

Policy on Weeding Out Vietcong Suspects Assailed

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SAIGON, South Vietnam, April 16 — Two Congressmen who are opponents of the war in Vietnam today criticized the program designed to weed out and punish Vietcong political leaders and agents in the civilian population.

Representatives Paul N. McCloskey Jr., a California Republican, and Jerome R. Waldie, a California Democrat, produced what they said was a copy of a directive from the Military Assistance Command Vietnam telling the American advisers to the program, which is called Phoenix, that they were "specifically unauthorized to engage in assassination."

But the operation, the Representatives said, violated "due process of law in the internment and conviction process."

The document, dated May 18, 1970, outlines policy and responsibilities for all United States personnel participating in Phoenix operations or supporting them in any way.

Constraints Cited

"U.S. personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field," the directive said.

"Thus, they are specifically

unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use reasonable military force as is necessary to obtain the goals of rallying, capturing or eliminating the VCI [Vietcong infrastructure]."

The four-year-old Phoenix

program has long been criticized by opponents of the American role in Vietnam.

In principle, the Phoenix operation requires local officials, if they feel they have sufficient evidence against a person suspected of any connection with the Vietcong, to arrest him. If the suspect is

not immediately released, he is taken to the provincial interrogation center.

"My objections are these," Mr. McCloskey said, "a man is not confronted with his accuser, he has not the right to counsel. Any three witnesses may speak against him, saying he is VC."