is completed, a paramilitary unit is sent out to persuade him to defect, or to arrest him or, if necessary, to kill him.

The arrested suspects are questioned intensively. If the local Vietnamese authorities believe there is sufficient evidence, a suspect is turned over to the provincial authorities. Many are released at this point, however.

After a period in the provincial jail ranging from one to four months, depending on the backlog, the suspects cases are put before the province security council. This quasi-judicial body is composed of the province chief, a local court judge and six law-enforcement officers. It is supposed to meet once a week and often considers 20 to 30 cases at a sitting.

As a rule neither suspects nor witnesses appear. A judgment is usually made on the basis of the written record of the investigation.

The suspect is not usually permitted a lawyer and frequently is not allowed to reach his family until the investigation is completed.

This procedure is acknowledged to result in a variety of abuses. Often the case against a suspect consists largely of intelligence indications rather than hard evidence. Despite this, if the security council regards the case as conclusive, the man is imprisoned.

### System an Improvement

Harsh as this may seem, American officials insist that the technique is an improvement over the old "county fairs" operations conducted under Gen. (former United States commander in Vietnam) William C. Westmoreland, in which a whole village was cordoned off and screened and perhaps hundreds of people were detained with little semblance of due process. Now, the officials maintain, there is at least a quasi-judicial review of the evidence.

In theory, if the suspect is found to be a Vietcong organizer or official, he is supposed to be given a two-year sentence—the maximum without trial.

A number of reforms are being drafted to tighten the program and increase its effectiveness.

The teams will attempt to concentrate their efforts on Vietcong leaders—the so-called hard core—and ignore the rank and file. There

will also be efforts to improve evidence-gathering techniques so that more conclusive cases can be presented to the security committees.

Regardless of how effective the reforms prove to be, the Phoenix program still stands a good chance of becoming obsolete overnight as a result of the Paris talks.

"If the negotiators reach an agreement in Paris," Mr. Mason said, "they will legitimize the very same people we are trying to round up. If they decide to give the Vietcong a role in the Government, the people we are hunting today may be in charge of delivering the mail or collecting the garbage tomorrow."