

**H. CON. RES. 295, RELATING TO CONTINUING
HUMAN RIGHTS VIOLATIONS AND POLITICAL
OPPRESSION IN THE SOCIALIST REPUBLIC OF
VIETNAM 25 YEARS AFTER THE FALL OF
SOUTH VIETNAM TO COMMUNIST FORCES**

MARKUP

BEFORE THE
SUBCOMMITTEE ON ASIA AND THE PACIFIC
OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

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CONTENTS

APPENDIX

Bills:

H. Con. Res. 295	4
Amendment in the Nature of a Substitute to H. Con. Res. 295	9

Additional material for the record:

A statement from the Honorable Doug Bereuter, a Representative in Congress from Nebraska	13
A statement from the Honorable Dana Rohrabacher, a Representative in Congress from California	14

**H.CON.RES. 295, RELATING TO CONTINUING
HUMAN RIGHTS VIOLATIONS AND POLITICAL
OPPRESSION IN THE SOCIALIST RE-
PUBLIC OF VIETNAM 25 YEARS AFTER THE
FALL OF SOUTH VIETNAM TO COMMUNIST
FORCES**

Wednesday, April 12, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 3:45 p.m., in room 2172, Rayburn House Office Building, Hon. Doug Bereuter (Chairman of the Subcommittee) presiding.

Mr. BEREUTER. The Subcommittee on Asia and the Pacific will come to order for markup of H. Con. Res. 295, concerning human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist Forces, which the Clerk will read.

[H. Con. Res. 295 appears in the appendix.]

CLERK. H. Con. Res. 295, relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces.

Whereas 25 years after—

Mr. BEREUTER. Without objection, further reading of the resolution will be dispensed with, put in the record in full, and open for amendments at any point.

The resolution was introduced on March 20th by the gentleman from California, Mr. Rohrabacher, to express concerns about the continuing human rights violations and political oppression in the Socialist Republic of Vietnam.

I am fully in support of the resolution, as it will be amended shortly by the gentleman, and I would ask unanimous consent that my full statement be made a part of the record.

The gentleman from California, Mr. Lantos, has expressed his willingness for us to proceed with the markup at this point, so I now turn to the sponsor of the resolution, the distinguished gentleman from California, a Senior Member of the Committee, Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, thank you very much. This resolution acknowledges the 25th anniversary of the end of the Vietnam War, and salutes the Vietnamese-American community

that has developed since the end of the war throughout the United States and draws attention to their progress, but also contrasts that with the continuing human rights abuses and problems that continue in Vietnam, while acknowledging the service of our countrymen in that effort 25 years ago, and the sacrifice made of some 58,000 Americans as well as 300,000 wounded Americans, in addition to the 270,000 South Vietnamese military personnel who gave their lives in that battle as well.

So, I would submit my statement for the record and ask for this body to pass this on to the House Floor.

Mr. BEREUTER. Without objection, the gentleman's statement and the Chairman's statement will be made a part of the record.

Seeing no other Members for discussion, the resolution is open for amendment. The Chair recognizes Mr. Rohrabacher.

Mr. ROHRABACHER. I have an amendment as a substitute.

Mr. BEREUTER. The Clerk will read the amendment.

[The amendment of Mr. Rohrabacher appears in the appendix.]

CLERK. The amendment in the nature of a substitute to H. Con. Res. 295, offered by Mr. Rohrabacher.

Amend the preamble to read—

Mr. BEREUTER. Without objection, the amendment will be considered as read, put in the record, and the gentleman is recognized to explain this amendment, which addresses a number of minor concerns that the Administration and various Members have raised, and I thank the gentleman for his cooperation and I recognize him.

Mr. ROHRABACHER. The purpose of the amendment is to perfect the amendment and as other Members have brought their concerns forward and they have been very justified, we have made them part of the bill.

Mr. BEREUTER. Thank you, Mr. Rohrabacher. Seeing no members for discussion, the question is on the amendment. All those in favor will say "aye".

[Ayes.]

Mr. BEREUTER. As many as are opposed will say "nay".

[No response.]

The amendment in the nature of a substitute is agreed to. Are there further amendments?

[No response.]

If no amendments, then the question occurs on agreeing to the resolution, as amended. As many as are in favor will say "aye".

[Ayes.]

Mr. BEREUTER. As many as are opposed will say "no".

[No response.]

The ayes have it, and the resolution is agreed to. Without objection, the staff is authorized to make technical, grammatical, and conforming changes to the text just agreed to, and I will recommend that the resolution be marked up by the Full Committee tomorrow and, if possible, handled on the suspension calendar.

I thank the gentleman for his initiative, and we look forward to working together on other resolutions.

If there is no further business before the Subcommittee, we are adjourned.

[Whereupon, at 3:50 p.m., the Subcommittee was adjourned.]

A P P E N D I X

APRIL 12, 2000

106TH CONGRESS
2D SESSION

H. CON. RES. 295

Relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2000

Mr. ROHRBACHER (for himself, Mr. ROYCE, and Ms. ROS-LEHTINEN) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces.

Whereas 25 years after the Vietnam War ended, the Socialist Republic of Vietnam is a one-party state ruled and controlled by the Vietnamese Communist Party;

Whereas the Government of the Socialist Republic of Vietnam continues to violate the liberties and civil rights of its own citizens through arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political and religious beliefs;

Whereas the Department of State Country Reports on Human Rights Practices for 1999 notes that the Govern-

ment of the Socialist Republic of Vietnam “continued to repress basic political and some religious freedoms and to commit numerous abuses”;

Whereas the Socialist Republic of Vietnam still retains Article 4 in its Constitution that ensures the supremacy of the Vietnamese Communist Party as the only political party in the country while continuing to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to two years, without trial, under the pretext of “endangering national security”;

Whereas the Socialist Republic of Vietnam is one of the most repressive and poorest countries in the world, with an average per capita income of \$330, despite the Vietnamese Communist party’s claims of political and economic reforms, or “Doi Moi”, since 1986, and the subsequent lifting of the trade embargo and the provision of economic assistance and credits by the United States since 1995;

Whereas, according to the Department of State and international human rights organizations, the Government of the Socialist Republic of Vietnam continues to restrict unregistered religious activities and persecutes its citizens on the basis of their religious affiliation through arbitrary arrests and detention, harassment, physical abuse, censorship, and the denial of the rights of free association and religious worship;

Whereas the Department of State Annual Report on International Religious Freedom for 1999 on Vietnam estimates that “there are from 30 to 50 religious prisoners” but “the number is difficult to verify with any precision because of the secrecy surrounding the arrest, detention, and release process”;

Whereas the Government of the Socialist Republic of Vietnam continues to prevent human rights organizations from unfettered and open investigations of allegations of state-sponsored oppression of the right to worship by its citizens, and has prevented the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor, from meeting with various religious leaders during his visit to Vietnam in October 1998;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the tenets of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, in contravention to its standing as a signatory to those agreements and as a member nation of the United Nations;

Whereas April 30, 2000, marks the 25th anniversary of the fall of Saigon to Communist forces of North Vietnam; and

Whereas it is in the interest of the United States to promote political, religious, and economic freedom throughout the world: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) requests the President to restate and make
4 clear to the leadership of the Government of the So-
5 cialist Republic of Vietnam—

6 (A) the firm commitment of the American
7 people to political, religious, and economic free-

1 dom for the citizens of the Socialist Republic of
2 Vietnam; and

3 (B) the United States fully expects equal
4 protection under law with all Vietnamese citi-
5 zens, regardless of religious belief, political phi-
6 losophy, or socio-political association;

7 (2) urges the Government of the Socialist Re-
8 public of Vietnam—

9 (A) to implement provisions called for
10 under the International Religious Freedom Act
11 of 1998 relating to conditions in Vietnam;

12 (B) to release all religious, political pris-
13 oners, and prisoners of conscience, and imme-
14 diately ceases the harassment, detention, phys-
15 ical abuse, and imprisonment of Vietnamese
16 citizens who have exercised their legitimate
17 rights to freedom of belief, expression, and as-
18 sociation;

19 (C) to abolish article 4 of the Vietnamese
20 Constitution and repeal any and all regulations,
21 codes, and decrees prohibiting citizens rights to
22 free expression, freedom of association, freedom
23 of the press, and religious worship; and

24 (D) to formally commit to a framework
25 and a set timetable for open and fair elections

1 that will facilitate the ability of Vietnamese citi-
2 zens to peacefully choose their own local and
3 national leaders, free from fear and intima-
4 tion; and

5 (3) commends the Vietnamese-American com-
6 munity for initiating an international memorial to
7 American and South Vietnamese soldiers who sac-
8 rificed their lives for the cause of freedom during the
9 Vietnam War, which is under development and will
10 be located in Westminster, California.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. CON. RES. 295
OFFERED BY MR. ROHRABACHER**

Amend the preamble to read as follows:

Whereas 25 years after the Vietnam War ended, the Socialist Republic of Vietnam is a one-party state ruled and controlled by the Vietnamese Communist Party;

Whereas the Government of the Socialist Republic of Vietnam continues to violate the liberties and civil rights of its own citizens through arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political and religious beliefs;

Whereas the Department of State Country Reports on Human Rights Practices for 1999 notes that the Government of the Socialist Republic of Vietnam "continued to repress basic political and some religious freedoms and to commit numerous abuses";

Whereas the Socialist Republic of Vietnam still retains Article 4 in its Constitution that ensures the supremacy of the Vietnamese Communist Party as the only political party in the country while continuing to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to two years, without trial, under the pretext of "endangering national security";

Whereas the Socialist Republic of Vietnam is one of the most politically repressive and poorest countries in the world, with an average per capita income of \$330;

Whereas, according to the Department of State and international human rights organizations, the Government of the Socialist Republic of Vietnam continues to restrict unregistered religious activities and persecutes citizens on the basis of their religious affiliation through arbitrary arrests and detention, harassment, physical abuse, censorship, and the denial of the rights of free association and religious worship;

Whereas the Department of State Annual Report on International Religious Freedom for 1999 on Vietnam estimates that "there are from 30 to 50 religious prisoners" but "the number is difficult to verify with any precision because of the secrecy surrounding the arrest, detention, and release process";

Whereas the Government of the Socialist Republic of Vietnam continues to prevent human rights organizations from unfettered and open investigations of allegations of state-sponsored oppression of the right to worship by its citizens, and has prevented the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor, from meeting with various religious leaders during his visit to Vietnam in October 1998;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the Universal Declaration of Human Rights in contravention of its status as a member of the United Nations;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the International Covenant on Civil and Political Rights in contravention of its status as a signatory to that agreement;

Whereas April 30, 2000, marks the 25th anniversary of the fall of Saigon to Communist forces of North Vietnam; and

Whereas it is in the interest of the United States to promote political, religious, and economic freedom throughout the world: Now, therefore, be it

Amend the text after the resolving clause to read as follows:

1 That the Congress—

2 (1) requests the President to restate and make
3 clear to the leadership of the Government of the Socialist Republic of Vietnam—
4

5 (A) the firm commitment of the American
6 people to political, religious, and economic freedom for the citizens of the Socialist Republic of
7 Vietnam; and
8

9 (B) the United States fully expects equal
10 protection under law with all Vietnamese citizens, regardless of religious belief, political philosophy, or socio-political association;
11

12 (2) urges the Government of the Socialist Republic of Vietnam—
13

14 (A) to cease violations of religious freedom
15 as defined by the International Religious Freedom Act of 1998;
16
17

4

1 (B) to release all religious, political pris-
2 oners, and prisoners of conscience, and imme-
3 diately ceases the harassment, detention, phys-
4 ical abuse, and imprisonment of Vietnamese
5 citizens who have exercised their legitimate
6 rights to freedom of belief, expression, and as-
7 sociation;

8 (C) to allow all Vietnamese citizens the
9 right to free expression, freedom of association,
10 freedom of the press, and religious worship; and

11 (D) to formally commit to a framework
12 and a set timetable for open and fair elections
13 that will facilitate the ability of Vietnamese citi-
14 zens to peacefully choose their own local and
15 national leaders, free from fear and intima-
16 tion; and

17 (3) commends the Vietnamese-American com-
18 munity for initiating a memorial to American and
19 South Vietnamese soldiers who sacrificed their lives
20 for the cause of freedom during the Vietnam War,
21 which is under development and will be located in
22 Westminster, California.

Opening Statement

Mark-up of H.Con.Res. 295

by

**The Honorable Doug Bereuter
Chairman, Subcommittee on Asia and the Pacific
House International Relations Committee**

This resolution was introduced on March 20, by the gentleman from California, Mr. Rohrabacher, to express concern about continuing human rights violations and political repression in the Socialist Republic of Vietnam. Indeed, in the 25 years since the end of the war, there has been no discernible progress towards representative government or basic democratic freedoms in Vietnam. The Vietnamese Constitution actually enshrines the principle of one party Communist rule. Political dissidents are routinely harassed or arrested for attempting to exercise their fundamental human rights such as freedom of speech and association.

The Vietnamese government also continues to restrict unregistered religious activities and to persecute citizens on the basis of their religious affiliations. Vietnam can be said to be an equal opportunity oppressor of religious freedoms, as Buddhists, Christians, and other groups such as the Hoa Ha, all suffer to some extent from government harassment and repression. The government has also refused to allow human rights groups and the UN special rapporteur on Religious Intolerance unfettered access to investigate allegations of religious oppression.

This resolution urges the government of Vietnam to release religious and political prisoners and cease harassment of those exercising their legitimate rights, to allow basic democratic freedoms such as freedom of speech and association, and to commit to a framework and timetable for open and fair elections. It is time that the Vietnamese government realized that one party Communist regimes have no place in the modern world. It is time that the long suffering people of Vietnam enjoyed their rights to fundamental religious and political freedoms.

I now turn to the Subcommittee's ranking minority member, the distinguished gentleman from California, Mr. Lantos, for any comments he may wish to make.

**Statement by Congressman Dana Rohrabacher
H. Con. Res. 295
Human Rights Violations in Vietnam 25 After the End of the War**

April 12, 2000

Mr. Chairman:

I would like to thank Mr. Bereuter, himself a Vietnam-era veteran, and ranking Member Mr. Lantos, for expediting a mark-up of this resolution as we approach the 25th anniversary of the fall of end of the Vietnam War. The amendment calls attention to ongoing human rights violations and the need for democracy for the people of Vietnam.

During the Indochina Conflict, some 58,000 Americans perished and more than 300,000 were wounded in defense of freedom for the people of Vietnam and the Asia Pacific region. In addition, some 270,350 South Vietnamese military personnel perished and 570,600 were wounded before the 1975 Final Offensive by communist forces.

This resolution honors their sacrifices by calling attention to the cause of freedom in Vietnam. The intent of this resolution is entirely in support of the people of Vietnam who deserve the opportunity to participate in a democratic process in a democratic society.

The greatest example of the potential in Vietnam is to see the tremendous educational and economic success of the Vietnamese-American community, such as in the Little Saigon area of my California District. Most of these families arrived in the United States with little more than the shirts on their back. The decisive difference between their success and the poverty and underdevelopment in their homeland is democracy and freedom. We wish that for all people of Vietnam.

In addition, this resolution congratulates the Vietnamese-American community for initiating and funding through private donations the first memorial to honor both American and South Vietnamese military personnel who sacrificed their lives during the war, which is being developed in Orange County, California.

The findings of this resolution are consistent with the State Department's annual Human Rights Reports of 1999 and 2000. It requests that our Government makes clear to the Government of Vietnam America's the need for political, religious and economic freedom for the Vietnamese people.

The resolution also urges the Vietnamese regime to commit to a framework and set a timetable for open and fair elections. Twenty-five years after the end of the war, it is finally time for the Vietnamese leaders to make peace with their own people, and to permit their citizens to

peacefully choose their own local and national leaders, without fear or intimidation.

I urge my colleagues on both sides of the aisle to support this bi-partisan resolution which honors the sacrifice of American citizen-soldiers who perished for the cause of freedom during the Indochina conflict by supporting the struggle for democracy in Vietnam.