These reforms are another welcome step in the right direction but fall short of effectively dealing with the underlying problems (Saigon's cable crossed with our earlier An Tri cable -- State's 220744). It is too early to know how the PSC's will respond to the new procedures, but I would not be surprised if they became even more hesitant to refer detainees to the regular courts -- thus frustrating the apparent intent behind the new procedures. This demonstrates the need for a comprehensive rather than piecemeal approach to reform.
CONFIDENTIAL

SUBJECT: AN TRI REFORMS

REF: (A) STATE 196291; (B) SAIGON 158181; (C) SAIGON 172481; (D) SAIGON 18113

1. GVN IN MEMO 2686/BNV/ANCT/1/R/6 (18 NOV 71) HAS WITHDRAWN FROM PROVINCE SECURITY COMMITTEES (PSCS) THE POWER TO RECOMMEND AN TRI DETENTION AGAINST:

A. COMMUNISTT OFFENDERS WHOSE COURT-IPOSED SENTENCE HAS EXPIRED.

B. VICI SUSPECTS WHO ARE REFERRED BY PSCS TO THE COURTS BUT ARE RELEASED PRIOR TO TRIAL DUE TO LACK OF SUFFICIENT EVIDENCE.

C. VICI SUSPECTS WHO ARE REFERRED BY PSCS TO COURT FOR TRIAL AND ARE ACQUITTED.

2. THE SUBJECT MEMO DOES NOT AFFECT THE PSCS' POWER TO RECOMMEND EXTENSION OF AN TRI DETENTION PROVIDED THAT "NEW FACTORS" ARE SPECIFIED AS THE BASIS FOR THE RECOMMENDATION.

BUNKER