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THE PLIGHT OF THE MONTAGNARDS

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BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
ONE HUNDRED FIFTH CONGRESS
SECOND SESSION

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MARCH 10, 1998
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TUESDAY, MARCH 10, 1998

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:08 a.m. In room SD-419, Dirksen Senate Office Building, Hon. Jesse Helms, chairman of the committee, presiding.

Present: Senators Helms, Hagel, Kerry and Robb.

The CHAIRMAN. The committee will come to order.

I just got my latest instructions from my boss back here (indicating), and she is a good one.

I don't know how to begin this morning except from a personal standpoint.

During the holidays, when the liberties of the American people were safe and the Congress was not in session, and I was in Raleigh and you Chuck, were in Virginia, a group of people came to my home one morning; and I never was impressed more with anybody.

In any case, it is a personal honor this morning to call the Foreign Relations Committee into session for a hearing on the plight of the Montagnards. This is a long overdue assessment of the hardships the Montagnards have suffered in communist Vietnam—largely, because they have worked with and supported the U.S. Government and our fighting men and women in Vietnam during that war.

The Montagnards' home is in the central highlands of Vietnam. During the Vietnam War, they fought valiantly alongside of U.S. troops. They suffered heavy casualties fighting against the communist North Vietnamese troops and the communist guerrilla forces in the South. After the United States withdrew from Vietnam, the Montagnards continued fighting for freedom and independence. But, sad to say, to this date it has been to no avail.

As a result of their courageous anticommunism and their association with the United States, the Montagnards continue to experience difficulties in their everyday lives. The Vietnamese Government interferes with the Montagnards applying for permission to emigrate to the United States and restricts humanitarian assistance agencies, including the Lutheran Family Services in Raleigh, North Carolina, from reaching their people who live in the highlands of Vietnam.

Many Montagnards are forced to substitute Vietnamese citizens into their family units and pay exorbitant fees to get exit permits.

In addition, they are forbidden to use the mail system, and they have been denied access to jobs, housing, and education.

Nevertheless, the Clinton Administration has decided to go ahead and waive the requirements of free emigration contained so clearly in the Jackson-Vanik Amendment.

Back in November, I wrote to Secretary Albright asking her to, "urge the administration not to exercise Jackson-Vanik for Vietnam but to insist upon Vietnam's full compliance with the standards of free emigration before going forward with any trade benefits."

I do hope the administration's witnesses here this morning will be able to provide some encouraging information about the status of the decision to waive Jackson-Vanik in our relationship with Vietnam and how the administration justifies waiving it in light of the problems I have just identified.

Now I would be glad to hear from Senator Robb for any opening statement he may have.

Senator ROBB. Mr. Chairman, I thank you for that opportunity. I wanted to come at least for a few minutes to this hearing, because I share the same emotional attachment that I suspect Senator Hagel has, and he is probably here for the same reason. Both of us served in Vietnam. Both of us have a very high regard for the Montagnards and all that they did in support of our forces and our cause during that period. This is what I would consider a humanitarian inquiry and hearing and is very appropriate.

Because I am the ranking member of our Seapower Subcommittee, I am going to have to depart. I will try to come back. I would like to hear, hopefully, Secretary Roth's opening statement before I go. I would like to come back and hear some of the second panel of witnesses as well as Secretary Taft. I think this is the kind of thing that we ought to be inquiring into, and I personally thank you for your sensitivity to this easy to overlook matter that affects what really is a great nation, and we should not let it pass by so easily.

I have no opening statement. I am here for essentially the same reasons that you called this hearing, and I thank you for doing so.

The CHAIRMAN. If you don't have an opening statement, the comments you have made will certainly be a good substitute. Thank you so much, Senator.

Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you. I, too, wish to express my thanks to you for convening this hearing on this very important issue. I echo my friend and colleague, a fellow Vietnam veteran, in his comments as well.

The Vietnam chapter was a very disgraceful chapter in the history of this country. It is important that we get back to some of these important issues and talk about what we need to do to right some of the wrongs that were done by this country, by this government.

This particular hearing dealing with this particular group of people is a good place to begin. So I, too, like my friend and colleague, Chuck Robb, look forward to our witnesses.

I again thank you, for putting this committee hearing together.

The CHAIRMAN. Thank you very much.

Before we proceed—and we will begin with Mr. Roth—at my home during the holidays, a delightful group of people came. They played the instruments that are made from hollowed out bamboo and brought some of their tapestry and cloth. They even brought a jacket which I shall always treasure. These are wonderful people.

I told them then, that as soon as I could manage it when I got back to Washington, I would schedule this hearing. This hearing is it.

Mr. Roth, you may begin.

STATEMENT OF HON. STANLEY O. ROTH, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS

Mr. ROTH. Thank you very much, Mr. Chairman and members of the committee. I would like to begin by commending the committee for holding a hearing on this subject. I agree with the comments that have been made by all three members of the committee that not enough attention has been paid to this issue. I believe I am here today to give you an assurance that I personally will pay attention to this issue. I have not yet been to Vietnam in this capacity, in this job as Assistant Secretary, although I have been there previously. Of course, Assistant Secretary Taft has and will describe her trip. But I want to assure you that on my first visit there, which I expect will be in May, I will raise the set of issues concerning the Montagnards in my meetings with all Vietnamese officials.

So I think this is a very timely hearing for me personally.

In terms of the substance of the issues, I will be abnormally brief and let Assistant Secretary Taft talk; since she has a greater frame of reference on this, having recently been in Vietnam. I wanted to make only a few basic points.

First, I agree with your assessment that there are two different sets of issues. One is the treatment of the Montagnards within Vietnam itself. Their status as a minority community and the status of having formerly fought with us has led to discriminatory behavior. There are all kinds of statistics indicating greater poverty, greater health problems, and discrimination in benefits. I want to pledge to you that I will undertake a personal effort—I, of course, cannot guarantee success—in my conversations with the Vietnamese to try to open up greater benefits for these people in Vietnam. In that regard, I mean specifically Vietnamese benefits from their own government and also access from American NGO groups who are very anxious to provide what you and I would consider, I think, humanitarian assistance—not political, not revolutionary, but humanitarian assistance—to these people. I think they have a right to it, and we will try to make that happen.

I will keep you apprised of any progress that I make and will make sure that other senior State Department officials from the political side of the house as well as the refugee, democracy, and human rights side of the house do the same thing.

The other set of issues concerns emigration and access to exit permits so that this community can be interviewed for emigration to the United States. Assistant Secretary Taft will provide you with the status of those efforts.

The point I want to emphasize is that I believe the current thrust of U.S. policy toward Vietnam, which has been gradual progress toward normalization as we work out specific issues with them on POW/MIA matters and on a series of economic issues, should support the objectives that you and I both share.

I believe that Ambassador Pete Peterson is enjoying increasing success in his representations to the Vietnamese Government on a variety of issues. We have seen dramatic progress, for example, on the ROVR program concerning some of the refugees this year. I think that is partly a function of Pete's personal relationship and personality with the Vietnamese; but also, because the Vietnamese welcome the progress that has been made in the context of normalization.

I should add for the sake of accuracy that the President has not yet made a decision on Jackson-Vanik. We have had consultation with the Hill, as you know from your staff. The decision is imminent, and I had expected it by the time of this hearing. I think it will come down very shortly. But, technically, the decision has not been made.

But the rationale has been not any factual disagreement with you that the situation is not perfect but, rather, because we think the very criteria of the law, that the waiver can be made if we believe it will lead to further progress on emigration issues, is going to be met in this regard. So it is precisely because we want more progress and because we think the track record to date that we have made with Vietnam on emigration issues has been quite positive—over 480,000 people have come to the United States under the ODP or Orderly Departure Program—that this waiver should help, not hurt, the situation. That is why the recommendation has gone forward to the President for a decision.

Let me stop at that point.

[The prepared statement of Mr. Roth appears in the Appendix.]

The CHAIRMAN. Thank you.

Ms. Taft.

STATEMENT OF HON. JULIA V. TAFT, ASSISTANT SECRETARY OF STATE FOR POPULATION, REFUGEES, AND MIGRATION

Ms. TAFT. Thank you very much, Mr. Chairman, members of the committee. I am really very honored and pleased to have the opportunity to talk to you today about our experience in processing Montagnards for admission to the United States.

The plight of the Montagnards is particularly compelling, not only because of the long-standing relationship with our armed forces but also, as Secretary Roth points out, because of the discrimination and problems that the Montagnards face politically and socially within the country.

While we have done quite a lot to bring in Montagnards in our refugee processing program, we still have about 900 that we are waiting to try to get exit permits for, interviews for, which still remain in Vietnam. We are hoping in the very near future that we will be able to have access to these people, and that they will be processed in this fiscal year.

As you have pointed out, Mr. Chairman, so poignantly, the Montagnards have had an incredibly brave existence, fighting with

their resistance force, trying to deal with their own natural integrity and trying to promote the liberation, as they call it, of oppressed races through the FULRO process.

These resistance activities actually ended in the early 1990's. But prior to that time, we were able to process a number of Montagnards. Two particular groups, as you know, sir, went to North Carolina.

In 1985, 201 Montagnards made their way to the Thai-Cambodian border following 10 years of the resistance activities. We processed those people in our refugee program and brought them to North Carolina.

They were shortly followed by another 398 resistance fighters that the peacekeeping operation in Cambodia found on the northeastern border.

When we found those people, we also processed them to North Carolina.

Now this was an unusual decision on the part of our government, to have such a large concentration of refugees in one particular area. But because of a very active and concerned Vietnam Veterans Association and the wonderful support structure and interest of the Lutheran Immigration and Refugee Service, we made a decision to allow them all to go to North Carolina. You must be very proud—and, of course, they are all here to see you—very proud of the fact that your constituents are such a generous people.

As a matter of fact, although I do not have all the statistics for the other States, North Carolina has taken over 16,000 refugees in the last couple of decades, 6,200 of which are Vietnamese.

During the late 1970's and early 1980's, when a large number of boat people left Vietnam, very few of them were Montagnards. They were not part of the exodus that went to the Southeast Asian countries and to Hong Kong. The majority of Montagnards that were processed to the United States—and it was 1,042 at that time—have been admitted as refugees from inside Vietnam. They had not left the country, and they were part of what we call the Orderly Departure Program.

ODP was established in 1979 by the U.N. High Commissioner for Refugees and by other concerned countries to try to find a safe way to deal with the status of people who wanted to leave Vietnam. We did not want them to have to leave on very unsafe boats and resort to clandestine departures. It was at that point that we established the processing program from inside Vietnam.

Since its inception, as Mr. Roth has said, 486,000 Vietnamese have been processed directly from Vietnam to our program. We currently have a caseload awaiting processing which includes four categories of people.

One are the former reeducation camp detainees that also includes the Montagnards. We have about 2,500 of them awaiting processing.

In addition, we have the ROVR caseload, which are those people who went to Southeast Asian camps and came back to Vietnam. We are processing—hopefully we are processing—about 18,000 of those people. This is the current program that we are accelerating with Vietnam.

We also have some Amerasians that we are hoping to be able to process into the United States. Then there are the current immigrant visa cases.

With regard to the Montagnards, when I was in Vietnam in January, I did press upon the Vietnamese authorities our top priority. I also told them I was going to be coming here today and that they had better move quickly on this caseload. It is amazing what a hearing can do.

But I am not the only voice. The Ambassador has been strenuous in pushing forward both the ROVR program and the Montagnard program. And, as I state in my formal submission here, just last month, finally, the Ministry of Interior decided that it would send representation up to the central highlands to find the Montagnards that we had on our list. I had said I am giving you these lists again and we would like exit permits for these people.

They sent someone up there to identify these people and, hopefully, we are going to see them for processing. If we do not get any movement on this, I want to find out what other ideas you have which might even include our sending Americans up there to do the INS processing ourselves. We need to be tough on this. The fact that we are having this hearing today, I am sure, was directly related to their decision to send someone up to the highlands.

What we are hoping to do this fiscal year is to complete the processing of everyone that we have on our lists, which include the ROVR's, which include the Amerasians, which include the Montagnards and the reeducation camp personnel.

What we would like to do but we do not have authority to do—and I hope that you will be supportive of it—is to pass the McCain Amendment. The current McCain Amendment, which expired September 30, allowed us the ability to process single children over 21 of reeducation camp detainees who had been processed through our system. We have not been able to interview or process any since September, and the administration would like very much to have authority to do this through March 1999.

The House has passed a bill in this regard and we can submit the specifics to you, sir. We would appreciate very much your allowing us to have access to these people.

In closing, I want you to know that it is very moving to see the audience here today, both the staff and the members of this committee, but also the Montagnards who have come up from North Carolina. This means everything to them, and I want to assure you and them that the administration is going to work very hard to process their fellow Montagnards to this country.

Thank you so much, Mr. Chairman.

[The prepared statement of Ms. Taft appears in the Appendix.]
The CHAIRMAN. That was a very encouraging statement.

Before we begin the questioning, let me mention one thing. A year or so back I invited seven or eight Ambassadors from the ASEAN nations to come to North Carolina. At the time I made the invitation, Vietnam was not yet recognized.

But the question came up as to whether I would include the Vietnam Ambassador. I made the judgment of why not, because we could talk to him about this and other issues, which I did. He made a number of representations to me in good faith. Now you know

that an ambassador does not run the country; he represents a country. I hope Pete Peterson will talk to the folks over there, and I hope we will stay behind the Ambassador here so that we can get something done on this question.

I see the arrival of the distinguished Senator from Massachusetts. Would you have a statement to make?

Senator KERRY. Mr. Chairman, just very briefly, if I may, I thank you for the opportunity to do that, sir.

First of all, let me thank you for having this hearing. This is an important topic. I know you have a number of Montagnard residents in your State, as there are in other parts of our country. These are people who fought with us, who believed in us, who took great risks on behalf of freedom. We clearly need to keep our eye well focused on their capacity to emigrate and their rights.

I just would report for the record that I was in Vietnam in January—actually just preceding Ms. Taft—and had a number of meetings at all levels. I raised the issue of emigration significantly.

What I found, and I think Ambassador Peterson has found, is that there sometimes is a disconnect between policy and implementation—and it is not unusual in Washington to have a disconnect between policy and what happens in many of our States.

I am confident that at the highest levels there is an understanding of the need to move, as there was on the ROVR program. When we raised the ROVR program with them, there was a response. Cases were acted on, and we began to really move to the interviews.

In fact, the greatest backlog now is in our ability to interview people quickly. The Vietnamese have now located many thousands of people for interviews, and we are sort of running behind on the interview process.

I am confident that for the Montagnard issue, likewise, this kind of focus will help to bring about a greater commitment to reaching out and finding those folks to whom we need to be helpful. I am confident that Ambassador Peterson, who also feels this very strongly, is prepared to bring up any individual cases, any individual names, to help press those and guarantee that we continue to move forward.

But I know that the policy at the upper level has changed and is committed to trying to facilitate the process. It is often at the local level where, in fact, there are sometimes some distinct differences of both opinion and ideology, even in this evolution that is taking place in Vietnam. As a result it is harder to have follow-through at all times.

I think Secretary Roth would agree that Vietnam has increasingly been forthcoming when we have been able to point to it.

But I also would say to my colleagues that it is very, very important to place this in the larger context of a lot of other issues that we are now cooperating on with Vietnam, including, I might add, the larger interests we have in terms of regional security with respect to China, the problems in Cambodia, and the problems in Burma.

So I think when you balance it, there is a good opportunity here to continue to make progress, Mr. Chairman; and I am confident

that this hearing is going to be able to help us do that. I thank you for that.

The CHAIRMAN. I thank the Senator.

Mr. Roth, before we begin, there is another little matter of common interest between you and me.

There are the despicable procedures in China where they take political prisoners out of jail cells having weeks before or months before determined about various organs and their usefulness to various customers having \$40,000 in U.S. money and so forth. They are taking them out, shooting them, and selling their organs to people in this country and in countries all over the world.

Now you and I have discussed this. We have corresponded about it. I just hope you will say for the record that you intend to press on to bring an end to this despicable practice by the Chinese.

Mr. ROTH. You bet. In fact, I was going to inform you after the hearing, but I can do it during the hearing, that, as a followup to our last conversation, one of my deputies, Deputy Assistant Secretary Susan Shirk is in China today. I received a message about an hour prior to this hearing that she and our China Director had raised this with their Chinese counterparts. Again, our concerns were based upon the last arrests in New York in this case and saying that we need more information, that we simply cannot accept a flat denial, that they have to investigate this matter and that we have to make more progress.

So we are pushing the Chinese on this issue. I cannot tell you that we have achieved a breakthrough yet in terms of behavior, but we are investigating every report and we are being diligent.

The CHAIRMAN. I hope you will do everything possible to make clear to the American people that this practice is going on and that it is undeniable. They deny it is going on, but, of course, it is. You know it and I know it. I hope that we can work together, making clear that at least the American people know what is going on in that respect.

Now, then, I have one question. Why did you not seek full compliance with Jackson-Vanik for Vietnam instead of waiving the amendment's requirement of free emigration?

Mr. ROTH. One of the provisions in the Jackson-Vanik legislation is that the waiver authority can be used if it is believed that it will promote the objective of freer emigration. Based upon the pattern of Vietnamese behavior to date, the 480,000 people that have gotten out under the ODP program plus some of the other steps that Assistant Secretary Taft provided is real reason to believe—not just pie in the sky hope but real reason to believe—that moving forward with the Jackson-Vanik waiver and some of the additional programs will increase our chances for making progress with the Vietnamese on the remaining issues, which include the exit permits under the ROVR program and the issues on the Montagnard exit permits as well as the domestic conditions for them.

So this is a judgment call but based upon the criteria in the legislation itself.

The CHAIRMAN. I'll tell you what, I will end my questioning about it. Let's agree that you and I both will contact Pete Peterson to let him know about the substance of this hearing and also that we contact the Vietnamese Ambassador to the United States.

He is a very pleasant man. But he has not done anything. Now I understand that it is difficult for an ambassador to tell his president what to do, but I hope he will try.

I believe I will not ask another question at the moment.

Senator Kerry.

Senator KERRY. I just have one quick question, though not so much on this, Mr. Secretary.

Until a year or so ago, there were a fair amount of tensions between China and Vietnam and, indeed, in the region. Now there appear to be much more significant overtures of cooperation with respect to the Spratleys, with respect to China's involvement in Cambodia with Hun Sen, with respect to Burma also, where there is a significant presence.

Does that suggest anything to you about American presence and influence in the region and perhaps other interests we may have?

You might just share a thought or two on that at this moment.

Mr. ROTH. First, let me say on the narrow issue of China—Vietnam relations, it is kind of a roller coaster. It goes up and down. They have several sets of negotiations. They make more progress on some than others. They are not doing particularly well in trying to define the maritime dispute. I would say, as far as I recall, they have made zero progress. They have done better on their land dispute and their overall atmosphere is better.

But this has the potential to revert at any point to a situation of tension, particularly as they do drilling, as both of them proceed with drilling efforts or exploration in the South China Sea. So I would not want to over-state it.

On your bigger point, I think what it suggests is that the United States cannot afford to be complacent about our relationships in Southeast Asia or, indeed, in all of Asia; that there are other influences out there. China is a rising power, has increasingly active diplomacy in the areas your pointed out, but in other areas as well. It is the largest donor of food on the Korean Peninsula. It has had some increasing role to play in some of the ASEAN institutions. It has participated in the Thai bailout package. So we are seeing a larger Chinese role.

All of this suggests to me that we need a vigorous American role as well, that we need not to abandon the field to anyone, and that applies on the economic front, the diplomatic front, and the political front.

Senator KERRY. Could you share something with us? When I went over there, I was significantly concerned, as I think a number of us were, about the potential for a kind of retrenchment, maybe a step backward in Vietnam because there was a change of leadership taking place.

We have now had a few months to evaluate that. During the time I was there, I voiced very significant concerns with the Prime Minister and others about the need to move more rapidly and forcefully with respect to economic reforms, and particularly to try to bring to closure some of the negotiations on specific projects and to embrace more of the market system. They were talking about it, but there was a seeming hesitancy at the time.

The prime minister at that time, the new prime minister and the new deputy prime minister, who is also the foreign minister,

strongly stated that they are deeply committed to proceeding faster with the reforms and, indeed, during the week I was there, they articulated a much stronger, broader, national policy. They actually brought in people from the provinces and basically said this is the way we are going to do it and this is how you have to move more adroitly to implement some of these reforms.

I think they termed it the one door/one key policy or something to that effect.

Can you share with us whether or not that progress continues, whether or not it is your judgment that they are moving down that road? Or have you drawn any other kinds of conclusions about where the leadership may be moving in these early months?

Mr. ROTH. First let me say that I think the administration has gone through exactly the same thinking process that you did; that, you know, in looking at the leadership, there was some concern that this might perhaps be a more conservative leadership, less committed to economic reforms or some of the other steps Vietnam has taken recently to reenter Southeast Asia, as it were.

The rhetoric coming out of the initial few months has been much better than we had feared. In Vietnam, all three leaders seem committed to the reform programs of their predecessors on the economic side and seem committed to ASEAN as well.

I guess the real issue is results. Are they going to be successful in hammering through reforms? I think here it is fair to point out that they are taking power at an unfortunate time in the sense that the "Asian flu," as it has come to be known, has some impact on Vietnam as well. The willingness of some people, of markets, to invest in many countries in Southeast Asia is less now than before, and the fact that Vietnam had some specific problems relating to inefficiencies and corruption has made it more difficult and we are seeing less foreign investment going in now than in previous years.

Some of the American companies—and you have met with their representatives—have been discouraged about the pace of events. So they are laboring under difficult circumstances now to try to turn around the economy and resume the higher rate of progress from the past.

I have not seen any recent reporting on specific results. But what I would like to do is to get you a detailed answer for the record to see if there are any specific implementation steps that we can cite for you.

[The information referred to follows:]

The new leadership, headed by Party General Secretary Le Kha Phieu, Prime Minister Phan Van Khai and President Tran Duc Luong and operating by consensus as is Vietnamese custom, has publicly voiced its commitment to economic reform. Vietnam has recently taken positive measures, moving quickly to issue a number of decrees. The Asian financial crisis, which is beginning to negatively affect Vietnamese exports and forcing investment inflows, has helped focus the new leadership on the importance of a continuing commitment to economic reform. However, the reforms and the rhetoric surrounding their implementation suggest that the internal dispute over the extent and pace of reform continues.

In general, recently announced changes are positive. However, they focus on making more effective the country's extensive system of administrative controls and procedures rather than their elimination, demonstrating that the Vietnamese government has yet to embrace a completely market-oriented reform program.

The recently announced measures, many of which have not yet been implemented, include reforms to the trade and foreign investment regimes and the financial system. A number of the reforms represent important steps such as the gradual elimi-

nation of many export and import quotas; streamlining investment procedures; elimination of some import bans; expediting the processing of trade documents; and protection of established foreign investments from the negative effects of legal and regulatory changes. Many of the measures provide incentives, such as tax breaks and favorable access to credit, aimed at increasing exports from or foreign investment in targeted sectors. Other reforms are inconsistent with a market-oriented reform process. These include: the imposition of foreign exchange controls; increase import controls; the suspension of new banking licenses; and the monitoring of enterprises with foreign investment to "ensure thriftiness."

Economic experts, including International Monetary Fund staff, have warned that the reforms thus far undertaken by the Vietnamese government do not go far enough. They warn that an economic crisis will result from structural problems in the Vietnamese economy and the spill over effects of the Asian financial crisis if Vietnam does not immediately undertake fundamental reforms including privatization of state enterprises, financial sector reform, adoption of a flexible exchange rate system and trade liberalization. It remains to be seen if the current leadership is willing or able to reach consensus on such a far-reaching program of structural economic reform.

The U.S. Government is engaged in a dialogue with the Vietnamese government to impress upon it the importance of continued market-oriented economic reform. This dialogue is supported by concrete action. The Agency for International Development has initiated a Commercial Law Development Program to help Vietnam draft laws and regulations consistent with an open economy. We are also negotiating a bilateral trade agreement, without which Vietnam cannot obtain Most Favored Nation (MFN) trade treatment, that will embody market principals and promote greater integration of Vietnam in the world economy.

Mr. ROTH. Let me also say for the record, Mr. Chairman, that I agree to your proposal to call Pete Peterson and the Vietnamese Ambassador and will do so today.

The CHAIRMAN. Very good.

This is interesting. Let me say to the young people who are visitors here this morning, we encourage you to come. The media cannot cover every detail and this is one in particular that I wanted to be covered because of its impact on North Carolina and because of the feelings that I have, and that I think most people have, about the mistreatment of these people.

But I would say to the young people that our two witnesses now are Hon. Stanley O. Roth, who is Assistant Secretary of State for East Asian and Pacific Affairs, and the better looking one of the two is Hon. Julia V. Taft, Assistant Secretary of State for Population, Refugees and Migration.

I say to you young people again that we are glad to have you. You may want to ask some of us a question after this hearing is over.

Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

Again, thanks to both of you for coming up this morning and offering your thoughts.

Secretary Taft, what in your estimation is the Montagnard population now in Vietnam?

Ms. TAFT. I am not sure exactly what the overall Montagnard population is, probably just several thousand. The ones that we are hoping to be able to reach in our program are about 900 of those.

Senator HAGEL. So we don't know, generally, how many Montagnard people there are left in the central highlands or in Vietnam?

Ms. TAFT. I don't know. We could submit that for the record. I know that there are 54 ethnic groups. This is one of the smaller ethnic groups that does remain. It is in the central highlands, a

quite remote area, which is particularly disturbing because they do not have access to so many of the other benefits that even the citizens of the rest of the country have.

So it is their remoteness, their small number. They are a minority; they have not really been able to integrate well; and the ones that we are considering for the U.S. program are ones who had a pre-1975 experience with us. In other words, they were trained with our military, they fought with us—plus their direct relatives and those who had been in reeducation camps for 3 years or more.

So the 900 is not the total. But those are the most vulnerable that we have been able to identify.

[The information referred to follows:]

Available information indicates there are 800,000 to 1,000,000 people in Vietnam who are collectively referred to as Montagnards, from the French word for mountain people.

Senator HAGEL. How do we treat their children? Do they qualify?

Ms. TAFT. Yes, sir. Yes, they do.

Senator HAGEL. What about the Montagnard population in Laos? Do we have any idea what the numbers are there?

Ms. TAFT. I am not aware of any. There are some lowland Lao and some Hmong still in Thailand. But I am not aware of any Montagnards still in Thailand, certainly, that have come to our attention for processing. And we have a pretty good network to try to identify them. But I am not aware of any.

Stanley?

Mr. ROTH. We have other ethnic problems in Laos, the Hmong issue in particular, which is a major issue for us. But that is a totally different situation.

Senator HAGEL. Thank you.

Secretary Roth, you mentioned in your statement, as you just did, Secretary Taft, other ethnic minorities. What are we doing for the other ethnic minorities? What programs do they qualify for to escape, if they choose to exit Vietnam?

Ms. TAFT. Do you want me to take this?

Mr. ROTH. Sure, go ahead.

Ms. TAFT. First of all, we try not to have a situation where people have to "escape" Vietnam. That is why with Congressional consent we started the Orderly Departure Program in Vietnam. It is one of the few countries in the world where we actually process refugees in the country of origin.

Senator HAGEL. Let me ask you this. Are we not still seeing a situation where people are escaping because they cannot qualify or comply with records? Everyone is happy and they are able to leave if they want to leave?

Ms. TAFT. Well, there are some people from the northern part of Vietnam that still are boat people going to Vietnam. But they are not really boat people fleeing persecution.

Senator HAGEL. Going to or coming from?

Ms. TAFT. I'm sorry. I meant going to Hong Kong.

What we are finding out of places like Haiphong is people who are going to Hong Kong to try to work illegally and they go back and forth. But there is no real exodus of people anymore that we are aware of in Vietnam.

I think that this really speaks to the fact that there has been an incredibly generous opportunity for people to resettle in third countries. Ever since 1975, the U.S. has taken about 1.4 million Indo-chinese into our country from this area. So we have an ongoing program. We have about, I would say, maybe 22,000 total that we are still looking at to come to the U.S. in the various programs that we have—the Amerasian program, the ROVR program, and our re-education camp detainees.

So we are almost at the end of the major group processing.

There has been a question that a number of Montagnards and advocates and other groups have asked which is: “What happens when we complete all of these smaller processing programs. Does that mean we are closing down?”

I would like to say for the record now that my intention is to advocate that we not do that, that we always hold open the opportunity for individual cases of compelling humanitarian need. We ought to be able to rescue those people and bring those people into the United States for many years to come—but not the kind of group eligibility that we are currently processing right now.

We hope that those cases will be processed by the end of this fiscal year and then regularize the immigration program. This speaks to the Jackson-Vanik issue.

We think Vietnam very much wants to regularize the emigration program and as soon as we finish the special refugee designations, we think that it will get on a solid processing track for immigration. We will begin our consular services.

That is the long-term view of how we will see the emigration program evolving with the Government of Vietnam, where people can be in the immigrant stream just like immigrants from other nations who come to our country every year.

Senator HAGEL. Thank you.

Secretary Roth, would you like to add anything specifically on the other ethnic minorities?

Mr. ROTH. What I would like to suggest, since I do not have any personal knowledge of 53 other ethnic groups, is that I get you an answer from our embassy and submit it for the record.

I would merely note the obvious point that not all of these groups, I would suspect not most of them, were involved in the same type of resistance activities as the Montagnards. So their case is probably significantly different.

But, rather than guess, why don't we get you a factual answer for the record.

Senator HAGEL. THANK YOU.

[The information referred to follows:]

We are not aware of any minority other than the various ethnic groups referred to as Montagnards that have encountered difficulty as a group in emigrating to the U.S. from Vietnam.

However, the Orderly Departure Program (ODP), which processes Vietnamese emigration, does not break out statistics on ODP applicants by ethnic group, with the exception of Montagnards.

Vietnam's largest minority, the ethnic Chinese, who suffered from anti-Chinese policies pursued by the Government of Vietnam in the years immediately following the Vietnam War, has comprised a substantial portion of applicants who have successfully emigrated to the U.S. under ODP. Ethnic Chinese continue to apply successfully for emigration to the U.S. through the ODP program.

Our objective remains to ensure that all ODP and ROVR applicants, who are not otherwise ineligible, are able to apply without hindrance. When we encounter any case where we have reason to believe that has not been true we have pursued the issue vigorously with the Vietnamese government, and we will continue to do so.

Senator HAGEL. Thank you, Mr. Chairman.

The CHAIRMAN. The testimony has been very interesting. I have several more questions, but I believe I am going to submit them in writing so that we can get to the next panel. But before I do that, reference was made to all the progress that has been made. That was made, was it not, without the benefit of trade? Am I wrong or right about that?

Ms. TAFT. Yes, sir. There have been negotiations for years for the processing of refugees.

The CHAIRMAN. But the progress was made before the trade benefits were authorized and approved by the United States, is that not right?

Mr. ROTH. We have not provided trade benefits yet, as you know. We do not have a whole series of normal trade programs.

The CHAIRMAN. Yes, that is my point. If all of this progress has been made before the decision is made to extend trade benefits to them, how will trade benefits help them do the right thing?

Mr. ROTH. There is a concern that Ambassador Peterson has had, which I share and many others share, that one can go backward; that it is entirely possible that they can, for example, not cooperate on the ROVR program or not cooperate on access to the Montagnard areas, or not cooperate on a range of other issues. What we are trying to do is to come up with a strategy that maximizes the pace. We want to increase the pace of the progress rather than have this incremental step where we pull progress out slowly over a period of 20 years, which has been the history in the refugee progress, and see if we can speed things up and diversify progress in more areas across the board.

The feeling is that with Jackson-Vanik and, hopefully, with the provision of some of these trade benefits, we will increase Vietnamese cooperation.

The CHAIRMAN. But they are thumbing their noses at us, really.

Am I correct in my understanding that Pete Peterson cannot even go up into this area? Is he not restricted from going there?

Mr. ROTH. I don't know that any Americans have gone, but I will inquire as to any specific limitations on him.

The CHAIRMAN. Well, my information is very clear. How about confirming it? I know, of course, what the answer is.

Mr. ROTH. OK.

The CHAIRMAN. Anyway, I participated in making it possible for their Ambassador to go to several points in North Carolina, along with other Ambassadors of the ASEAN Nations. And here his country won't even let our Ambassador go up there.

Ms. TAFT. Excuse me, sir. We ought to check up on this, the number of Americans who can go and what the Ambassador can do.

The CHAIRMAN. I hope you will. I think you will find that I am right.

Ms. TAFT. OK.

The CHAIRMAN. I will be glad for you to find out this morning and come back and I will put you back on the witness stand if I am wrong about it.

Ms. TAFT. You are seldom wrong about anything, sir. So I think you are right. [General laughter]

Ms. TAFT. We will find out about that.

[The information referred to follows:]

USG personnel have regular and unencumbered access to every area of Vietnam where Montagnards live, except for sensitive military zones. Teams of personnel from Joint Task Force-Full Accounting work constantly in every province of Vietnam, including mountainous provinces and in areas of high concentrations of Montagnards. Ambassador Peterson travelled to the Central Highlands in September, 1997. Several Embassy officers have travelled frequently through the northern and central highlands on private trips without incident. Most recently, officers from the Consulate General in Ho Chi Minh City travelled there in late March and met with Montagnards. While encountering deep-seated poverty and a high degree of control by Vietnamese authorities, officers did not see indications of serious repression. Although traveling in a large group of consular officials, the officers were able to speak privately with Vietnamese-speaking Montagnards.

The CHAIRMAN. Fine.

Ms. TAFT. One of the points I also want to say, which relates to the Vietnamese Ambassador, is this. Before I went in January, I brought him in to discuss with him the deliverables that I expected. This is because it is a long trip out there and I wanted to make sure that the Vietnamese understood that we wanted to see real progress on ROVR. When I got there, I was overwhelmed with the detail in which they were able to address every question that I had.

Now I did not get unanimous support on every request, but they had paid attention, they had tried to be responsive. The pressure was certainly on for them to deliver some real commitments and we are seeing progress.

I just spoke with the Ambassador again a couple of weeks ago. I think he is trying very hard.

What I think we will be able to do, because we have already now been processing about 2,000 cases a month, is I hope by the time of June, when you will be reviewing the Jackson-Vanik waiver, we will show real benchmarks of achievement. It is part of the pressure for them to continue support on the emigration issue that has brought forth the kind of progress that we have been able to see.

The CHAIRMAN. Young lady, I hope it works.

I thank both of you for coming this morning. You have been excellent witnesses.

Ms. TAFT. Thank you.

Mr. ROTH. Thank you, Mr. Chairman.

The CHAIRMAN. We will now move to the second panel. It will consist of Mr. John F. Sommer, Jr., who is Executive Director of the American Legion in Washington; Dr. Nguyen Dinh Thang, Executive Director of the Boat People S.O.S., of Fairfax, Virginia; Mr. Rong Nay, Assistant Director of the Montagnard Foundation, Montagnard Human Rights Group, Cary, North Carolina; and Mr. Y Hin Nie, President, Montagnard Dega Association, Incorporated, of Greensboro, North Carolina.

I welcome all four of you and particularly my fellow Tarheels.

Mr. Sommer, they list you first and they have you sitting at the right of the table. So, being a right winger, I will call on you first.

**STATEMENT OF JOHN F. SOMMER, JR., EXECUTIVE DIRECTOR,
AMERICAN LEGION, WASHINGTON, D.C.**

Mr. SOMMER. Thank you, Mr. Chairman. I would like to say on behalf of the American Legion that I appreciate having been invited to discuss the Montagnards historical relationship with the United States, my personal account of serving with the Montagnards, and some of the difficulties they and other Vietnamese citizens are experiencing in light of Vietnam's noncompliance with free emigration. I have also taken the liberty of discussing some closely related issues of significant importance to the American Legion in our full text.

In the interest of time, I would just like to mention that we do have a substantial amount of information in the full statement relating to the United States' history with the Montagnards as well as the development of the Civilian Irregular Defense Group, or CIDG, program, which, unfortunately, time will not permit my getting into during this hearing.

However, today, as has been true for the past quarter century, stories abound from former Special Forces soldiers, Special Operations troops, and assorted veterans who served with Montagnards and other minorities regarding the loyalty, dedication, heroism and friendship exhibited by these indigenous fighters during the war. It is sad to say that many of the Montagnards held out some degree of hope at the time of the total U.S. withdrawal from South Vietnam in 1975, that their American allies would be returning to the Highlands to rejoin them. That was not to be.

However, today, veterans among organizations such as the Special Forces Association, the American Legion, and others are actively involved in trying to provide humanitarian assistance to those courageous individuals with whom they served.

My personal experiences with the Montagnards in 1968 while serving in the Fourth Infantry Division were all positive. I developed an affinity and a respect for the people. I continue to have a personal interest in the wellbeing of our former allies and their families.

The plight of the Montagnards today remains most unfortunate. Considerable resources in the form of humanitarian assistance are poured into Vietnam each year by American NGO's, but few, if any, of the programs are permitted by the Socialist Republic of Vietnam Government to provide aid to the Montagnards in the Central Highlands despite the horrendous conditions of poverty and hopelessness that exist among the tribal people.

An example is the Vietnam Highlands Assistance Project which was developed by Lutheran Family Services in 1989. During the nine years of its existence, the project has been allowed access to the Central Highlands only once, although project officials have continuously urged the Vietnam Peoples' Aid Coordination Committee to allow NGO humanitarian access to the Central Highlands.

The lack of humanitarian assistance is not the only problem facing the Montagnards. We have seen and heard numerous reports, both anecdotal and official, of the strife that has beset Montagnards as well as ethnic Vietnamese citizens who have attempted to emigrate from Vietnam. There are instances of having to pay province officials exorbitant fees for exit permits and in

some cases bribes to other SRV officials in their mostly futile attempts to negotiate the emigration process.

Other issues reported include intimidation by SRV officials who have been given such sensitive responsibilities as commenting on the authenticity of documents or testimony provided by refugee applicants during the interview process.

There are two especially compelling reports cited in the full text of my statement. The first is a recent report prepared by the Chief Counsel of the House International Relations Subcommittee on International Operations and Human Rights regarding his December 1997 trip to Vietnam. The second is the State Department's own Human Rights Report on Vietnam for 1997.

The former report states in part, and I quote, "The Montagnard population, many of whose members have particularly strong ties to the United States and particularly compelling refugee claims, continues to face problems that are even worse than those of most other Vietnamese of humanitarian interest to the United States. Because of their remote location and their alienation from the mainstream of Vietnamese society, they are particularly vulnerable to all of the abuses listed above. They have even less access to information than other residents of Vietnam and are even more helpless in the face of official corruption. For instance, some Montagnard refugees resettled in the United States have been forced by corrupt local officials to leave family members behind and substitute nonfamily members who then disappear upon arrival to the United States."

In reference to the involvement of SRV staff, the same report by the Chief Counsel of the House Subcommittee on International Operations and Human Rights states in part, and I quote, "I was already familiar with what this can do to the integrity of refugee programs. The presence of SRV officials at the vast majority of UNHCR interviews with CPA returnees has been an important factor in the derision with which the UNHCR's zero persecution on return assurances have been greeted by Vietnamese Americans, U.S. veterans groups, Ben Gilman, Chris Smith, et al. Also, many applicants have written letters to ODP stating that they were afraid to tell their stories in the presence of government supplied interpreters and setting forth the real story is an almost always unsuccessful effort to get a denial reconsidered."

Our full statement is replete with other examples of SRV's onerous involvement in the emigration process, not only in ROVR but also in the orderly departure program. Yet, in December 1997, the Clinton Administration announced that the President was seriously considering waiving the requirements of the Jackson-Vanik amendment for Vietnam.

It is obvious that Montagnards and other Vietnamese citizens are not, by any stretch of the imagination, free to leave Vietnam if they so wish. For the President to waive Jackson-Vanik would be the same as closing the door forever on the possibility that many of these deserving individuals could ever be resettled outside of Vietnam.

In addition to Jackson-Vanik, 19 U.S.C. 2433 provides authority for the President to withhold nondiscriminatory trade treatment to countries based on cooperation with our efforts to account for

American military and civilian POW's and MIA's in Southeast Asia.

It is contingent upon cooperation to achieve a complete accounting of the POW's and MIA's to repatriate personnel who are alive and to return the remains of those who are dead to the United States. The SRV Government is not cooperating anywhere near the extent to which it can. A degree of cooperation is being offered in the joint field activities, where our Joint Task Force Full Accounting and Vietnam's Office of Seeking Missing Personnel are excavating crash sites and other incidents.

Of course, the United States is paying Vietnam handsomely for this assistance. It is the unilateral cooperation of the central government that has not been forthcoming, and this is detailed in our full statement.

The third concern is Vietnam's abysmal record on human rights. In reviewing the State Department's Human Rights Report for Vietnam for 1997, it is interesting to note the comments that relate to one of the issues under consideration at this hearing. Under "Emigration and Repatriation," the following is quoted:

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad before the government issues exit permits. Citizens' access to exit permits was frequently constrained by factors outside the law. Refugee and emigration visa applications to the Orderly Departure Program sometimes encounter local officials who arbitrarily delay or deny exit permits based on personal animosities or the official's perception an applicant does not meet program criteria or in order to extort a bribe.

There are some concerns that members of minority ethnic groups, particularly nonethnic Vietnamese, such as the Montagnards, may not have ready access to these programs. The government denied exit permits for certain Montagnard applicants for emigration.

As I said, that is from the State Department's own Human Rights Report.

The American Legion has urged President Clinton in the strongest possible terms to refrain from even proposing a Jackson-Vanik waiver until such time that considerable cooperation and improvements are advanced by the Government in Vietnam in the three important areas that have been discussed in this statement.

In closing, Mr. Chairman, we sincerely thank you for scheduling today's hearing on these issues which rarely receive the attention that they so justly deserve.

Thank you very much.

[The prepared statement of Mr. Sommer appears in the Appendix.]

The CHAIRMAN. Thank you, Mr. Sommer.

Please convey to your distinguished National Commander my personal thanks and the thanks of many others for the interest and support that the American Legion has given. I deeply appreciate it.

Mr. SOMMER. Thank you, sir.

The CHAIRMAN. Dr. Nguyen, I have the idea or the notion that I may have mangled the pronunciation of your name. Would you pronounce your name for me, please?

Dr. NGUYEN. Yes. It is Thang Nguyen [Tong Win]. Please call me Thang [Tong]. That will be easier for both of us.

The CHAIRMAN. Thank you and bless your heart. You may proceed. Your full statement, prepared statement, will be printed; and

I am going to have the record printed for distribution, because I think this is a matter of conscience for this country, our country. You may proceed, sir.

**STATEMENT OF DR. NGUYEN DINH THANG, EXECUTIVE
DIRECTOR, BOAT PEOPLE S.O.S., FAIRFAX, VIRGINIA**

Dr. NGUYEN. Thank you, sir.

First, I would like to express my deep appreciation to you, Mr. Chairman, and the full committee for holding this very important hearing to look into the realities with regard to human rights conditions in Vietnam in general and particularly the right to free emigration in the context of the Jackson-Vanik Amendment.

I have been working on thousands of cases of refugees, political prisoners, and victims of persecution in Vietnam over the past 10 years. Just 3 months ago, I went to Vietnam, taking part in a Congressional staff delegation, to look into those issues, those very issues, in Vietnam. Therefore, I have come to make this presentation based on my personal experiences.

The U.S. policy over the past few years has aggravated the plight of victims of persecution in Vietnam, and at the same time, unfortunately, has bolstered the government's repressive grips on these victims.

In July, 1995, the administration normalized relations with Vietnam with the promise that political liberalization and improved human rights will follow. Well, things have not turned out that way.

There are more religious leaders and dissidents today in Vietnam in prison than 3 years ago. There is less freedom of the press in Vietnam now than a decade ago. Secretaries Taft and Roth did mention the very promising rhetoric from the leadership, the new leadership, in Vietnam. However, the facts are different.

There are very disturbing facts over the past few months. For instance, immediately after the hard-line communists took over the leadership of the party in December of last year, there was a directive from the party to its rank and file members working in foreign owned companies in Vietnam to form party cells in those companies to infiltrate those foreign owned companies.

Just last month, 3,000 agents from the Ministry of Interior were sent under the disguise of priests and followers of the Buddhist Church in its attempt to take virtual control of that church in Vietnam. So I do not believe that things have changed for the better over the past 3 months with the new leadership.

Also, the ongoing human rights dialog between the U.S. and Vietnam has resulted in no concrete results so far.

In June, 1996, the administration endorsed a regional policy that made it virtually impossible for victims of persecution in Vietnam to escape from persecution. Those already in first-asylum camps were repatriated en masse in 1996. Any escapees after that date to neighboring countries will be automatically turned back to Vietnam and delivered back into the hands of their persecutors in Vietnam.

With U.S. help, Vietnam has now joined the rank of the very few countries in the whole world where victims of persecution have no

way out except through the official channels that are totally under the control of the government, that is, of the persecutors.

I would like to note that there is no program for victims of persecution in general to get out of Vietnam if they do not qualify under the Resettlement Opportunity for Vietnamese Returnees, or ROVR program, or the Orderly Departure Program.

The administration is now considering waiving Jackson-Vanik for Vietnam. That is adding insult to injury because that means giving away the last leverage that our government has on Vietnam with regard to free emigration. It also means giving away the last hope for many victims of persecution of ever leaving Vietnam.

The State Department has quoted many statistics to justify the waiver. Well, those statistics are misleading and are out of context.

For instance, they obscure the fact that Vietnam is now in a Kafkaesque situation that the U.S. policy has helped to create, which is that victims of persecution must get approval from their persecutors in order to escape from persecution.

I would like to put on the record that there have been a number of returnees who have again escaped to neighboring countries who are now in hiding in Thailand, in Cambodia, or even in Hong Kong. There is one case that I know very well and have worked on. The victim, a Hoa Hao Buddhist, now in hiding in Cambodia, has been required by the U.S. embassy in Phnom Penh to return to Vietnam so as to apply through the official channels at his own risk.

There is another case that I also have worked on for many years. This is the case of Mr. Lam A Lu, a Montagnard, an Evangelist, and an FULRO member who had fought alongside a Mr. Y-Hin Nie, one of today's witnesses, until he was ambushed and wounded and captured by the communists. He later escaped from prison and went to Hong Kong. Despite seven bullet wounds on his body to attest to his claims of persecution and despite the many verifications by his fellow Montagnards from North Carolina, he had been denied refugee status by the U.N. High Commissioner for Refugees on the ground that his story was not believable. He was repatriated in 1996.

Since then, he has been hiding somewhere in Vietnam, too scared to go home to register for a family registration which is required if he wants to get access to an interview under the ROVR program. By the way, he had signed up for the ROVR program, but he could not get access to the interview. So this man is in limbo.

These statistics also obscure the fact that Vietnam has repeatedly reneged on its promised cooperation with ROVR and has dragged its feet, causing an 18 month delay in the implementation of the program. Actually, immediately after President Clinton normalized relations with Vietnam, the Vietnamese Government reneged on its promise on ROVR.

Six months after the date the State Department had initially expected to wrap up the program, which was September, 1997, 4,000 names are yet to be cleared by Vietnam for interview under that program.

These statistics also ignore the large number of very compelling cases, often of special interest to the U.S., who continue to be denied access to interviews or exit permits under both ROVR and ODP. They include many Montagnard, members of ethnic minori-

ties—for instance, Nung and Chinese minorities—former U.S. Government employees, veterans of U.S. Special Forces, former political prisoners, religious leaders in detention, spouses and children of American citizens, *et cetera*.

These statistics also ignore the rampant and systematic corruption at all levels in the Vietnamese Government. Many applicants must pay from hundreds to thousands of dollars in exchange for exit permission.

Mr. Chairman, you probably have heard many stories from Montagnard in North Carolina whose families must have paid thousands of dollars in order to get out of Vietnam. Considering Vietnam's annual average income of only \$300 per family, very few victims of persecution can afford that kind of money and, therefore, access to those programs. Such monetary extortion clearly violates the Jackson-Vanik amendment.

Waiving Jackson-Vanik at this time means no light at the end of the tunnel for these victims of persecution. It will also dim the hope for improved human rights in Vietnam. Sure enough, even the bravest dissidents will feel betrayed and discouraged by a U.S. policy that clearly favors the oppressor over the oppressed.

In order to avoid such a catastrophic consequence, I offer the following recommendations.

First, the U.S. should demand that Vietnam satisfactorily resolve all cases, ROVR and ODP, that are of interest to the U.S. and particularly cases raised by Members of Congress as a condition for the waiver.

Vietnam can easily resolve all those cases by tomorrow if it wants to. There is no reason why it cannot. The Vietnamese Government has total control over the country, so there is no excuse here. And let us not accept just promises or promising rhetoric. Let us demand concrete results, at least on those cases, of course, especially those cases.

Second, even if Vietnam has satisfactorily demonstrated its cooperation, the waiver should only be announced with a clear message that it will be rescinded at the first sign of Vietnam's change of heart. Vietnam has already broken too many of its promises. We need to keep its feet to the fire constantly.

Finally, I believe that it would help if the Senate Foreign Relations Committee request an independent investigation by the General Accounting Office into each and every single case of interest to the U.S. who are still being denied exit permission and into the corrupt practices of Vietnamese officials. Such an investigation will add pressure on Vietnam and force it to truly cooperate.

Our policy should now focus on these victims of persecution for the very reason that our past policy has made it almost impossible for them to ever escape from Vietnam.

These known cases of special interest to the U.S. should be the litmus test of Vietnam's cooperation and of the success of the ROVR and ODP programs, not the statistics often quoted out of context by the State Department.

There is no reason whatever for the U.S. Government to give away our last leverage in such haste, in such hurry, and, at the same time, to ignore the plight of victims of persecution which U.S. policy has only made worse.

In closing, I would like to ask your permission, Mr. Chairman, to include a joint statement by 23 Vietnamese American communities across the country and the Vietnamese Interfaith Council in America as part of the official record of this hearing.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Nguyen and the additional material to which he referred appear in the Appendix.]

The CHAIRMAN. You are quite welcome, sir, and thank you for a fine statement.

I think we should emphasize at every point that these great people are being persecuted because they stood with the United States in a conflict. They are being persecuted because they did not join in a communist effort to destroy our men and women and our armed forces. Sir, you may proceed.

**STATEMENT OF RONG NAY, ASSISTANT DIRECTOR,
MONTAGNARD FOUNDATION, MONTAGNARD HUMAN RIGHTS
GROUP, CARY, NORTH CAROLINA**

Mr. RONG. Good morning.

Honorable Senator Helms, ladies and gentlemen, my name is Rong Nay. I am a member of the Human Rights Committee of the Montagnard Foundation. I represent the Montagnard people living both in the United States and the central highlands of Vietnam.

Today I am privileged to relate to you the violations of human rights of the Montagnards in the central highlands.

Who are the Montagnards? We call ourselves the "Dega," and the French call us the "Montagnards." This is because we live in the mountains, in the central highlands, of Vietnam. The Vietnamese also call us "Moi," or "savages."

We, the Montagnards, are indigenous people living in the central highlands for over 2,000 years. The last 150 years, our land was a target for imperialistic invasion. The Montagnards could not demand or defend their freedom and there was a silent cry from the Montagnard people which is now being heard.

We are today a voice for the voiceless, who speak for those who are forbidden to speak. We stand for the rights of those whose rights have been stripped away.

We, the survivors, living in the United States, strive to uphold the human dignity of those living in the central highlands whose voices remain silent and whose borders are closed.

In the war between the French and the Vietminh in Vietnam from 1945 to 1954, the Montagnard troops fought and died for the French and the Vietnamese. During the U.S. Government backing of the South Vietnamese Government from 1962 to 1972, the Montagnard people, troops, had been trained and fought alongside the American Special Forces.

The Montagnards became caught in the middle and were victims of the wars. Both the North and South Vietnamese Governments exterminated our people and occupied our land.

More than a million of the Montagnard people were killed while 85 percent of the Montagnard villages have been destroyed or abandoned.

After Hanoi occupied South Vietnam in 1975, all the property of the Montagnard people had been confiscated. Our basic freedom,

politics, and religious activities are outlawed. Our legal rights cease to exist under communist law. All the Montagnard leaders and preachers have been arrested and jailed.

I was in a communist jail for 1 year. On January 16, 1976, I was the first prisoner to escape into the jungle where I led thousands of Montagnard resistance forces while thousands of Montagnard people fled to the jungle. We fought against the Hanoi Government's extermination of the Montagnard people.

After 12 years, we realized we could not survive and asked to be refugees in the United States. We continue struggling because the days of our independence are gone.

Today, our situation has become even worse. The Hanoi Government brought 2 million Vietnamese from the North to settle throughout the central highlands and forced the Montagnards to leave their villages and go live in the mountains where the land cannot grow anything.

Hanoi refuses to permit Montagnards to emigrate. My wife and four children had permission withheld for 4 years because I was involved with the Montagnard Resistance forces.

Because of the powerful pressure from the United States Government—thank you, Senator Helms—my wife and four children came to the United States on January 14, 1994.

I cannot return home because the Hanoi Government still considers me as the enemy. Many Montagnards are qualified as legal immigrants, but their exit visas were not allowed. Correspondence from U.S. immigration officials does not reach Montagnard villages because the police confiscated the paper.

The Montagnard have been blocked from international humanitarian aid since the collapse of Saigon in 1975. In 1980, the foreign NGO's were permitted in Vietnam for relief, but no American or other foreign humanitarian aid was permitted to go to the central highlands for the Montagnards. Lutheran Family Services Highlands Assistance Project was only allowed one to deliver aid directly to leprosy clinics and to Montagnard villages. We desperately need the opportunity to develop.

We, the Montagnard people, stand up and strive for our rights to live freely and peacefully such as the people of the free world.

The U.S. Government has been normalizing diplomatic relations with Vietnam. If the U.S. Government gives aid to Hanoi, Vietnamese will never help the Montagnards. Hanoi is currently using financial aid to clear thousands of acres of jungle in the central highlands and speed up their program of genocide of the Montagnard people.

With our humble tears, we ask the U.S. Government to help us negotiate the following before granting Most Favored Nation Status to Vietnam.

Number one is convince the Vietnamese Government of the following: the rights of the Montagnard people to live in the central highlands, stopping forced assimilation and stopping the program of genocide; to permit land and property ownership for the Montagnards in the central highlands; permitting the Montagnards to live in their own villages with their own culture, traditions, tribal courts of law, schools, churches, and dispensaries.

Number two is freedom to receive exit visas and access to the Orderly Departure Program.

Number three is access for humanitarian aid to reach the central highlands.

Thank you so much, Senator Helms and others today for giving us hope. The Montagnard people pray for your help. Thank you.

The CHAIRMAN. You have it as best as I deliver it. I think you know that.

Sir, you are the last but not the least. You may proceed, sir.

STATEMENT OF Y HIN NIE, PRESIDENT, MONTAGNARD DEGA ASSOCIATION, INCORPORATED, GREENSBORO, NORTH CAROLINA

Mr. NIE. Good morning Hon. Senator Helms, ladies and gentlemen. My name is Y Hin Nie. On behalf of the Montagnard Dega Association, I want to thank Senator Helms for his help in bringing about this hearing. Further, I want to thank the members of the Senate Foreign Relations Committee and the State Department for their interest and assistance in the matter of human rights and the plight of the Montagnard community in Vietnam.

The Montagnard people believe in the trustworthiness of the United States of America as the leader in democratic freedoms. Particularly, we place our trust today in this hearing.

Since 1975, most of our people who immigrated to the United States as refugees were combatants against the communist tyranny in the aftermath of Vietnam's unification.

Allow me to sketch our role in the history of Vietnam and the United States. I will then focus on the human rights violations of religious persecution and restrictions on the free emigration for our Montagnard people suffering in the central highlands of Vietnam.

The Montagnard people were among those who suffered the most from the Vietnam War. Our recent history is rooted in events during and after the war. During the Vietnam War, many of us were compatriots with U.S. Army groups.

On March 3, 1998, the History Channel profiled the Special Forces' role in the Vietnam War prior to 1975. Retired Green Berets who were interviewed there stated that the Montagnards would sacrifice their lives to protect Americans' lives.

Our association with the Special Forces was evidence of the Montagnards' status as traitors to the post-1975 Communist Government of Vietnam. Consequently, restrictions were placed on Montagnards and those who might wish to help.

The Government of Vietnam continues to restrict our people. Nongovernmental organizations are not allowed access to the central highlands, even organizations wanting only to help leprosy victims, orphans, or those desperately ill Montagnards with serious health problems.

Our people also cannot enjoy educational opportunities in Vietnam or abroad. Montagnards who are eligible to join loved ones in the United States have great difficulty obtaining their exit visas. And our Christian believers struggle daily to hold on to hope and their faith in the face of fear and persecution.

Our multicultural highlands people champion religious integrity. Within our highlands community we have a strong and growing

Christian population of Evangelical Protestants and Roman Catholics. About 200,000 Montagnard Christians have been persecuted. Prior to 1975, the Americans and French brought the news of Christ into the central highlands of Vietnam.

We, the Montagnard Christians, were growing and increasing with approximately 180,000 fellowships. We were free to practice our Christian church activities.

Unfortunately, after 1975, churches have been closed. The authorities of Hanoi have used 80 percent of the churches for storage, have used 15 percent of the church facilities for government staff meetings, and have condemned 5 percent of the churches.

Tragically, 50 percent of those who were pastors, priests, and deacons are dead or are missing. Hanoi security tightly controls the surviving 50 percent of the pastors.

Today, despite the government's interference and restrictions, Christian numbers are increasing. God is making miracles with his followers who do not stop going out to tell the gospel of God. Sometimes the government security captures them. On other occasions, security officers offer rewards of 1 million Vietnam dong for turning in the Christians.

Furthermore, security threatens to kill Christians or to put them in jail for life if they continue to practice their religion. Hanoi authorities always investigate Montagnard believers. The authorities in Hanoi assert that Christians are believers in an American religion and are involved with the CIA.

Consequently, the authorities of Hanoi have persecuted, tortured, and jailed 20 percent of the Christians. In short, Montagnard Christians have been unable to practice their religious beliefs.

Similarly, the Hanoi Government has denied exit visas for spouses and children, as we know.

We want Vietnam to become a free, democratic, progressive country where all citizens will be equally treated regardless of race, religion, gender and ethnic background. We believe the only way forward for our people is within a peaceful, progressive, and united Vietnam, free of racism, territorial conflict and religious intolerance.

When Vietnam has true equality for all its citizens, then Montagnard families will have opportunity to emigrate just as others depart from Vietnam. Many Montagnard had to wait year after year to be reunited with loved ones. They are eligible to emigrate from Vietnam, but they cannot obtain their exit visa. Often, letters from the U.S. ODP officer never reach Montagnard villages because local security destroys the information.

We feel so sad that our people are being punished because we fought for freedom, because we fought side by side with our American brothers.

The war is over. Families should be together.

Now is the time of healing and peace. Within the United States, we increase in citizenship. In the future, we hope to be able to support any projects that develop a peaceful, progressive, multicultural path for our Montagnard people in the highlands. We hope that the Hanoi authorities will allow our people to develop and allow our highlands brothers and sisters to practice their religion and preserve their culture.

If Hanoi authorities want full diplomatic normalization with the United States of America, we suggest that the Hanoi authorities allow freedom of emigration, freedom of religion, access of humanitarian aid to reach the central highlands, equal opportunity for our people, and to stop their persecution of our tribal people for their former relationship with the U.S. Army.

Today, on behalf of the Montagnard people, we would like for the Senate Foreign Relations Committee to note the previously mentioned human rights violations of religion and emigration. I ask you to report this issue to the President of the United States. The Montagnard Christian churches look to you to pray for them and to support these concerns.

By the grace of God, God will answer your prayers. We also request that the committee bring this issue to the attention of the Government of Vietnam so that Montagnards' rights may be recognized and acted upon.

God bless you and the United States of America. Thank you, Senator.

The CHAIRMAN. Thank you, sir.

I have several questions that I am not even going to bother to ask because you have answered them in your respective statements.

I think it is clear that the persecution of your people is the result of your having been anti-communist during the confrontation in Vietnam. I think it is perfectly obvious that there is still resentment because you stood with the United States in that conflict and you stood with the thousands of American soldiers who were sent halfway around the world to fight a war they were not allowed to win.

So that is what we have. I guarantee you that, to the best of my ability and the length of my cable tow—and I think you understand what I am saying when I say that—I am going to insist that you be restored of your rights.

So, I thank you.

Without objection, and I don't think I will hear any, we will have the entire proceedings of this hearing printed for adequate distribution for people who do not know what is going on over there and who have no way of knowing because this has been the least reported story of our time insofar as I know.

Now I have often said that the best speeches I have ever made are the ones I make driving home after I made my speech. It occurs to me, and I say this with every hearing over which I preside, to ask does any of you have any further comment that you might wish you had said earlier?

I will start with you, Mr. Sommer.

Mr. SOMMER. Thank you, Mr. Chairman. One thing I think needs to be said is that the U.S. Government especially has a moral obligation to the Montagnard people.

In 1961, when we approached them to serve with us, they had not been involved in the fray. But we recruited them, we trained them, we armed them, and then in 1975, we left them twisting in the wind. We certainly owe them not only our deepest respect but we also have a moral obligation to do everything that we can to try to be of assistance to them.

One thing that I failed to mention during my statement, and if you have no objection, Mr. Chairman, is I would like to enter into the record of the hearing a copy of the letter that we wrote to President Clinton on February 2 from the American Legion opposing the waiving of the Jackson-Vanik Amendment.

The CHAIRMAN. Without objection, and there is none, it will be made a part of the record.

Mr. SOMMER. Thank you, sir.

[The information referred to follows:]

February 2, 1998.

Honorable WILLIAM JEFFERSON CLINTON,
*President of The United States,
The White House,
1600 Pennsylvania Avenue, NW,
Washington, DC 20500.*

Dear Mr. President:

The American Legion is extremely concerned at National Security Advisor Samuel Berger's recent pronouncements that your Administration is seriously considering waiving the requirements of the Jackson-Vanik Amendment (19 U.S.C. 2432 (a)). It is our considered opinion that it is premature to allow the Export-Import Bank to begin financing projects in Vietnam and likewise, to permit the Overseas Private Investment Corporation to begin operations there. Obviously, these would be giant steps toward the granting of Most Favored Nation status for the Socialist Republic of Vietnam.

Jackson-Vanik renders communist governments ineligible for the aforementioned economic concessions until their citizens are guaranteed unfettered freedom of emigration. The American Legion can assure you that this is not the case today in Vietnam. We have been actively involved in the refugee situation, were vehemently opposed to the forced repatriation of refugees from countries of first asylum absent the opportunity to engage in a fair and equitable interview process, and are cognizant that Vietnamese officials are not now abiding by the provisions of the Resettlement Opportunities for Vietnamese Refugees (ROVR) program. Of course, our primary concern in this regard is the well being of these Vietnamese people who served along-side our military personnel during the war, those who worked for the United States government and their families. We have a moral obligation to them.

Aside from the provisions of Jackson-Vanik, 19 U.S.C. 2433, provides authority for the President to withhold nondiscriminatory trade treatment to countries based on cooperation with our efforts to account for American military and civilian POWs and MIAs in Southeast Asia. It is contingent upon cooperation to achieve a complete accounting of the POWs and MIAs, to repatriate such personnel who are alive, and to return the remains of such personnel who are dead to the United States.

The government of the Socialist Republic of Vietnam is not cooperating anywhere near the extent to which it can. A degree of cooperation is being offered in the conduct of the joint field activities, where our Joint Task Force - Full Accounting and Vietnam's Office on Seeking Missing Personnel are excavating crash sites and other incident locations. Of course, the United States is paying Vietnam handsomely for that assistance.

It is the unilateral cooperation by the central government that is not forthcoming, nor has it been since you first took office in January 1993. In August 1993, a high ranking State Department official specifically asked the Vietnamese government to turn over remains and information relating to over eighty cases involving over ninety individuals categorized as Last Known Alive and Special Remains Cases. To the best of our knowledge, very little, if any, information that correlates to those cases has been turned over by the SRV government.

National Commander Anthony O. Jordan and the undersigned met with several high ranking Vietnamese government officials in December 1997, and requested, among other things, increased unilateral cooperation in helping to resolve those cases where the incidents took place in the areas of Laos and Cambodia that were controlled by the Peoples Army of Vietnam during the war. The American Legion and others, including representatives of the Families, have formally requested this as well as cooperation on issues of a similar nature for several years. We continue to receive empty promises, but no substantial progress has been forthcoming in any of these areas.

The third concern of The American Legion is Vietnam's abysmal record on human rights. It is necessary to remain mindful that the Vietnamese government continues to be a communist regime that actively suppresses the human rights of its citizens. Unfortunately, despite the lifting of the trade embargo and the normalization of diplomatic relations, there has been little appreciable improvement. The only apparent change is the diminished level of pressure that the US government is placing on Vietnam to enhance its human rights practices. The Vietnamese government continues to arrest and imprison political and religious activists and hold them at will. Hanoi does not suffer those who believe in freedom and democracy to espouse their feelings.

Mr. President, The American Legion urges you in the strongest possible terms to refrain from proposing a Jackson-Vanik waiver until such time that considerable cooperation and improvement are advanced by the government of Vietnam in these three important areas.

Sincerely,

JOHN F. SOMMER, JR.
Director

cc: Honorable Madeline K. Albright
Honorable William Cohen
Honorable Samuel Berger

The CHAIRMAN. Do you have a further comment you would like to make, sir?

Dr. NGUYEN. Yes, sir. I actually have three comments that I have left out.

First, I fully agree with Secretary Taft and her comment that Vietnam is only good at reacting to pressure. Therefore, I think that we should maintain and sustain a pressure. Giving away Jackson-Vanik at this time will only alleviate that pressure. I don't see any reason why Vietnam should continue to cooperate with our government in that regard once they got the waiver.

There was also mention of the possible rescinding of that waiver. But, as you very well know, once it is given out, it is very hard to get it back.

The second comment is that Ms. Taft also mentioned the number of 900 Montagnards being on the list of those waiting to be interviewed. I think that figure has left out a lot of others who do not even have access to the program.

As you may know, there are many political prisoners, former political prisoners, dissidents who are now in exile in remote areas or ethnic minorities, including Montagnard, who have been living in the central highlands away from the big cities. They do not have access to these programs because of the local authorities' policy not to let them contact foreigners.

Actually, I know of several cases of returnees who are now in detention in Vietnam. They have been told very explicitly never, ever to contact foreigners, including ROVR and ODP officials. So they have been left out of the list.

Finally, I would like to mention that late last year, I went on a trip with Mr. Grover Joseph Rees, who is the Chief Counsel of the House Subcommittee on International Operations and Human Rights. During that trip, we met with several dissidents in Vietnam. We asked every single one of them one question, whether in its expansion of trade with Vietnam should the U.S. Government expect that trade will bring along with it democratic values, human rights, *et cetera*, or should we link human rights with every step in our normalization of trade with Vietnam.

To my surprise, at least, all of those dissidents, including some active members of the Communist Party—all of them—said you should, the U.S. should link human rights with trade. No doubt about that. Otherwise, the U.S. Government will only provide the Vietnamese Government, the Vietnamese Communist Party with more resources, with more means to suppress democracy.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Rong?

Mr. RONG. As for me, I, too, am concerned about the possibility of a Montagnard interview before they can come to the United States. A lot of the Montagnards are living in the central highlands, far away from Saigon. They have no transportation and they cannot drive over there.

Another problem is many correspondences from the Office of Immigration over here does not reach the Montagnards' families because the police confiscate it. They cannot get any information. So many Montagnards do not interview.

The blame, they say, is theirs because they do not want to go to the United States. But that is not true. It is because of the problem that they don't know about their options.

We want to help the office organize a team to go to the central highlands, go to Pleiku and Lam Dong, to interview directly the Montagnard people. If things stay the same as before, it is too difficult for the Montagnard to leave the country.

Thank you.

The CHAIRMAN. Thank you, sir.

Mr. Nie?

Mr. NIE. I am concerned about the Special Forces issue, that is, if we have 50 persons of that here today in America, might I ask you can we get Veterans benefits as the Hmong get recognition by the USA? If that will be possible, it would be a little bit of help for those 50 persons who live here in America.

The CHAIRMAN. Thank you very much, gentlemen.

Again, I want to tell you that your testimony has been very interesting, though in some respects depressing. But it is something that ought to be known by the American people. I am going to do my best to make sure that it is.

If there be no further business to come before the committee, we stand in recess.

[Whereupon, at 11:47 a.m., the committee recessed.]

APPENDIX

Prepared Statement of Hon. Stanley O. Roth

Mr. Chairman, I am pleased to have the opportunity to join Assistant Secretary Taft in speaking today on the situation of the Montagnard people in Vietnam. I would like to put the situation of the Montagnards in the context of our broader relationship with Vietnam. But first, I would like to emphasize to you the seriousness with which we view the situation confronting Montagnards in Vietnam.

The sacrifices and suffering endured by thousands of Montagnards who fought alongside Americans in Vietnam will never be forgotten in this country. We recognize that the cost to the Montagnards of their participation in the war was devastating and that it is something we cannot and will not forget. We recognize, too, that living conditions in the central highlands are much more severe than in other parts of Vietnam and that Montagnards, in particular, have limited access to necessities such as medical care and education.

We will continue to press the Vietnamese government to issue exit permits to all Montagnards who are eligible to emigrate to the U.S. through refugee programs such as QDP and ROVR and normal immigrant visas. In that connection, let me underscore our conviction that granting a Jackson-Vanik waiver in response to measurable progress on the ground will promote the objectives of the Jackson-Vanik legislation by leading to freer emigration from Vietnam.

Our efforts to move forward on Montagnard and other emigration issues are part of a broad agenda with Vietnam. The first and most important item on that agenda is obtaining an accounting of the missing from the Vietnam War. We continue to receive excellent cooperation from the Vietnamese government, which has permitted the normalization of relations in other areas. Obtaining the fullest possible accounting for POW/MIAs remains our highest priority in relations with Vietnam. Normalization in other areas has not lessened the centrality of POW/MIA accounting to the relationship, and every high level USG official to visit Vietnam has stressed this point.

The presence of Ambassador Peterson, a former POW, in Hanoi is in itself a symbol of the importance of the POW/MIA issue to Americans, and his energy and commitment to the effort ensure that we will do our best to continue to get results. Sustaining progress on POW/MIA accounting will remain our highest priority objective in the future.

We have important national interests at play in Vietnam. We believe it is in our interest to promote Vietnam's economic prosperity and integration into the regional and international structures that enhance regional stability and free trade. Among these are our dialogue on human rights, and our growing cooperation on counter-narcotics. Economic normalization, which we are working to advance, encompasses a range of measures to promote trade and investment so that American businessmen can take advantage of the considerable potential in this dynamic and emerging market.

As with POW/MIA accounting, our contacts with Vietnam on migration issues pre-date normalization. As Assistant Secretary Taft can explain, certain minority groups such as the Montagnards have encountered obstacles in emigrating from Vietnam. Nevertheless, Vietnam's record in permitting free emigration has improved considerably since 1975. The Orderly Departure Program (ODP) has been a solid success. Over 480,000 Vietnamese have emigrated to the U.S. through ODP. Many of these are of special interest to the U.S., such as former detainees in reeducation camps. Despite this progress to date, I would like to state unequivocally that we will continue to press the Vietnamese government to provide fair treatment to all who are eligible for emigration to the U.S., including the Montagnards.

The question of free emigration is related closely, as you know, to the waiver of the Jackson-Vanik Amendment. Jackson-Vanik prohibits the extension of certain U.S. economic benefits to countries that, among other things, deny their citizens the

right or opportunity to emigrate. The statute authorizes the President to waive the Jackson-Vanik requirements if doing so will lead to freer emigration from that country.

We have recommended the President waive the Jackson-Vanik amendment at this point because of significant improvements over the past year in Vietnam's processing of exit permits for the Resettlement Opportunity for Vietnamese Returnees (ROVR) cases. We will continue to monitor its performance closely, using the prospect of renewal of the waiver to press for further improvements in freedom of emigration. In this way, the waiver will support the objectives of the Jackson-Vanik legislation, promoting freedom of emigration from Vietnam.

A waiver of Jackson-Vanik is the next step in economic normalization, a goal of both our countries. However, a waiver of Jackson-Vanik does not signal that we are ready to grant MFN status to Vietnam. MFN will require completion of a bilateral trade agreement and approval of the agreement by both houses of Congress.

A Jackson-Vanik waiver would, however, remove a key impediment to extending export promotion and trade and investment support programs to Vietnam, including the Export-Import Bank, Overseas Private Investment Corporation (OPIC), USDA PL-480 and GSM export credit programs and Maritime Administration Title XI programs. Without these programs, U.S. companies are often at a disadvantage in competing with foreign firms in the Vietnamese market.

Associated waivers of Foreign Assistance Act provisions are prerequisites for most U.S. assistance to Vietnam. An exception is humanitarian assistance to Vietnam, which has been provided for prosthetics and rehabilitation services to war victims and to displaced children and orphans. A broader U.S. assistance program, among other things, will help the U.S. influence Vietnam's progress toward an open economy. It will focus largely on the transfer of knowledge to serve as a catalyst for further structural and institutional change.

Human rights is an important component of our relationship with Vietnam. We have made clear to Vietnamese leaders that progress in this area will be necessary for our relationship to fully develop. Although there has been a modicum of improvement in the area of personal freedoms, including reduced government interference in daily life, Vietnam's overall human rights record has been poor. There have been credible reports that local Vietnamese officials have denied ethnic minorities, including the Montagnards, access to education, employment and other services.

We have initiated a formal human rights dialogue in which we have conveyed our concerns about human rights in both general and specific human rights cases. Secretary Albright raised these issues prominently with Vietnamese leaders during her visit last June to Vietnam. The status of ethnic minorities and specifically Montagnards is a subject we will continue to raise in the context of our human rights dialogue.

Vietnam has historical interests in the region, particularly in relation to its neighbors in Cambodia, Laos, China and in the South China Sea. Dialogue among the U.S., Vietnam and its neighbors can contribute to the peaceful resolution of conflicting interests. Vietnam's membership in ASEAN and APEC, its participation in the ASEAN Regional Forum, and its growing ties to regional and world markets exemplify the new constructive role that it is beginning to play. This is a role that we should encourage. By developing bilateral ties as we are doing, we can encourage Vietnam to behave responsibly in the region and the world.

Let me conclude by saying that nothing is more important in our relations with Vietnam than meeting our commitments—to the families of our POW/MIAs and to those who served beside us. We will do everything in our power to live up to these important responsibilities.

Prepared Statement of Hon. Julia V. Taft

Mr. Chairman, members of the committee, I welcome this opportunity to be here today to discuss with you our experiences with processing Montagnards for admission to the United States. I look forward to your questions because I believe it is only when our mutual concerns are on the table that we can most effectively move forward together.

Montagnards

The Montagnards are ethnic minorities from the Central Highlands of Vietnam. Many of the Montagnards fought with U.S. troops, including the Special Forces, during the Vietnam conflict. At the end of the war, some of the highlanders escaped SRV captivity and fled into the jungle where they joined a Montagnard resistance

movement known as "FULRO," (FULRO stands for United Front for the Liberation of Oppressed Races) and continued to fight the Vietnamese Communists. These resistance activities continued until the early 1990's.

In 1985, a group of 201 Montagnards made their way to the Thai-Cambodian border following ten years' of resistance activities based in the jungles of Cambodia against the Vietnamese government. This group was processed for admission to the United States as refugees and was resettled in North Carolina in November 1986.

Eight years later, in September 1992, another 398 Montagnard resistance fighters were discovered by United Nations Peacekeeping forces in northeastern Cambodia. Because of security concerns in Cambodia at the time, the group was quickly processed and moved to the United States. This group was also resettled in North Carolina.

These Montagnards were resettled in North Carolina because of the intense interest of North Carolina communities, led by Vietnam veterans in the area, in resettling the Montagnards. Because of the outstanding record of North Carolina and the Lutheran Immigration and Refugee Service in refugee resettlement, the State Department agreed to this concentrated approach to Montagnard resettlement. Since the U.S. refugee resettlement program started, 16,225 refugees have resettled in North Carolina, nearly 6,200 of whom are Vietnamese.

Orderly Departure Program (ODP)

During the late-1970's and early-1980's when large numbers of people left Vietnam on boats, only a few Montagnards fled in this manner. The majority of the more than 1,600 Montagnards who have been admitted to the U.S. as refugees have been processed through the in-country refugee processing program known as the Orderly Departure Program (ODP). ODP was originally established in mid-1979, when the international community, led by the United Nations High Commissioner for Refugees (UNHCR), sought a legal and safe means for people to depart Vietnam without having to resort to unsafe, clandestine boat departures. The United States and twenty-nine other countries originally participated in the program. UNHCR's involvement ceased during the early 1990's. Under ODP, Vietnamese are processed for admission to the United States as refugees, Amerasian immigrants, or immigrant visa beneficiaries.

Since late-1979 the program has considered applications from persons who were imprisoned for substantial periods as a result of their previous association with the U.S. or were otherwise closely associated with U.S. policies and programs. Applications for family reunification by spouses, children, parents, and siblings of residents of the U.S. were also considered.

Currently, ODP is processing the remaining caseload of former re-education camp detainees which includes Montagnard cases, qualified ROVR (Resettlement Opportunity for Vietnamese Returnees) applicants, some Amerasians, and current immigrant visa cases.

Since its inception, more than 600,000 Vietnamese have been processed through the ODP. Of this number, some 486,000 Vietnamese have been approved for admission to the U.S., including 230,949 who were admitted as refugees.

Montagnard Processing Under ODP

Since 1985, when we began keeping records that identified Montagnards specifically within the overall ODP population, our records indicate that 2,504 Montagnards have been determined to be eligible for consideration for admission to the U.S. as refugees. Of this number, 1,042 Montagnards were approved by INS for admission, 531 were denied at the time of interview or found not qualified by INS, and 893 were scheduled for interview but failed to appear. An additional 38 persons are awaiting INS interview or final INS interview decisions.

Persons found not qualified for processing for the most part have been those who did not qualify for the former reeducation camp detainees program because their reed detention was not due to pre-1975 association with the U.S. or South Vietnamese governments.

Of particular concern to the United States are the 893 Montagnards who have been scheduled for an INS interview but who have failed to appear. Many of these applicants have informed us that this has been due to their inability to secure exit permission, a requirement of the Vietnamese government. This is a serious problem.

Also of great concern to us is the failure of Montagnard beneficiaries of Immigrant Visa (IV) petitions to appear for interviews with U.S. consular officers. ODP records indicate that 58 Montagnards have current visa petitions on file but 30 have failed to attend scheduled interviews, many citing their inability to obtain exit permission from the SRV. The remaining individuals have not responded to ODP inquiries

about their situation. ODP will not terminate any Montagnard IV cases if lack of an exit permit is the reason for not pursuing the application.

While it is possible that some Montagnard refugee and immigrant visa applicants fail to appear for their scheduled interviews due to poor communications and transportation between the Central Highlands and Ho Chi Minh City, we doubt that this is the primary reason. Rather, it appears that the Vietnamese government has denied passports and exit permits to the relatives of those Montagnards who are suspected of involvement in anti-government activities, such as FULRO.

To highlight the importance of the lack of access for Montagnards and other ODP processing issues, in January I traveled to Vietnam to discuss with Vietnamese officials ways to complete the processing of the remaining ODP cases. Since arriving in Hanoi in May 1997, Ambassador Peterson has regularly called on the Ministers of Interior and Foreign Affairs as well as other government officials to emphasize the priority the United States Government places on this issue and to urge the Vietnamese government to facilitate access to ODP for eligible Montagnards and other Vietnamese applicants. Throughout the years of ODP's existence, access to ODP for the Montagnards has been a standard item on the ODP agenda at almost every official meeting with the SRV to discuss ODP processing.

Last October, Vietnam announced that it was taking steps to accelerate procedures to clear ROVR applicants for interview. These new procedures have resulted in the clearance for interview of nearly 14,000 ROVR applicants during the past four months. During my discussions in Hanoi, Vietnam agreed to further ROVR program modifications to the departure clearance procedures for INS-approved ROVR cases. The SRV has expressed the desire to successfully conclude all extraordinary U.S. admissions programs so that we can move toward establishment of a "normal" migration relationship consistent with normalization of our overall bilateral relationship. We are hopeful that the SRV will shortly agree to similar expedited processing procedures for the Montagnards and other ODP programs.

I am pleased to note that, on February 26, the Vietnamese Ministry of Foreign Affairs informed us that staff from the Ho Chi Minh City Ministry of Interior office had already travelled to the Central Highlands to interview some of the Montagnards on the ODP list and that ODP would be able to interview them soon. That is good news, but I want to assure you that we will not put this issue to rest until we are granted access to all eligible Montagnard cases.

McCain Amendment

Of vital importance to the U.S. government is the completion of the processing of the remaining reeducation detainees caseload in Vietnam, the program that includes the Montagnard refugee cases. To complete this processing, the Administration requests the support of the Congress for a quick extension of the McCain Amendment which provides for the admission of the single, over 21 year old children of former reeducation camp detainees. This provision expired on September 30, 1997, but we believe it should be extended until March 31, 1999 in order to permit the humane conclusion of the program.

Conclusion

Mr. Chairman, while we are seeing tangible progress, I want to assure you that we will continue to stress the importance of these issues in all of our dealings with the Vietnamese until all eligible ODP cases, both refugee and immigrant visa applicants, are permitted to attend their ODP interview. The Montagnards, have been and will continue to be at the top of this agenda.

Finally, I would like to take this opportunity to express our appreciation to this committee and to all in Congress who support our mutual efforts to alleviate some of the world's pain by assisting refugees.

That concludes my remarks. I will be happy to respond to your questions.

Responses to Additional Questions Submitted for the Record to Assistant Secretaries Roth and Taft

Responses to Questions Submitted by Chairman Helms

ASSISTANT SECRETARIES ROTH AND TAFT

Question. The Vietnamese Constitution says it provides for freedom of worship. However, religious groups must obtain the government's permission to hold meetings, build places of worship and operate religious schools. If these groups do not

obtain permission, they are in violation of Vietnamese law and subject to arrest. In fact, according to the 1997 State Department Human Rights Report on Vietnam, "Non-governmental organizations abroad reported continued arrests and government harassment" of some Protestant ethnic groups. Has the Administration raised the issue of religious persecution, in particular with the Montagnards, in its meetings with the Vietnamese government? Should the U.S. be focusing more on democracy in Vietnam as a solution to problems in human rights as well as emigration?

Answer. We regularly raise the issue of religious freedom with the Vietnamese government. During their separate visits to Vietnam last year, Secretary Albright and Treasury Secretary Rubin both raised religious freedom at the highest levels. Our Embassy in Hanoi frequently discusses religious persecution, including specific cases of detentions of religious workers, with Vietnamese authorities. Freedom of religion is also a major theme of our regular bilateral human rights dialogue.

We have long held that progress toward democratization will lead to significant improvements in human rights. We therefore give great attention to urging the Vietnamese government to allow greater freedom of expression and a plurality of ideas. We also believe that our focus on promoting the rule of law in Vietnam will lead to much greater respect for individual rights.

ASSISTANT SECRETARY ROTH

Question. Has Ambassador Peterson and U.S. Embassy staff been restricted in their travels to Montagnard villages in the Central Highlands in Vietnam? If not, when did Ambassador Peterson and U.S. Embassy staff meet with Montagnards? Did they have an opportunity to meet with Montagnards alone or were SRV officials present during these visits?

Answer. USG personnel have regular and unencumbered access to every area of Vietnam where Montagnards live, except for sensitive military zones. Teams of personnel from Joint Task Force-Full Accounting work constantly in every province of Vietnam, including mountainous provinces and in areas of high concentrations of Montagnards. Ambassador Peterson travelled to the Central Highlands in September, 1997. Several Embassy officers have travelled frequently through the northern and central highlands on private trips without incident. Most recently, officers from the Consulate General in Ho Chi Minh City travelled there in late March and met with Montagnards. While encountering deep-seated poverty and a high degree of control by Vietnamese authorities, officers did not see indications of serious repression. Although traveling in a large group of consular officials, the officers were able to speak privately with Vietnamese-speaking Montagnards.

Question. According to the 1997 State Department Human Rights Report on Vietnam, most Montagnards do not have access to departure programs and the Vietnamese government denies certain Montagnards exit permits necessary for emigration. Mr. Roth's testimony states "the waiver will support the objectives of the Jackson-Vanik legislation, promoting freedom of emigration from Vietnam." Please explain how the waiver will support freer emigration? Why did the Administration proceed with extending trade benefits when Vietnam has not fully complied with the free emigration requirements of Jackson-Vanik?

Answer. The majority of Vietnamese, including most Montagnards, do not qualify for resettlement in the U.S. Vietnamese who were imprisoned for substantial periods (usually three years or more) for previous association with the U.S., or who were associated with U.S. policies and programs, have access to the Orderly Departure Program (ODP). Family reunification comprises another category.

Since 1985, 2,504 Montagnards have been determined to be eligible to emigrate to the U.S. as refugees. Of these, INS has approved 1,042 Montagnards for admission to the U.S., 531 were found to be not qualified or were denied, and 893 were scheduled for interview but failed to appear. An additional 38 persons are awaiting INS interview or final INS decision.

We remain committed to obtaining exit permission from the Vietnamese government for those who are eligible for our programs, including Montagnards, and will continue to urge Vietnam to issue exit permits to eligible applicants.

Vietnam has complied with the criteria for waiving the Jackson-Vanik amendment by providing assurances that its emigration practices will lead substantially to the achievement of the objectives of the legislation, i.e. freer emigration, and by improving its emigration practices over the years. Vietnam's record is not perfect; however, it has liberalized its emigration policy considerably, by permitting the emigration of over 480,000 Vietnamese from Vietnam to the U.S. under the Orderly Departure Program (ODP) and implementing the Resettlement Opportunity for Vietnamese Returnees (ROVR), beginning in 1997. Granting a waiver of the Jackson-

Vanik amendment to Vietnam will support freer emigration by demonstrating to the Vietnamese government that it can obtain tangible benefits by cooperating with us on emigration issues. Vietnam dramatically improved its implementation of the ROVR initiative as a direct result of our linkage of improved performance on ROVR and granting a waiver of Jackson-Vanik. The prospect of annual renewal of the Jackson-Vanik waiver will encourage Vietnam to further liberalize its emigration policies.

Question. The Vietnamese government has restricted humanitarian aid to the Montagnard population living in the central highlands. Lutheran Family Services and other NGO's (nongovernmental organizations) are prevented from carrying out medical, educational and development programs targeted at the ethnic minority populations. Has the State Department asked the Vietnamese government why assistance continues to be restricted to the Montagnards in the highlands?

Answer. We have long been aware of the problems encountered by Lutheran Family Services and other NGO's in establishing assistance programs for the Montagnards in the central highlands. We have discussed the problems with NGO's concerned, including Lutheran Family Services. These problems apparently stem from long-standing Vietnamese suspicions of the intentions of Americans wishing to work in the central highlands.

The Charge, Deputy Chief of Mission and a political officer raised the Lutheran Family Services case on several occasions in 1996 and 1997 with the Vietnamese agency responsible for oversight of most NGO's working in Vietnam.

On each occasion, the leadership of that agency, the People's Aid Coordinating Committee (PACCOM), agreed to look into the situation, but to our knowledge the position of the Vietnamese government restricting Lutheran Family Services from working in the highlands has not changed. The Ambassador and Embassy, as well as visiting American officials, will continue to raise this issue with Vietnamese authorities in order to ensure that the agencies are able to continue their important work.

We note that some NGOs are carrying out projects in the Central Highlands provinces of Kontum, Gia Lai and Lam Dong. There are projects on health, gender, income generation, environment, water and sanitation, institution building, education, community development, forestry, disabilities, vocational training and agriculture. Among the NGOs operating in Montagnard areas are Caritas Australia, Overseas Service Bureau (Australia), Handicap International (Belgium), Netherlands Leprosy Relief Agency, Netherlands Vietnam Medical Committee, International Development Association (South Korea), The World Wildlife Fund (USA), Church of Nazarene International (USA), HealthEd (USA), Cooperative Services International (USA), U.S.-Indochina Reconciliation Project (USA), Institute of International Education (USA), Population Council (USA), and Volunteers in Asia (USA)

Question. The Vietnamese government requires that Montagnards and other refugees—participating in departure programs—obtain necessary exit permits first, before they are eligible to be interviewed for departure. Ms. Taft's written testimony states, "many Montagnards have been unable to secure exit permission from the Vietnamese government—and that this is a serious problem." What steps will the Administration take if exit permits continue to be withheld from Montagnards and other eligible refugees? Would this for example affect a future decision on granting Vietnam—Most Favored Nation status?

Answer. As Assistant Secretary Roth said in his testimony, "nothing is more important in our relations with Vietnam than meeting our commitments." We have repeatedly raised the question of exit permits for Montagnards and other ODP applicants with Vietnamese officials. Since his arrival last May, Ambassador Peterson has stressed the importance of these issues in meetings with Foreign Minister Cam and other senior Vietnamese officials.

We will continue to stress the importance of issuing exit permits in our contacts with the Vietnamese and press the Vietnamese government, both here and in Hanoi, to issue exit permits to all Vietnamese, including Montagnards, whom we have found eligible for emigration from Vietnam to the U.S.

Vietnam's implementation of its commitments on emigration matters will be reviewed both when renewal of the waiver of the Jackson-Vanik amendment comes up in June and at the point in the future when we consider whether to grant MEN status to Vietnam.

ASSISTANT SECRETARY TAFT

Question. Many Montagnards—as well as members of other persecuted groups, such as religious leaders and ethnic Chinese—have been barred from access to U.S.

resettlement programs. This problem is especially bad for those who live in remote areas, or who have been exiled to such areas. There are also many people whom we have already interviewed and approved for admission to the U.S. but who have been denied exit permission by Vietnam. Now that illegal escape is no longer possible—because neighboring countries return escapees to Vietnam without giving them a refugee interview—what has the U.S. government done to ensure free and unhindered emigration for such cases?

Answer. The United States remains concerned that some 3,400 Orderly Departure Program applicants have been unable to attend their ODP interviews because Vietnamese authorities have not issued them an exit permit. Throughout the years of ODP's existence, access to ODP for eligible applicants has been a priority issue on the ODP agenda at almost every official meeting with the SRV to discuss ODP progressing.

During my meetings with SRV officials in Hanoi and Ho Chi Minh City in January, I raised this issue and stressed the importance the U.S. places on access for these individuals. I want to assure you that we will not put this issue to rest until to all eligible ODP cases are granted access to ODP interviews.

You expressed concern that Vietnamese can no longer seek asylum in neighboring countries. Small numbers of Vietnamese continue to depart Vietnam clandestinely. Vietnamese asylum seekers arriving in countries in the region are treated in accordance with the national laws of the receiving country and international practice, including the principle of non-return of those found to have a well-founded fear persecution if returned to their country of origin. Asylum seekers found to have a well-founded fear are permitted to pursue resettlement in a third country. Those found not to have a well-founded fear are returned to Vietnam. This has been the practice in Southeast Asia and Hong Kong since February 14, 1994. At the February 1994, meeting of the CPA Steering Committee, CPA participants, including the United States, approved these procedures for handling newly arrived Vietnamese asylum seekers.

Question. At the official announcement of the ROVR program in April 1996, the State Department expected that processing of cases would start in September 1996 and would conclude a year later. What has caused the delay in the processing of ROVR cases? The Vietnamese government has recently given us permission to interview several thousand ROVR applicants. But some 4,000 cases submitted to the State Department more than a year ago including some of the most compelling political and religious cases—are still not cleared by Vietnam for interview. What's holding back these 4,000 cases?

Answer. Though we had initially hoped to begin processing ROVR cases in September 1996, it was not until January 1997 that we were able to reach agreement with the SRV concerning the implementation of the ROVR program. Based on the terms of this agreement, the U.S. submitted lists of applicants and possible applicants to the Vietnamese government. The Vietnamese government originally agreed to issue exit permits to all those who expressed interest in pursuing a ROVR interview and who also met general exit permit criteria under Vietnamese law. Both sides agreed in January 1997 to seek a rate of about 1,500 persons interviewed per month beginning in April, 1997, and continuing to the end of the program. However, the Vietnamese government was not able to process applicants for exit permission quickly enough to reach this number, and interviews began very slowly. Last October, Vietnam announced that it was taking steps to accelerate procedures to clear ROVR applicants for interview. As of March 30, these new procedures have resulted in the clearance for interview of 14,196 of the 18,400 currently eligible for consideration under the program.

The first ROVR interviews began in Ho Chi Minh City at the ODP office site at the beginning of April 1997, but involved only 52 people. After this initial group, the interview pace began slowly to pick up. As of March 30, 1998 specially trained INS adjudicators have interviewed some 5,603 ROVR applicants and approved for admission to the U.S. 4,651. INS officers are now interviewing approximately 1,900 ROVR applicants each month. At this pace, we expect to complete ROVR interviews in late-September or early-October 1998.

Concerning individuals that have not been cleared, as of March 30, 2,853 individuals eligible for consideration under ROVR have not yet been cleared for interview. However, we expect that these individuals will be cleared for interview in the near future. SRV officials have informed us that another 1,330 individuals have not been cleared for interview; the majority, 606, because the SRV has been unable to locate the individuals due to address problems. We are confident that we will be able to provide the SRV with new contact addresses.

Finally, 156 ROVR principal applicants have repeatedly refused to meet with Ministry of Interior officials to process their cases for interview clearance.

Question. As you know, many Montagnards and other politically suspect Vietnamese have been denied "household registration" by the Communist authorities. Can people without family registration get access to U.S. refugee interviews?

Answer. Household registries are not required for an ODP interview. However, household registries are normally required by local Vietnamese authorities when individuals apply for exit permits. With the exception of ROVR cases, the SRV requires that ODP applicants be issued exit permits prior to their ODP interviews.

Question. Some applicants who have shown up for refugee interviews have been turned away by Vietnamese-government employed receptionists for lack of household registration, citizenship identity cards, or other documents—even though they have appointments or letter of invitation from the U.S. refugee program. What can applicants do in such circumstances? What will the U.S. embassy in Vietnam do to help?

Answer. Steps have been taken to prevent the problems associated with SRV staff at the Orderly Departure Program processing site in Ho Chi Minh City (HCMC). The entire SRV work force was terminated by the HCMC Foreign Affairs Office (FAO) in December 1997. Since January 1, 1998, all Vietnamese nationals working for ODP in HCMC—interpreters, clerical, and other support staff—have been contract employees of the USG through contracts issued by the Vietnamese government's contracting agency. Use of this contracting agency is required by the SRV. This is the same procedure that all foreign governments, companies, and other organizations operating in Vietnam must follow in order to hire Vietnamese nationals. Though the contracting agency is involved in legally executing the contracts and ensuring that all appropriate SRV taxes and fees are paid, the USG has complete control over the selection, training, supervision, direction, and termination or dismissal of these employees.

Since the implementation of the new employment practices, we are not aware of any applicants experiencing difficulties in gaining access to the ODP processing site. Persons who may have had difficulties in the past should contact ODP, explain what happened and request that their appointments be rescheduled.

Question. Vietnam has announced that ROVR applicants no longer need exit permits for accessing ROVR interviews. This announcement is welcome. Unfortunately, there is still a requirement that we receive someone's name on a list from the SRV before we can interview that person. This raises the unfortunate prospect that the same people who were denied exit visas under the old procedures will now be excluded from interviews by being kept off of the SRV interview lists. What does the United States plan to do to ensure that we get access to these compelling cases?

Answer. We are pleased with the new clearance procedures the SRV initiated in early-October 1997. As of March 30, 1998 this change has resulted in the clearance for interview of 14,196 ROVR-eligible individuals; 77 percent of the eligible applicant pool. The SRV has also notified us that 1,330 people have not been cleared and provided us with specific information concerning the reasons for non-clearance of these individuals. An analysis of these lists indicates that the majority of the names have not been cleared because of address problems. We are confident that we will be able to provide the SRV with new contact addresses.

Currently we are awaiting SRV clearance decisions on 2,853 ROVR applicants. We expect that clearance for these individuals will be received shortly.

Once we have received the final clearance lists, we will compare our lists and the SRV lists and ask for an accounting for any cases that have not been accounted for by the SRV.

We are committed to ensuring that all eligible ROVR cases have an opportunity to have their cases adjudicated, to complete interviews quickly, and expedite the departure of approved ROVR applicants. We believe that the SRV shares this commitment.

Question. What assurances do we have that people whom we interview and who are deemed admissible to the U.S. under ROVR will be able to get post-adjudication exit permits?

Answer. During my meetings in Hanoi in January, Vietnam agreed to program modifications to the departure clearance procedures for INS-approved ROVR cases. We began implementing these new departure procedures in February. As of March 30, 1,126 ROVR applicants had departed Vietnam and another 460 were scheduled to depart shortly. With the new procedures now fully in place, we expect monthly departures of approved ROVR applicants to be between 1,500 and 2,000 starting in

April. Given our experience over the past two months we believe that the SRV is fully cooperating in expediting the new departure procedures for ROVR cases. We will continue to monitor the process closely.

Question. Let me give you an example of a Montagnard refugee who appears to be in deep trouble in Viet Nam. Lam A Lu was a member of FULRO, the Montagnard resistance movement. He was badly wounded in a Communist ambush, and managed to escape to Hong Kong. He had a very compelling refugee claim—he even showed the Hong Kong interviewers the seven bullet holes in his body—and his story was verified by his fellow Montagnards in North Carolina. Nevertheless, Lu was denied refugee status and sent back to Vietnam in 1996. He does not dare to return to his hometown to apply for “household registration,” because he fears retribution by the local authorities. He is eligible under ROVR but is not on the list of the Vietnamese government has given us permission to interview—and it is doubtful that he will ever be on any such list, because he has no household registration, and because the Vietnamese government will only give us the names of people who have been personally contacted by the Ministry of the Interior. What can we do for Lam A Lu and others like him? Why can't we just insist that the Vietnamese government give us access to all these people before we extend further economic concessions, such as a Jackson-Vanik waiver?

Answer. I am pleased to inform you that Lam A Lu has been cleared for interview by SRV officials and will be scheduled for a ROVR interview soon.

We believe that the new clearance procedures are working well and that eligible ROVR applicants will have an opportunity to have their cases adjudicated. We will continue to monitor this situation carefully, and will raise directly with SRV authorities the cases of any eligible ROVR applicants not cleared for an interview.

Question. There have been credible reports that administrative roadblocks—not just the exit permit requirement, but other problems as well—and corruption still prevent many returnees from accessing the ROVR program. What is especially troubling is that several returnees are reported to have been placed under house arrest and prohibited from contacting foreigners. What can the U.S. government do on behalf of these people? What effort has the U.S. government undertaken to identify and locate such cases?

Answer. Since November, when Vietnamese authorities changed procedures for clearing ROVR applicants for interview over 14,000 of the currently nearly 18,400 eligible ROVR applicants have been cleared for interview. Vietnamese authorities have informed us that another 1,330 have not been cleared, the majority due to address problems. We are confident that we will be able to provide the SRV with new contact addresses. Another 2,851 individuals remain to be cleared for interview by the SRV.

Concerning individuals reported to be under house arrest or experiencing other difficulties, anytime the USG becomes aware of reports of returnees experiencing such problems the information is passed to the United Nations High Commissioner for Refugees office in Vietnam with a request that UNHCR look into the situation. UNHCR is responsible for monitoring repatriates and providing assistance, as required.

UNHCR currently employs seven expatriate monitors who are Vietnamese and Nung speakers. An important part of the monitor's work is visiting returnees in their homes throughout the country. The agenda and location for each monitoring mission is set by UNHCR. The dates and the province are announced to the Vietnamese authorities, while UNHCR independently chooses which returnees to visit. On many but not all monitoring visits, UNHCR staff may be accompanied by Vietnamese authorities. Since 1989, UNHCR monitors have met with approximately 25–29 percent of the returnees. Returnees are visited in their homes or are received and interviewed on the premises of the two UNHCR offices in Hanoi and Ho Chi Minh City. UNHCR monitors pay special attention to those returnees who claimed or were reported to have faced arrest, detention or imprisonment after their return to Vietnam. According to UNHCR since 1989, of the nearly 110,000 Vietnamese who returned to Vietnam, a total of 275 individuals were arrested, detained, and/or imprisoned, all of them in connection with common crimes they committed prior to their escape from or after their return to Vietnam.

Question. There have been reports of very unsatisfactory monitoring and protection provided by the office of the UN High Commissioner for Refugees (UNHCR) in Vietnam. For instance, a number of returnees currently placed under house surveillance and constantly harassed by the security police have reported that UNHCR had not been able to do much on their behalf. UNHCR monitors tend to characterize such treatment—and even the frequent denial of household registration to returnees

who are suspect for political, religious, and/or ethnic reasons—not as persecution or mistreatment but as just an aspect of living in Vietnam. What kind of monitoring and protection, if any, does the U.S. embassy in Vietnam itself provide to returnees?

Answer. Since the establishment of an official U.S. presence in Vietnam in 1994, Embassy officials have visited returnee areas to monitor the effectiveness of USG funded reintegration assistance programs and meet with returnees. In addition, since 1990 officers of the Bureau of Population, Refugees, and Migration have regularly traveled to Vietnam to monitor programs for returnees. Neither our own monitoring visits from Washington nor those of U.S. Embassy personnel stationed in Hanoi have detected any patterns of persecution by the Vietnamese authorities against those who have returned. UNHCR and non-governmental organizations who work on a daily basis with returnees report similar results.

If you know of any particular cases of concern we will follow up immediately.

Question. A number of returnees have reportedly escaped again due to the persecution they faced upon repatriation. If they are eligible for ROVR, can they get an interview outside of Vietnam? If not, can the U.S. provide some kind of protection to these people if they have to return to Vietnam for the interview?

Answer. Interviews for consideration for admission to the United States under the special adjudication standards established for the ROVR program are available only in Vietnam. Individuals who felt compelled to flee Vietnam a second time and who fear returning should contact the office of the United Nations High Commissioner for Refugees in the country they fled to and seek UNHCR's assistance. If UNHCR determines that the individual has a valid claim to refugee status, UNHCR may refer the case to the United States for resettlement consideration. The U.S. refugee program accepts referrals from the UNHCR and prepares and presents such cases to an officer of the U.S. Immigration and Naturalization Service for adjudication.

Question. The U.S. State Department was a signatory to the Comprehensive Plan of Action (CPA). Is it true that with the conclusion of the Comprehensive Plan of Action in 1996, victims of persecution from Vietnam who escape to neighboring countries will be automatically deported? If so, how can such victims ever escape from persecution? Does the U.S. have any program to protect or resettle such victims of persecution—who may not meet ROVR and ODP criteria even though they do have a well-founded fear of persecution for political, religious, or ethnic reasons—directly from Vietnam? If so, how many of these “non-category” refugees have been allowed to leave Vietnam for the United States within the last year?

Answer. Since February 15, 1994 Vietnamese asylum seekers arriving in neighboring countries have been treated like any other asylum seekers in accordance with the national laws of the receiving country and internationally accepted practices.

On February 14, 1994 the Steering Committee of the Comprehensive Plan of Action (CPA) adopted new procedures for newly arrived Vietnamese asylum seekers in the countries of first asylum in Southeast Asia and Hong Kong. The Steering Committee declared that screening procedures under the CPA should no longer be applicable to Vietnamese arriving in first asylum countries after February 14, 1994.

In 1995, the U.S. refugee program established a Priority Two category for the consideration of the claims of Vietnamese who did not meet previous ODP criteria (e.g., a minimum of three years in a reeducation camp because of association with U.S. programs and policies in Vietnam or five years of employment with the USG) but who present credible claims of post-1975 persecution because of political, religious, or human rights activities. According to ODP statistics compiled in January 1998, 565 such cases have been presented to the ODP Director and INS for consideration. Of this number, eighty-three have been authorized for processing, 113 have been determined not to be eligible for consideration, and 369 are pending. Many of the cases presented for consideration were old cases which did not meet the interview eligibility criteria for existing ODP programs. We are not aware of any applications from individuals claiming to have recently experienced persecution because of their political, religious, or human rights activities.

Question. Re-ed survivors and widows who missed the 1994 ODP deadline: In May 1997 the State Department agreed to consider late applications on a case-by-case basis and to consider on the merits those who missed the deadline for good cause. These people include, but are not limited to, Montagnards. How many post-deadline cases (both Montagnards and non-Montagnards) have been favorably considered, other than those of the list referred to in the cable.

Answer. The agreement referred to in your question was under discussion in May 1997 but the instructions to the Orderly Departure Program Office (ODP) were issued jointly by the Department of State and INS Headquarters in July 1997.

These instructions authorized exceptional consideration of ethnic Montagnard former reeducation camp detainee cases who contacted the ODP after the September 30, 1994 deadline for direct registration and were otherwise qualified for consideration because they had the requisite three years in reeducation because of association with U.S. programs and policies in Vietnam. Approximately 110 cases of Montagnards were included in this special extension. This was the second time that ODP was authorized to accept applications for Montagnards received after the 1994 deadline. The first extension was authorized in January 1996.

Question. Widows: In May 1997 the State Department also agreed to discontinue the requirement that widows of re-education camp victims provide documentary evidence—typically obtainable only from the Communist authorities—of their marriage and their husband's death. Instead, those who could prove their cases by other credible evidence would be considered. Unfortunately, I am informed that widows who missed the 1994 deadline because they did not have the documentation that was then required—but who later came forward with evidence other than documentation—have been turned away on the ground that this policy does not apply to them. If so, I hope this policy will be reconsidered. If not, do we know how many applications from such widows have been granted?

Answer. A May 6, 1997 letter from the Department's Assistant Secretary for Legislative Affairs to Representative Christopher Smith, Chairman of the Subcommittee on International Operations and Human Rights of the House International Relations Committee, stated that "we will review any cases which Members of Congress present to us which appear eligible under the re-education subprogram except for a lack of documentation. This agreement applied to widows who had applied for consideration under the reeducation subprogram of ODP prior to the September 1994 deadline but who had not been interviewed because of a lack of documentation. We are not aware of any widows in this category being denied access to the program. If you are aware of any such cases, we would be pleased to review them.

Question. Government employees: What is the status of the review of the shocking high denial rate for former U.S. government employees who have been interviewed by ODP? Why have government employee interviews been discontinued pending the outcome of the review?

Answer. The review of the denied former USG employee (i.e., persons who worked for the USG for a minimum of five years) cases is being conducted by the Immigration and Naturalization Service. We understand that INS has completed the review and is now in the process of writing up the results. The INS review focused on the application of the Lautenberg standard in the cases of former USG employees.

In November 1996, we suspended the systematic processing of former USG employee cases after the Vietnamese Government informed us that they would no longer issue exit permits to these applicants. During the previous two years we had not interviewed more than a handful of these cases and the INS approval rate for these cases had dropped below five percent. However, if qualified applicants in this program notify us that they have received an exit permit from the SRV we will present their case to INS for adjudication.

Question. The ROVR program employs its own interpreters. This is a big improvement over the ODP program, which uses interpreters provided by Vietnam's Ministry of Interior. Many ODP applicants have reported fear of retribution if they tell U.S. officials about mistreatment and persecution in the presence of Ministry of Interior officials. Why has the U.S. not demanded that our own interpreters be also used for the ODP program?

Answer. Steps have been taken to prevent the problems associated with SRV staff at the ODP site. The entire SRV Working Group work force was terminated in December 1997, and only those in whom the JVA and ODP Director had confidence were rehired. This new system was implemented in January 1998. The USG now has complete control over all personnel working in the ODP site in HCMC.

Question. Vietnam now allows applicants without exit permits to be interviewed under ROVR. Why doesn't the State Department demand that Vietnam extend this same procedure to the entire ODP program? Considering that a large number of Montagnards and other compelling cases continue to be denied exit permit under ODP, why not require similar improvements in the ODP program as well?

Answer. During my trip to Vietnam in January, I raised this issue with SRV officials, both in Hanoi and Ho Chi Minh City. The SRV has expressed the desire to successfully conclude all extraordinary U.S. admissions programs so that we can move toward establishment of a "normal" migration relationship consistent with normalization of our overall bilateral relationship. We are hopeful that the SRV will

soon agree to similar expedited interview clearance procedures for the Montagnards and other ODP programs.

ASSISTANT SECRETARY ROTH

Question. There have been credible reports of monetary extortion by Vietnamese officials in exchange for exit permits. Many applicants under ROVR and ODP must pay hundreds to thousands of dollars in order to get required documents or get their application processed. This is a clear violation of the Jackson-Vanik amendment. How does the State Department intend to deal with this issue? What kind of intervention can it provide to victims of extortion?

Answer. We have raised the problem of corruption with Vietnamese officials on numerous occasions, both generally in terms of its drag on economic development and specifically as a hardship for would-be emigrants who are forced to pay illegal charges for exit and other documents.

The Vietnamese have assured us that extra-legal charges for exit permits do not result from Vietnamese government policies and that the government has issued directives to local officials ordering the cessation of such practices.

Vietnamese authorities recognize that the problem of corruption by Vietnamese party and government officials is serious and they have campaigned strenuously to reduce corruption, so far with little apparent success.

We will continue to press the Vietnamese government, both generally and on any specific cases we find, to ensure that exit permits are issued to those eligible for emigration from Vietnam to the U.S. without illegal charges.

If you are aware of any specific cases, we would appreciate your passing them to us, so that we can follow up.

ASSISTANT SECRETARY TAFT

Question. The "LAVAS cases"—35 close relatives of U.S. citizens and/or lawful permanent residents who were forced back from Hong Kong to Vietnam even though they were beneficiaries of INS-approved immigrant visa petitions, and were immediately eligible for legal immigration to the United States—have also been the subject of considerable interest in Congress. Although most of these people have been back in Vietnam for about a year now, and although about half have been interviewed by ODP, only 2 have been granted visas. 12 have been denied, either for failure to prove the relationship or for failure to prove that the applicant will not be a public charge. Isn't this rejection rate unusually high?

Answer. According to our records there are 36 individuals in the so-called "LAVAS cases" group. Of this number: (1) four have been approved for immigration to the United States; (2) eleven have been denied for documentation or public charge reasons; (3) one has been interviewed and the results are pending; (4) two did not appear for a scheduled interview; (5) six have not responded to instruction packets sent to applicants eligible to have their IV cases processed; and (6) we have been provided the names of twelve other individuals who are reported to have been part of the LAVAS case, but for whom we have no other information.

The denials are due to problems in documenting the claimed relationships (221(g)) and in satisfying the public charge provision of the INA (212(a)(4)). Providing the evidence required by U.S. law is the responsibility of the applicants and their sponsors. We expect that most of the denials on these groups will eventually be overcome on presentation of additional evidence substantiating the claimed relationship or documenting that the sponsor in the U.S. has the required financial resources to support his or her spouse.

Question. There are returnees who were eligible to apply for ROVR, but who did not do so due to various extenuating circumstances. For instance, some people who were being detained in the refugee camps for anti-repatriation activities were not offered access to ROVR. Also, some people in Sikieu did not apply because an official SRV delegation, which had been sent to persuade asylum seekers to return, instead told them ROVR was a trick and they should not sign up for it. I understand that people who could show good cause for not signing up for ROVR in the camps were to be allowed to sign up in-country, even though they did not return until June 30. The only such applicants of whose cases I was aware are persons who claim that they were "intimidated" from signing up by anti-repatriation campmates. What mechanism do we have for accepting in-country ROVR applications, and what has the success rate been so far for applicants other than "intimidatees"?

Answer. There has always been a provision for initiating ROVR processing for individuals who meet eligibility criteria, but for some compelling reason were unable to register, such as because they were in detention.

ROVR was created in order to identify and offer resettlement interviews in Vietnam to those screened-out Vietnamese boat people who may be of special interest to the U.S. due to their previous experiences or associations in Vietnam. Under ROVR, any Vietnamese who returned to Vietnam from the first asylum camps between October 1, 1995 and June 30, 1996 (or who volunteered to return to Vietnam prior to June 30, 1996) could request consideration for a resettlement interview.

The eligibility criteria to qualify for an interview under this initiative were crafted to be broad and generous for two reasons: to ensure that no one of special interest to the U.S. would be excluded and to encourage those remaining in first asylum camps to register and then return peacefully and voluntarily to Vietnam.

The program was designed to offer resettlement interviews to those who:

- had close association with the U.S. presence in Vietnam or with the former government in South Vietnam prior to 1975;
- were members of certain ethnic groups (Montagnards and Nung);
- persons detained for political or religious activity;
- persons who were religious leaders in Vietnam;
- and others determined to be of significant interest to the U.S. based on their experiences in Vietnam prior to fleeing.

Individuals who believe that they meet these criteria and wish to be considered for an interview should contact the ODP office in Bangkok, Thailand. Their applications should include the following information: (1) date of return to Vietnam or if returned after June 30, 1996 date of application for voluntary return; (2) information about their reasons for not registering in camp; and (3) information about the reason they should be considered of special interest to the U.S. (such as association with the U.S. presence in Vietnam before 1975).

ASSISTANT SECRETARIES ROTH AND TAFT

Question. What is the State Department's assessment of the human rights conditions in Vietnam? Have they improved over the past two years or have they worsened? How many religious leaders and how many political prisoners have been released from detention over that period? How many continue to be in prison?

Answer. As noted in the Department of State Human Rights Report, while Vietnam's human rights record has been generally poor, there have been some positive developments. The government represses basic political and some religious freedoms. The government arbitrarily arrests citizens, including carrying out detentions for the peaceful expression of political and religious objections to government policies.

Among the positive developments during the past two years is the trend toward reduced government interference in citizens' daily lives. The government has allowed citizens slightly greater freedom of expression and assembly to protest grievances. A small number of dissidents has been released from prison, including political prisoners Doan Thanh Liem (February 1996), Hoang Minh Chinh (June 1996), Ha Si Phu (December 1996), Le Hong Ha (August 1997) and Pham Duc Kham (September 1997).

The Vietnamese government claims it does not hold any political or religious prisoners. It does not usually publicize the arrests of citizens for political reasons and frequently conducts closed trials, making it difficult to know exactly how many political and religious prisoners there are. Amnesty International lists 54 prisoners held for political reasons, but suggests that the total may be higher. Some overseas Vietnamese groups have claimed that there are as many as 1,000 political and religious prisoners in the country; other sources put the figure closer to 200 persons.

We routinely raise the cases of a number of jailed political and religious dissidents with the Vietnamese, both here and in Vietnam. Occasionally the Vietnamese government has released a prisoner on the condition that he or she leave the country; Liem and Kham, for instance, were welcomed to the United States on their release. We remain very concerned about several other prominent political and religious prisoners who reportedly suffer from health problems, and will continue to press for their release with the Vietnamese government.

Response to Question Submitted by Senator Kerry

ASSISTANT SECRETARY ROTH

Question. How committed is the new Vietnamese leadership to accelerated economic reform? What real progress has been made in recent months?

Answer. The new leadership, headed by Party General Secretary Le Kha Phieu, Prime Minister Phan Van Khai and President Tran Duc Luong and operating by consensus as is Vietnamese custom, has publicly voiced its commitment to economic reform. Vietnam has recently taken positive measures, moving quickly to issue a number of decrees. The Asian financial crisis, which is beginning to negatively affect Vietnamese exports and foreign investment inflows, has helped focus the new leadership on the importance of a continuing commitment to economic reform. However, the reforms and the rhetoric surrounding their implementation suggest that the internal dispute over the extent and pace of reform continues.

In general, recently announced changes are positive. However, they focus on making more effective the country's extensive system of administrative controls and procedures rather than their elimination, demonstrating that the Vietnamese government has yet to embrace a completely market-oriented reform program.

The recently announced measures, many of which have not yet been implemented, include reforms to the trade and foreign investment regimes and the financial system. A number of the reforms represent important steps such as the gradual elimination of many export and import quotas; streamlining investment procedures; elimination of some import bans; expediting the processing of trade documents; and protection of established foreign investments from the negative effects of legal and regulatory changes. Many of the measures provide incentives, such as tax breaks and favorable access to credit, aimed at increasing exports from or foreign investment in targeted sectors. Other measures taken, however, are inconsistent with a market-oriented reform process. These include: the imposition of foreign exchange controls; increasing import controls; the suspension of new banking licenses; and the monitoring of enterprises with foreign investment to "ensure thriftiness."

Economic experts, including International Monetary Fund staff, have warned that the reforms thus far undertaken by the Vietnamese government do not go far enough. They warn that an economic crisis will result from structural problems in the Vietnamese economy and the spill over effects of the Asian financial crisis if Vietnam does not immediately undertake fundamental reforms including privatization of state enterprises, financial sector reform, adoption of a flexible exchange rate system and trade liberalization. It remains to be seen if the current leadership is willing or able to reach consensus on such a far-reaching program of structural economic reform.

The U.S. Government is engaged in a dialogue with the Vietnamese government to impress upon it the importance of continued market-oriented economic reform. This dialogue is supported by concrete action. The Agency for International Development has initiated a Commercial Law Development Program to help Vietnam draft laws and regulations consistent with an open economy. We are also negotiating a bilateral trade agreement, without which Vietnam cannot obtain Most Favored Nation (MFN) trade treatment, that will embody market principals and promote greater integration of Vietnam in the world economy.

Response to Question Submitted by Senator Hagel

ASSISTANT SECRETARY ROTH

Question. How have minority groups in Vietnam other than the Montagnards fared in seeking to emigrate to the U.S.?

Answer. We are not aware of any minority other than the various ethnic groups referred to as Montagnards that have encountered difficulty as a group in emigrating to the U.S. from Vietnam.

However, the Orderly Departure Program (ODP), which processes Vietnamese emigration, does not break out statistics on ODP applicants by ethnic group, with the exception of Montagnards.

Vietnam's largest ethnic minority, the ethnic Chinese, who suffered from anti-Chinese policies pursued by the Government of Vietnam in the years immediately following the Vietnam War, has comprised a substantial portion of applicants who have successfully emigrated to the U.S. under ODP. Ethnic Chinese continue to apply successfully for emigration to the U.S. through the ODP program.

Our objective remains to ensure that all ODP and ROVR applicants, who are not otherwise ineligible, are able to apply without hindrance. When we encounter any

case where we have reason to believe that has not been true we have pursued the issue vigorously with the Vietnamese government, and we will continue to do so.

Prepared Statement of John F. Sommer, Jr.

Mr. Chairman and Members of the Committee:

On behalf of The American Legion, I appreciate the invitation to appear today to discuss the Montagnard's historical relationship with the United States during the Vietnam war, and my personal account while serving alongside the Montagnards. In addition, I have been asked to speak of the difficulties Montagnards and other Vietnamese refugees are experiencing in light of Vietnam's noncompliance with free emigration. We have taken this opportunity to address some closely related issues that are of significance.

According to available information published by the Montagnard Foundation and other sources, over two thousand years ago the indigenous Montagnard people settled along the coast and in the fertile valleys of Vietnam. Over the next several hundred years, other peoples of varying cultures gradually migrated into their homelands. The Montagnards were forced deeper and deeper into the highlands where they remained, farming this mountainous area in their ancient manner for generations. Meanwhile, they were subjected to the whims of whatever regime happened to be controlling the country -and more specifically the highlands—at any given time through the years.

Immediately prior to the First Indochina War, the French organized what could be construed as a Montagnard Army to assist in liberating the four provinces of the Montagnard in Central Vietnam from the occupying communist Viet Minh forces.

According to information made available by the Fourth World Documentation Project of the Center for World Indigenous Studies, following four months of combat, the four provinces, Kon-Tum, Plei-Ku, Daklak, and Haut Donai, were liberated from the occupation of the Viet Minh. And because of the bloodshed, sacrifice, courage and loyalty of the Montagnards, the French created an autonomous country which was called "Pays Montagnards du Sud Indochinois" (P.M.S.I.), which translates to the "Country of the Montagnards of South Indochina." During the war itself, the Montagnard troops were reportedly used by the French basically as a deployment for strategic defense against the Viet Minh. Following the Geneva Convention in July 1954 the Indochina War ended, and for all intents and purposes, P.M.S.I. ceased to exist in the legal sense of the term.

History reflects that the United States military's involvement with the Montagnard people commenced in the Fall of 1961 when, with the permission of the South Vietnamese government, US representatives approached the tribal leaders of a Rhade camp at Buon Eno in Darlac province. The Americans initially involved were a representative of the US Embassy and an Army Special Forces medical sergeant. The proposition offered—and after a period of discussion and deliberation accepted—was to provide weapons and training in turn for the Montagnards' declaration for the South Vietnamese government and participation in a village self-defense program. Normally such a program would have been carried out under the command and control of the South Vietnamese Army and its US military advisors. However, it was determined that this project would, at least in the beginning, be carried out separately, in the absence of a guarantee that the Rhade experiment would be successful, especially in view of the Vietnamese government's failure to follow through on other promises to the Montagnards.

Reportedly, by mid-December the pilot project was successfully completed, and the program was extended to forty other Rhade villages within a radius often to fifteen kilometers of Buon Eno. Additional soldiers from the US 1st Special Forces Group and the Vietnamese Special Forces were deployed to assist in the expansion, and by the Spring of 1962, the Civilian Irregular Defense Group (CIDG) program was rapidly growing. Increasing responsibility for training was assumed by the South Vietnamese Special Forces, and trained Rhade cadre began training local strike forces and village defenders, with US Special Forces troops serving as advisors to the "trained trainers."

By the latter part of 1964, the successful program had spread beyond the Rhade, to include other Montagnard tribal groups, other minority groups such as Cambodians and Nung tribesmen, and additional US Special Forces detachments including some of the 5th Special Forces. Correspondingly, the responsibilities of the CIDG increased, to include missions such as the border surveillance program. In 1969 the transfer of CIDG forces to the Vietnamese military commenced, many of the CIDG units were converted to Vietnamese Ranger units, and others were re-

named as Border Ranger units. The transfer was, as we understand it, completed sometime in 1971.

This is not to say there weren't a number of difficulties that arose during the development of the CIDG. However, by most accounts it was a significantly successful program.

Today stories abound from former Special Forces soldiers, Special Operations troops, and assorted veterans who served with Montagnards, the Nung, Cambodians and others, regarding the loyalty, dedication, heroism and friendship exhibited by these indigenous fighters.

It is sad to say that many—if not most—of the Montagnard held out some degree of hope following the total US withdrawal from South Vietnam in 1975 that their American allies would return to the highlands to rejoin them. That was not to be. However, today veterans among organizations such as The American Legion, the Special Forces Association and others are actively involved in trying to provide humanitarian assistance to those courageous individuals with whom they served.

My personal experience with the Montagnards was limited to 1968, while serving as a combat medic with an infantry company in the First Brigade of the 4th Infantry Division, located in the Central Highlands.

On a few occasions our unit worked in conjunction with the CIDG and their American advisors, basically securing hilltops or fire support bases, and in one instance a Special Forces camp. There was a general communication problem, but it did not ever prohibit us from trading rations with them. They liked our C rations, and their LRRP-type rice-based rations were a welcome change of menu for us.

My role as a medic, and during the latter part of my tour as Noncommissioned Officer in Charge of a Battalion Aid Station, offered the opportunity to provide medical treatment to Montagnards in a number of different situations including MEDCAP operations to their villages, on an emergency basis at the Aid Station, and others.

While serving as NCOIC of the Aid Station near Pleiku, I also frequently participated in night ambushes around Montagnard villages. The purpose of these operations was to protect the villages from the North Vietnamese Army units and Viet Cong who were operating in that area. A location would be established near the village at dusk, and then be moved to a more strategic defensive position after dark. Our patrol would always go through the village on the way in so that the Montagnards would know we would be there during the night.

All of my personal experiences with the Montagnards—whether CIDG or civilian villagers—were positive, and I developed an affinity and respect for the people. Unfortunately, during my trips to Vietnam since 1991, the opportunity to return to the Central Highlands has not presented itself, understanding that it has only been within the recent past that westerners have been permitted to travel in that border area. In addition to embracing The American Legion's strong position that we have a moral obligation to assist those who fought side by side with us during the war, I have a personal interest in the well being of our former allies and their families.

The plight of the Montagnards today remains most unfortunate. Millions of dollars and thousands of man-hours of humanitarian assistance are expended in Vietnam by American NGOs each year. However, few—if any—of these organizations are permitted by the Vietnamese government to develop and administer programs that would provide humanitarian aid to the Montagnards in the Central Highlands, despite the horrendous conditions of poverty and hopelessness that exist among the tribal people.

An example is the Vietnam Highlands Assistance Project which was developed by Lutheran Family Services in 1989. During the nine years since it was established, the project has only been allowed access to the Central Highlands on one occasion, though not for a lack of trying. Project officials have continuously pushed Vietnam's Peoples Aid Coordination Committee (PACCOM) for NGO humanitarian access to the Central Highlands.

Of course, the failure of the Vietnamese government to allow the provision of humanitarian assistance in the highlands is not the only problem facing the Montagnards. We have seen and heard numerous reports—some anecdotal and others official—of the strife that has beset Montagnards who have attempted to emigrate from Vietnam. It is often reported that many have been forced to pay province officials exorbitant fees for exit permits, and then in some cases bribes to other Socialist Republic of Vietnam (SRV) officials, in their mostly futile attempts to negotiate the emigration process.

This situation regarding the Montagnard is concisely described in a recent report prepared by the Chief Counsel of the House International Relations Committee's Subcommittee on International Operations and Human Rights following his December 1997 trip to Vietnam. The report states in part:

The Montagnard population—many of whose members have particularly strong ties to the United States and particularly compelling refugee claims—continues to face problems that are even worse than those of most other Vietnamese of humanitarian interest to the United States. Because of their remote location and their alienation from the mainstream of Vietnamese society they are particularly vulnerable to all of the abuses listed above. They have even less access to information than other residents of Viet Nam, and are even more helpless in the face of official corruption. For instance, some Montagnard refugees resettled in the United States have been forced by corrupt local officials to leave family members behind and substitute non-family members who then disappear upon their arrival in the United States.

One of the obstacles that has prevented Montagnards from leaving Vietnam, and has also blocked the emigration attempts of ethnic Vietnamese, has included the use of translators provided by the SRV by our own Orderly Departure Program (ODP), and Immigration and Naturalization Service (INS). These SRV interpreters have been responsible for such sensitive issues as commenting on the authenticity of documents or testimony provided by refugee applicants during the interview process. It is commonly known that numerous applicants whose emigration cases were denied have complained, some in writing, to ODP officials that they were intimidated by SRV officials being present during their interviews, and that the presence of these individuals encumbered their ability to openly disclose the extent of their involvement with the US, relevant information surrounding their persecution by the SRV, and related matters. Beyond that, reports from applicants whose cases were both approved and denied have charged that some SRV provided employees have solicited bribes for favorable results, and offered threats or otherwise intimidated applicants who were not willing to pay.

In reference to the involvement of SRV staff, the aforementioned report by the Chief Counsel of the House Subcommittee on International Operations and Human Rights states in part:

I was already familiar with what this can do to the integrity of refugee programs. The presence of SRV officials at the vast majority of UNHCR interviews with CPA returnees has been an important factor in the derision with which the UNHCR's "zero-persecution-on-return" assurances have been greeted by Vietnamese-Americans, U.S. veterans' groups, Ben Gilman, Chris Smith, *et al.* Also, many applicants have written letters to ODP stating that they were afraid to tell their stories in the presence of government-supplied interpreters, and setting forth the "real" story in an almost-always-unsuccessful effort to get a denial reconsidered.

It has been reported that effective January 1, 1998 a private employment agency is being used to hire the interpreters and others who have been furnished by SRV. However, it appears that the cases of applicants who were adversely impacted based on the previous policy will not be re-reviewed, which would be most unfortunate.

The Resettlement Opportunities for Vietnamese Returnees (ROVR) program was not viewed favorably by The American Legion from the outset, and SRVs failure to hold up its end of the bargain since implementation has been even more disconcerting. The purpose of ROVR was to create conditions under which "Boat People" would voluntarily return to Vietnam from the refugee camps in countries of first asylum. Those who met the US-defined criteria of "refugee" and returned to Vietnam, would be interviewed and, if found eligible, be granted passage to the United States. In turn, SRV agreed to not take reprisals against them for having fled the country, and to issue exit permits necessary for them to become involved with US emigration officials in preparation of leaving Vietnam.

SRVs cooperation in furnishing the US with names of those who are to be interviewed has been sporadic. As of mid-December, 6,000 had been provided, which was about one-third of those that had been requested. Exit permits have not been provided to many of those who were supposed to receive them based on their meeting US criteria. We understand that as of recently the exit permits are no longer required prior to seeking interviews from ODP, but they continue to be required at a later time during the process. With respect to the SRV pledge of no reprisals, the previously mentioned House Subcommittee report contains the following:

The shocking extent of SRV involvement in the administration of all our programs—as well as in the UNHCR monitoring program—makes highly suspect any assessment that returnees are not facing political problems on their return. The SRV internal security apparatus is pervasive. Maintenance of control over the lives of ordinary citizens appears to be among the

government's highest priorities. Of the dozen or so returnees we visited—some “officially” in the presence of SRV personnel, others “unofficially” after satisfying ourselves that we had managed to evade surveillance—all but three had been denied household registration, which is the essential prerequisite to a decent life in Viet NAM. Several had been frequently visited by security officials demanding to know about their past political and/or religious activities and warning them of severe reprisals for any further such activities. All those whom the SRV government knew we intended to visit had been interrogated in anticipation of our visit. Several had been given detailed instructions about what to say and what not to say. A few returnees are known to have been imprisoned since their return—most for ostensibly nonpolitical crimes such as illegal escape, others on overtly political charges.

It is important to note that ROVR is not the only measure of Vietnam's cooperation on the emigration issue. The Orderly Departure Program is equally as important. We understand that the ODP, implemented nearly twenty years ago, potentially has thousands of cases that are unresolved for one reason or another. These include cases of re-education camp survivors and their widows, former US government employees, Amerasians, and others. All of them are individuals who did not leave the country at the urging of the US, based on promises that if they met the criteria, the US would process them out. It has recently been reported that there is an artificially high “no-show” rate in the ODP, generated by the fact that many people who are eligible for interviews cannot get exit permits. Also, many who tried prior to the first of the year were either turned away by SRV staff, or the applicants refused to comply with their demands for bribes.

In December 1997, the Clinton Administration announced that the President was seriously considering waiving the requirements of the Jackson-Vanik Amendment (19 U.S.C. 2432(a)). Briefly, Jackson-Vanik renders communist governments ineligible for economic concessions through the Export-Import Bank and the Overseas Private Investment Corporation until their citizens are guaranteed unfettered freedom of emigration.

It is obvious to The American Legion, among others, that Montagnards and other Vietnamese citizens are not by any stretch of the imagination free to leave Vietnam if they so wish. The examples set forth in this statement are only a snapshot of the abysmal SRV-controlled situations that exist within ROVR and ODP—programs that were established to assist refugees in emigrating—not forcefully prevent them from leaving a country where they are subject to harassment and persecution. The United States has a moral obligation to help these individuals in any way we can possibly do so. For the President to waive Jackson-Vanik would be the same as closing the door forever on the possibility that many of these deserving individuals could ever be resettled outside of Vietnam.

In addition to the provisions of Jackson-Vanik, 19 U.S.C. 2433 provides authority for the President to withhold nondiscriminatory trade treatment to countries based on cooperation with our efforts to account for American military and civilian POWs and MIAs in Southeast Asia. It is contingent upon cooperation to achieve a complete accounting of the POWs and MIAs, to repatriate such personnel who are alive, and to return the remains of such personnel who are dead to the United States.

On a related issue, last week President Clinton certified that Vietnam is “fully cooperating in good faith” with US efforts to account for missing American soldiers from the Vietnam war, as required under section 609 of Public Law 105-119. The American Legion does not agree with the President's determination. To begin with, the certification would have been more credible if the President had waited to review the forthcoming National Intelligence Estimate on the Vietnam POW/MIA Issue that is expected to be completed later this Spring.

The government of the Socialist Republic of Vietnam is not cooperating anywhere near the extent to which it can. A degree of cooperation is being offered in the conduct of the joint field activities, where our Joint Task Force—Full Accounting and Vietnam's Office on Seeking Missing Personnel are excavating crash sites and other incident locations. Of course, the United States is paying Vietnam handsomely for that assistance.

It is the unilateral cooperation by the central government that is not forthcoming. In August 1993, a high ranking State Department official specifically asked the Vietnamese government to turn over remains and information relating to over eighty cases involving over ninety individuals categorized as Last Known Alive, and Special Remains Cases. To the best of our knowledge, very little, if any information correlating to those cases has been turned over by the SRV government.

National Commander Anthony G. Jordan and this witness met with several high ranking Vietnamese government officials in December 1997, and requested, among other things, increased unilateral cooperation in helping to resolve those cases where the incidents took place in the areas of Laos and Cambodia that were controlled by the Peoples Army of Vietnam during the war. The American Legion and others, including representatives of the families, have formally requested this as well as unilateral cooperation on other similar issues for several years. We continue to receive empty promises, but no substantial progress has been forthcoming.

The third concern of The American Legion is Vietnam's abysmal record on human rights. It is necessary to remain mindful that the government of SRV continues to be a communist regime that actively suppresses the human rights of many of its citizens. Unfortunately, despite the lifting of the trade embargo and the normalization of diplomatic relations, there has been no appreciable improvement. The only apparent change is the diminished level of pressure that the US government is placing on Vietnam to enhance its human rights practices. The SRV government continues to arrest and imprison political and religious activists and hold them at will. Hanoi does not suffer those who believe in freedom and democracy to espouse their feelings.

In reviewing the State Department's Human Rights Report on Vietnam for 1997, it is interesting to note the comments that relate to one of the issues under consideration at this Hearing. Under the section of the report relating to the subjects of Emigration and Repatriation is the following:

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad, before the Government issues exit permits. Citizens' access to exit permits was frequently constrained by factors outside the law. Refugee and immigrant visa applications to the Orderly Departure Program (ODP) sometimes encounter local officials who arbitrarily delay or deny exit permits based on personal animosities or on the official's perception an applicant does not meet program criteria, or in order to extort a bribe.

There are some concerns that members of minority ethnic groups, particularly nonethnic Vietnamese such as the Montagnards, may not have ready access to these programs. The Government denied exit permits for certain Montagnard applicants for emigration.

The American Legion has urged President Clinton in the strongest possible terms to refrain from even proposing a Jackson-Vanik waiver until such time that considerable cooperation and improvement are advanced by the government of Vietnam in the three important areas that are discussed in this statement.

Mr. Chairman, we sincerely thank you for scheduling today's hearing on these issues which rarely receive the attention that they justly deserve.

Prepared Statement of Dr. Nguyen Dinh Thang

In July 1995, to justify normalized relations with Communist Vietnam, Administration officials explained to the public and Congress that expanded relations would bring along political liberalization, democratic values, and improved human rights. Two and a half years later, reality has proven the contrary.

Since normalization, the Communist government has further restricted freedoms and has increased its violations of human rights: more religious leaders and dissidents have been arrested or placed under administrative detention, more citizens than ever have been detained and charged simply for criticizing corrupt government practices, there is much less freedom of the press now than before normalization. The future looks even bleaker after hardline Communists took over the leadership of the Party three months ago. Last month, the government sent 3,000 agents, disguised as priests and followers, to infiltrate all levels of the Buddhist Church so as to monitor and control all of the Church's activities. Also last month, the communist Party ordered its members to infiltrate foreign-owned companies via formation of party cells among workers. Comparison of the State Department's most recent human rights country report with the one two years ago attests to the failure of the U.S. policy in promoting human rights in Vietnam.

This Administration's policy in recent years has also made it virtually impossible for victims of persecution in Vietnam to escape from their persecutors.

In a multilateral agreement with countries in the region, the U.S. supports a new refugee policy, effective July 1996, that automatically returns escapees to the Vietnamese government. Those already in first-asylum camps were repatriated en masse in 1996. With the help of this misguided policy, Vietnam has become one of the very few countries in the world where victims of persecution have no way out, except through official channels that are under the complete control of the Communist government. The State Department Inspector General in his Report of Inspection released two months ago recognizes this most disturbing reality: the U.S. Government does not have control over key aspects of the resettlement process; Vietnam does.

Making its case for the waiver, the U.S. Administration has completely ignored this Kafkaesque situation that it has helped to create: victims of persecution must get approval from their persecutors in order to escape from persecution. In one case that I have worked on since 1996, the victim, now in hiding in Cambodia, has been told by the U.S. embassy in Phnom Penh to return to Vietnam and apply for exit through the official channel—at his own risk. This illustrates how U.S. policy towards Vietnam of late favors the oppressor over the oppressed.

The State Department has quoted statistics to justify the recommended waiver: 14,000 names have been cleared by Vietnam for interview under the Resettlement Opportunity for Vietnamese Returnees (ROVR) program and 470,000 individuals already resettled under the Orderly Departure Program (ODP). But these statistics are misleading: the State Department has failed to mention those, particularly victims of persecution with the most compelling and deserving claims, who have been denied access to these programs.

The State Department had initially expected to conclude ROVR interviews by September of last year. Vietnam however twice reneged on its promised cooperation and caused the 18-month delay in the implementation of the program. As of today, six months after the ROVR program was initially expected to wrap up, 4,000 names are still not cleared for interview. Among them there are religious leaders currently placed under police surveillance, human rights activists condemned to house arrest for their past activities in first-asylum camps, and individuals imprisoned on political and religious charges. Three months ago, I joined a Congressional staffer in a fact-finding mission to Vietnam. We met some of these returnees or their relatives. Some of them had been told, bluntly, that the government had decided that they should not leave. There were also several returnees, who were in hiding to avoid retribution by the authorities. They of course did not have access to the program, despite their eligibility. According to my latest information, their situations have not changed.

It is important to note that clearance for interview does not mean approval for exit. Often family registration and citizenship identity card are required for exit permissions. Two thirds of the returnees we met during our trip were without these documents, which made them *persona non grata* in their own country. They were not able to get legal employment, apply for a business license, seek admission to hospital, or send their children to school. Last week, a returnee, a Chinese ethnic who had worked as an interpreter for the U.S. government, informed me that the Ministry of Interior had told him he would have no chance of ever leaving Vietnam for lack of these required documents.

It would be a major omission not to mention the rampant and systematic corruption at all levels of government in Vietnam. Most applicants must pay Vietnamese officials large amounts of money in order to gain access to U.S. programs or to get exit permission. I have carefully documented cases of Vietnamese, now in the U.S., who had to pay several thousand U.S. dollars in exchange for exit permission. ROVR applicants living in My Tho, Can Tho and Bien Hoa provinces are routinely required to pay five million dong, equivalent to \$400, in order to have their applications vetted by the local authorities. This is just initial payment; they have to pay more at every step in the process. Considering Vietnam's annual average income of only \$300, few victims of persecution can afford such exorbitantly large bribes. Such monetary extortion also violates the Jackson-Vanik Amendment.

Victims of persecution hoping to get out of Vietnam under ODP fare even worse. The State Department has failed to acknowledge that many of the most compelling cases, often of highest political and humanitarian interest to the U.S., are not among its figure of 470,000 individuals successfully resettled under ODP. Many Montagnards, members of ethnic minorities, former U.S. government employees, veterans of U.S. special forces, former political prisoners exiled to remote areas, religious leaders, spouses and children of American citizens, etc. have been excluded from the program. Over the years I have personally worked, often without success,

on many such cases. For some unknown reasons, the State Department has restricted the free emigration condition under Jackson-Vanik to just ROVR, leaving in limbo victims of persecution eligible under ODP. Such restrictive interpretation was clearly not the intent of Congress when it passed the Jackson-Vanik Amendment.

Waiving Jackson-Vanik at this time will be a major mistake. Such a waiver, premature and unjustifiable as Vietnam continues to deny exit permission to a large number of victims of persecution, will give away the last leverage that could be used to force Vietnam into fully cooperating with U.S. resettlement programs, and will deny victims of persecution their last hope of ever leaving Vietnam.

In order to avoid such a catastrophic consequence, I would like to make the following recommendations.

1. The U.S. should demand that Vietnam satisfactorily resolve all cases—ROVR and ODP—of interest to the U.S., particularly cases raised by members of Congress, as a condition for the waiver. Vietnam can easily prove its true cooperation and its deserving the waiver by resolving all these cases tomorrow. I have submitted several lists of such cases to the Senate Foreign Relations Committee and to the State Department. I am working with other non-governmental organizations to compile additional lists for submission.

2. Even after Vietnam has satisfactorily resolved all existing cases of special interest to the U.S., the waiver should only be announced with a clear message that it will be rescinded at the first sign of Vietnam's failure to cooperate in the future. For as long as the Vietnamese government violates the basic human rights of its citizens, and for as long as escape from persecution must be pre-approved by the persecutors, such a guarantee is absolutely necessary.

3. As an additional safety measure, I recommend that the Senate Foreign Relations Committee request an independent investigation by the General Accounting Office into each and every case in the said lists of victims of persecution and into the corrupt practices of Vietnamese officials. Such an in depth case-by-case investigation will add pressure on Vietnam to truly cooperate. In case Vietnam does not cooperate, this investigation may suggest ways to cope with the underlying problems.

These specific cases should be the litmus test of Vietnam's stated cooperation and of the success of the ROVR and ODP programs, not the statistics quoted out of context by the State Department. There is no reason for the U.S. government to give away our last leverage in such a hurry and to ignore the plight of victims of persecution in Vietnam, which recent U.S. policy has only made worse.

Petition Letter Requesting the Administration to Withhold Waiving the Jackson-Vanik Amendment Requirements for Vietnam

March 10, 1998.

The Honorable Jesse Helms,
Chairman, Senate Foreign Relations Committee,
United States Senate,
450 Senate Dirksen Office Building,
Washington, D.C. 20510.

Dear Senator Helms:

On behalf of 23 Vietnamese-American communities throughout the United States and the Vietnamese Inter-faith Council in the USA, we write to seek your intervention with the Clinton Administration from granting the Socialist Republic of Vietnam a waiver of the Jackson-Vanik requirement. We are disturbed by news that the Administration intends to waive the Amendment's requirements, despite the fact that Vietnam continues to suppress the rights of its citizens, including the right to free emigration.

Vietnam's recent change in the procedure under the Resettlement Opportunity for Vietnamese Returnees, or ROVR, only delays the requirements for exit permits wherein applicants approved for resettlement still need exit permits to emigrate abroad. There is mounting evidence that local authorities have harassed and extorted applicants in their requests for exit permits. Widespread corruption by communist officials presents a major obstacle to free emigration. Vietnamese officials have de-

manded thousands of dollars from applicants in exchange for exit permits out of the country. Most returnees cannot afford such bribes.

Also, we call your attention to the deterioration in human rights conditions in Vietnam since the U.S. established diplomatic relations with that country in 1995. An untold number of political dissidents and religious leaders have been imprisoned by the Hanoi regime. In April of 1997, the communist authorities implemented an Administrative Detention Directive, 31/CP, which allows for detention of individuals for up to two years without a hearing or trial.

There is no accurate number of people being detained under the auspices of the Directive since the authorities make every effort to keep this potentially damaging information a secret. However, it is known that every province in Vietnam has at least one administrative detention center where people are held for up to two years, without trial, for committing a wide range of activities from promoting human rights to vagrancy. According to a 1997 Human Rights Watch report on Vietnam, a detention center in the southern province of An Giang holds "an average of 200 individuals at any one time."

While Hanoi endorses the free flow of investment dollars into Vietnam from foreign investors, it regularly cracks down on the free flow of information and freedom of expression from its own citizens. Late last year, the Hanoi regime established new procedures to tighten its grips on the press, foreign and domestic. In November of 1997, the editor of a Vietnamese language trade journal was arrested for exposing high-level corruption. The arrest has had a chilling effect on an already near freezing climate on Vietnam's ability to provide fair and accurate news to its citizens.

The increasing pace of diplomatic activity between the U.S. and Vietnam, especially in the area of trade, provides a viable opportunity for our country to take a firm stand for freedom and democracy in a land that we have sacrificed 58,000 of our best and brightest for those same ideals. Our country should not grant Most Favored Nation privileges to communist Vietnam unless and until Hanoi respects the rights of its own citizens to speak, worship, and assemble freely. We should make Hanoi account for its own conduct if it wants the full privilege of free trade with our country.

If we are to trade with Vietnam, we should trade with a conscience, never forgetting that principles of freedom have led this nation to economic greatness. Respect for the basic tenets of freedom is consistent with and can even promote a healthy economic climate in a free market economy. We should stand on the side of the Vietnamese people, not with their oppressor. Our long-term investment in Vietnam should be in its citizens, not with its oppressive government.

Vietnam has not made sufficient progress on free emigration or improvements in its human rights conduct to justify a waiver of Jackson-Vanik. We call on you to intervene with the Administration by requesting the President to not waive the requirements of Jackson-Vanik at this time.

Thank you for your concern and assistance in this important issue.

Sincerely yours,

VENERABLE THICH MINH DUNG, *Executive Director, Vietnamese Inter-faith Council in the USA*

HUYNH QUOC BINH, *President, Vietnamese Community of Oregon*

TRAN VAN LUAN, *President, Vietnamese Community of Seattle, Washington*

DO TRONG DUC, *President, Vietnamese Community of Southern California*

LAI DUC HUNG, *Secretary General, Alliance of Vietnamese Associations in Northern California*

DR. TRAN LUONG NGOC HO, *President, Vietnamese American Community of Illinois*
 NGUYEN CAO QUYEN, *Chairman, Vietnamese Community of Washington, D.C., Virginia, and Maryland*

LE ANH TUAN, *President, Vietnamese Community of Boston, Massachusetts*

DOMINIC THAC PHAM, *President, Vietnamese Community of Georgia*

DR. BUI QUANG TIEN, *President, Federation of Vietnamese-American Associations of San Diego*

TRAN VAN DANG, *Chairman, Vietnamese Community of New York*

NGUYEN CAO MY, *President, Vietnamese Community of Houston & Vicinity*

TU VAN BE, *Chairman, Vietnamese Community of Oklahoma*

NGUYEN THUA LONG, *President, Vietnamese Community of Louisiana*

TRAN ANH TUAN, *President, Vietnamese Association of Charlotte, North Carolina*

HINH VAN NAM, *President, Vietnamese Community of Clark County, Washington*
PHAM VAN YEN, *President, Vietnamese Community of Minnesota*
TRAN GIAO, *President, Vietnamese Community of Northwest New Jersey*
NGUYEN NGOC THU, *President, Vietnamese Community of Northwest Pennsylvania*
NGUYEN LOI, *President, Vietnamese Community of Syracuse, New York*
NGUYEN VAN AN, *President, Vietnamese Community of Endicott, New York*
NGUYEN VINH, *President, Vietnamese Community of Utica, New York*
NGUYEN VAN TUONG, *President, Vietnamese Community of Dallas, Texas*
DR. NGUYEN VAN CHAT, *President, Vietnamese Community of Fort Worth, Texas*

Additional Material Submitted for the Record

Letter Submitted by Senator Bob Smith of New Hampshire

March 10, 1998.

The Honorable Jesse Helms,
Chairman, Committee on Foreign Relations,
United States Senate,
Washington, D.C. 20510.

Dear Jesse:

I want to add my own special welcome to John Sommer, Executive Director of The American Legion, who is testifying before you this morning on Vietnam issues.

Although John is not a constituent of mine, he is, nonetheless, someone I have worked closely with for several years. I have always been impressed with his principles, his dedication to the *people* of Vietnam, and his outspoken concerns for American POWs and MIAs still unaccounted for from the war.

I am pleased you have invited him to appear this morning on behalf of our Nation's largest national veterans service organization, The American Legion. I have no doubt you will agree with much of John's testimony on behalf of his fine organization.

I thank you, as always, for your continued efforts to resolve those issues that still prevent the United States and communist Vietnam from fully healing the wounds of war.

With warmest regards,

BOB SMITH,
United States Senate.