

THE VIETNAM-CAMBODIA EMERGENCY, 1975

HEARINGS
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
AND ITS
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
HOUSE OF REPRESENTATIVES
NINETY-FOURTH CONGRESS

Part I—Vietnam Evacuation and Humanitarian Assistance

Part II—The Cambodia-Vietnam Debate

**Part III—Vietnam Evacuation: Testimony of
Ambassador Graham A. Martin**

**Part IV—Cambodia Evacuation: Testimony of
Ambassador John Gunther Dean**

MARCH 6, 11, 12, 13; APRIL 9, 14, 15, 16, 18; MAY 7, 8, 1975;
JANUARY 27 AND MAY 5, 1976

Printed for the use of the Committee on International Relations



75
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Part I—Vietnam Evacuation and Humanitarian Assistance

HEARINGS
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 5960

**TO CLARIFY RESTRICTIONS ON THE AVAILABILITY OF
FUNDS FOR THE USE OF UNITED STATES ARMED FORCES
IN INDOCHINA**

H.R. 5961

**TO AUTHORIZE ADDITIONAL ECONOMIC ASSISTANCE FOR
SOUTH VIETNAM**

APRIL 9, 15, 16, 18; AND MAY 7 AND 8, 1975

Printed for the use of the Committee on International Relations



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VIETNAM EVACUATION AND HUMANITARIAN ASSISTANCE

WEDNESDAY, APRIL 9, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The committee met at 10:15 a.m., in room 2172, Rayburn House Office Building, Hon. Thomas E. Morgan (chairman of the committee) presiding.

Chairman MORGAN. The committee will please come to order. A quorum is now present.

We are meeting this morning to receive a briefing on the refugee situation in South Vietnam. There are three witnesses this morning. They are the Honorable Daniel Parker, Administrator for the Agency for International Development; the Honorable Frank Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs; and Arthur Z. Gardiner, Assistant Administrator for the East Asian Bureau. We also have with us Mr. Leonard F. Walentynowicz, Administrator for the Bureau of Security and Consular Affairs, Department of State.

I welcome you gentlemen to the committee this morning.

Our time is limited this morning, so I am going to ask Mr. Parker to make a short opening statement. We will then question all of the witnesses as a team.

Mr. ZABLOCKI. Mr. Chairman, before we begin the testimony, it is my understanding that Gen. Frederick Weyand, Chief of Staff of the U.S. Army, will testify before our committee this afternoon. It is my further understanding that he would prefer to give his testimony in executive session.

Chairman MORGAN. He testified in front of three different committees yesterday in executive session.

Mr. ZABLOCKI. I therefore move when the committee meets this afternoon, we do so in executive session, and under the rules of the House a rollcall on that motion is necessary.

Chairman MORGAN. The clerk will call the roll.

Mr. CZARNECKI. Chairman Morgan.

Chairman MORGAN. Aye.

Mr. CZARNECKI. Mr. Zablocki.

Mr. ZABLOCKI. Aye.

Mr. CZARNECKI. Mr. Fountain.

Mr. FOUNTAIN. Aye.

Mr. CZARNECKI. Mr. Nix.

Mr. NIX. Aye.

Mr. CZARNECKI. Mr. Fraser.
 Mr. FRASER. Aye.
 Mr. CZARNECKI. Mr. Bingham.
 Mr. BINGHAM. Aye.
 Mr. CZARNECKI. Mr. Yatron.
 Mr. YATRON. Aye.
 Mr. CZARNECKI. Mr. Riegle.
 Mr. RIEGLE. Nay.
 Mr. CZARNECKI. Mrs. Collins.
 Mrs. COLLINS. Aye.
 Mr. CZARNECKI. Mr. Solarz.
 Mr. SOLARZ. Aye.
 Mr. CZARNECKI. Mrs. Meyner.
 Mrs. MEYNER. Aye.
 Mr. CZARNECKI. Mr. Broomfield.
 Mr. BROOMFIELD. Aye.
 Mr. CZARNECKI. Mr. du Pont.
 Mr. DU PONT. Aye.
 Mr. CZARNECKI. Mr. Biester.
 Mr. BIESTER. Aye.
 Mr. CZARNECKI. Mr. Winn.
 Mr. WINN. Aye.
 Mr. CZARNECKI. Mr. Gilman.
 Mr. GILMAN. Aye.

Chairman MORGAN. Mr. Hays and Mr. Rosenthal have just come in the room.

Mr. CZARNECKI. Mr. Hays.
 Mr. HAYS. Aye.
 Mr. CZARNECKI. Mr. Rosenthal.
 Mr. ROSENTHAL. No.

Mr. CZARNECKI. On this vote by rollcall there are 16 ayes and 2 nays.

Chairman MORGAN. Under the motion offered by the gentleman from Wisconsin, the committee will proceed in executive session at 2 p.m. this afternoon.

Mr. Parker, you may proceed.

STATEMENT OF HON. DANIEL PARKER, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. PARKER. If I may, I would like to submit for the record a full statement, and just deal briefly as you suggest with an oral statement.

Chairman MORGAN. Your full statement will be made a part of the permanent record. Mr. Parker.

Mr. PARKER. When the President appointed me his Special Coordinator for International Disaster Relief on March 29, he charged me with taking all possible steps to assist the Government of South Vietnam in meeting the needs of the victims of the disaster in South Vietnam as a result of the recent offensive by the North Vietnamese.

As we all know so well, the military action by the North and the retreat of the South have resulted in massive human suffering. Literally millions of people have moved from their homes, fleeing the ad-

vance of North Vietnamese troops, adding to the existing burden of 265,000 refugees and war victims. A major preoccupation of our agency over the past several weeks has been to attempt to assist as we can in easing the human suffering caused by the monumental migration southward.

As of April 8, 1975, new refugees registered with the GVN Ministry of Social Welfare were 313,345. An additional 95,612 have been lifted by U.S. ships. An estimated total of 40,000 have been lifted on foreign-flag vessels.

An estimated 750,000 refugees are not within these figures. Many are still moving in coastal and river craft, private vehicles and on foot, into and within areas controlled by the Republic of Vietnam, or have settled with relatives or friends. In sum, the GVN's refugee burden has been more than doubled and may soon be tripled.

FIRST STEP: GET REFUGEES TO SAFETY

To meet the needs of the refugees, the first step is to help the refugees get to safety. Our involvement, indeed all efforts, have been mostly by sea. The GVN has committed more than 20 vessels to this task; we have deployed, as of April 8, 8 cargo vessels of the U.S. Military Sealift Command, and 5 U.S. Navy ships, together with 9 tugs which have been operating with multiple barges each.

From other countries, as of April 8, one British frigate was standing off Ham Tan; four Republic of China LST's were participating, and one Korean LST was evacuating.

Once the refugees leave the ships, or arrive in GVN areas by other means, they are assembled in temporary camps. At this point they are "registered" on a roll and issued ration cards which permit the family to draw food and other relief supplies and given a medical screening so that any sick members can be referred for medical care.

The refugee situation--in terms of their location--is an extremely fluid one. The GVN's first plan was to provide resettlement areas in three coastal provinces in military regions II and III. When this became impossible, the GVN identified seven resettlement sites in the delta, but this plan, too, was modified because of the fast-shifting scene. According to latest reports, there are about 60,000 refugees in the vicinity of Ham Tan, 27,000 on Phu Quoc Island, and mounting numbers are being assisted in Bien Hoa Province, in an area originally intended for permanent resettlement but where GVN, with U.S. AID assistance, is now preparing temporary homesites for up to 100,000 refugees.

EMERGENCY RICE APPROVED FOR VIETNAM

Late in March, we approved an emergency 100,000 tons of rice for Vietnam, to support refugee and other war victim feeding programs in Vietnam. We estimate that one refugee will require 500 grams of rice per day. Thus, if the refugee population totals 1 million, the rice that we have provided should prove adequate for a little over 6 months. In this effort, we rely on the GVN to handle the distribution, as it is the only entity there which commands the necessary logistic

and storage assets. United States and international relief agencies will also be utilized to the fullest possible extent in the feeding programs.

These emergency Public Law 480 title II programs have supplemented an existing 14,300 tons of blended fortified foods, 10,000 tons of which have already been shipped, for U.S. voluntary agency use in South Vietnam this year.

One consequence of the offensive has been to place a steadily increasing burden on the American voluntary agencies operating in areas controlled by the Government of South Vietnam. The private voluntary organizations have extensive programs in Vietnam.

VOLUNTARY AGENCY ROLE IN CHILD WELFARE

Fifteen organizations have had long-term grant agreements and contracts with AID to work in child welfare, rehabilitation of refugees and in public health, for instance. I would mention, as among only the largest of the voluntary agency relief programs in Vietnam, those of CARE, Catholic Relief Services, Church World Services, the International Rescue Committee, and the World Vision Relief Organization. The American Council of Voluntary Agencies for Foreign Service is advising as to where contributions to humanitarian assistance can be best made to the individual agencies.

A small but important part of the relief activities, in which the voluntary agencies have played a critical role, has been in connection with orphans. During the recent attacks, children from orphanages in the upper part of South Vietnam were transferred to orphanages in Saigon, making for badly overcrowded conditions.

Despite the tragedy of April 4, with the crash of the C-5A airplane, the airlift is going on as scheduled. The emotional impact of this tragic loss of life has been indeed deep, but this has not deterred us or the voluntary agencies from continuing our efforts.

AID'S FINANCIAL SUPPORT FOR REFUGEES

I should turn in more detail to AID's financial support for refugees and the present availability of funds. As I've said, besides our programs specifically for refugee relief, we have child care, health care, and other elements in our humanitarian assistance which help others in need, many of whom were earlier refugees.

AID requested \$135 million for these programs together; for fiscal year 1975, \$90 million was authorized, \$55.7 million allocated from the amounts finally appropriated. We have allotted \$56.2 million for humanitarian assistance to date.

Specifically for the refugee relief programs, AID had requested \$86.5 million; \$70 million was authorized; \$41.1 million was allocated from the amounts finally appropriated. Because of the emergency situation created by the offensive, we have allotted \$41.6 million for refugee relief to date. The bulk of these allotments have taken place since the start of the offensive.

As the number of refugees and their situation become clearer—as I say, not all are yet identified—we may be able to make some more funds available, where we believe they will do the most good in the shortest time. We are doing everything possible to reprogram as many

funds as we can for use in the refugee evacuation and relief effort. However, it is three-quarters of the way through a tight fiscal year, and our flexibility is limited.

MORE FUNDS NEEDED FOR REFUGEES

Because of this desperate situation, it is my expectation that the appropriation of more funds will be needed. But I do not wish to anticipate the President, who will be speaking on the subject of South Vietnam later this week. The needs are certainly great—and I have been touched by American's response to them.

[Mr. Parker's prepared statement follows:]

PREPARED STATEMENT OF HON. DANIEL PARKER, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. Chairman, it is a privilege and an honor to be here to testify on the refugee situation in South Vietnam.

In a country where there were already many people who had suffered from the war, recent military developments have left hundreds of thousands, perhaps millions, in need of food, shelter and medical care.

Before I address the situation further, I would like to pay tribute to the size and quality of the response that the people of this country—the United States of America—have made and are making to this tragedy.

It is a moving experience, at A.I.D.'s operations room in the State Department, to watch the hundreds of calls come in—asking how they can help, is there an orphan they can adopt, what can they do? One feels that the acrimony that did exist in this country with respect to United States policy in Vietnam has been overcome by compassion.

The real burdens are being borne by the people of the Republic of South Vietnam, in terms of the suffering that the recent attacks have inflicted. The enormous burdens borne by the people of South Vietnam are being shared or lightened, to the extent possible, by the generosity of a great many people; by the voluntary agencies who have done, and are doing so much to help; by the international relief organizations; by the people of my agency and numerous other parts of the government; and by many, many others.

Let me summarize for you briefly what has happened and what has been and is being done. When the North Vietnamese offensive began, less than three weeks ago, South Vietnam already carried with it the difficult burden of feeding and caring for more than 265,000 refugees and war victims at an annual cost of millions. Many, fleeing southward, were located in refugee camps scattered throughout the country; others had been or were being relocated in resettlement sites where it was hoped they could become self-sufficient; yet others were receiving temporary assistance in other forms.

As the North Vietnamese columns moved southward from the northern provinces of I Corps, and South Vietnamese resistance unexpectedly and rapidly collapsed, refugees numbering in the hundred thousands, if not millions, fled to the coastal regions and those other areas still controlled by the Government of South Vietnam. The difficult burden of caring for the old victims of the Vietnamese conflict was made more enormous and yet more complicated by this new influx of desperate, homeless human beings.

As of April 8, new refugees registered with the GVN Ministry of Social Welfare were 313,345. An additional 95,612 have been lifted by U.S. ships to date. An estimated total of 40,000 have been lifted on foreign flag vessels. (Tab A.)

An estimated 750,000 refugees are not within these figures. Many are still moving in coastal and river craft, private vehicles and on foot, into and within areas controlled by the Republic of Vietnam, or have settled with relatives or friends. In sum, the GVN's refugee burden has been more than doubled and may soon be tripled.

The basic needs of the refugees are man's basic needs everywhere: food, shelter, medical care. Some would add to that listing the factor of hope, but these refugees seem to have carried with them the hope that life would be better under the South Vietnamese Government than under the alternative.

It is our immediate objective to assist with these needs. Our prime and almost total concern, necessarily, is with the physical needs. But with respect to the hope factor, I think it should be said that the support of the United States, for those who have fled in hope as well as those who have fled in fear, is terribly important, and the assistance we are giving and will give, and the manner in which we give it, are critical indicators of that support.

To meet these needs, the first step is to help the refugees to get to safety. Our involvement, indeed all efforts, have been mostly by sea. As of April 8, the GVN had 20 vessels assigned to this task; we have deployed (as of April 8) 8 cargo vessels of the U.S. Military Sealift Command, and 5 U.S.-Navy ships, together with 9 tugs which have been operating with multiple barges each.

From other countries, as of April 7, one British frigate was standing off Ham Tan; 4 Republic of China LSTs were participating, and 1 Korean LST was evacuating.

Once the refugees leave the ships, or arrive in GVN areas by other means, they are assembled in temporary camps. At this point, they are "registered" on a roll and issued ration cards which permit the family to draw food and other relief supplies. It is usually at this time that the family is assigned temporary shelter and given a medical screening so that any sick members can be referred for medical care.

The refugee situation—in terms of their location—is an extremely fluid one. The GVN's first plan was to provide resettlement areas in three coastal provinces in Regions II and III. When this became impossible, the GVN identified seven resettlement sites in the Delta, but this plan, too, was modified because of the fast-shifting scene. According to latest reports, there are about 60,000 refugees in the vicinity of Ham Tan, 27,000 on Phu Quoc Island, and mounting numbers are being assisted in Bien Hoa Province, in an area originally intended for permanent resettlement but where GVN, with U.S. AID assistance, is now preparing temporary homesites for up to 100,000 refugees.

We have only sketchy information from some of these locations, but are informed that the GVN with our help is making every effort to meet supply needs. For example, the ship VEGA arrived at Phu Quoc Sunday with fish, rice, milk, canned meat, blankets, sleeping mats and other relief items, supplementing initial air shipment of rice, bulgur and other foods, plastic sheeting for shelter, water barrels and cooking utensils. Thirty-seven GVN personnel were also flown in to serve as registration teams.

Our U.S. Mission has experienced officers in the field in the locations where new refugees are being gathered, including Phu Quoc Island. In addition, once the situation stabilizes, representatives of the voluntary agencies now in Saigon available for reassignment, will be redeployed to assure that the supplies consigned to their agencies reach the people who need them.

There are no voluntary agency personnel as yet in Phu Quoc but some are working in mainland refugee assembly sites. One should also mention that the staff of the Ministry of Social Welfare, both in Saigon and in the provinces is quite capable of meeting refugee relief needs in a reliable and orderly manner. The GVN has demonstrated this capability in the past by assisting in the care of and the return-to-village and resettlement of hundreds of thousands of refugees who were forced to take shelter in refugee camps following the offensive of 1972. We have no indication that their capacity to operate in GVN-controlled areas has been impaired by recent events.

Our efforts to help meet the needs of these refugees use, broadly speaking, two channels. I'll mention first the voluntary agencies, together with the international institutions; second, the existing infrastructure of the Government of South Vietnam. Any relief effort needs clearly to recognize that both channels are necessary.

To illustrate the means by which we make relief supplies available, let me mention two emergency feeding actions we have taken under Title II of the Public Law 480 program. We recently approved 13,500 tons of blended fortified foods, costing \$5.6 million (including freight) for use by voluntary agencies in providing nutritional food supplements for the most severely affected children in the Vietnamese refugee population. The voluntary agencies are very well equipped to do this—or at least, they do it very well, well equipped or not.

Also, late in March, we approved an emergency 100,000 tons of rice for Vietnam, to support refugee and other war victim feeding programs in Vietnam. We estimate that one refugee will require 500 grams of rice per day. Thus, if the refugee

population totals one million, the rice that we have provided should prove adequate for a little over six months. In this effort, we rely on the GVN to handle the distribution, as it is the only entity there which commands the necessary logistic and storage assets. U.S. and international relief agencies will also be utilized to the fullest possible extent in the feeding programs.

These emergency Title II programs have supplemented an existing 14,300 tons of blended fortified foods, 10,000 tons of which have already been shipped, for U.S. voluntary agency use in South Vietnam this year. (Tab B.)

The private voluntary organizations have extensive programs in Vietnam. Fifteen organizations have had long-term grant agreements and contracts with A.I.D. to work in child welfare, rehabilitation of refugees and in public health. I would mention, as among only the largest of the voluntary agency relief programs in Vietnam, those of CARE, Catholic Relief Services, Church World Services, the International Rescue Committee and the World Vision Relief Organization. Private contributions to humanitarian assistance in Vietnam are being channeled by the American Council of Voluntary Agencies for Foreign Service, in New York.

I have been deeply impressed with the work of the voluntary agencies. Their people are as dedicated, as effective in their mission, as any I've known. And they carry the torch of American concern that helps intangibly as well as tangibly. I speak not only, when I praise them, of the performance of the individuals, about which I could not say enough. I also speak of the great capacity of the voluntary agencies to be effective as organizations, which I've witnessed countless times, not only as they work with the Agency for International Development, or with a ministry of the Government of South Vietnam, but even more importantly in the capacity these agencies have exhibited for extremely close cooperation amongst themselves.

We also are supporting the international agencies—the U.N. High Commissioner for Refugees, UNICEF and the International Committee for the Red Cross—which are working in Indochina, including South Vietnam. It is not possible precisely to break out the South Vietnam element of our contributions to these programs, as distinct from amounts going to Laos or to Cambodia, but we estimate the South Vietnam element to be close to \$5 million so far for this fiscal year. (Tab C.)

Where necessary these international organizations are redirecting their programs for longer-term relief efforts to emergency relief for the new refugees.

Let me also mention briefly that other nations are also contributing to the relief effort. The U.K. has announced that they will provide 750,000 pounds sterling for Indochina relief. Australia has contributed \$1 million to the U.N. High Commissioner for Refugees, has deployed 7 C-130 planes for relief assistance to Vietnam and is flying Vietnamese orphans in RAAF planes to Australia for adoption. The West German Red Cross sent out a 707 loaded with supplies and a German medical team has also been dispatched for emergency assistance. The Swedish Government has also announced a substantial contribution.

A small but important part of the relief activities, in which the voluntary agencies have played a critical role, has been in connection with orphans. During the recent attacks, children from orphanages in the upper part of South Vietnam were transferred to orphanages in Saigon, making for badly overcrowded conditions. Among the children there were an estimated 2,000 orphans in process for and thus eligible for intercountry adoptions, under the sponsorship of voluntary agencies, for adoption here. As the President's Special Coordinator, I decided that we should accelerate this process, and we started the airlift, by both military and military charter planes. The first step in our flights is Clark Air Force Base, in the Philippines, where the children receive the necessary medical care to prepare them for the long journey to the United States.

Despite the tragedy of April 4, with the crash of the CSA airplane, the airlift is going on as scheduled. The emotional impact of this tragic loss of life has been indeed deep, but this has not deterred us or the voluntary agencies from continuing our efforts.

We attach great importance to the fine medical care which Clark Air Force Base personnel are providing these children in preparation for their long journey to the United States.

I should turn in more detail to A.I.D.'s financial support for refugees and the present availability of funds. As I've said, besides our programs specifically for refugee relief, we have child care, health care, and other elements in our humanitarian assistance which help others in need, many of whom were earlier refugees.

A.I.D. requested \$135 million for these programs together; for FY 1975, \$90 million was authorized, \$55.7 million allocated from the amounts finally appropriated. We have allotted \$56.2 million for humanitarian assistance to date.

Specifically for the refugee relief programs, A.I.D. had requested \$86.5 million; \$70 million was authorized; \$41.1 million was allocated from the amounts finally appropriated. Because of the emergency situation created by the offensive, we have allotted \$41.6 million for refugee relief to date. The bulk of these allotments have taken place since the start of the offensive. (Tab D.)

Commitments have been for initial aircraft/sealift operations and immediate relief requirements identified by the GVN and our Mission—each of which, regrettably, have had some prior experience in the refugee field. Included in these amounts were \$2 million which was made available April 2 for child care relief requirements and from which is being funded the airlift costs for the orphans. Also included in this period was an immediate obligation by our Mission of \$1.8 million for medical supplies.

As the number of refugees and their situation becomes clearer—we may be able to make some more funds available, where we believe they will do the most good in the shortest time. We are doing everything possible to reprogram as many funds as we can for use in the refugee evacuation and relief effort. However, it is three-quarters of the way through a tight fiscal year, and our flexibility is limited (Tab E.)

Because of this desperate situation, it is my expectation that the appropriation of more funds will be needed, but I do not wish to anticipate the President, who will be speaking on this subject of South Vietnam later this week. The needs are certainly great—and I have been touched by America's response to them. This same feeling is demonstrated in the bill that Senator Kennedy has introduced, S. 1350, to authorize \$100 million for humanitarian assistance in South Vietnam and Cambodia. Although I am not in a position at this time to relate this proposal to what the President may propose later this week. I should be happy to provide any further information I have about the refugee situation in South Vietnam.

(Tab A)

CHRONOLOGY OF SEALIFT ACTIVITIES

- March 23—GVN requests relief assistance from United States and all friendly nations.
- March 24—U.S. AID requests \$10 million to respond to GVN request for assistance in Danang.
- March 25—AID/W makes initial \$2.0 million available to begin evacuation and relief operations.
- March 26—U.S. AID identifies five ships in area for immediate diversion to refugee evacuation. World Airways' flights begin.
- March 27—Military Sealift Command (MSC) requested by SecState to mobilize all available resources and begin sealift.
- March 28—Pioneer Contender loading. USNS Miller arrives. (Final official airlift flight into Danang.)
- March 29—One tug and barge depart at gunpoint, loaded. Cumulative evac about 20,000 from Danang. First U.S. vessel, Pioneer Contender, departs for Cam Ranh Bay with about 6,000. Second vessel, USNS Miller, completes loading. Third vessel, Pioneer Commander, arrives.
- March 30—Danang evacuation disrupted. Two U.S. cargo vessels off shore loading with small craft shuttle. One en route, two loaded en route Cam Ranh. One cargo vessel returns for second load.
- March 31—Cumulative evacuation by U.S. ships off coastal areas about 30,000. One ship remains of Danang for stragglers. Evac attempts being made at Qui Nhon and Tuy Hoa with tug, barge, and small craft shuttle. All above foreign flags have been mobilized.
- April 1—Last U.S. cargo vessel abandons Danang; no more stragglers. Cumulative evacuation about 40,000. Vessels abandon Qui Nhon. Last evacuation at Tuy Hoa accomplished by VN Navy with LST's moving people over the beach.
- April 2—Focus of coastal evacuation moves south with enemy offensive. All U.S. cargo vessels deployed vicinity of Cam Ranh. No further evacuation possible in areas to north due to enemy gunfire.
- April 3—Six U.S. cargo vessels under charter to Military Sealift Command: cumulative evacuation 50,000 to date. Deployment for Phu Quoc Island begins. U.S. Naval amphibs. move from stand by to evacuation areas. Foreign flag vessels as above. Heavy seas. Cam Ranh Bay falls. Begin protective deployment USMC.

April 4—Seven cargo vessels and four U.S. amphibious ships. Cumulative evacuation 85,000 refugees. Also, seven tugs operating with multiple barges each. Foreign flag; one British frigate standing by; two German cargo standing by; two ROC LSTs evacuating, one en route; one Philippine LST evacuating; also, one Korean LST. More than 400 GVN vessels, including LSTs evacuating coastal areas.

April 5—Seven U.S. cargo vessels and four USN ships working, plus six tugs and seven barges. Cumulative evacuation still reported as 85,000 as of 0800 Washington local. No change from previously reported foreign participation.

April 6—Reporting data not available.

April 7—Seven U.S. cargo vessels and five USN ships in use. Cumulative evacuation 93,112 refugees. Also, eight MSC contractor tugs and eight large barges assisting. One British frigate standing by off Cam Ranh. There are one Philippine LST and four Chinese LSTs and one Korean LST participating. There are fifty-three various GVN amphibious vessels participating. (Phu Quoc offloading improves, 60,000 refugees reported at Ham Tan.)

April 8—Eight U.S. cargo vessels and five USN ships in use. Cumulative evacuation 95,612 refugees. Also, nine MSC contractor tugs and large barges assisting. One British frigate standing off Han Tan. There are four Chinese LSTs and one Korean LST. There are 20 various GVN vessels working coastal and river areas.

(Tab B)

PUBLIC LAW 480 PROGRAM—FISCAL YEAR 1975—SOUTH VIETNAM

Summary

	<i>Millions</i>
Title II—127,816 tons, valued at.....	\$61.9
Title I—100,000 tons (est.) valued at.....	54.0
Total	115.9

TITLE II

Type of program	Commodity	Volume (tons)	Estimated value (millions)	
			Commodity	Fraight
Emergency.....	Rice.....	100,000	\$41	\$7

On March 31 the Administration approved a 100,000-ton Title II rice grant for refugee feeding in Vietnam. We expect to be able to begin shipments in May, for delivery in late June or July. In the interim we have told the Government of Vietnam that to the extent it draws on its own stocks for humanitarian food purposes, subsequent Title II arrivals can be used to replace the amounts withdrawn. In our view this was the best means to ensure an early effective U.S. contribution to the refugee relief effort.

We had not expected to send Public Law 480 rice to Vietnam this year. The rice harvest was good and the GVN was maintaining adequate reserves for conditions as they existed prior to late March. Events of the past two weeks have drastically increased the number of actual or potential refugees, have reduced the size of rice reserves under the control of the GVN and raise doubts whether normal deliveries of rice from the Delta region can be maintained. In these circumstances the Administration believed it essential to move rapidly to approve a Title II rice grant and inform the Government of Vietnam.

Type of program	Commodity	Volume (tons)	Estimated value (millions)	
			Commodity	Fraight
Emergency.....	Blended fortified foods.	13,500	\$3.6	\$2

Purpose.—For use by U.S. volags in providing nutritional food supplements for the most severely affected children in the Vietnamese refugee population.

Note.—Procurements are under way; meanwhile, some blended foods have been diverted from other programs.

Type of program	Commodity	Volume (tons)	Estimated value (millions)	
			Commodity	Freight
Normal.....	Blended fortified foods.	14,316	\$6.1	\$2.2

Purpose.—To be used by U.S. volags to improve nutrition and health for preschool-age children; support social and economic development through self-help efforts; temporarily sustain Vietnamese whose normal patterns of livelihood are disrupted by war; and assist other needy Vietnamese.

Note.—Approximately 10,000 tons have already been shipped.

TITLE I

Type of program	Commodity	Volume	Estimated value (millions)	
			Commodity	Freight
Normal.....	Wheat.....	75,000 tons.....	\$12.0	(1)
Do.....	Cotton.....	82,503 (bales).....	21.3	(1)
Do.....	Tobacco.....	7,120 tons.....	20.7	(1)

¹ Freight, except for differential, paid by GVN.

Purpose.—Provide the GVN with essentially needed imports without further draw-downs on their declining foreign exchange reserves. These Title I commodities are sold to VN consumers under normal commercial marketing procedures, and the local currencies generated are used to encourage economic development and improve agricultural production. Commodities furnished under Title I are repayable under Title I long-term dollar loans.

(Tab C)

U.S. GRANT FINANCED ASSISTANCE FOR MULTILATERAL AND SPECIALIZED AGENCY PROGRAMS—
FISCAL YEAR 1975

[In millions of dollars]

	Total funding	USG portion
SOUTH VIETNAM		
UNHCR..... Initially directed toward the permanent resettlement of displaced and uprooted persons in economically viable, rural, self-help communities, this program is now being redirected toward providing emergency relief and assistance to refugees created over the past few days.	4.00	1.14
UNICEF..... This program was begun in 1973 with the purpose of improving the well-being of mothers and children through developmental activities such as the upgrading of health facilities and schools, the creation of potable water and sanitary facilities, etc. The events of the past few days have caused the UNICEF to redirect the thrust of its program toward providing emergency assistance to refugees with, of course, the emphasis on mothers and children.	11.29	1.63
ICRC..... Begun in late 1972, the program was to provide emergency assistance to refugees and other war victims. Activities were extended and doubled in June 1974, to about \$3,200,000. The International Red Cross delegates have cooperated closely with the Vietnamese Red Cross and channeled funds, as well as large amounts of relief supplies, through the VRC.	3.20	2.00

(Tab D)

VIETNAM HUMANITARIAN ASSISTANCE FISCAL YEAR 1975 (APR. 3, 1975)

[In millions of dollars]

	Requested	Authorized	Appropriation	Allotted	Obligated
Refugee relief.....	85.5	70	41.1	41.6	11.8
Child care.....	8.2	10	10.0	10.0	3.9
Health care.....	10.3	10	4.6	4.6	
City-to-city program.....	30.0				
Total.....	135.0	90	55.7	56.2	15.7

(Tab E)

FUNDING STATUS—FISCAL YEAR 1975 VIETNAM PROGRAM (AS OF APRIL 8, 1975)

Program requirements absent future relief needs

	<i>Millions</i>
Total available under appropriation-----	\$282.0
Less Commodity Import Program (CIP) obligations-----	--188.0
Sub-balance available for program-----	<u>94.0</u>
Less fixed cost expenses:	
Operation expenses-----	17.7
ICCS-----	4.1
Agriculture and Industry (advisory services and miscellaneous projects)-----	¹ 11.0
	<u>—32.8</u>
Sub-balance available for program-----	61.2
Less allotments to date for humanitarian assistance-----	—56.2
Sub-balance available for program-----	5.0
Less commitments for unpaid POL reimbursements presently outstanding-----	—54.0
Program deficit as of April 8, 1975-----	(—49.0)
Commitments for POL reimbursements for balance of fiscal year 1975---	(4.1)
Program deficit fiscal year 1975-----	(—53.1)

¹ Against this amount, we hope to be able to deobligate about \$1.2 million which will be reprogrammed for humanitarian purposes.

FISCAL YEAR 1975 VIETNAM PROGRAM (AS OF APRIL 8, 1975)

Cash availability

	<i>Millions</i>
Total available under appropriation-----	\$282.0
Less Commodity Import Program (CIP) obligations-----	188.0
Sub-balance available for program-----	<u>94.0</u>
Less fixed cost expenses:	
Operation expenses-----	17.7
ICCS-----	4.1
Agriculture and Industry (advisory services and miscellaneous projects)-----	¹ 11.0
	<u>32.8</u>
Sub-balance available for program-----	61.2
Less allotments to date for humanitarian assistance:	
Refugee relief-----	41.6
Child care-----	10.0
Health care-----	4.6
	<u>56.2</u>
Balance available for program for remainder of fiscal year 1975----	5.0

¹ Against this amount, we hope to be able to deobligate about \$1.2 million which will be reprogrammed for humanitarian purposes.

CLARIFICATION OF PRESIDENT'S STATEMENT ON REFUGEE AID

Chairman MORGAN. Thank you, Mr. Parker.

The President, in his news conference last week said, and I quote:

I should point out that the administration request for \$130 million for humanitarian aid in South Vietnam was unfortunately reduced to \$55 million by congressional action.

That statement needs clarification. Isn't it true that Congress authorized \$90 million for humanitarian aid?

STATEMENT OF HON. ARTHUR Z. GARDINER, JR., ASSISTANT ADMINISTRATOR FOR EAST ASIA, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. GARDINER. Yes, sir, that is correct. The authorization bill did include \$90 million for humanitarian assistance programs.

Chairman MORGAN. Isn't it also true, Mr. Gardiner, that the allocation of \$55 million for that purpose was a decision made by the executive branch because of reduced appropriations?

Mr. GARDINER. That is absolutely correct, sir. We were faced with a choice.

Chairman MORGAN. Then the President's statement that the Congress reduced the authorization for humanitarian assistance to \$55 million was not entirely accurate.

Mr. GARDINER. It was not. The executive branch was faced with a problem of apportioning the \$440 million appropriation among the various Indochina requirements that we had. The authorization committees had authorized a substantially higher amount.

Chairman MORGAN. I also understand that in the first 6 months of fiscal year 1975 AID spent only about \$8 million for relief and humanitarian aid purposes in South Vietnam?

Mr. GARDINER. I am not quite sure that that is the precise figure, but it is in that ball park. If I could have the opportunity, I would like to explain that.

AID HUMANITARIAN ASSISTANCE PROGRAMS

Funds that are made available to AID for humanitarian assistance programs were last year obligated very late in the fiscal year. Accordingly, going into this year, this fiscal year, we did have a substantial amount of dollars obligated for purposes of these programs, in addition to local currency piasters that were carried in and generated this year for those programs.

In those circumstances there was less immediate need to obligate funds for these humanitarian assistance activities because they had been funded late last fiscal year. Of course, we also were faced operationally with the problem of attempting to anticipate how much money we would be able to obtain through the appropriation process. That, of course, was a decision that was not finally made until late March. Because of the fact that funds which were obligated last year were flowing through expenditures into this fiscal year, the decision was made to hold back until later in the year, and in fact right now, to proceed with our obligational pattern.

POSITION OF COMMUNISTS ON HUMANITARIAN AID

Chairman MORGAN. Mr. Parker, do we have any indication or does AID have any indication, or does the executive branch have any indication of the position of the Communists with respect to U.S. humanitarian aid for the Communist occupied areas of Vietnam? Might they allow us to put some assistance into the Communist controlled areas but not take the refugees out? What can you tell the committee? If we are going to spend any money for humanitarian aid, are we going to be able to do business to help the refugees or the people who need it throughout South Vietnam?

What is the position at this moment in the territory controlled by the Communists?

Mr. PARKER. First of all, the Foreign Assistance Act proscribes the use of U.S. funds for aid to Communist Vietnam. At the present we are interpreting that to include the North Vietnamese controlled area of South Vietnam.

We have taken the position in support of the Government of Vietnam and its appeal to the Secretary General of the United Nations that the provisions basically of article 13 of the Universal Declaration of Human Rights be recognized, that is, that all parties concerned permit the refugee population to seek safe haven according to their choice, which is consonant with article 3 of the Geneva Convention as well.

We have supported also the urging that humanitarian assistance be provided to all parties in need of assistance. Now this does not necessarily, Mr. Chairman, mean that we are at present proposing that U.S. funds should go into the Communist controlled areas.

WILL U.S. RICE GO TO REFUGEES?

Chairman MORGAN. What assurance do we have that the 100,000 tons of rice programed to be given to South Vietnam Government, under Public Law 480 will go to refugees?

Mr. PARKER. Well, first of all as to title II, I think we have somewhat more control than over title I sales. Second, our people in the field are embassy people and have working relationships with the ministries that are in fact distributing this.

We have a rather high degree of confidence in the Ministry of Social Welfare which is one of the principal agencies in the Vietnamese Government doing this.

Chairman MORGAN. Thank you, Mr. Parker. Mr. Broomfield.

AMOUNT LEFT FOR REFUGEES: \$5 MILLION

Mr. BROOMFIELD. Mr. Parker, I would like to compliment you on your handling of the situation. I know you have been under a considerable amount of fire in the last 24 hours, but I think there are a lot of these problems that could not be foreseen when the authorization bill and the appropriations bill went through Congress.

What is the amount left available for the refugee problem at the present time?

Mr. PARKER. Well, we have about \$5 million left. Now, this assumes, Mr. Broomfield, that we can deobligate, if you will, some programs and some funding that we had allocated prior to the emergency, and I think, we probably can do this.

If we can't do that I will have to say that technically I am about \$53 million beyond the appropriation level but I think we can deobligate, Mr. Gardiner might like to add to that.

SUMMARY OF REFUGEE FUNDING SITUATION

Mr. GARDINER. I think we do have an annex attached to Mr. Parker's statement but essentially we are much better off on a cash basis right now than we are in terms of our obligations. As of now we have obligated \$188 million—out of a total level of \$282 million that is all that is available out of the appropriation for Vietnam—we have obligated \$188 million for the commodity import program which we believe is the minimal essential to keep that operating at an acceptable level through the rest of the fiscal year.

That leaves us a balance of \$94 million. Then we have fixed expenses of \$32.8 million that we simply can't avoid; that brings us down to \$61 million.

We have allotted \$56 million of that \$61 million to the mission in Saigon. I would like to explain that. An allotment is simply the AID accounting procedure by which funds are transferred from our controller's office either to an operating office in Washington or to the AID mission, so allotment doesn't mean the funds have been obligated for a particular purpose.

It does reflect a management decision about where they ought to be spent.

We have allotted \$56 million to the mission for the humanitarian assistance program.

Now it happens that we have sitting on our desk over in our bureau bills for POL, for oil and petroleum products, of nearly \$30 million that we haven't paid. Now under our understanding with the Government of Vietnam, the way we handle that part of the commodity import program is to have them buy the oil, which is bought offshore. They then send us the bills and we check it out to make sure that the commodities were procured properly and then reimburse them.

Now what we have been doing is just not paying those bills. I doubt that we are going to be sued in the International Court of Justice if we don't pay them, but it would be inconsistent with our operating arrangements and understandings with the Government of Vietnam about who is going to pay for what portion of their commodity imports this year.

We anticipate about \$4 million more in POL bills. So, if you look at our balance sheet on an accrual basis rather than our cash flow, we are in the red right now and what we are doing is borrowing from that oil money to help pay for the immediate emergency needs.

This is important, particularly for the future, because if in fact there is a further request for funds for the humanitarian programs, what we will be doing in part is replenishing the money that we are now borrowing from the POL account to fund the efforts that are going on right now because of the emergency need.

ROLE OF UNITED NATIONS ON REFUGEES

Mr. BROOMFIELD. Mr. Parker, I want to ask you a question about the United Nations. I am extremely critical with that world organization. I feel that they are dragging their feet as far as the refugee problem in Indochina.

What is your reaction to that? What are they doing?

Mr. PARKER. Mr. Broomfield, I must say I have many ambivalent feelings. UNFICYP representatives have turned around and been quite effective. Others have been somewhat less so.

Now not speaking officially, but frankly speaking privately, I must say that it is inconsonant with my own beliefs to put political values above moral values, which in my opinion is what the Secretary General has done in saying he would not ask for nor make any intervention within those parties because of the political antagonism that it might create.

Mr. BROOMFIELD. It is unbelievable.

Mr. PARKER. That is my private, personal opinion.

Mr. BROOMFIELD. I don't know how you can do it in this room with the press here.

Mr. PARKER. I am saying that I am not reflecting an administration position.

"OPERATION BABY LIFT"

Mr. BROOMFIELD. I certainly have supported the efforts by the administration on this so-called baby lift. I think we also have a problem with the refugees themselves and people where their lives will be endangered if the Communists continue to take over the rest of Indochina.

CONTINGENCY PLANS FOR EVACUATING VIETNAMESE

What plans do we have for evacuating large numbers of people that might be subject to harsh treatment by the Communists if they were taken over?

Mr. PARKER. First of all, Mr. Broomfield, I should clarify that I cannot operate on the assumption of that contingency occurring. It is my hope and my belief that there could be a viable Republic of Vietnam, albeit somewhat truncated from its original size. Insofar as I can discuss it, I would point out that in other instances in the events of the world the U.S. Government has shown a rather compassionate understanding of the interests of not only the U.S. citizens and third countries' nationals that are in areas of risk, but as well as those local nationals who might be at risk.

Beyond that I am afraid I cannot be more specific.

Mr. BROOMFIELD. I would like to yield to Congressman Derwinski.

Mr. DERWINSKI. I thank the gentleman for yielding. I would like to join the gentleman in his praise of your leadership and also, given your last comment, I would say of your courageous position with which I must concur. I believe that if you ask for more money for this purpose it will be forthcoming from the Congress.

Chairman MORGAN. Mr. Zablocki.

Mr. ZABLOCKI. I join my colleagues, Mr. Parker, in commending your efforts in achieving a very difficult task. Your responsibility for evacuating refugees was challenging, and you performed it well.

PURPOSE OF THE MARINE TASK FORCE IN INDOCHINA

In the chronology of events in your prepared statement you refer to the evacuation and the action taken particularly on April 3. President Ford submitted on April 4 a report to the Congress relative to that action in compliance with section 4, subparagraph (a), subparagraph 2 of the War Powers Resolution.

It related to the deployment of 700 marines equipped for combat and to U.S. vessels to the territorial waters of South Vietnam to assist in the evacuation of refugees from Danang and other seaports.

My question, Mr. Parker, is, What exactly did that task force do? Did any marines go ashore and did they encounter any hostile situation and finally, where is that task force at the present time? I ask these questions because the compliance of the President's April 4 report with the War Powers Resolution section 4(a)(2), in my opinion is proper at the time. But if they did encounter hostile situations, another report under section 4(a)(1), would be in order.

Mr. PARKER. Mr. Zablocki, if I could comment generally, and then I would ask Mr. Gardiner to go into detail with you if you would like. It is my understanding that the objective of our bringing these marines into an area of availability was not to utilize them for combat but to assist in the loading and control of refugees aboard these vessels that would hopefully then be able to transport them to security. We have been partly successfully in this regard.

The situations are very, very tense as they occur. These vessels are loaded to well beyond capacity in the normal sense, but humaneness says that you have to try to get as many people out as possible. The potential for disorderly circumstances is very high.

We could not utilize our own troops ashore, but we felt that we could probably utilize them in international waters to assist in this.

Now, beyond that, if there is anything specific, I would like to ask Mr. Gardiner to handle that.

Mr. GARDINER. Congressman Zablocki, can I help you further with that?

MARINES KEEP ORDER ON EVACUATION SHIPS

Mr. ZABLOCKI. The question was not answered whether, in fact, the marines went ashore. Did they encounter any hostile situations. Indeed, if and when Saigon is evacuated, it has been speculated that we may encounter hostile situations, not necessarily from the North Vietnamese or the Vietcong but from some of the South Vietnamese forces. I am referring to the South Vietnamese General that was quoted as saying that if there is any thought for the Americans to evacuate completely they will have to do it over a battle.

Mr. GARDINER. The marines have not gone ashore. The marines have been deployed on the vessels that we are using to transport refugees for security on the vessels. While there are thousands of cables streaming into Washington. I am personally aware of no reports of their

encountering hostility on the vessels. It may be that this afternoon there will be further updated information. But to the best of our knowledge they have not encountered hostility.

Mr. ZABLOCKI. We will pursue that further in executive session this afternoon.

EMERGENCY EVACUATION OF 1 MILLION VIETNAMESE

Mr. Parker, in your reply to Congressman Broomfield as to the contingency, and in your statement you noted that there could possibly be an emergency evacuation from South Vietnam involving as many as 1 million people. Now, you say you don't anticipate inhumane activity on the part of the VC's, but certainly you must have some contingency plans if the evacuation of such a large number becomes necessary. The question certainly must be asked, and you must have an answer, how you would do it, and where would you take them, and under what circumstances.

Mr. PARKER. Let me clarify, Mr. Congressman, that we are talking about evacuation in two different terms. I understood his earlier question was evacuation from Vietnam in the contingency of a collapse of South Vietnam.

I am dealing with the evacuation of refugees from the Communist controlled areas of Vietnam into the residual area of the Republic of Vietnam. This is the estimate of 1 million or possibly more South Vietnamese fleeing from Communist control.

As to resettlement, we are identifying areas within the South that we believe will be secure, and will remain so, and we are trying to provide refugee facilities as close to ultimate resettlement and relocation sites as possible.

Mr. ZABLOCKI. Am I correct that the 1 million figure does not include any of those in Saigon who are already on a priority list?

Mr. PARKER. This is a separate question. It may well be that some of those people might be on a priority list for evacuation in the ultimate contingency.

Mr. ZABLOCKI. But they would not be in the 1 million figure?

Mr. PARKER. Some of those may be, but I am dealing presently only with refugees within South Vietnam.

Mr. ZABLOCKI. We will pursue that in executive session this afternoon.

Chairman MORGAN. Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman.

THE WAR POWERS RESOLUTION: EFFECT ON REFUGEE AID

Mr. Parker, I would like to continue on that line just a minute, if I could. The President made some comments in California last week that suggested that he believed that the War Powers Resolution limited his possible actions in regard to evacuating Americans and others from South Vietnam. As one who was involved in putting that bill together, my impression is very much the opposite. Under that bill the President could either consult with the Congress now and say, "We have a potential problem coming, and here is our plan. I want you to be aware of it," and then go ahead and put it into effect. Or he

could act under the emergency provisions of the resolution and do whatever had to be done to evacuate those personnel and report back to the Congress, and then, of course, we could take action.

But is it your impression, or do you feel, that your effectiveness is in any way limited by that legislation?

Mr. PARKER. My effectiveness in dealing with the refugees within South Vietnam has not been substantially impaired by this. I could deal hypothetically, Congressman du Pont, with whether or not we could have increased the evacuation, say from Danang if we had had the ability to put U.S. forces in there. It would be completely hypothetical because I don't think we would have had time to get them anyway before civil order broke down there.

Mr. DU PONT. I am just concerned with South Vietnam.

Mr. PARKER. In my opinion it is not, it has not been a limitation or constraint upon me in dealing with these refugees in South Vietnam.

Mr. DU PONT. And you feel that you have a workable evacuation plan for the ultimate contingency, should it occur?

Mr. PARKER. I think this subject should be dealt with by the committee this afternoon.

RELIEF EFFORTS IN DANANG

Mr. DU PONT. All right, perhaps we can pursue that then.

I would like to then touch on another area in regard to humanitarian relief in the occupied areas. Are you aware of any efforts that are going on in those areas, in cities such as Danang, by any organizations to help with the human tragedies there?

Mr. PARKER. I am advised that the recently established UNICEF programs in both North and South Vietnam may have extended down into the Communist-occupied areas of South Vietnam. I have not had a confirmation of that nor do I know how to quantify or qualify the extent of their activities.

We have had reports again which I have not had confirmed that there are a couple of voluntary U.S. agencies who have been either providing materials or possibly personnel in those areas. I do not have personal confirmation of that.

The International Committee of the Red Cross I believe has been active and probably one of the more effective in that area.

RED CROSS REQUESTS FOR FUNDS

Mr. DU PONT. Have they made specific requests, do you know, to go to any of those cities and review the situation firsthand?

Mr. GARDINER. Sir, there were ongoing programs in the PRG areas, in the Vietcong areas of South Vietnam at the time this started. I think that the total funding for those from international sources for this fiscal year was about \$8.5 million. Now I am sure that in the light of the current crisis both UNHCR and UNICEF, and ICRC are turning their attention to that problem. We do know that ICRC has requested additional funds to assist in the emergency: I think that happened about a week ago. As to precisely what the response has been so far, sir, I am not up to date, I think they have had affirmative responses from two or three countries so far.

COMMUNICATION WITH PRG AREAS

Mr. DU PONT. Do you essentially have no communication, or reliable communication, with anything going on in the occupied area?

Mr. GARDINER. No. We ourselves do not know at this moment.

Now, obviously, I assume we will have a channel of communication through the international organizations, but it is a question of a fast-moving situation, and people gathering facts there. I think probably it is very difficult to do on the ground.

Mr. DU PONT. Thank you.

Chairman MORGAN. Mr. Hays.

PARKER: HOPES FOR VIABLE GVN

Mr. HAYS. Thank you, Mr. Chairman.

Mr. Parker, maybe you don't want to answer the question at all here, but you danced around Mr. Broomfield's question about the potential refugees from Saigon by saying that you are confident that South Vietnam would exist, albeit in a truncated form.

Now, maybe you have to say that. I would have to think if you really believe that you ought to see a psychiatrist. But do you want to answer, or don't you want to answer the question, and my question is the same as Mr. Broomfield's question. Do we have any plans to do anything about the several hundred thousand people who will be imprisoned, tortured, shot, or any one of those if and when the Communists take over all of the country?

Mr. PARKER. We have to deal with that contingency. Maybe I should see a psychiatrist, but I am still hopeful that there will be a viable residual republic.

Mr. HAYS. I think you have diminished your answer a little bit. I think you said you were "confident" before, and now you are "hopeful." You have lost a little faith down the way there in about 10 minutes.

Mr. PARKER. As to the second part of your question, Mr. Hays, I would have to say that this should be the subject of executive session.

VISAS FOR VIETNAMESE REFUGEES

Mr. HAYS. Well, I see you have Mr. Walentynowicz with you. I don't know exactly where he gets in the act, unless it has to do with visas. Is that why you are here?

STATEMENT OF HON. LEONARD F. WALENTYNOWICZ, ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE

Mr. WALENTYNOWICZ. Partially, sir. There is a provision in the Immigration and Nationality Act that requires the use of what is known as parole, and that, in turn, involves the State Department.

Mr. HAYS. Would you plan to use that if the situation becomes desperate and some of these people need refuge temporarily somewhere?

Mr. WALENTYNOWICZ. The provision is there, and whether or not there are plans to use it, I think I will have to stand on Mr. Parker's response to you, sir.

Mr. HAYS. Have you asked Miss Knight whether she would permit you to use it or not?

Mr. WALENTYNOWICZ. Miss Knight is subject to my authority, sir.

Mr. HAYS. Are you sure of that.

Mr. WALENTYNOWICZ. At least I hope so. Let me put it that way.

Mr. HAYS. Don't put any bets on it.

Mr. WALENTYNOWICZ. I won't put any bets on it, but I am talking now at least in terms of the ostensible line of authority.

Mr. HAYS. Theoretically, you mean?

Mr. WALENTYNOWICZ. Yes. Whether or not in fact it occurs—

Mr. HAYS. Well, I am seriously concerned about this. I think those people, a good many of them, felt they had a commitment from the United States. I don't mind telling you, and I don't mind telling the press that before I came to this room I had the editor of Radio Free Berlin in my office, and the first question he asked me—he asked to see me, and I didn't ask to see him—he said, "In view of what has happened in Vietnam the people of Berlin are a little jittery. What shall I tell them when I go back?"

I said to tell them if they have any pressure from the Communists, make the best damn deal they can and don't count on this country.

I just told him the way I see it. I don't think under the circumstances they better count on us, and I don't think that they think so.

CONTINGENCY PLANS IN VIETNAM

Now, does anybody have any contingency plans, or even has anybody thought about this: According to the paper there are 150,000 up to 1 million people who may be subject to being shot when South Vietnam goes down the drain. Has anybody given any thought about what we are going to do, and are we going to turn our backs and say, "This is awful. We wish it hadn't happened."

Mr. WALENTYNOWICZ. When you put it in those extremes my answer is that I am sure the President has thought about it. As far as the specific details of such thoughts, I think that it is something for the President to advise the Congress through the session this afternoon, and otherwise inform you of that.

I don't want to create the impression there has been no thinking. They are thinking about it. If you are asking me for details of any planning and policy, I have to stand on Mr. Parker's response to you, sir.

THINKING ON VIETNAM CRISIS SITUATION

Mr. HAYS. Well, in other words, what I am trying to get at, I don't know what the President thinks. He does not call me every day and tell me. But, have you people done any thinking what you will do if you were faced with this situation?

Mr. WALENTYNOWICZ. Again, sir, I hope your understand in terms of these policies and what you are asking now. I am the Administrator of the Bureau of Security and Consular Affairs, and therefore which administer only part of the laws of the United States. The question you are asking is very broad, it involves so many other departments,

and requires such a high level of input that I am not privy or at liberty to give you the total answer you are seeking.

You are asking me whether or not we are thinking about it. Without question, and as part of our professional responsibility, certainly we are thinking about it. If you are asking me about details and so forth, I have to stand on Mr. Parker's answer.

Mr. PARKER. Obviously, we are.

Mr. HAYS. That is all I wanted you to say, and it took a long time to get the answer.

Every time I call a bureau downtown, it doesn't matter who I call, they are in a meeting and I would just hope you are having some meetings about this. That seems to be what bureaucrats spend most of their time doing.

PLIGHT OF ORPHANS IN VIETNAM

Chairman MORGAN. Mr. Whalen.

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. Parker, as you realize, the plight of the orphans in particular has captured the concern of the American public and indeed the world. As the author of the amendment which reserved \$10 million in the recent foreign assistance bill for child care I, too, am concerned about this problem. I have several questions regarding the orphans.

First, with respect to evacuation of the orphans to the United States and elsewhere in the world, is this being financed through the \$10 million reservation?

Mr. PARKER. Yes, sir. We set aside \$2 million of that for that purpose, Mr. Whalen.

Mr. WHALEN. There is some doubt as to the exact number of youngsters in South Vietnam who might be classified as eligible for adoption. Do you have a figure on that?

Mr. PARKER. The perception, Mr. Whalen, of what an orphan is in Vietnam is far different from the Western perception of an orphanage. We have to deal with those who are declared to be internationally adoptable by criteria established by the American voluntary agencies who have been registered with the Government of Vietnam, and then pass the scrutiny also of the U.S. Embassy, consular section, and at that point then we deal with them.

Now, if I could in addition clarify that the first objective of both the Vietnamese Government, our Government, and of the voluntary agencies operating in Vietnam is to assist in caring for these children; then, of those that are adoptable, to help them reach the appropriate families in Vietnam, and then only to the extent that there is not the capacity in the Vietnamese society to accept them, to offer them for international adoption.

NUMBERS OF ADOPTABLE VIETNAMESE

Mr. WHALEN. I have heard a figure of 18,000 as being internationally adoptable. Is this figure accurate?

Mr. PARKER. No, sir, I would say that 18,000 is generally consonant with the estimates I have had, of 17,000 to 20,000 children in the orphanages.

Mr. WHALEN. But would not be adoptable?

Mr. PARKER. Not necessarily. The estimates I have heard are 3,000 to 4,000 that might be adoptable, internationally adoptable. I think even these may be soft figures. I can't verify them.

Mr. WHALEN. I think the American public has an exaggerated notion, then, as to the number of orphans. The youngsters who have been evacuated recently, would they be classified as internationally adoptable?

Mr. PARKER. Yes, sir, otherwise they would not have received the documentation from the Government of Vietnam—nor would these children have been in the custody of these registered U.S. international adoption agencies. They did get documentation from the Government of Vietnam, and so they were, I am quite sure, internationally adoptable.

HOMES AWAIT VIETNAM ORPHANS

Mr. WHALEN. This was a rather hasty evacuation of these youngsters. Are you convinced that there are now permanent homes awaiting them?

Mr. PARKER. I would like to ask Mr. Walentynowicz to comment in detail, but my estimate is yes, because these private and religious organizations, Mr. Whalen, are really tremendous outfits.

Mr. WHALEN. I would agree.

Mr. PARKER. They have not only great capability, but they have great sensitivity. My relationships with them have shown that they not only go to the body but beyond the body to the spirit, and they are highly sensitive to the mores. They are highly responsible in my view well beyond the relationship I have with them in the placement of these children back here in the United States. So in general I would say that, based upon the confidence I have in these organizations, I would accept that the job is well done.

VIETNAM ORPHANS MATCHED WITH FAMILIES

Mr. WALENTYNOWICZ. In terms of your question, sir, you will find that at least on the information given to us—reliable information, incidentally—at least 70 percent of those children that were airlifted in this recent airlift were, before they left Saigon, matched up with a particular U.S. family.

In addition, present information indicates at least 90 percent are so matched up with a particular U.S. family. The agencies have advised us that here in the United States they have large lists of American families that are willing to adopt children, and so the match-up is not a particular problem. The problem is on the other side so that we don't create a situation where we break down natural families.

The first priority is that the Vietnamese child should be with his family in Vietnam whenever those arrangements can be made because that is the more humanitarian approach.

The essential question is the best interest of the child. With respect to these children that were airlifted, it was definitely stated to us and established through our procedures that the families were cut off in an ordinary, natural sequence of events; that is to say, the child was in

some fashion abandoned, having lost both parents or the parent wasn't in a position to support the child, or other circumstances existed that resulted in terminating a natural and legal relationship with the child.

NUMBERS OF CHILDREN, FUTURE OF AIRLIFT

Mr. WHALEN. I would like to ask one final question, a two-part question, if I may. A, how many youngsters have been evacuated in the last month? B, Mr. Parker, on page 10 of your statement you say, and I quote, "Airlifts going on as scheduled." What are your future projections for evacuation of orphans?

Mr. PARKER. In the program, Mr. Whalen, that we have conducted, 1,311 orphans have arrived in the United States.

Mr. WHALEN. In the last several weeks?

Mr. PARKER. Essentially the last 2 weeks.

Mr. WHALEN. How about in other parts of the world? I was in London yesterday, and some arrived there.

Mr. PARKER. Some Australian and some Canadian and some French. I don't have numbers on those. I presumed they work through their own comparable organizations and logistics and I don't know the details.

Mr. WHALEN. Perhaps you could provide that for the record.

[The information requested follows:]

ORPHANS ARRIVING IN OTHER COUNTRIES

As of mid-April 1975 a number of other countries were receiving orphans airlifted from Vietnam. Other than the United States, Australia has mounted the largest effort with plans for evacuation of 300-400 orphans through their own organizations and with their own logistics system. A recent report indicated that other countries, as well, were receiving orphans as shown below:

France	72
West Germany	32
Norway	22
Sweden	12
Luxembourg	7
Switzerland	6
Canada	5
United Kingdom	4
Finland	3
Belgium	2
Mexico and Italy (each)	1

As long as circumstances permit, these efforts should continue.

Mr. PARKER. As to the second part of your question, our plans are to continue to make available the logistical facilities which is this shuttle service out of Saigon to the closest area which is Clark Air Force Base, where the children can be given proper medical screening and treatment for the arduous trip onward.

There are certain physical adjustments that have to take place. They do have to undergo a change. That stop there is a vital one.

Mr. WHALEN. The point of my question is do you have any numbers?

Mr. PARKER. I am advised it could be 3,000 or 4,000. My own personal assessment of it is that it is going to be difficult to reach that number according to criteria which have been accepted both to the Vietnamese and the United States.

Chairman MORGAN. Mr. Fountain.

ROLE OF OTHER NATIONS

Mr. FOUNTAIN. Thank you, Mr. Chairman, Mr. Parker, what kind of cooperation have we had or to what extent have other nations of the world participated in this refugee problem? You mentioned the United Kingdom and Canada today and others and with particular reference to Asia.

Mr. PARKER. It has been very great, Mr. Fountain. Without taking up too much of your time to detail it, I could submit for the record a list of it, but just highlights of it are this. We have had West Germany, with vessels and supplies on those vessels; Great Britain in the sealift; we have had France with a medical team and people and their material; and Canada providing food and taking some orphans; Australia, they are taking orphans and they were one of the very first to provide aircraft, and I think we are up to seven Australian C-130's that are participating as the overall needs require it. They are very cooperative.

New Zealand, the Republic of China was one of the first in with LST's to help evacuate, the Philippines and Korea with LST's for evacuation; UNICEF and then, of course, the private and international organizations.

COOPERATION OF VIETNAMESE GOVERNMENT

Mr. FOUNTAIN. Are we getting full cooperation from the South Vietnamese Government, what is left of it?

Mr. PARKER. Yes; I would say we are. In this regard I would have to say that they obviously have priority preoccupations in other ways but nonetheless they have allocated to these needs the coastal vessels, some 20 of them, at times up to 50 of them. I suppose these could have been used otherwise but they have used them to help transport the refugees from shore out to the international waters where the larger rescue vessels are available.

They have been responding. First of all, I would like to pay commendation to the Ministry of Social Welfare and Dr. Dan, the Minister who is also Deputy Prime Minister. He is a very capable person and he has marshaled as much of the Saigon government as he can for the humanitarian programs.

We have used U.S. AID personnel and voluntary agency personnel to fill in where his ministry's ranks have been depleted. Together, it makes for a very effective team. So, in my opinion or in my view, Mr. Fountain, in fact the Government of South Vietnam as we have had to work with it has been in fact cooperative.

COMMUNISTS HINDER EVACUATION PROGRAMS

Mr. FOUNTAIN. Is the North Vietnamese Government, and are the troops of the North Vietnamese and Viet Cong exerting effort to prevent the success of your evacuation program?

Mr. PARKER. Indeed, sir. We have had to discontinue the evacuation by sea, and unfortunately to move our vessels even beyond the limits of international waters because the North Vietnamese have been directing hostile fire to them.

Mr. FOUNTAIN. I have one further question. Did you, in view of the fact that military assistance funds are still in the pipeline, even though the Congress has not seen fit to go beyond that at the moment, did you have any advance knowledge of this sudden deterioration of the military forces and the military effort of South Vietnam?

Mr. PARKER. No, sir. It caught me completely by surprise, and our people.

Mr. FOUNTAIN. Thank you very much.

COORDINATION OF RELIEF EFFORTS

Chairman MORGAN. Mr. Biester.

Mr. BIESTER. Thank you, Mr. Chairman.

I wonder if we could touch on the means by which there is coordination among these various private and other country efforts. Is the South Vietnamese Government providing coordination for that, and are we providing coordination for that?

Mr. PARKER. It is the Government of South Vietnam, and it is principally the Deputy Prime Minister, Dr. Dan, who is the coordinator there. It is obvious that he requires assistance, and this assistance is being provided by a number of countries and a number of voluntary agencies, including our own. The coordination back here is among U.S. Government agencies, and with the private and voluntary agencies, under my responsibility as special coordinator.

Mr. BIESTER. With respect to contingency plans in the event that it may become necessary to do so, do you have any idea as to what the numbers of persons might be involved that we will have to help leave South Vietnam?

Mr. PARKER. Again, I am sorry, I think this would be a subject of discussion at the afternoon session of the committee.

INFORMATION ON COMMUNIST-CONTROLLED AREAS

Mr. BIESTER. With respect to events in the areas occupied by the Communists recently, do we have any hard information at all as to what is happening in those areas?

Mr. PARKER. No, sir. I skimmed a transcript of a press conference that the Viet Cong representative in Saigon had, and I noted one particular question that was asked. Have any reprisals taken place in Danang and Hue, and those areas which have been taken over? And his response was, in effect, not yet.

Mr. BIESTER. Have any other countries attempted to make an effort to go into those areas to provide humanitarian efforts?

Mr. PARKER. I believe that some have offered, and I believe some are actually sending delegations toward that area. I don't know enough, Mr. Biester, and I haven't had time to really study that situation in light of the pressures of trying to deal with that here in my area.

ARRANGEMENTS FOR ORPHAN CARE

Mr. BIESTER. And with respect to the 3,000 to 4,000, I use that figure because that seems to be the figure that has moved most generally through the discussion—with respect to the 3,000 to 4,000 interna-

tionally adoptable children, are you making arrangements, or are arrangements being made for their care and handling should they come here prior to actually being matched for adoption?

Mr. PARKER. We rely upon our relationship with the voluntary agencies, and it is from these agencies that I get the estimates of potential. We do not deal with the care of these children past the point of arrival in the United States. We do help them at Travis, and at the Presidio.

I suppose technically this is out of our purview, but nonetheless these are our planes that are landing them, and to the extent we have personnel that are knowledgeable to help the local U.S. authorities, and the local agency personnel; we do try and help.

Mr. BIESTER. It is in fact the private agencies who will have that responsibility once they are brought into the United States.

Mr. PARKER. Indeed, yes; Mr. Biester.

Mr. BIESTER. Thank you.

RESPONSIBILITY FOR EVACUATING AMERICANS

Chairman MORGAN. Mr. Fascell.

Mr. FASCELL. Thank you, Mr. Chairman.

Mr. Parker, do you have any responsibility for the evacuation of American civilians?

Mr. PARKER. At the present time, Mr. Fascell, my responsibilities are to deal with the Vietnamese refugees in Vietnam and to assist in the evacuation only of the orphans.

Mr. FASCELL. Who has the responsibility for the establishment of refugee camps in South Vietnam?

Mr. PARKER. It is the Government of Vietnam and we are assisting them in this regard.

NUMBER OF REFUGEE CAMPS

Mr. FASCELL. How many refugee camps are there?

Mr. PARKER. Well, this changes almost by the hour. We originally thought we had a nice camp at Cam Ranh Bay to bring them down in stages and then that disappeared. Then we went out and assisted the Deputy Prime Minister in locating and assessing for reactivation abandoned American military facilities in the delta.

Then the use of some of these areas became infeasible. I can only give you a guess at this point that we are going to have about seven or eight places. They will average by present estimates anything from 70,000 to something over 100,000 capacity per place.

Mr. FASCELL. You have estimated in your statement about 1.2 million refugees so far. Obviously the estimate could go much higher.

Mr. PARKER. This includes children, too, Mr. Fascell.

Mr. FASCELL. Are there any refugee camps in Saigon?

REFUGEE CAMPS IN SAIGON AREA

Mr. PARKER. In the Saigon area; yes. There is Bien Hoa and I think probably Mr. Gardiner could go into more detail to the exact location of them.

Mr. FASCELL. It has been allowed and reported that the South Vietnamese Government for military reasons and other reasons has not wanted a flow of refugees into Saigon itself. Am I correct?

Mr. GARDINER. I think that is correct; yes. There are some refugee camps—I am no expert on the geography—but there are some quite close by Saigon, within 10 or 15 miles but not in Saigon itself.

Mr. FASCELL. It has been alleged and reported that at all entrances into Saigon the Vietnam military are screening all people, is that correct?

Mr. GARDINER. I have no more information about that, sir, than you do, frankly.

It is my understanding that there is a concern about a substantial flow of refugees into Saigon.

Mr. FASCELL. What military security, if any, does the South Vietnamese Government provide for refugee camps as they are established?

Mr. GARDINER. That is a factor that they are concerned about, providing adequate security. In terms of actual numbers, troops, and so on, I don't have that information.

Mr. FASCELL. That is all.

Chairman MORGAN. Mr. Winn.

ADDITIONAL PUBLIC LAW 480 FOOD REQUESTS?

Mr. WINN. Mr. Parker, do you think that there will be an additional request for Public Law 480 funds?

Mr. PARKER. For those funds, I don't believe so, for fiscal 1975.

It depends, really, Mr. Winn, on how many refugees actually end up in South Vietnam. I think that probably adequate stocks exist of the basic staples.

It is possible that we will have to do a little reallocation of some of the high protein foods and as to whether this is going to result in a need for more than the total already provided for, I don't know.

RICE RATION TO REFUGEES

Mr. WINN. As I understood you, I think you said that you had enough rice for about 6 months.

Mr. PARKER. Yes, sir.

Mr. WINN. And does rice come under the Public Law 480 category?

Mr. PARKER. Yes, sir, it does, under both title I and title II.

Mr. WINN. And what else, what other kind of food comes under Public Law 480?

What I am trying to get at is this: what are we furnishing them in the way of food—what kinds of food?

Mr. PARKER. In addition to the rice, which I mentioned, we are furnishing blends of soy and corn that have high protein values and bulgar wheat and edible oil, this type of thing.

You know, in a refugee situation like this, rice is their basic staple, but they also get a lot of nourishment from additional consumption of vegetables and fish. One of our concerns is that they are going to be cut off from having access to vegetables and fish, which could give them the additional nutritional elements, and we want to be prepared with these additional foods.

ARE PEOPLE STARVING?

Mr. WINN. Are we to believe, then, that basically the refugees are not starving and they are not hungry and they are being as well fed the best you can under circumstances of a fast moving situation?

Mr. PARKER. All I can say is, we are trying to do the best we can, and I think the Government of Vietnam is. I must say, it is a really tough thing.

OVERLOADING OF REFUGEE SHIPS

You face some of the most difficult situations anybody ever faces in life. Are you going to let 9,000 or 10,000 people get on a ship knowing that this ship doesn't have the capacity really in many ways to sustain them, or are you going to tell them they can't get on and will possibly die on shore?

As far as I am concerned, I have not been constrained—the vessels have been overcrowded and overloaded. This results in some very sad conditions. The emergency diversion to areas that we have not prepared—and I say “We,” referring to this whole international effort—where we were not prepared to receive the quantities of refugees again, the off-loading and the facilities have been pretty tough.

You know, the whole thing is really tragic. In some cases, I suppose we have been able to completely alleviate the tragedy, and in the majority of cases, I think, we have been able to ameliorate it. And in some cases, we haven't been able to prevent it.

Mr. WINN. I want to join my colleagues in complimenting you for the job that you have done, and I think that most of the people present—members of this committee—realize it is a very, very tough job and a tough task.

Chairman MORGAN. Mr. Fraser.

THE U.N. SECRETARY GENERAL AND REFUGEES

Mr. FRASER. Thank you, Mr. Chairman.

Mr. Parker, I would like to take issue with the characterization that you made of the Secretary General of the U.N. It is my understanding that the South Vietnamese Government refused to let some of the refugees, who were under their control, move back to PRG controlled territories over the last year. Is that statement true as far as you know?

Mr. PARKER. I do not know about that, sir.

Mr. FRASER. Suppose for a moment it is and the PRG appealed to the Secretary General of the U.N. to make an appeal asking the Saigon government to let the South Vietnamese people move back to PRG territory, back to their homes. Do you think the Secretary General should have responded to such a request by the PRG?

Mr. PARKER. To a legitimate government, in this case, it is hypothetical, and I don't know the facts, Mr. Fraser. I would say that, yes; I believe that article 13 and article 3, respectively, of the two conventions are appropriate.

CHEAP SHOT AT U.N.?

Mr. FRASER. Well, I wish the refugees were permitted out, but the civil war is not a struggle for territory but for population. And I get a sense that the Department of State is taking another cheap shot at the U.N.

I remember this happening at the time of the vote on the admission of China to the U.N. We put everybody into an impossible position.

We had a weak legal case and then, when the U.N. voted, as one understood they were virtually compelled to vote, we took a crack at them publicly. And I just think this is what is happening again.

It is abundantly clear to me that the PRG and the North Vietnamese would not have responded to the Secretary General's request, and this was simply an effort to engage in what I kind of term a public relations effort, and the net result has been, of course, to simply further disparage the U.N. in the eyes of the public, which is going to make our job considerably more difficult.

REFUGEE AID IF GVN FALLS?

Let me ask you this question: What good is further refugee aid going to be if the South Vietnamese Government crumbles?

Mr. PARKER. Well, Mr. Fraser, I am not operating on that premise.

Mr. FRASER. I know, but if it is going to go down the drain is there much value to the additional refugee aid?

Mr. PARKER. I cannot accept your premise.

Mr. FRASER. You don't have to accept it, but let us suppose the South Vietnamese Government loses control, would aid channeled through the South Vietnamese Government be of much value?

Mr. PARKER. Well, again, with the qualification that I don't start from the same point, I think the provision of, and the availability of food and enriched foods and medical supplies, if they are made accessible to the people who need them—I don't start from the same point as you do—

WOULD VOTE MORE MILITARY AID FOR SOUTH VIETNAM

Mr. FRASER. I don't know what is going to happen. I would be prepared to vote additional military aid for South Vietnam in the hope that there might be an opportunity to stabilize the battlelines, because, without that, I just see chaos and disintegration and enormous suffering.

I say that with extreme unhappiness about the position of the Department of State over the last year on the political side of that struggle, and unqualified support for Thieu has been a disaster. And the fact that the opposition and the moderates will not even join a cabinet under Thieu's leadership ought to be evidence to Graham Martin that something is wrong. But I doubt he is able to understand that.

I would be prepared to vote more military aid if we could get some stability in the military lines that we could then sort things out, but this is a hard position to sell in the light of the history of this struggle

and what I regarded as a very unhappy role that our Government has played in trying to achieve some sort of political resolution to this war.

But, unless we do that, it seems to me that talk of further refugee aid, at least on a bilateral basis, is likely to end up to being meaningless.

TRUNCATED SOUTH VIETNAM WOULD PROGRESS

Mr. PARKER. Mr. Fraser, under conditions of military stability, the people of South Vietnam, I think, could resume, even in a truncated South Vietnam, their progress toward economic and social viability.

Mr. FRASER. They are going to have to have some political changes and sometime our Government is going to have to recognize that reality.

Mr. PARKER. In the economic sense, as I have been making projections from that point, they have made impressive progress in economic development, in feeding themselves better. There was even the possible chance that this year that they would become rice exporters.

Mr. FRASER. But that is our problem. We concentrate on economic progress and military equipment. The political fabric of the society has never been adequate to sustain or mobilize the national will, and I suspect this is partly what lies behind the crumbling of the large areas of defense that we have seen disintegrate.

POLITICAL PROBLEMS IN VIETNAM

At some point, we have to deal more concretely with the political problems, and I, too—that is not your department, but it is an integral part of where we go from here.

Mr. RIEGLE. I recall the gentleman's comments about a week or two ago concerning the policy of war to the last Cambodian, and my own concern about your comment about military assistance leads to a fear that we would start down the road of war to the last Vietnamese, and I would hope that is not where we are headed.

I thank the gentleman for yielding.

Chairman MORGAN. Mr. Gilman.

TRANSPORT OF THE ORPHANS

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Parker, I join with my colleagues in expressing our compliments to you and your agency for the great job you have done in the past few weeks in trying to resolve this critical problem.

As you know, a great deal of concern has been expressed nationwide with regard to the transportation of the Vietnamese orphans. You have stated that there have been some 1,400 youngsters transported in the past 2 weeks and that there are about 3,000 to 4,000 who are adoptable awaiting to be transported.

Are those figures correct?

Mr. PARKER. Not quite, there may be as many as 3,000 or 4,000. Whether they become suitable for international adoption is another question.

Mr. GILMAN. Well, I assume the suitability is dependent upon the voluntary agencies processing them, then having parents available and making provisions for them in the States.

Mr. PARKER. Also, to make sure that they are, in fact, orphans for whom there is not a family member in Vietnam.

SLOWNESS OF VIETNAMESE OFFICIALS ALLEGED

Mr. GILMAN. One of the problems that has been brought to my attention is the laxity and the lengthy delays, in which, Dr. Dan in Vietnam, who is in charge of approving of the adoption agencies—the delay is his approval of the work of our voluntary agencies. In the past 24 hours, I have received a complaint from the Welcome House Agency, a reputable and credible voluntary agency that has been at work in Vietnam, that has some 300 orphans awaiting to be transported to the United States.

I have been informed that transportation has been made available by Welcome House and there are adoptable parents awaiting these children, and, yet, Dr. Dan has failed to approve this agency for permitting these children to leave the country.

Do you have any information with regard to such delay?

Mr. PARKER. I say, generally, that Dr. Dan and the Government have been very cooperative with the voluntary agencies in the processing.

As to the specific circumstance, Mr. Gilman, I don't know, but I will be glad to try to find out.

Mr. GILMAN. Does some member of your staff have some information. It would seem that they should.

Mr. PARKER. It is possible.

Let me find out.

WORK OF WELCOME HOUSE

Miss Lauralee Peters, from the Department of State, who has had experience in the field can give you a comment on it.

STATEMENT OF MISS LAURALEE PETERS, OFFICE OF EAST ASIAN AND PACIFIC PROGRAMS, AGENCY FOR INTERNATIONAL DEVELOPMENT

Miss PETERS. I have also talked, in the last few days, with representatives of the organizations, and I am very familiar with the work of Welcome House out in Vietnam.

Welcome House in Vietnam, however, is not a licensed adoption agency. They originally entered to do child health work; that is, feeding and care of children.

They took in a great many children. Whether those children are actually orphans, legally available for adoption is another matter entirely, and since they are not licensed by the Government of Vietnam to handle adoptions, I suggested to them, when they called me, that they would have to be licensed.

I suggested that the representatives of those agencies get in contact with the representatives of the agencies that are licensed to conduct international adoptions and see if they could work on an arrangement.

A number of the licensed agencies have indicated their willingness to cooperate with other groups who may have found themselves with children potentially placable for adoption. But Welcome House is not licensed, and that was not its original intent in going to Vietnam.

Mr. GILMAN. I would hope that your agency in some way would help to expedite the transportation of these children if there are some 300 parents awaiting them, and transportation is available, something should be worked out to expedite this.

REPORTING UNDER WAR POWERS RESOLUTION

Mr. BINGHAM. I would first like to make a comment with respect to what Mr. Zablocki mentioned in connection with the War Powers Resolution. I think it is important to note that the President's report was under section 4(a) (2) and that seems to be appropriate at the present time.

I would also note that under section 5(b) of the resolution, it would seem to be up to the Congress to determine whether a report should have been submitted under section 4(a) (1). I am not suggesting that that is now the case, but I merely want to make that comment. If hostilities are incurred, then an additional report would seem to be required under section 4(a) (1).

MARINES IN INTERNATIONAL WATERS

I am a little puzzled as to your statement, Mr. Parker, that the Marines are kept in international waters. Did you intend to say that, because that would mean they would have to stay in vessels quite far offshore?

Mr. PARKER. That is correct, and as far as I know, that is where we are keeping them.

Arthur Gardiner was just sworn in as Assistant Administrator for East Asia, and before that he was General Counsel, and if I need a General Counsel, I will return to him.

Mr. GARDINER. In terms of where the vessels are, some of our commercial vessels are going in closer than 3 miles, and they do have Marine detachments on the vessels for the purpose of keeping order.

Now, in terms of, frankly, the impact of that on the War Powers Resolution, I simply am not able to say. I do know that the legal adviser is in constant touch with the situation, and I am sure that our Secretary this afternoon will be fully conversant with the thinking. Obviously, that is not in our purview.

Mr. BINGHAM. I think that this is something that should be in our public record.

HOSTILE FIRE AGAINST U.S. VESSELS?

Did I understand you to say that some of those vessels have been fired upon, or subject to hostile fire?

Mr. GARDINER. I don't think there has been, and I may be wrong about this. But to the best of my knowledge and belief, there has not been a situation in which a commercial vessel has undergone hostile fire when it has had Marines on it.

Mr. PARKER. You are referring to a statement which I made, which I would clarify: As the North Vietnamese forces moved closer toward the shore, their shelling was witnessed coming on to the shore and then offshore at everything from barges to lighters and sampans in that area. As soon as our vessels saw that, they moved further back to assure they would stay out of range.

I don't think any hostile fire reached them or maybe even was directed at them because they would be out of range.

Mr. BINGHAM. Well, that does clarify it.

I repeat, I think, if vessels in Vietnamese waters with Marines aboard are subject to hostile fire, then, clearly, section 4(a)(1) of the War Powers Resolution would apply and a new report would be required.

I emphasize this not because I think that this particular situation is crucial under the War Powers Resolution, but I think the precedent is very important.

NO DOLLAR REQUEST TO CONGRESS

Mr. Parker, I take it you have not submitted a dollar request to us today?

Mr. PARKER. That is correct, sir.

Mr. BINGHAM. And you are waiting for the President's presentation for that purpose?

Mr. PARKER. Yes, and as Mr. Gardiner explained, on a cash flow basis, we are still viable at the moment.

Mr. BINGHAM. Because in my own judgment, speaking for myself, I think this committee would be prepared to proceed with authorization of whatever humanitarian aid is necessary. I was prepared to offer a resolution to the bill we had before us, providing for humanitarian aid. So I don't think we want to be in a position of holding anything up.

Mr. PARKER. I would emphasize that there is some further latitude within the authorization that you have already passed, and I would say that, I would personally believe that this is the first recourse.

STATUTES PREVENTING AID TO OCCUPIED AREAS

Mr. BINGHAM. Finally, what provision did you refer to that would in your judgment, prohibit you from providing assistance to refugees who might be on the other side of the line?

Mr. GARDINER. Well, sir, there were a number of statutes passed around the time of the Paris peace accords and just thereafter, with respect to providing assistance to North Vietnam.

Now, whether that issue is before the lawyers now, the question would be whether the intent of those statutes extended to areas of South Vietnam controlled by the provisional revolutionary government of the forces of North Vietnam.

I think it is one of those fuzzy issues, at the time the statutes were enacted.

Mr. BINGHAM. I would hope a very strict interpretation would not be applied here, because I think, clearly, the committee and the Congress didn't have that in mind, and if it were clear that the aid

was going to the refugees and not being diverted by the North Vietnamese Government, the intention would be that that aid should be extended.

Chairman MORGAN. Mr. Guyer.

Mr. GUYER. I think that the press and media and the country at large has had a great emotional expression.

VIETNAMESE VIEW OF ADOPTION

I was interested in the comment, I think, that John Chancellor made, that probably was sort of a word of caution, that is it true that the Vietnamese people traditionally do not welcome having their children adopted.

Mr. PARKER. Well, I think, again, Miss Peters could speak to that.

I would declare, as I have said, that I am not an expert in this. And I am an administrator, and if you would like to get into this, Miss Peters can speak to that.

Mr. GUYER. Everybody wants to do something good, and someone said that we would rather switch than fight. Also, some place along the line, many Americans feel more guilt than others, and they want to do something about it.

But I have had people call me for adoption that haven't done much for anything or anybody up to now; and I understand there are a couple of hundred thousand children in this country that are waiting to be adopted.

Mr. WALENTYNOWICZ. It is very important to approach this whole problem, no matter how big the dimension, with a calm and reasoned approach, and not with emotionalism.

Miss Peters is a Foreign Service officer, who served in Saigon. She is privy to the information, and has had actual experience.

VIETNAM: NO TRADITION OF ADOPTION

Miss PETERS. First of all, it is indeed true that the Vietnamese have not traditionally, or even at present, supported wholeheartedly the notion of their children being taken from their own country.

It is true that, after long and arduous work in developing child welfare practices in Vietnam, it has been agreed between the Ministry of Social Welfare, the various Vietnamese Government agencies and the voluntary agencies involved that there are some children for whom international adoption may be the only alternative.

Many of these children who have been totally abandoned, and who have, for example, physical ailments, problems that do not lend themselves to putting them into Vietnamese homes. It is also true, however, that an adoption per se has never been a Vietnamese custom.

The Vietnamese extended families as long as the social fabric of the country remains even reasonably intact, will absorb its children. In the current situation, however, it is true that there are some children who cannot be absorbed.

Mr. GUYER. I understand the French were the first ones to introduce adoption?

Miss PETERS. Yes.

NUMBERS OF VIETNAMESE ORPHANS

Mr. GUYER. According to your figure, you have 1,311, and I think, the American public is being misled into believing there are thousands of children. And probably we ought to have a little more accuracy along that line, and there are problems of eligibility and problems of capability. And this is a very, highly volatile issue.

Miss PETERS. We attempted to make this very clear. The initial resolution announcing orphan movement stated this was limited to approximately 1,500 to 2,000 children already in the legal custody of agencies and already placed in American homes.

Unfortunately, it has gotten a little carried away.

Mr. WALENTYNOWICZ. Let me add one comment to Mr. Guyer's remarks.

With respect to Minister Dan of South Vietnam, it would seem to me that probably one of the reasons for the delay was his concern whether the children in Welcome House, which is not licensed, were properly screened and in a position to be adopted.

FUNDING FOR HUMANITARIAN AID

Mr. GUYER. I noticed, on the humanitarian assistance page, here, we have sort of a diminution. You requested \$135 million and authorized \$90 million and appropriated \$55.7 million and allotted \$56.2 million and obligated \$15.7 million. What have you actually spent?

Mr. GARDINER. Well, sir, on the expenditure side, I cannot give you the figure, but you ask an important question because a substantial amount of money has been spent this year.

It doesn't show in these figures because it was obligated last year.

Mr. GUYER. I heard you say, also, that you got into the petroleum account to help out.

Mr. GARDINER. Yes, sir.

Mr. GUYER. Thank you very much.

Chairman MORGAN. Mr. Ryan.

THE "LOSS" OF CAMBODIA AND VIETNAM

Mr. RYAN. Mr. Parker, we are in an unenviable position as a nation of being behind the losers for the first time in, I think, anybody's memory.

In the question of what policies we should set, in a number of ways, I think they are wide open for our own discussion and also for interpretation by other nations, and they are anxiously awaiting what we do because they believe it may apply to them later on.

Are there any discussions going on now as far as AID is concerned regarding the contingencies for other countries in case this same thing happens?

I am looking ahead now to beyond the loss of Vietnam and Cambodia and where we go from there. What contingencies could we have and what kind of plans do we have and what kind of policies do we have regarding aid to countries that are being overrun by a Communist belligerent—are we setting any kind of new procedures or rules?

Mr. PARKER. Mr. Ryan, No. 1, as I indicated before, I must not accept the premise that South Vietnam is going to fall.

Mr. RYAN. You say that officially you must not accept the premise?

Mr. PARKER. Yes, and going beyond that, to your other question, in other countries with AID programs, I don't think we face a similar situation.

COLLABORATIVE PROGRAM OF DEVELOPMENT AID

We will continue to focus on a collaborative program of development assistance that was worked out in collaboration and participation with this committee. This committee itself took the initiative.

Mr. RYAN. What do you mean by collaborative?

Mr. PARKER. We have spent much time in individual consultation with members of this committee, with the leadership and at the staff level and, indeed, in correspondence to define the new directions of U.S. bilateral assistance.

We will continue to carry these out in these other countries.

U.S. POLICY BASED ON WORLD WAR II

Mr. RYAN. Let me ask you this: I think a good part of our military policy and thinking today is based upon World War II and the fact we didn't want Japan or Germany to develop their own defense forces and we would take care of it for them. Thirty years later, I wonder whether we should review that.

Today, it is obvious that the Communist bloc of nations is winning from their side of it. They seem to be winners.

Is any effort being made today, or any contact being made today by the Communist bloc of nations to move in and conduct the same kind of repair, restoration in Indochina which was the American policy in Western Europe after the end of World War II? Do you have any contact from the Soviet Union or from China?

Mr. PARKER. Well, we see some of their aid programs in other parts of the world.

Mr. RYAN. I am referring specifically to South Vietnam. Are there any actions being prepared that you know of?

Mr. PARKER. None that I know of, sir. They have broadcast an appeal for aid over Radio Hanoi, and I am aware of that.

EFFECT OF VIETNAM FALL ON KOREAN SITUATION

Mr. RYAN. Let me go one step further in the allied area, because these policies are contingencies that have to be recognized.

I can't understand why we don't accept the immediate premise of the fall of Vietnam, which will be all right publicly, but privately I think you have some work to do. Let us suppose that having lost there, the Communist bloc of nations is encouraged by what has happened and no longer discourages the North Koreans from attacking South Korea.

This is my own personal conclusion, but I doubt very much if the American people would suddenly change their minds again and offer support, to South Korea, even though we have one division and support troops there. I think the President would have to order them out under

fire after 60 days, because the Congress would not support a military appropriation.

If that were the case, what does AID have in that country or in general plans to assist or take any kind of action in regard to a belligerent situation occurring in other countries besides Southeast Asia?

U.S. AID TO SOUTH KOREA

Mr. PARKER. There are so many stages of hypothesis that I would have to go back and say, what we have been doing in South Korea—the U.S. AID development programs in South Korea—have been vital in assisting them in having a very strong economy.

It had been my intention to phase out, in fiscal year 1975, economic assistance to South Korea. Unfortunately, in the ninth month of the fiscal year and at the appropriation level, we got so severely reduced from the authorization level that in order to make an equitable and fair distribution of the available funds, I did have to drop a couple of projects there.

I am hoping that in fairness to the Koreans we can take those up and complete our obligations in fiscal 1976, even though I had said before I hoped we could complete it in fiscal 1975.

If we can do this, it will be one of the first times that we will, in fact, have fulfilled our economic assistance commitments to the Government of South Korea.

Mr. RYAN. That is all.

Chairman MORGAN. Mr. Riegle.

Mr. RIEGLE. Thank you, Mr. Chairman.

INVENTORY OF SUPPLIES IN SOUTH VIETNAM

Mr. Parker and Mr. Kellogg, I want to say, again, I appreciate the fact that you were kind enough to meet with me and some other staff members of Congress, who were not in town at the time, to talk about the things that we have been discussing since this session began. And I further want to say, that I appreciate your personal efforts to solve a very difficult problem under extremely complicated circumstances.

I wonder if, in addition to what we talked about, we have a handle on the inventory of supplies that would be helpful to people and that are within the enclave the Government of South Vietnam holds.

Have we had time for that? We spoke of the material on the other side of the line, at what we still call South Vietnam, but I am talking in terms of the government enclave itself. Do we know what is there?

Mr. PARKER. We do have some sense of it. In order to conserve your time—and you tell me whether you want to go further into it—but generally, our policy has been to monitor for shortages and try and identify those against the lead times for resupply.

These have been taken care of on a case-by-case basis. For example, measles vaccine and things like this that haven't been in the area.

Mr. RIEGLE. Could you, for the record and in the interest of time, share this information with us—what I am interested in is, how much of what is in place can be used, in the period just ahead?

Mr. PARKER. I share your interest, and we certainly will give you all of the information we possible can on that.

[The information follows:]

EMERGENCY SUPPLIES MOBILIZED FOR VIETNAM REFUGEE SUPPORT

A. AID/W procurements

<i>Commodity and volume</i>	<i>Remarks</i>
Title II rice, 100,000 tons-----	USDA will procure.
Title II blended rice, 13,500 tons-----	Partial commodities already arrived Saigon on S.S. Hong Kong Mail.
Shelter material, 4,000 rolls-----	ETA Saigon: 200 rolls April 4, 1,600 rolls April 1, 2,200 rolls April 2.
Radio transceivers, 2 each-----	Being supplied by USOM Thailand and Manila.
Generators, 2 each-----	From U.S. military sources.
Vaccine:	
(Measles) 400,000 doses-----	Arrived Saigon.
(Smallpox) 85,000 doses-----	Arrived Saigon.
(Cholera) 100,000 doses-----	Arrived Saigon.
(Typhoid) 85,000 doses-----	Arrived Saigon.
Syringes and needles, 500,000 units-----	200,000 arrived Saigon; 300,000 ETA Saigon April 9.
Metakelfin drops and tablets, 10,000 units-----	

B. Mobilized in Saigon/being transferred to refugee areas

(MINISTRY OF SOCIAL WELFARE)

123 tons canned fish.	134,000 bags bulgar.
1,443 rolls Griffolyn.	37,000 bags flour.
500 lbs. clips for Griffolyn.	40,000 bags CSB.
450 lbs. polyethylene fabric.	12,000 bags WSB.
44,000—100 lbs. bulgar.	300 cases cooking oil.
66,000—50 lbs. WSB.	49,000 canned meat.
3,000 empty 55 gal drum water containers.	8,500—1 gal. cans tomato sauce.
54,000 kilos local rice.	4,000 bales of clothing.
46,500 kilos Australian donated rice.	17,500 lbs. rice.
20,000 kilos Canadian canned fish.	

(NOTE.—Advance party of 5 flying doctors arrived and began planning with MOH the deployment of medical teams at Phu Quoc and Vung Tau (see Saigon 4600).)

EMERGENCY RELIEF SUPPLY SUMMARY

A. AID/W procurements

<i>Commodity:</i>	<i>Volume</i>
Title II rice-----	100,000 tons.
Title II blended rice-----	13,500 tons.
Shelter material-----	4,000 rolls.
Medical supplies-----	670,000 doses vaccines, quantities of medicine, needles.

B. Initial mobilization in Saigon

<i>Commodity:</i>	
Canned fish/meat-----	160 tons.
Rice-----	119 tons.
Blended foods-----	223,000 bags.
General supplies-----	Detail attached.

C. Placed at refugee camps

Food, water, general relief supplies----- Over 1,700,000 lbs.

D. Actually shipped to temporary sites

April 3:

Phu Quoc:

49,000 lbs. blankets.
2,000 lbs. noodles and bread.
20,000 lbs. bulgar.

April 4:

Phu Quoc:

41,600 lbs. bulgar.
45,550 lbs. WSB.
88,000 lbs. rice.
575 rolls plastic sheet.
150 55-gal. drums water.
1,100 lbs. refugee kits.

(37 personnel, MSW registration teams.)

April 5:

Phu Quoc:

43,280 lbs. canned fish.
19,000 lbs. medical supplies.
181,200 lbs. rice.
128 bales blankets (75 lbs. each.)
46,550 lbs. other supplies.
Vung Tau, 9,000 lbs. milk.

April 6:

Phu Quoc, 314,675 lbs. various supplies.
Vung Tau, 20,000 lbs. medical supplies.

April 7:

Phu Quoc, 471,890 lbs. various supplies.
Vung Tau, 11,000 lbs. noodles and bread (resupply Transcolorado).

April 8:

Phu Quoc:

184,000 lbs. rice.
5,675 lbs. canned meat.
41,505 lbs. general supplies.
Vung Tau, 7,260 lbs. general supplies.

April 9:

Phu Quoc, 200 bed package disaster hospital, 10 KW generator, water pumps, motor bikes.

E. Emergency supplies mobilized for Cambodia refugee support

Commodity and volume:

Title II rice, 20,000 tons, transferred from title I Pipeline.

Title II blended foods, 4,500 tons, Partial of grant already unloaded Saigon.

Balance under procurement.

Airlift data : April deliveries as follows :

April:	Tons
1 -----	985
2 -----	720
3 -----	550
4 -----	N/A
5 -----	025
6 -----	882
7 -----	027
8 -----	340
9 -----	806

Note.—There is approximately 67,000 tons of Public Law 480 rice in Saigon awaiting airlift to Phnom Penh.

INTERNATIONAL AND THIRD COUNTRY HUMANITARIAN RELIEF ASSISTANCE

I. Deliveries

<i>Donor and type</i>	<i>Value</i>
West Germany—Two merchant vessels for refugee evacuation; 20 tons emergency supplies.....	NA.
Great Britain—One frigate for sealift.....	NA.
France—Five-man medical team to reopen Grall Hospital.....	NA.
Canada—450,000 cases canned fish.....	NA.
Australia—212 in first airlift of orphans; second flight proposed using Australian A.F. via Bangkok.....	NA.
New Zealand—Two freighters for Phu Quoc resupply. 25 tons milk powder from Singapore for SVN. 25 tons dried milk to UNICEF for refugees in Communist held areas of SVN.....	NA.
Taiwan—4 LSTs; 5 C-119 aircraft.....	NA.
Korea—One LST for refugees, 2 LST's with supplies, medical personnel.....	NA.
Philippines—One LST for refugees.....	NA.
UNICEF—Further relief supplies en route to Saigon.....	In excess of \$1 million.
World Vision Relief Organization—10,000 Relief Kits.....	NA.
Catholic Relief Service—Food, general relief supplies.....	NA.
UNHCR—500 tons relief supplies for Indochina.....	NA.

II. Commitments

<i>Donor and type</i>	<i>Value</i>
UNICEF—Relief supplies stockpiled in Singapore for all Indochina.....	\$3, 500, 000.
International Red Cross:	
Cash payments and pledges.....	\$5, 000, 000.
Transferred to Saigon RC.....	\$1, 500, 000.
Transferred to PRG RC.....	\$1, 000, 000.
Balance to be spent in Europe for supplies.	
West Germany—New pledge (includes DM 2.5 million through ICRC and DM 0.5 million through UNHCR).....	DM 14, 900, 000.
Canada:	
New pledge to UNHCR, UNICEF.....	\$3, 500, 000.
Red Cross.....	\$10, 740, 000.
Norway—New pledge to UNICEF.....	\$10, 740, 000.
Sweden:	
Aid to PRG.....	\$3, 000, 000.
To all parties in SVN:	
Through UN.....	\$2, 500, 000.
Through IRC.....	\$250, 000.
World Confederation of Labor—Receiving funds for distribution through emergency relief of VN Confederation of Labor.....	N.A.
Japan—Limited humanitarian assistance to refugees in both GVN and PRG areas.....	N.A.
Netherlands—New pledges to UNHCR, UNICEF plus foodstuffs and medicines.....	\$1, 700, 000.
Australia—New pledge to UNHCR.....	\$1, 300, 000.
Dutch Red Cross—For Vietnam and Cambodia.....	\$32, 000 equivalent.
Catholic Relief Services—Added commitment to Vietnam.....	\$100, 000.
Finland—Grant to be distributed equally to UNHCR, UNICEF and Red Cross.....	\$43, 000 equivalent.

III. Known plans

<i>Donor and type</i>	<i>Value</i>
International Red Cross—Proposed requirement over next 90 days.....	\$30, 000, 000.
France—Official expression of intent to contribute to both sides.	
Norway—Current economic aid program to Vietnam (60 million Kroner) to be supplemented through humanitarian contribution to Red Cross and UN agencies.....	10, 000, 000 Kroner.
UNHCR—Plans as yet incomplete for massive UNHCR relief effort to Vietnam.....	\$80, 000, 000 proposed.

UNITED NATIONS DEVELOPMENTS

Sir Robert Jackson has been appointed to coordinate U.N. aid to Indochina. UNHCR reports following list of "potential donors" to program of presently uncertain magnitude. List based on contributors to past UNHCR/UNICEF relief programs.

Austria.	Netherlands.
Australia.	New Zealand.
Belgium.	Norway.
Brazil.	People's Republic of China.
Canada.	Poland.
Denmark.	Qatar.
Finland.	Romania.
France.	Saudi Arabia.
Federal Republic of Germany.	Spain.
German Democratic Republic.	Sweden.
Japan.	Switzerland.
Iran.	United Arab Emirates.
Iraq.	United States.
Ireland.	United Kingdom.
Italy.	U.S.S.R.
Kuwait.	Venezuela.
Lybia.	

PROVIDE HUMANITARIAN ASSISTANCE

Mr. RIEGLE. The other thing I wanted to develop along the line of the discussion that Congressman Fraser was having is that we should be providing humanitarian assistance in a variety of forms. I feel he qualified strongly that we ought not to provide any additional military assistance.

My sense of the Congress and the American people who have been in touch with each other, because Members of Congress have been home—is that the country has reunited in its judgment about the future of American participation in Southeast Asia, at least, insofar as military assistance is concerned.

The overwhelming message that I am hearing from both parties, doves or hawks, or whatever, is that we will not be providing any more military assistance to Vietnam or to Cambodia.

Now, I don't think that is a reversible judgment. I think the President, when he approaches the Congress tomorrow night, walks into a situation where what he has to say on this subject will be a test of his own credibility and his own skill in reading the situation. We are on the edge of some pretty fundamental changes in policy and direction.

I hope that happens.

What I am leading up to is this: I think we are going to get into the humanitarian assistance business in a much more substantial way and probably under changed circumstances. It may well be under conditions where there is no more additional military assistance.

I think you folks probably have the best sense for what the civilian needs of the people in South Vietnam are. As I said before, my concern for the people in South Vietnam is irrespective of where they may reside right now. I am as much concerned with the refugees. I would hope we would be able to develop a mechanism and the systems to deal with these baseline human problems regardless of the changing circumstances.

WORK THROUGH INTERNATIONAL ORGANIZATIONS

Now, I suspect that may well mean that we have to work principally through international organizations. I would hope that some thought is given to contingency plans within the Agency, so that we are able to plug into the international relief agencies, so that the help that this country will decide to make available can make its way not to governments but to citizens and through international organizations.

I think this is the track we are on. That may not coincide with the judgment within the White House innercircle—and I suspect it is somewhat at odds with that judgment—but as you know, the way our system works, the Congress decides how money is spent. And I think you will find that we are not going to be spending any more money on military assistance in Southeast Asia beyond money already appropriated and in the pipeline.

So, I would just conclude by saying that, my advice, given with the concern that is really the same concern that you have and that is the well-being about civilians and refugees in South Vietnam, is that these are the facts of life that we are now working with, and we ought to plan accordingly.

Chairman MORGAN. Mr. Solarz.

REASONS FOR EVACUATION PANIC

Mr. SOLARZ. At the rate at which the questioning was proceeding, I was somewhat concerned that the government in Saigon might collapse by the time it got around to me.

I am delighted that I have a chance to put some questions while they have some validity.

Mr. Parker, there was a report in the New York Times the other day that the flight of the refugees from the northern provinces toward the south was essentially a result not so much of their fear of falling under Communist control, but rather of the general panic which developed over the course of the last 2 weeks.

I wonder, sir, if you can give us your own assessment of the motivation which led the refugees to leave their homes based on whatever specific evidence you may have available?

Mr. PARKER. Congressman, since, obviously, we have not had very much contact—and I have had no direct contact with any of the refugees that have made it out—I cannot personally assess this by direct observations.

I would, however, make these observations: That these areas were affected in 1968 and 1972. I don't believe that conditions of extreme panic occurred at those times from what I understand of it. Substantial numbers of people did flee from those areas, from the North Vietnamese offensive at those times. There was an orderly evacuation, of a very large order of magnitude of people. Somewhat similar to the numbers that have obviously made an attempt to evacuate at this time.

Now, I would probably have to admit that there is less order in the evacuation in connection with this offensive than there was

before, and I don't know how to assess it beyond that. But looking at history, these people did make decisions to abandon and in a relatively orderly way avoid coming under domination of Communists.

Mr. SOLARZ. You are not prepared to say that they left because of their fear of falling under communist control?

Mr. PARKER. I am willing to say that that is a valid presumption, in my opinion, for the majority of them moving.

EVACUATION PLANS FOR U.S. LOCAL EMPLOYEES

Mr. SOLARZ. I would like to know, Mr. Parker, what plans, if any, we have for the evacuation from Saigon of those Vietnamese who have been working for U.S. agencies in Vietnam?

Mr. PARKER. As I indicated before, Congressman, I think since the committee will be meeting this afternoon in executive session, that that would be a more appropriate time to comment on it, other than to simply say that in similar situations, the U.S. Government has shown a deep and strong compassion.

Mr. SOLARZ. Let me just say for the record that I have a very real personal interest in this, because a constituent of mine who had served in our armed forces in Vietnam came to me a few days ago, who met while he was there a Vietnamese girl who works for U.S. AID in Saigon, to whom he is engaged and who has a fiance visa, and she is desperately interested in getting out, so she can come here and they can get married.

First we were told she needed a passport and we called the State Department and they told us that the decision to grant passports had been suspended and all she needed to do was to get on a plane. The next time we were told that all of the planes were booked up.

So I called someone in Pan Am and he arranged to get her on a plane anywhere, and even sent someone to her home who took her to the airport. At this point she was told she needed an exit visa, and that seems to be where it is stalled.

You said that one of the problems we have been having is that the North Vietnamese, in controvention of the Declaration of Human Rights, are not permitting people to leave. Doesn't the Universal Declaration of Human Rights apply to the South Vietnamese as well? Why is it that the South Vietnamese are refusing to permit people like this to get out?

This girl wants to get married to her fiance and he happens to be an American who lives in my district, but I am sure there must be others as well.

REPORTS OF CORRUPT USE OF FOOD AID

Chairman MORGAN. Mrs. Meyner.

Mrs. MEYNER. Thank you, Mr. Chairman.

My colleague, Mr. Solarz, and I were just worried that Saigon might have fallen before you got around to us.

I would like to thank our guests for their presentation and for their patience.

For a long time now, really for many years, I have been disturbed by reports of aid, particularly food aid being sold by the Government

VIETNAM EVACUATION AND HUMANITARIAN ASSISTANCE

TUESDAY, APRIL 15, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The committee met at 2:15 p.m., in room 2175, Rayburn House Office Building, Hon. Thomas E. Morgan (chairman of the committee) presiding.

OPENING STATEMENT OF CHAIRMAN

Chairman MORGAN. The committee will please come to order.

The committee meets this afternoon to consider the President's request for economic and humanitarian assistance for South Vietnam. It is one of two bills relating to the situation in Vietnam that I introduced earlier today—at the request of the President.

The first bill which we will consider today, H.R. 5961, would authorize an additional \$73 million in economic assistance for South Vietnam. This amount, when added to the \$177 million authorized but not yet appropriated for Indochina, pursuant to the Foreign Assistance Act of 1974, would add up to \$250 million requested by the President for economic and humanitarian purposes.

The second bill, H.R. 5960, would modify restrictions on the use of U.S. Armed Forces in Indochina to permit them to protect an evacuation of personnel from South Vietnam.

[The texts of the two bills appear in the appendix, p. 213.]

The committee will be scheduling hearings on the administration proposals on Wednesday and Thursday, providing that executive branch witnesses are available.

Our purpose here today is to consider the first bill which relates solely to additional humanitarian and economic aid for Vietnam.

I therefore urge members of the committee to hold any questions which relate primarily to the evacuation of persons from South Vietnam until those hearings are held on Wednesday and Thursday.

A third bill which provides additional authorization for military assistance to South Vietnam has been referred to the House Armed Services Committee for action.

Yesterday the Special Subcommittee on Investigations, headed by Representative Lee Hamilton, held a similar hearing on the situation in Vietnam.

It is possible that some of the testimony received today will duplicate testimony received by the subcommittee yesterday, I regret this but the President has asked the Congress to complete action on his request not later than April 16 and it is imperative that the committee act as quickly as possible.

As chairman, I have requested that that subcommittee conduct an indepth review of the situation in Indochina. I must say Mr. Hamilton has been doing an excellent job.

Our witnesses this afternoon are Hon. Daniel Parker, Administrator of the Agency for International Development and Mr. Arthur Z. Gardiner Jr., Assistant Administrator for East Asia, AID.

I understand Mr. Gardiner has been delayed over in the Senate. He will be over as soon as he can break loose. In the meantime, Mr. Garnett Zimmerly, the Deputy Assistant Administrator, is here to pinch-hit for Mr. Gardiner.

Mr. Parker, you may proceed.

STATEMENT OF HON. DANIEL PARKER, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. PARKER. Thank you, Mr. Chairman.

I come to your committee today to ask for your assistance. We are urgently proposing and seeking your approval for a humanitarian undertaking—an undertaking which I believe does credit to the spirit of charity and sympathy—especially for those with whom we as a people have long been associated—that has in the past been a well-spring of our national character.

In the past 3 weeks, the people of South Vietnam, a generation of whom have never known lasting tranquility, have again been faced with a disruptive cataclysm of enormous human proportions.

These events are familiar to us all. Millions motivated by a mixture of conviction, allegiance and fear, fled the northern and central portions of South Vietnam. In this exodus, many died and not all—even most—escaped.

NUMBER OF REFUGEES

Events moved too rapidly, and we were only partially successful, but through these efforts about 150,000 people were brought to safety. Others, roughly estimated at 850,000, moved and are still moving by their own efforts on rivers and by land to the refugee sites that are under RVN control.

To date, nearly 500,000 refugees have been officially registered by the Government. This process of counting by registration invariably lags behind the reality of displaced human beings.

Our best estimate today—and I need not tell you that today's numbers may well be wrong tomorrow—is that the Government of South Vietnam will shortly face the responsibility of caring for approximately 1 million new refugees.

To assist in that effort we have allotted almost all of the limited Foreign Assistance Act resources remaining available to us; and we have made 100,000 tons of rice and an additional 13,500 tons of high protein food supplements available on a grant basis.

This enormous problem of refugee relief is in addition to the weight of an already severe condition of unemployment and recession in the urban areas that will worsen drastically as the disruption of war takes its toll on the productive economy. Many will be without work. Any humanitarian effort must be no less concerned for those who suffer deprivation in the cities than for those displaced by the war.

We are confident that the Government of South Vietnam possesses the human resources to undertake an orderly and reliable relief effort assisted by the voluntary agencies, the international organizations and AID personnel.

Without new financial resources from outside donors, however, starvation and sickness, will inevitably ensue.

I am here today to ask you to approve the commitment by the United States of \$250 million to lighten the burden and ease the suffering of the refugees, the war victims and the unemployed of South Vietnam.

I am asking you to authorize an additional \$73 million for that purpose, in addition to the \$177 million previously authorized but not yet appropriated for assistance to Indochina.

At the same time, I am asking you to waive previous allocations of Indochina funds which could impede the humanitarian effort.

The program we sketch here is illustrative. Our objective is to assist the Government of South Vietnam to heal the human wounds of war by reuniting families, assisting them during a difficult transition period, resettling them in new homes, and bringing them back into the productive economy.

We will be attempting to fashion programs that adequately care for relief needs and also focus on the increasing jobs, reducing inflation, and creating an economic climate which permits the South Vietnamese people to move into productive, self-sufficient and peaceful lives.

As we see the situation now, the funds we seek are not going to be expended on long-term projects. Our request is our best estimate on the initial relief costs for the refugees and of the ongoing requirements for a period of 6 months, of the refugees, the war victims, the urban unemployed.

AID'S PROJECTION OF REFUGEE NEEDS

Let me describe briefly for you our projections of aggregate needs:

First, we have an estimated requirement of about \$10 million for the emergency transportation of refugees to the temporary sites within South Vietnam.

Second, there are four broad categories of expenditures on the care of refugees.

The first of these four is refugee relief allowances and camp operations costs of roughly \$10 per person per month which must be provided.

Temporary refugee sites must be developed and constructed.

Work programs to employ the refugees must also be developed.

Integrated relief and resettlement support teams must be established with the voluntary agencies who are ready to assist in the refugee relief and resettlement program when the security situation stabilizes sufficiently to allow staff to operate with some degree of safety.

Third, we would begin developing together with the GVN, programs to provide assistance to the urban destitute and to provide work for the unemployed and underemployed.

Fourth, we believe that circumstances permit the immediate initiation of resettlement efforts for the refugees located on the island of Phu Quoc.

It is clear that the funds we seek are but a fraction of the total costs which will be incurred in South Vietnam. Our best present estimate is that approximately \$750 million to \$1 billion will be needed to carry a relief and resettlement program for refugees through to its conclusion. We are requesting \$250 million now to begin the job as quickly as possible. We hope and expect that others will contribute to the effort.

American voluntary agencies with which AID has been working in both Cambodia and South Vietnam have assured us that they stand ready to respond to human need in any area where they are at liberty to operate. They are prepared to undertake relief and rehabilitation as well as their ongoing programs. Although their U.S. personnel have been reduced, those remaining along with local staffs are assisting with the refugee problem.

The foreign assistance dollars we provide will perform double duty. We estimate that 80 percent of our funds will be used to finance local piastre costs of the relief effort. The dollars will be available to the Government of Vietnam to finance imports of essential commodities needed to keep the economy of Vietnam in balance.

We will require that the dollars be spent in the United States under the commodity import program to the extent consistent with our primary objective of providing prompt financing for relief efforts.

THE FUTURE OF VIETNAM

Let me conclude, Mr. Chairman, by frankly admitting that I cannot tell you what will happen to South Vietnam in the coming weeks and months. We think it has a chance. But I can tell you what will happen to the people of South Vietnam, if we and others do not provide the needed humanitarian resources.

Hundreds of thousands will starve; they will have no shelter, no schools, no medical facilities. They will live—some of them will live, for a while anyway—in unmitigated human misery.

We must act urgently for the rains come in less than 2 months; as much of the infrastructure for refugee life as possible must be in place by then.

We believe that AID through its long experience and working relationships with the vast machinery of the South Vietnamese Government and with the voluntary agencies and organizations—which have performed a truly priceless service to the people of that embattled land—is up to the task.

I hope that we will have your support as quickly as possible.

Thank you, Mr. Chairman.

May I submit a complete statement for the record?

Chairman MORGAN. Thank you, Mr. Parker.

Your full statement will be made part of the permanent record with the charts without objection.

[The prepared statement and charts follow:]

PREPARED STATEMENT OF HON. DANIEL PARKER, ADMINISTRATOR, AGENCY FOR
INTERNATIONAL DEVELOPMENT

Mr. Chairman, I come to your committee today to ask for your assistance. We are urgently proposing and seeking your approval for a humanitarian undertaking—an undertaking which I believe does credit to the spirit of charity and sympathy—especially for those with whom we as a people have long been associated—that has in the past been a wellspring of our national character.

In the past three weeks, the people of South Vietnam, a generation of whom have never known lasting tranquillity, have again been faced with a disruptive cataclysm of enormous human proportions. These events are familiar to us all. In the face of an assault by North Vietnamese divisions in direct violation of the Paris Peace accords, millions, motivated by a mixture of conviction, allegiance and fear, fled the northern and central portions of South Vietnam. They left their villages and towns; they left their friends and sometimes their families; they left their belongings; and they left the soil from which they earned a living or the work in which they were otherwise employed. In this exodus, many died and not all—or even most—escaped.

The armies of the North rolled southward faster than those who sought to flee.

Our first thoughts and our first actions were to assist those who sought refuge in the territory still controlled by the GVN. We dispatched ships to augment the 40-odd craft made available for this purpose by the Government of South Vietnam and the several mercy vessels furnished by other nations. Events moved too rapidly, and we were only partially successful, but through these efforts about 150,000 people were brought to safety. Others, roughly estimated at 850,000, moved and are still moving by their own efforts on rivers and by land to the refugee sites that are under RVN control. To date nearly 500,000 refugees have been officially registered by the government.

This process of counting by registration invariably lags behind the reality of displaced human beings, both because of the time involved in assembling data and because the movement of persons still continues. Our best estimate today—and I need not tell you that today's numbers may well be wrong tomorrow—is that the Government of South Vietnam will shortly face the responsibility of caring for approximately 1,000,000 new refugees.

To assist in that effort we have allotted almost all of the limited Foreign Assistance Act resources remaining available to us; in addition, we have made 100,000 tons of rice and an additional 13,500 tons of high protein food supplements available on a grant basis under Public Law 480 to be distributed by both voluntary agencies and the South Vietnamese Government to those most desperately in need.

Let me note at this point that to the enormous problem of refugee relief must be added the weight of an already severe condition of unemployment and recession in the urban areas—a condition created in large measure by the withdrawal of American forces and funds—that with certainty must worsen drastically as the disruption of war takes its toll on the productive economy. Many will be without work. Any humanitarian effort must be no less concerned for those who suffer deprivation in the cities than for those displaced by the war. Suffering is made no less bearable for being once removed from its cause.

We are confident that the Government of South Vietnam possesses the all-too-experienced human resources to undertake an orderly and reliable relief effort given some measure of assistance from the voluntary agencies, the international organizations and A.I.D. personnel. (To the subject of those agencies and organizations I would like to return shortly.)

We are equally certain, however, that without new financial resources from outside donors, misery and starvation and sickness, unacceptable on any human basis, will inevitably ensue.

I am here today to ask you approve the commitment by the United States of a large but by no means all inclusive portion of those resources. Specifically, I

am asking you to authorize an additional \$73,000,000 for that purpose, which taken together with the \$177,000,000 previously authorized but not yet appropriated for assistance to Indochina, will make available \$250,000,000 to lighten the burden and ease the suffering of the refugees, the war victims and the unemployed of South Vietnam. At the same time I am asking you to waive previous allocations of Indochina funds which could impede the humanitarian effort.

Let me emphasize at the outset that the program we sketch here is illustrative. Planning here and in Saigon is actively underway. Our objective is to assist the Government of South Vietnam to heal the human wounds of war by reuniting families, assisting them during a difficult transition period, resettling them in new homes and bringing them back into the productive economy. The funds we seek will be contributed to meet these objectives. We will be attempting, as best we can to fashion programs that adequately care for relief needs and also focus on the inextricably related objective of increasing jobs, reducing inflation and in other ways creating an economic climate which permits the South Vietnamese people to move away from this hour of trouble toward productive, self-sufficient and peaceful lives.

As we see the situation now, the funds we seek are not going to be expended on long-term projects. Rather, our request reflects our best estimate of the initial relief costs for the refugees and of the ongoing and elemental requirements for a period of six months, of the people whom I have mentioned—the refugees, the war victims, the urban unemployed.

Let me describe briefly for you our projections of aggregate needs:

First, with respect to the emergency transportation of refugees to the temporary sites within South Vietnam, we have an estimated requirement of about \$10 million.

Second, with respect to the care of refugees, there are four broad categories of expenditures.

Temporary Refugee Sites must be developed and constructed. At present, we foresee the need for nine sites on the mainland to accommodate about 100,000 people each, and one on the island of Phu Quoc. The locations of the nine other sites have not been determined as yet, but we would expect them to be sited on good agricultural land in the Delta. A site must be cleared, roads and shelters constructed, drainage ditches dug, water supplies and sanitary facilities formed, medical, educational and administrative facilities provided. These items, and many other related to providing essential goods and services, are expected to cost roughly \$10 million per site or \$100 million in total.

Refugee Relief Allowances and Camp Operations Costs of roughly \$10 per person per month must be provided. This will enable the refugees to buy food with which to supplement their rice ration of 500 grams per day, charcoal with which to cook, and cloth with which to clothe themselves. Additionally, these funds would pay for food handling and storage, transport and related costs. The total cost for this for six months will be \$60 million.

Work Programs to employ the refugees must also be developed, in order to permit at least one family member to supplement the family's meager income. We expect most of the laborers would be women. Our past experience tells us that we can expect that some 200,000 people would be so employed if given the opportunity at \$1 per day. For six months this would require \$30 million. These refugees will provide the bulk of non-skilled labor needed in the construction of refugee camp facilities. They will also provide the non-skilled labor required to maintain minimal standards for sanitary facilities in the camps and maintain in good repair drainage ditches, roads, fencing, water facilities and other camp infrastructure.

Integrated Relief and Resettlement Support Teams.—The Voluntary Agencies are ready to assist in the refugee relief and resettlement program when the security situation stabilizes sufficiently to allow staff to operate with some degree of safety. Their contribution will be the provision of support and advisory teams that would include physicians, nurses, medical assistants and others. Their major responsibility will be to provide advisory and other support needed in the relief effort. A total of \$12 million is planned for these teams.

Third, with respect to the rapidly growing needs of the urban unemployed, we would begin developing together with the GVN, programs to provide assistance to the urban destitute and to provide work for the unemployed and underemployed, wherever feasible. We propose a program costing \$10 million.

Fourth, with respect to the refugees located on the island of Phu Quoc, we believe that circumstances permit the immediate initiation of resettlement efforts. We should keep in mind that temporary camps give only some relief to human misery. Resettlement permits people to move into tolerable and productive lives.

The Phu Quoc resettlement program should move rapidly. The refugees have been given access to 18,000 hectares of land on the island. Clearing the land for agriculture use, grading for roadways and drainage ditches and providing water wells and other structures await the necessary funding. The onset of the rainy season in June and July of 1976 is the critical target period for gaining access to the land if a December 1976 harvest is to be realized. The Norwegian Government has recently grant-financed a fishing project on Phu Quoc which will provide boats and fishing gear for 4,000 families (some 20,000 persons). Experts estimate this is the maximum size fishing enterprise that should be undertaken at this time. We have not yet received estimated GVN cost data. However, we anticipate that as a minimum, the GVN will provide teachers for the 250 classrooms we envisage for the Phu Quoc resettlement program as well as administrative and technical personnel for the refugee and resettlement site. We propose \$28 million for the resettlement program.

It is clear that the funds we seek are but a fraction of the total costs which will be incurred in South Vietnam. Our best present estimate is that approximately \$750 million to \$1 billion will be needed to carry a relief and resettlement program for refugees through to its conclusion. We are requesting \$250 million now to begin the job as quickly as possible. We hope and expect that others will contribute to the effort.

American Voluntary Agencies with which AID has been working in both Cambodia and South Vietnam have assured us that they stand ready to respond to human need in any area where they are at liberty to operate. They are prepared to undertake relief and rehabilitation as well as their on-going programs. Although their U.S. personnel have been reduced, those remaining along with local staffs are assisting with the refugee problem. And they have highly experienced staff standing on call in nearby countries awaiting the opportunity to assist once the situation stabilizes.

The foreign assistance dollars we provide will perform double duty. We estimate that 80% of our funds will be used to finance local piastre costs of the relief effort. The dollars will be available to the Government of Vietnam to finance imports of essential commodities needed to keep the economy of Vietnam in balance, by matching the increased money supply generated by the relief program with imported goods. Our objective is to require that the dollars be spent in the United States under the Commodity Import Program to the extent consistent with our primary objective of providing prompt financing for relief efforts and avoiding the general human suffering which can be caused by hyperinflation.

Let me conclude, Mr. Chairman, by frankly admitting that I cannot tell you what will happen to South Vietnam in the coming weeks and months. We think it has a chance. But I can tell you what will happen to the people of South Vietnam, if we and others do not provide the needed humanitarian resources.

Hundreds of thousands will starve: they will have no shelter, no schools, no medical facilities. They will live—some of them will live, for a while anyway—in unmitigated human misery. We must act urgently, the rains come in less than two months; as much of the infrastructure for refugee life as possible must be in place by then. We believe that A.I.D.—through its long experience and working relationships with the vast machinery of the South Vietnamese government and with the voluntary agencies and organizations (which have performed a truly priceless service to the people of that embattled land)—is up to the task. I hope that we will have your quick support.

Attachment A.—Summary estimates for refugee relief and resettlement and urban relief programs

	<i>Millions</i>
April 1975—Oct. 15, 1975:	
1. Emergency transport.....	\$10
2. Temporary emergency relief.....	202
3. Phu Quoc Resettlement.....	28
4. Emergency urban relief.....	10
Subtotal	250
Oct. 15, 1975—Dec. 31, 1976:	
Remaining requirements for resettlement and urban relief:	
Construction and domiciling nine resettlement sites; rice and food allowances and household commodities; other camp cost for operations and overhead; resettlement village infrastructure, roads, classrooms; integrated relief and resettlement voluntary agency teams; urban relief.	
Subtotal	500
Grand total.....	750

Attachment B.—Summary of emergency refugee requirements (April 1975–October 1975)

	<i>Millions</i>
1. <i>Emergency transport</i> : Emergency transport and evacuation costs.....	\$10
2. <i>Temporary emergency relief</i> :	
A. Temporary relief allowances (computed at \$10/each per month less rice).....	60
B. Temporary refugee site development and camp construction (including Phu Quoc).....	100
C. Integrated relief and resettlement by voluntary agencies (est. ten teams, one for each 100,000 refugees at \$1.2 million/team).....	12
D. Refugee labor (nonskilled) for camp construction and maintenance (est. 200,000 workers for 150 days at \$1/day).....	30
3. <i>Phu Quoc resettlement</i> :	
A. Phu Quoc resettlement (est. 110,000 refugees at \$200/each to cover housing, land development, road allowance, tools, etc., thru resettlement).....	22
B. Phu Quoc resettlement village infrastructure (including classroom and education materials, markets, roads, water wells and other interhamlet infrastructure).....	8
4. <i>Emergency urban relief</i> : Emergency urban relief program.....	10
Total	250

Attachment C.—*Illustrative breakdown of summary table for period covering April 1975–October 1975*

<i>Action</i>	<i>Emergency relief requirements for 6 months</i>	<i>Millions</i>
1. <i>Emergency transport</i>		\$10
Emergency transport and evacuation costs:		
Baby lift.....		2
Refugee.....		8
2. <i>Temporary emergency relief</i>		202
A. Temporary Relief Allowances and Operating cost.....		60
Assumes a family of five including one infant under 2 years old primarily in-kind.		
B. Temporary refugee site development and camp construction for ten camps, (including Phu Quoc). Skilled labor and heavy equipment contracts for clearing site, grading for housing, drainage and access roads.....		100
C. Integrated Relief and Resettlement Voluntary Agency teams for each refugee camp.....		12
Team Composition (Illustrative):		
4 physicians, 6 agriculturists, 6 nurses, 6 community dev. exp., 3 medical assistants.		
D. Refugee labor (unskilled) 200,000 workers (1 per family) for 150 work days at \$1 per day per worker.....		30
3. <i>Phu Quoc Resettlement:</i>		
A. Phu Quoc resettlement. Est. Cost of \$200/refugee for.....		22
Land Development 18,000 hectares; Housing 22,000 houses of 10 square meters each; Food allowance; Tools and cooking utensils for household use; and Blankets and mosquito netting.		
B. Village Infrastructure.....		6
Classrooms, markets, roads, public service buildings and water wells.		
4. <i>Emergency Urban Relief</i>		10
Emergency urban relief program. Unemployed and underemployed urban dwellers will be given employment in those cases where need is evident, and food and shelter as may be needed.		
Total.....		250

Attachment D.—*Total cost estimate, care and resettlement of 1,000,000 refugees plus urban relief support*

Assumptions

- a. Refugees will require temporary relief in refugee camps constructed to meet UN and AID standards for an average of 1 year.
- b. Work on resettlement will begin in July 1975, with initiation of land clearing on Phu Quoc Island.
- c. Actual relocation of families from camp to resettlement site will begin about Sept.–Oct. 1975, following initial land clearance/house construction activities.

d. Resettlement requirements will include further 12 mos. rice allowance beyond average 1 year in camp allowance. This allows for work case timing of refugees moving onto resettlement land just too late to plant a full crop in the year of resettlement, thus necessitating an entire year of food support. In actuality, rice allowance can be shifted either way between temporary in-camp requirements and resettlement requirement.

e. Rice allowance will, in general, be distributed in kind to refugees in camps and in cash to refugees upon resettlement.

f. Refugee camps and resettlement areas will be sufficiently secure from overt hostile action to permit employment of Voluntary Personnel on location, in direct support of GVN MSW and civil authorities responsible for relief and resettlement.

	<i>Millions</i>
A. Emergency transportation and evacuation costs.....	\$20
B. Temporary refugee site development and construction of ten camps (average capacity 100,000) at an average cost of \$100/refugee (assumes UN/AID minimum standards). Excludes refugee labor costs.....	100
C. Temporary relief requirements (est. \$10/month/refugee) other than rice allowance.....	120
D. Temporary relief (in-camp) rice allowances at 500g/refugee/day.....	90
E. Resettlement costs and allowances less village/hamlet infrastructure at average cost of \$200/refugee.....	200
F. Resettlement Village/hamlet infrastructure based on an average of \$1.5 million per 25,000 refugees resettled.....	60
G. Refugee labor daily hire costs based on one worker per family of 5 working 300 days at \$1 per day.....	60
H. Urban relief.....	60
I. Voluntary agency relief and resettlement support teams (urban and refugee).....	40
Total	750

USES OF HUMANITARIAN AID FUND

Chairman MORGAN. Mr. Parker, I have some questions.

My first question has three parts. What will the \$250 million in humanitarian aid requested by the President be used for? How much aid is still in the pipeline with existing 1975 funds? And when do you expect all the fiscal year 1975 funds to be exhausted?

Mr. PARKER. Mr. Chairman, let me respond briefly on the new obligational authority and if you are talking about cash pipeline then I would ask Mr. Zimmerman to do so.

At the present time if we are in a position to, in a sense, renege on an agreement to reimburse the Government of Vietnam for some petroleum imports, we have about \$5 million left in new obligational authority.

If we have to pay that bill now, it appears to me that we are approximately \$53 million short of our needs at the present time. Technically I think we have the authority to defer that payment until fiscal 1976.

Chairman MORGAN. Mr. Parker, why do you need an additional authorization of \$73 million? Have all the funds already appropriated for Indochina Reconstruction been allocated? If so, how would the additional \$73 million be used?

Mr. PARKER. In my opinion, Mr. Chairman, when you begin some of these things you have got to have the assurance that you can carry them on for at least a brief period of time to get them rolling.

It is for this reason that we ask for the increase in new authority of \$73 million because we have projected the first 6-month costs, as I indicated, at approximately \$250 million which does exceed the amount previously authorized but not appropriated.

CHANNELING AID THROUGH INTERNATIONAL ORGANIZATIONS

Chairman MORGAN. Mr. Parker, it has been suggested, and I have heard some members say that all humanitarian aid to Vietnam should be channeled through the international organizations rather than through bilateral channels.

What is your view on this matter?

Mr. PARKER. My view, Mr. Chairman, is that I think everyone that can help should help, and as far as I am concerned, I would welcome seeing any additional support come into South Vietnam.

Chairman MORGAN. What organizations other than the United Nations would have the capability to carry out such a task should the Congress adopt such a course.

Mr. PARKER. Well, being very candid about it, Mr. Chairman, the existing mechanisms are basically those that know how to work, those already in place.

For the most part, these are American private and voluntary agencies, the U.S. AID mission and country team people, the contractors that we have out there working. The others, which I in no way intend to belittle, are simply just beginning to set up operations. We believe immediate needs must be met.

VIEW OF COMMUNISTS ON REFUGEE AID

Chairman MORGAN. Mr. Parker, do you have any indication, or does anybody in the executive know what position the Communists or the North Vietnamese would take toward humanitarian aid in those areas that have been recently captured. Have they shown any indication that they might allow us to put aid in areas which they now control such as Danang?

Mr. PARKER. Mr. Chairman, they have made contradictory statements. They have said in almost the same sentence, certainly in the same paragraph, that they can handle it and then they pause and say: "But we would like to have some aid from outside."

Their past performance has been that they will accept assistance but they will accept it only into their own hands and not let the agencies or organizations involved participate in its application.

Chairman MORGAN. I have one further question, Mr. Parker.

TOTAL COST OF AID: \$1 BILLION

In your statement I note that you say: "The total cost of the refugee and economic aid program in Vietnam may be as high as \$1 billion."

The bill before the committee contains an authorization for \$73 million. It also removes the ceiling on assistance for South Vietnam which will free an additional \$177 million. Therefore, passage of this bill will permit an appropriation of \$250 million. This is only about one-fourth

of the amount that you say is necessary. When would you be requesting the rest? Would it be when the regular aid bill is up or would it be sooner than that?

Mr. PARKER. If I understand your question, Mr. Chairman, we would seek the full amount authorized, including this new authorization that we are asking for at the present time.

Chairman MORGAN. I am talking about the \$750 million difference between the total cost of assistance to South Vietnam and the \$250 million that the President is now asking for.

Mr. PARKER. First of all, Mr. Chairman, I would have to say that I would look to other countries and organizations to come into this and then I would reassess what our requirements are and then come back to you with those figures. This would probably be in fiscal 1976.

Chairman MORGAN. Thank you, Mr. Parker.
Mr. Buchanan.

NEED FOR BILATERAL REFUGEE AID

Mr. BUCHANAN. Thank you, Mr. Chairman.

Mr. Parker, do I understand from your answer to the chairman's question that whatever role international organizations may be playing or may yet play in the area of humanitarian assistance and refugee relief you feel that given our presence there, our experience, the fact that we have an ongoing team there, that is it essential if these people are to receive the things they so critically need that you have this money in AID to proceed with it?

Mr. PARKER. That is right, Mr. Buchanan, and also through the voluntary agencies with whom we have worked. They demonstrated the capability to do the job in 1972.

For example, there were one-and-a-quarter million refugees as a result of the North Vietnamese offensive in 1972.

These teams worked together. The Government of Vietnam, the voluntary agencies and AID were largely responsible for getting all but some 13-or-so-thousand of those people resettled by the beginning of this calendar year.

POLITICS IN U.N. ASSISTANCE

Mr. BUCHANAN. Having served at the United Nations, I am a little aware of the politics there and of the importance of politics in all kinds of decisions and I have some concerns about it.

You mentioned a few moments ago that where the Communists are in charge they insist on administering themselves whatever may come into their hands.

I have some concern if we put all our eggs in the basket of international agencies it might just be a funnel through which that aid would ultimately go into the Communist forces and whatever Communist government is there, to be administered as they see fit according to their ideas rather than by any outsider.

I don't know whether you want to comment but I do have that concern.

Mr. PARKER. Mr. Buchanan, that is why our policy is to work with agencies that actually apply the funds so that we know that it goes to the people who need it. Otherwise, there is the point that you make.

Mr. BUCHANAN. Now, I don't know what may happen to the President's military request, Mr. Parker, but I will be very much surprised if either this committee or the Congress should turn away from this rather modest request for an increase for such an urgent need and involving so much human suffering. It is my hope that you will succeed in this venture.

Mr. PARKER. Thank you, Mr. Buchanan.

Chairman MORGAN. Mr. Zablocki.

Mr. ZABLOCKI. Thank you, Mr. Chairman.

I want to join my colleague in urging that we give serious consideration to the President's request. I would certainly hope that in this humanitarian relief effort we turn a favorable ear to the request.

AMOUNTS NEEDED FOR REFUGEE AID

But in the long range through 1976, in addition to the present need of \$250 million as outlined by our witnesses there may be a grand total of \$750 million. Subtracting the \$73 million you are now requesting, there will be a balance of \$677 million. You will have to come before Congress soon to obtain authorization for that additional amount, will you not?

Mr. PARKER. Now, may I clarify, Mr. Zablocki?

Mr. ZABLOCKI. Yes.

Mr. PARKER. The \$73 million that we refer to is the new authorization which together with the existing authorized but unappropriated \$177 million comes to \$250 million. This figure is our estimate of the next 6 months' needs. The total cost could be something between \$750 million and \$1 billion to care for and resettle these refugees.

Mr. ZABLOCKI. Then it will be necessary for you to come before the Congress again this year for authorization of either \$500 million or \$750 million should the amount ultimately needed be a billion.

RESPONSE FROM THIRD COUNTRIES

Mr. PARKER. Mr. Zablocki, the needs will be in this order of magnitude. Now, frankly, I have been very impressed and very favorably so, by the response of other countries to this emergency situation.

Quite possibly there has been in the past a sort of "Let the United States do it" attitude about economic and humanitarian assistance to South Vietnam. I think that there is a very good chance that other countries might well increase their levels of support.

Indications are that somewhere in the neighborhood of \$100 million a year or more could be proffered by other countries—Japan and France for example; Australia, I believe, has had a modest program, they have shown very strong responsiveness to this emergency need.

So, I am hopeful that the total external requirement which we have just given a rough estimate to be \$750 million to a billion dollars, will not have to all be met by the United States.

I can assure you that we will make every effort in discussing this whole situation with our colleagues in other countries to urge them to participate and share in this.

Mr. ZABLOCKI. Well, if the other countries will assist to the tune of \$100 million, the Vietnamese will still require approximately \$750 to \$800. In order to meet that need the Congress of the United States will be required to authorize and appropriate additional amounts.

Mr. PARKER. There is that possibility. I can only give you my assurance of our best effort to work with other countries, other organizations.

Mr. ZABLOCKI. Thank you, Mr. Chairman.

Chairman MORGAN. Mr. du Pont.

THE WAR POWERS RESOLUTION

Mr. DU PONT. Thank you, Mr. Chairman.

Mr. Parker, I would like to go back over some ground that I went over yesterday in the Investigation Subcommittee when Secretary Habib was here talking about much the same things that you have been talking about.

One question that came up that I think is most important is the applicability of the War Powers Resolution to this situation. I had a colloquy with Secretary Habib to make sure that he understood and make sure we were communicating on the question of the War Powers Resolution and its effect.

There is no limitation as I read the War Powers Resolution upon any action that you would want to take in regard to use of these funds provided that two things happen: Provided, first, that the President consults with the Congress, which he clearly is doing and has been doing for the last week or so, and, second, that if there are military personnel sent in that he report that to the Congress within the 48 hours as required by the resolution.

Now, is that your understanding of the situation?

Mr. PARKER. Well, frankly, Congressman du Pont, the subject on which I am dealing envisions no utilization of any U.S. Armed Forces in any case.

I must say that I have not dealt with the war powers question. The closest that I have come to it are the cases that have been reported, in which Marines have been put aboard the cargo vessels that were used in the evacuation process simply to maintain order.

Those vessels did come within territorial waters, I believe, and this was reported. That is my only involvement.

I can envision no need for U.S. Armed Forces in the conditions that I am discussing about refugees.

Mr. DU PONT. Let me come to that in a moment.

You are not under any apprehension that somehow the War Powers Resolution is restricting your freedom to do what you think needs to be done in this case?

Mr. PARKER. Certainly not in this case, but I must disqualify myself as being competent to discuss that point.

POSSIBLE MILITARY INVOLVEMENT IN VIETNAM

Mr. DU PONT. Let's come back to the questions of whether there is military involvement.

When we were talking about the program yesterday it was our understanding that some of these funds were going to be used for the refugee camps, for the setting up of these camps. I raised the question of security.

First, I don't understand how you can set up a camp in South Vietnam today when the whole place is in chaos and you don't know where the enemy is going to attack next.

Second, if you do set them up, aren't you going to have to have some military security for them? You obviously can't leave them unguarded or there will be real problems.

Mr. PARKER. Well, that is correct. The premise of this is that there will be a viable Republic of Vietnam.

Now, the selection of the nine refugee camp sites plus the tenth on the island of Phu Quoc is being determined on the basis of a number of criteria, including that of probable security.

There are other criteria as well, but, of course, security is paramount. Other criteria include being close as possible to an ultimate resettlement location, adequacy of basic infrastructure and supplies, this sort of thing.

But the security matter is clearly paramount. There has to be a reasonably safe and secure area in which we and the American voluntary agencies can operate.

Mr. DU PONT. Could you give us an estimate of what it costs to establish one of these camps?

Mr. PARKER. Yes. In rough terms it is about \$10 million per camp, Mr. du Pont. Now Phu Quoc is a different situation.

SECURITY ASSISTANCE TO PROTECT REFUGEE CAMPS

Mr. DU PONT. All right.

Now, in addition to that \$10 million which is in this bill that we are considering, there is security assistance of some kind to protect those camps.

How many million dollars in a camp is involved and what kind of security do you envisage?

Mr. PARKER. Well, there are two kinds of security. One, of course, is that which is accorded by a stabilization of the overall military situation and that is not dealt with in this bill at all.

Mr. DU PONT. I understand that.

Mr. PARKER. The second is the security within the camp sites and this is mainly a matter of civil security, civil governance and police.

My understanding is that in many cases the need for this is somewhat minimized with regard to external assistance because these refugees do reassemble, sort of, in their traditional village pattern so the village leadership is present.

Mr. DU PONT. I understand the problem of security within the camps, and that is a basic police force, functions like security in any

village, but there has to be some plan for military security for the potential defense of these camps.

Surely you are not leaving that question just to the South Vietnamese Army at this point.

Mr. PARKER. No. We are attempting to design the placement of these camps within what we assume will be a safe perimeter.

Mr. DU PONT. Is there a specific figure in your request to the Armed Services Committee for security for the camps and can you tell us how much that is?

Mr. PARKER. No, sir, I don't know if there is. I doubt that there is but I can check on it and let you know.

Mr. DU PONT. All right. Thank you.

Thank you, Mr. Chairman.

[The information requested follows:]

FUNDS FOR REFUGEE CAMP SECURITY

No funds for refugee camp security are contained in the request for \$722 million for military assistance to South Vietnam.

Chairman MORGAN. Mr. Hamilton.

Mr. HAMILTON. The bill which the administration has sent to this committee in addition to authorizing the \$73 million for Vietnam would make all economic and humanitarian funds exempt from the restrictions of section 36 and section 38 of the Foreign Assistance Act.

Now, those sections contain many other restrictions. For example, 36(c) prohibits the transfer of developmental assistance funds in South Vietnam and 38(g) states that the section should not be construed as a commitment by the United States to South Vietnam for its defense.

The question is why should this committee provide a waiver for the two entire sections when only perhaps two subsections of those sections really appear to be at issue?

Mr. PARKER. Well, Mr. Hamilton, I am sorry that we didn't clarify this earlier. I am in full agreement with you and we will certainly be willing to agree to an amendment that would limit the waiver to sections 36(a) and 38 (a) and (b), if that would be satisfactory to you, sir.

Mr. HAMILTON. All right.

I think that would make the bill much more acceptable because there are provisions there that I think are important and should remain law.

REDUCING AMERICAN PERSONNEL IN VIETNAM

Second, yesterday Mr. Habib testified that we are in the process of, to use his words, thinning out the American presence and the American personnel in South Vietnam.

Today you are coming in and asking for a very large increase in the amount of assistance to that country. What kind of assurance can you give us that with a thinning out of American personnel in South Vietnam we are going to be able to administer effectively the substantial new humanitarian program that you are requesting?

Mr. PARKER. Well, I think I must answer in a couple of stages, Mr. Hamilton.

No. 1, the thinning is a relative matter. At the present time we have about 270 U.S. AID people; so we are maintaining a viable mission. This has been reduced from a higher number.

The real thrust of your question, though, depends upon the ability to attain a military stability which can provide reasonable security to introduce the additional people. Both U.S. AID and voluntary agency personnel are standing by ready to go in to help the Government of Vietnam, as well as in direct utilization of refugee assistance funds.

Mr. HAMILTON. Is it my understanding then that if the military situation stabilizes and if this amount is approved that you intend to introduce more AID personnel in order to administer?

Mr. PARKER. Only to the extent necessary to get the job done, Mr. Hamilton.

Mr. HAMILTON. What will that be? If you have 270 there now, how many more people would you need?

Mr. PARKER. I ask Mr. Zimmerly to comment on this.

STATEMENT OF GARNETT ZIMMERLY, DEPUTY ASSISTANT ADMINISTRATOR FOR THE BUREAU OF EAST ASIA, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. ZIMMERLY. The 270 that we currently have in the country include those who were involved in activities in military regions 1 and 2. Those personnel basically are available for relocation in military regions 3 and 4 for use in these programs, so I would project that we would not have to add additional U.S. AID personnel.

In fact, we will be able to reduce these figures a bit and still accomplish our objectives.

Mr. HAMILTON. Do you have any plan now to reduce the number of AID personnel in Saigon and in South Vietnam?

Mr. ZIMMERLY. Yes, we do have.

Mr. HAMILTON. Below the 270?

Mr. ZIMMERLY. Yes, sir.

Mr. HAMILTON. How far down?

Mr. ZIMMERLY. We estimate that we will be down to around 200, by the first of May, having moved out a number of those people that were up in military regions 1 and 2 and are no longer required.

AID PROGRAMS AND U.S. ADMINISTRATION

Mr. HAMILTON. And it is your judgment that the 200 people that would remain there would be able to administer effectively the \$250 million program?

Mr. ZIMMERLY. Yes, numbers in that approximate range, along with the people from the voluntary agencies and also those that might be available from the multilateral and specialized agencies, plus, of course, the Government of Vietnam personnel.

Mr. HAMILTON. You have the same number of people administering a much smaller program.

Mr. ZIMMERLY. The program was much more spread out at that time and, of course, then travel was more difficult and the kinds of activities that we were involved in were in a much broader range than what we are talking about here.

Mr. HAMILTON. Do you have any plans to reduce the number below the 200 figure after May 1?

Mr. ZIMMERLY. I am not in a position at this moment to comment on that, because I don't have the details from Saigon.

There may very well be a possibility of reducing below that level but, as Mr. Parker stated earlier, the security problem and the stability of the current military situation are prime factors in how many people we do eventually move out.

HOW MUCH AID IN LOCAL CURRENCY?

Mr. HAMILTON. Mr. Parker, some of the \$250 million will be spent in Vietnam apparently for goods and services rendered there.

How much of that \$250 million would be required in local currencies rather than U.S. dollars?

Mr. PARKER. Again, I would ask Mr. Zimmerly to make an estimate but before he does so, I should qualify that.

Since this emergency began we have attempted to alleviate the burdens on the mission to the extent possible by obviating their having to get into accounting work while they have been dealing with their Herculean load, so some of these figures Mr. Zimmerly gives may not really be up-to-date.

Mr. ZIMMERLY. As I understand your question, you were asking how much of the \$250 million would be required in local currency?

Mr. HAMILTON. Yes.

Mr. ZIMMERLY. Our estimate at the present time is that approximately 80 percent would be required for local currency procurement. I think that our preliminary dollar procurement would be through the services area. Then we would finance certain goods or commodities that are required to be brought into South Vietnam, that are not immediately available in their economy, we would use the commodity import program as a way to generate piasters while bringing in commodities.

As you are aware, the piasters that are generated from those commodities are then available for joint programing.

Chairman MORGAN. The gentleman's time has expired.

Mr. Whalen.

LAND OCCUPIED BY VIETCONG/DRV

Mr. WHALEN. Mr. Parker, can you tell me what percentage, approximately, of South Vietnam's land area is now occupied by Vietcong and North Vietnamese troops?

Mr. PARKER. Well, in terms of land mass, I would say it geographically covers all provinces north from military region 3. About three-quarters of the population remains under the Government of the Republic of Vietnam. Further, I think it is germane that about 85 percent of the land under rice cultivation remains within control of the Government of Vietnam and some 70 percent of all crop lands remain within the government control.

Mr. WHALEN. Let's go back to these figures, Mr. Parker, just a moment.

How many civilians have fled the area which is now occupied by the Vietcong and the North Vietnamese?

Mr. PARKER. Well, those who have fled and made it out we believe to be about 1 million.

Mr. WHALEN. 1 million?

Mr. PARKER. Yes, sir.

Mr. WHALEN. How many are left then in those areas?

Mr. PARKER. Of those who fled their homes?

Mr. WHALEN. No; how many remain in that part of South Vietnam which is now occupied by Vietcong troops or North Vietnamese troops?

Mr. PARKER. It would be about 6½ to 7½ million people, Mr. Whalen. Some of those did in fact flee their homes and are probably being returned to their homes from the coastal areas.

Mr. WHALEN. Still remain in that area, however?

Mr. PARKER. Yes.

CIVILIANS UNDER SAIGON GOVERNMENT CONTROL

Mr. WHALEN. So we are talking, then, in terms of how many civilians are under the control of the South Vietnamese Government, the Thieu government?

Mr. PARKER. We are talking about roughly a resident population in the present area of about 13 million, maybe 13 million and then an additional million refugees.

Mr. WHALEN. So we are talking in terms of about 14 million. The focus of this bill, obviously, is upon those residing in the territory now controlled by the South Vietnamese.

Mr. PARKER. Yes, sir.

Mr. WHALEN. There is probably no way that you know of that these funds could accommodate those who so desperately need assistance who live outside of that area?

Mr. PARKER. No, sir, I don't know of any way that these funds could be channeled to those people.

Mr. WHALEN. Of the 13 million who still remain in the area controlled by the South Vietnamese, how many of those now could be classified as homeless and would go into these refugee or settlement camps?

Mr. PARKER. I doubt that very many of those would go into the refugee camps. We are not providing any estimate of need for them. However, they still have needs. The employment rate has never really been very good since the American forces pulled out, and unemployment has been 20 to 25 percent if you include severe underemployment.

At the present time with the curtailment of industrial production that unemployment rate could skyrocket.

ALLEVIATING UNEMPLOYMENT IN VIETNAM

Mr. WHALEN. This is one area of your comments that concerns me, Mr. Parker. You are talking about trying to reduce the level of unemployment and yet in the first sentence on page 5 you indicate that this is not a long-term proposition. Do you really mean that?

Mr. PARKER. Well, I mean both, Mr. Whalen. I am glad you bring it out.

No. 1, the short-term means of alleviating unemployment that we are addressing in this request is to provide basic day-labor-type work for those who simply can't get jobs.

Mr. WHALEN. What would they be doing, Mr. Parker?

Mr. PARKER. Oh, they would be fixing sewers and just generally doing the sanitation and maintenance work of the cities and the areas which incidentally are put under quite some burden during the monsoon season.

Mr. WHALEN. This is a problem that has been in existence for some time, has it not, Mr. Parker?

Mr. PARKER. Yes.

Mr. WHALEN. Not stemming necessarily from the military conflict?

Mr. PARKER. No; that is correct, but the problem is exacerbated due to the conflict. First, because the Government revenues have to be diverted to other more urgent needs and as a consequence they can't afford to invest as much in these basic social services of the cities. Second, there is the additional pressure of population in these areas, as well as the removal of certain people who have been engaged in these activities.

HOW MUCH AID IN IMPORTED GOODS?

Mr. WHALEN. I am not sure that you specifically answered this question when Mr. Hamilton was querying you, but of the \$250 million, how much of that do you expect will consist of imported goods?

Mr. PARKER. No; I didn't specifically. I would expect in one way or another probably virtually all of it would because as Mr. Zimmerly commented, a large proportion of it would be used to generate piasters by being made available for financing imported goods.

Mr. WHALEN. This would not involve just services then but rather imported goods; is that correct?

Mr. PARKER. Yes, indeed. And these goods I would like to emphasize are not luxury goods. These are basic commodities required for an economy. They include, for example, the basic yarns and fibers to keep the textile mills going and petroleum, more than one-third of which, incidentally, is in the form of kerosene—it is used for lamps and cooking.

CONTROL OF LAND AREAS

Mr. WHALEN. Just one final question, and it goes back to the first one I raised, Mr. Parker.

I am still not sure I received an answer with respect to the percentage of the land area in South Vietnam that is controlled by the Vietcong and the North Vietnamese. You talked about zones and so forth. Could you give us an approximation in area percentages?

Mr. PARKER. Well I can submit that later for you but our calculation presently is in terms of population.

Mr. WHALEN. I realize that people are your specific concern—

Mr. PARKER. Land balance. I don't know the land mass percentage. It is truncated rather severely, Mr. Whalen, but a great deal of it is not heavily productive in economic terms.

[The information requested follows:]

AREA OF SOUTH VIETNAM CONTROLLED BY THE VIETCONG AND NORTH VIETNAMESE

As of 15 April 1975 approximately 60 percent of South Vietnam's land area was controlled by Vietcong and North Vietnamese troops.

MR. WHALEN. Thank you, Mr. Chairman.
 CHAIRMAN MORGAN. Mrs. Collins.

DISTRIBUTION OF AID TO REFUGEES

Mrs. COLLINS. Mr. Parker, I understand that we are talking about aid to approximately a million refugees, that possibly \$71½ million a month will be earmarked for food and \$10 million a month for clothing and sheltering the refugees.

Will all of this aid, or any of it, be distributed at no cost to the refugees?

MR. PARKER. Yes, a great deal of it, Mrs. Collins, will in fact be so distributed. Initially the rice, for example, will be on a grant basis. The high protein that I mentioned will be on a grant basis. The significant portions of our estimate of \$10 per person per month to maintain them will be in the form of services, medical services, hopefully as soon as the camps can be built with school rooms. The funds will provide for some of the teaching costs. It will be virtually all grant, yes.

Mrs. COLLINS. Virtually all grant.

Do you have similar breakdowns for other aid categories?

MR. PARKER. Within this?

Mrs. COLLINS. Yes.

MR. PARKER. Well, almost all of this, Mrs. Collins, will in fact be grant insofar as the refugees themselves are concerned. There may be in some cases a loan to the Government of Vietnam which would have an obligation to repay us but from the standpoint of the refugee, the refugee will not have to pay.

Mrs. COLLINS. You answered this before but I think I might have missed your point.

DISTRIBUTION BY VIETNAM'S MINISTRY OF SOCIAL WELFARE

About how much of the aid will be distributed by the South Vietnamese Government and by the U.S. voluntary relief organizations?

MR. PARKER. May I ask Mr. Zimmerly to respond to that?

MR. ZIMMERLY. At the present time the program that we are operating there calls for all of it to go through the Government of Vietnam, Ministry of Social Welfare. The Government of Vietnam, Ministry of Social Welfare working with the voluntary agencies and with the international organizations will manage and control the program.

We monitor those operations. We have provided grants this year to voluntary agencies and to the international organizations to assist the Ministry of Social Welfare in those distribution programs.

We monitor the interactions between the voluntary agencies and the international agencies and the Government.

Mrs. COLLINS. With all the corruption I hear about, do you think your monitoring will be sufficient to act as a strong safeguard to see that this aid actually reaches the people who need it?

Mr. ZIMMERLY. Our program is constantly being reviewed and audited by the General Accounting Office, by the Auditor General of AID, by the Inspector General Foreign Assistance and we think these mechanisms plus our own people being there and the voluntary agencies being there will give us that degree of control.

Mr. PARKER. Mrs. Collins, in this case we are going to be dealing with approximately 1 million refugees in 10 major places.

The monitoring and thus the assurance of the actual delivery of value to these people, I think, is much greater because of the concentration of our efforts.

Mr. RIEGLE. If the gentlewoman would yield.

Mrs. COLLINS. Yes.

U.S. MONITORING OF REFUGEE AID DISTRIBUTION

Mr. RIEGLE. The people that you cite there that monitor this activity to see that nothing slips away are some of the very people that we are wondering how we are now going to get evacuated from Vietnam.

I don't believe you are prepared to give us a guarantee when this stuff is appropriated and gets there that in fact the investigators and our AID agency are even going to be in South Vietnam anymore. I mean, aren't they part of the evacuation program?

Mr. ZIMMERLY. I certainly could not guarantee that anymore than we could guarantee that any of the people would be there.

Mr. RIEGLE. I thank the gentlewoman.

VACANT LAND FOR REFUGEES?

Mrs. COLLINS. We heard a lot about the resettlement of these refugees. I am wondering if the South Vietnamese Government can hold on to the territory that it now has? Is there enough vacant productive land on which to resettle the refugees so that they can become self-sufficient?

Mr. PARKER. Yes, Mrs. Collins, there is. The projections we have done indicate the potential once stability is achieved of a really quite dynamic and viable economy.

As I mentioned before, they have 85 percent of the rice land now in production. That could be expanded significantly. Projections show that say anything from 2 to 4 years from the time that stability is achieved they could become significant rice exporters by adding new land into production, increasing the productivity of the land of their labor force.

Mrs. COLLINS. I see.

Mr. PARKER. I would be glad to go on to any extent you want.

Mrs. COLLINS. I think that is sufficient for the question.

I have one last question and that is this: If Vietnam were to collapse, would the aid in this bill be immediately cut off or will there be a stipulation that it would be immediately cut off?

Mr. PARKER. Yes. We would protect the taxpayer in this in all ways possible.

Mrs. COLLINS. Thank you.

Chairman MORGAN. Mr. Biester.

MILITARY AID TO SOUTH VIETNAM

Mr. BIESTER. Thank you, Mr. Chairman.

Mr. PARKER. I have been studying this question for the last several days and I find myself in something of a quandary.

Naturally all of us want to do something with respect to the humanitarian side of this question. It is my understanding from the testimony of Mr. Habib and others on the military side of this question that without the \$722 million requested the South Vietnamese have no chance. That is the argument that has been offered to us.

Do you see anything going on around here which indicates that South Vietnam is going to get that \$722 million?

Mr. PARKER. I think since I have not been in attendance at the hearings on the military aid request that I really don't know.

I have a feeling, Mr. Biester, and this is just a personal feeling, that there will be a degree of responsiveness recognizing that there are many interests which can be achieved by attaining a military stabilization.

Mr. BIESTER. You expect to have it?

Mr. PARKER. Yes, sir.

BUILDING REFUGEE CAMPS: TIME FRAME

Mr. BIESTER. Because it seems to me unless you have it an awful lot of what is involved in the humanitarian program you describe becomes quite moot. The idea of building camps during the time frame that may exist if you don't have the military aid seems to me to be almost absurd to think about.

How long does it take to build one of these camps?

Mr. PARKER. I am sorry. I cannot give you a precise answer for each, an inclusive answer, because in some cases we are going to be utilizing sites that were military facilities from the prior hostilities. There is a lesser leadtime in that.

In the case where we have to start from scratch it is going to be considerably longer. We want to have basic shelter and basic infrastructure installed as early as possible into the rainy season, which begins sometime late May or early June.

Mr. BIESTER. How long does it take to quickly build, let's say the most quickly constructed camp?

Mr. PARKER. Well, we have been sending in, I don't know how many loads of rolls of plastic material that they like to use as sheeting. I cannot be any more specific.

Mr. BIESTER. I am terribly sorry, but I really would like to know how long you expect to take to build one of these camps.

Mr. PARKER. Can you answer this?

Mr. ZIMMERLY. Based on experience in 1972, where we had to start from scratch, it takes from 6 to 8 weeks to get a camp like this in functioning order.

Now that we have a number of the U.S. military facilities that were left there, you have concrete slabs, you have some basic roads and other structures, so it would be difficult to guess offhand but perhaps something in the range of 4 to 5 weeks.

Mr. BIESTER. From the time you start?

Mr. ZIMMERLY. Yes, you gain time by capitalizing on these facilities available from the previous construction.

Mr. BIESTER. Can you build during the monsoon?

Mr. ZIMMERLY. You could build during the the monsoon but it is much more difficult because when it rains there it really rains.

NONCONSTRUCTION AID TO REFUGEES

Mr. BIESTER. Now, what is being done at the present time that does not involve construction of camps and so forth? What are you doing now?

Mr. PARKER. I will answer briefly and ask Mr. Zimmerly to expand if you want to use the time.

We are assisting the refugees with food and other care and to register them and move them into certain areas. We are assisting in the registration of the refugees still coming in, and in those places such as Phu Quoc Island we actually are underway in establishing camps.

In all cases we are attempting to assist the Government in providing basic medical service. When the refugees register, Mr. Biester, they get a quick medical check to see if they have any particular needs. They also get a ration card which enables them to obtain food, and medicine and other supplies.

FUNDS FOR EVACUATION?

Mr. BIESTER. Now, will any of these funds that we are talking about authorizing here be used for any evacuation of either American personnel or South Vietnamese personnel?

Mr. PARKER. That is not our intention at all. This is to be used within South Vietnam for the benefit of refugees there, sir.

Mr. BIESTER. Therefore, I take it that none of this money is to be applied to that purpose?

Mr. PARKER. That is correct. I would qualify it only in this sense, Mr. Biester: That if what we do not believe is going to happen, the worst possible contingency I believe that there may be some transfer authority for evacuation purposes but I am not certain of that, so I could not give you an absolutely unequivocal answer.

Mr. BIESTER. But if we were to impose a limitation to that, that would not be inconsistent with your intent with respect to this?

Mr. PARKER. That is correct, sir. My intent is to be able to provide for these refugees but I am not competent in the other aspects of law.

Mr. BIESTER. Thank you very much.

I also appreciate the personal difficulties that you must have at this time.

Chairman MORGAN. Mr. Bingham.

EMERGENCY TRANSPORT OF REFUGEES

Mr. BINGHAM. Thank you, Mr. Chairman.

Just on that last point that Mr. Biester raised, what about item 1 under item C that refers to emergency transfer?

Mr. PARKER. A great deal of this, Mr. Bingham, has already been incurred. Actually now that \$10 million, the emergency transport, is to fund the ships that moved people down from the north as I outlined in earlier testimony.

Mr. BINGHAM. Doesn't the baby lift refer to the transport to this country?

Mr. PARKER. That is correct, but that is under the presently authorized and appropriated funds that we have been using. Section 37, I believe, it is.

REFUGEE AID IN COMMUNIST-HELD AREAS

Mr. BINGHAM. I am perturbed so often these days when human suffering is referred to as if the suffering occurred only on one side of the battlelines. This seems particularly strange since we also regard the people on the other side of the battlelines to a considerable extent as victims.

You have told us that you see no way of extending aid to any suffering people in areas under Communist control and that may be because of legislative limitations, but supposing you got a request, for example, from Caritas Catholica for help. I understand they are still operating in the Hue area north of South Vietnam. Would you feel that there was no way that you could respond to a request for help from an outfit, let's say, that is operating a hospital in Hue?

Mr. PARKER. First of all, Mr. Bingham, we have calculated these figures and these needs to care for the refugees that we believe will come into place in South Vietnam. I have not made provision for any others.

This does not indicate a lack of compassion on our part for human misery anywhere. The people on the other side have indicated rather clearly that these are their people and we certainly know that is a sponsor-client relationship. The other side has had some very strong sponsors.

Mr. BINGHAM. Well, that may be true and the amounts might be small but I wonder if you would have any objection to legislation that might open the way for you to respond to that type of request if you had it?

Mr. PARKER. Well, within the amounts that we are requesting, Mr. Bingham, I would feel that there simply would not be room within that to expand because we do envision these needs very strongly to deal with the problem in the south.

Mr. BINGHAM. Well, you still have not quite answered my question.

Assuming there was no problem of funds, what would be your attitude toward legislation or toward amendments to the existing law that would permit you to respond to humanitarian needs by way of international agencies or private agencies to areas under the Communist control?

Mr. PARKER. You are giving a very enticing premise, Mr. Bingham, one I have never known since being in the position of Administrator of AID—assuming no funding problem.

I think my view would have to be qualified in two ways.

I think it is a tremendously sensitive consideration at the present time when we are dealing with people in a country that is being sub-

jected to immense pressures and people who have undergone great deprivation. For them to see us providing assistance to those who had opposed them would be bad.

Second, in any event, I would have to look at the modality with which the assistance would be provided.

ACTIVITIES OF UNICEF IN VIETNAM

Mr. BINGHAM. What do you know about the activities of UNICEF in the area of Vietnam for both sides at this point?

Mr. PARKER. Directly, personally, I know relatively little of it.

Mr. Zimmerly can comment more specifically on it.

I would only note that of the three divisions of Vietnam as recognized by UNICEF and the U.N. High Commissioner for Refugees, South Vietnam has consistently got only 25 percent of UNICEF and UNHCR funding. The PRG and the Democratic Republic of Vietnam have indeed gotten higher proportions.

Mr. Zimmerly can comment more specifically.

Mr. ZIMMERLY. I would like to comment on this because I think it is very much in line with your concerns. The U.N. High Commissioner has \$3 million for North Vietnam; UNICEF has a program of \$18 million, and the ICRC a program of \$6.7 million.

I have notes here that indicate that after many months of waiting UNICEF has finally been given approval by the North Vietnamese to open an office in Hanoi and this was accomplished on the 1st of April. There have been frequent visits to Hanoi by UNICEF personnel on a TDY basis but it was just recently that they got authority to open an office.

This of necessity has delayed their programs.

FOOD AND MEDICAL SUPPLIES FOR REFUGEES

Mr. BINGHAM. I am not clear, Mr. Parker, about the extent to which your immediate program comprises food and medical supplies. The longer term program does refer to a rice allowance but the short-term program does not seem to. Am I wrong about that?

Mr. PARKER. No. You are correct but that is not an omission. That is provided for directly through distribution of rice under the title II of Public Law 480 which comes under the Department of Agriculture budget and authorization bill.

Mr. BINGHAM. Is there a difference in the short-term and the long-term program?

Mr. PARKER. Yes, there is, and the difference is that in the short term, when they are in the refugee camps, it is effective and practical to give them the rice. As they begin to enter into the resettlement program it is more difficult logistically to give them the commodity itself. The most effective way is to give them the means to purchase that commodity until they can start growing it themselves.

Mr. BINGHAM. Do you have the figures for the rice distribution in the first part of the program that would come under the heading of title II?

Mr. ZIMMERLY. It is based on 500 grams per adult per day and lesser amounts for children so it would be that amount times the number of refugees that you actually have in your camps.

Mr. BINGHAM. And that is not included in this program?

Mr. ZIMMERLY. No. That rice is provided under Public Law 480 in the U.S. Department of Agriculture budget.

Mr. BINGHAM. Thank you.

Chairman MORAN. Mr. Lagomarsino.

LOCATION OF REFUGEE CAMPS

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. PARKER, where would the refugee camps be located? I know there are some now but you are talking about establishing others as well; is that correct?

Mr. PARKER. Yes; that is correct. I would ask Mr. Zimmerly to be more specific. We can tell you where the refugees are currently being located, but this is not where they are going to end up, other than Phu Quoc Island, which is a unique location, about 25 miles long and 18 miles wide at the widest. It does assuredly provide a safe haven.

We have put a number of refugees there because it had the immediate potential for resettlement. The indigenous population is very small—12,000 or 15,000.

Mr. LAGOMARSINO. It is not as necessary for you to give me the locations as to tell me where these locations are with regard to Communist activity.

In other words, how safe are these camps going to be in the near future?

Mr. PARKER. Our objective is to place them in the maximum security area—in other words, within the perimeter that one might consider to be most suitable, a sort of ultimate fallback position. These will hopefully all be within that area.

Mr. LAGOMARSINO. I take it that this whole program is based on the presumption that the Government of South Vietnam in some form or other will prevail or survive.

Mr. PARKER. Yes, and that there will be a reasonable degree of security in which the agencies can operate.

REFUGEE AID IN COMMUNIST-HELD AREAS

Mr. LAGOMARSINO. Some of my colleagues talked about aid to refugees in areas controlled by the Communists, but it would appear to me that if that were to be done that we would certainly be risking one of the criticisms we have heard about aid programs in this part of the world before, namely, that there is graft and corruption.

At the same time we would have the problem that of course we would not have American personnel to oversee the operation, at least it does not seem very likely. I would think that that would be a very remote possibility.

If this money is appropriated, what happens if the Government should fall? Would funds be withheld at that point?

Mr. PARKER. Yes sir.

Now, it gets into technicalities which, if you would like to go into detail we can do so, but it is basically a revesting in the United States of anything that is on the high seas or still not delivered.

Mr. LAGOMARSINO. That is not in the law now, though.

Mr. PARKER. No; but I think we have provision to do that.

Mr. LAGOMARSINO. That would be your intention if that should occur?

Mr. PARKER. Yes, sir.

Mr. LAGOMARSINO. I have no further questions.

Chairman MORGAN. Mr. Riegle.

UNEMPLOYMENT: UNITED STATES AND VIETNAM

Mr. RIEGLE. Thank you, Mr. Chairman.

Mr. Parker, I have to just say to you that I am disappointed in the statement. We have talked about these matters before and as this statement stands today this is not a package that I can support.

Let me tell you why, because I feel very strongly that there are humanitarian needs and requirements that we ought to do something to try to meet but the tone of this statement to me is that we are envisioning getting back into the nation-building business and that troubles me very greatly because I don't think that should be our responsibility.

When I read through the statement here and I find, for example, on page 4 we are talking about the unemployed of South Vietnam, we are talking about increasing jobs, we are talking about reducing inflation—I come from a district with a 20 percent unemployment rate. Mrs. Collins next to me has a 45 percent unemployment rate.

To come in and to talk about the kind of program which really is, I think, a nation building program at this stage of the game, I think is really inappropriate.

GOLD BULLION IN VIETNAM

You probably saw in the morning's paper, as I did, a story to the effect that presumably President Thieu or some government officials in South Vietnam were trying to ship something in the order of \$70 million worth of gold bullion out of the country.

Did you see that story in the paper this morning?

Mr. PARKER. I have heard of it. I have inquired about it and find no confirmation.

Mr. RIEGLE. Well, the story is in print, I don't know whether it is accurate or not. It is certainly not out of line with other things we have seen in the past.

Let's assume for the moment it is true and somebody in South Vietnam is trying to ship out \$70 million worth of gold at the same time you are asking us to ship \$73 million worth of economic assistance into South Vietnam.

Now, you know there is not anybody that is going to accept that. You should not ask us to accept that, and that troubles me.

Another thing that troubles me is the fact that these two requests have been split in half. I don't think it is appropriate for us to consider

money for economic matters if we are not also considering the money that is being asked for the military side; the two go hand in hand.

Over the past we have split these up. We have sent the military matters to the Defense Committee principally as a way of getting around the proper legislative process in my judgment. I think it is inappropriate to treat those separately.

I think we ought to be looking at both of them here. I think that it is a mistake to take economic aid alone because clearly there is no way we can judge the relevance of this money, particularly now that you are talking about going back into the nation building business, if you are not also at the very same time considering the military money.

Now, that is why I feel very strongly that I cannot support this package.

If you want to come back in with something that has to do with strictly emergency type supplies for medicine, for food—if you want to talk about making that assistance available through international organizations so we are not going through what is left of a nonfunctioning government in South Vietnam as nearly as I can tell, then that is something I am willing to consider.

But if we are going to go back in there to try to create jobs for people, to try to build resettlement camps, to try to prop up this Government at the same time the people in that Government are shipping their money out of the country, I just think it is an absurd request.

NO EVIDENCE FOR GOLD BULLION STORY

Mr. PARKER. Mr. Riegle, may I take exception with the beginning point.

I don't believe that allegation about trying to ship the gold bullion out.

Mr. RIEGLE. You are saying that is not true?

Mr. PARKER. I have found no evidence to indicate it is true at all.

Mr. RIEGLE. So you don't know whether it is true or not true? You just don't know what you are saying.

Mr. PARKER. I have inquired pointedly as to whether there was any truth to it and have been told by competent intelligence authorities that there is nothing to it, so I discount that.

I simply don't accept it as a premise.

No. 2, nation building. Personally I don't think that providing relief to war victims is nation building.

Now, the kind of employment generation that we are talking about is basic public works administration type, it is going back to giving people a chance to earn a dollar a day.

Now, I certainly am very empathic and sympathetic with the needs of the U.S. unemployed. My own home community is severely affected because it is an automobile producing town. I know what happens.

Here we are talking, Mr. Riegle, about people for whom there is no unemployment compensation.

A SAIGON ENCLAVE AS SOUTH VIETNAM

Mr. RIEGLE. Now, wait a minute. Let's be honest about this because you and I talked about this the other day. What you really envision

here, you really envision this Government enclave in South Vietnam, what is left of the Government of South Vietnam, will become a viable country in its own right.

Now, that really is what you are talking about. I mean, you have said it repeatedly. What you are talking about doing here is deal with an immediate situation but in the context of building a new country that is in this shrunken area of what is now left in the hands of the South Vietnamese Government.

Is that not really your plan?

Mr. PARKER. No; it is not. It is the Vietnamese that are going to build it.

Mr. RIEGLE. We are paying for it, are we not?

Mr. PARKER. I am proposing that we assist these refugees. We as a country have been involved there for a decade or more and I think that this is something that, whether we got in there on the right premise in the first place or not, I think we can argue about it, but I think it would be fruitless to do so.

MONEY FOR "NATION-BUILDING"

Mr. RIEGLE. But let's make one other thing clear. You are asking for really \$250 million now but that is just the downpayment because there is another figure back here that says that you envision another \$750 million beyond that and you are saying that as things stand today that might be enough so you are really asking for \$1 billion.

Now, that to me is an awful lot of nation building.

Mr. PARKER. That is an awful lot of money. I agree.

Mr. RIEGLE. That is a lot different than emergency one-shot help in a crisis situation.

Mr. PARKER. I suggest, Mr. Rieggle, that this request for the additional \$73 million authorization to give us \$250 million authorized and later to be appropriated, is really for emergency needs.

I have been candid with you and said what I estimate the total cost is going to be. I have also said that I am genuinely hopeful that others can come in and share part of that burden with us. Other countries have been highly responsive in the refugee assistance to date and I think it augurs well for a broader and more international base of economic and social support.

Chairman MORGAN. The gentleman's time has expired.

The Chair wants to say that the bells signify final passage on the supplemental appropriations bill. Members have 10 minutes in which to record their votes.

Mr. Guyer.

MR. PARKER'S VISIT TO VIETNAM

Mr. GUYER. Thank you, Mr. Chairman.

Just two fast questions.

Mr. PARKER, when were you in Vietnam last?

Mr. PARKER. Almost exactly 1 year ago.

Mr. GUYER. One year ago?

Mr. PARKER. Yes, sir.

Mr. GUYER. Do I understand we are trying to get about 6,000 Americans out but you are saying your people want to stay there? Is that correct?

Mr. PARKER. We would like to see our people stay there. We are not going to subject them—

Mr. GUYER. Do you believe, what you know of Vietnam, that the refugees would be any less safe in their own homes provided they were not being bombed than they would be in the refugee camps?

Mr. PARKER. I really don't know because these people are the ones that have left the North.

Mr. GUYER. Do these people fear for their lives and reprisal?

Mr. PARKER. Yes.

Mr. GUYER. They really do?

Mr. PARKER. Yes.

Mr. GUYER. Do you feel finally that if something should happen very suddenly that maybe all this investment we have might be taken over by the other side if there was a total military victory and we don't know what it would be used for?

Mr. PARKER. Only if physically in place or not consumed by the individual refugees.

Mr. GUYER. Thank you.

You have a very tough job and our best wishes for doing a very good job.

Mr. PARKER. Thank you.

Chairman MORGAN. Thank you, Mr. Parker.

The committee stands adjourned until 2 o'clock tomorrow afternoon.

[Whereupon, at 3:30 p.m., the committee adjourned, to reconvene at 2 p.m., Wednesday, April 16, 1975.]

VIETNAM EVACUATION AND HUMANITARIAN ASSISTANCE

WEDNESDAY, APRIL 16, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The committee met at 2 p.m., in room 2172, Rayburn House Office Building, Hon. Thomas E. Morgan (chairman of the committee) presiding.

Chairman MORGAN. The committee will please come to order.

Our hearing today continues the committee's consideration of the request by the President for new legislation relating to the situation in South Vietnam.

Two of the administration's three legislative proposals have been referred to this committee. I introduced the two in the House yesterday, by request.

Yesterday this committee held a hearing on one of those bills, H.R. 5961, which would authorize additional economic and humanitarian assistance for South Vietnam.

Today we are concerned with the second bill, H.R. 5960, which would modify restrictions on the availability of funds for use of the U.S. Armed Forces in Indochina in order to permit a humanitarian evacuation of Americans and Vietnamese from South Vietnam should that be necessary.

Our first witness today will be Hon. Les Aspin, a Member of Congress from Wisconsin. He will be followed by Hon. Philip C. Habib, Assistant Secretary of State for East Asian and Pacific Affairs, and Hon. Monroe Leigh, legal adviser to the State Department.

It is my understanding after consultation with the Department of State, that some information pertaining to the evacuation must be communicated to this committee in executive session because of its sensitive nature.

Therefore, it is the Chair's intention when we reach this point to entertain a motion to go into executive session.

I would like, though, to suggest that we conduct as much of the hearings as possible in open session and leave the questions on the sensitive matters until the end when we may go into executive session.

Congressman Aspin, you have a prepared statement.

You may proceed, sir.

**STATEMENT OF HON. LES ASPIN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF WISCONSIN**

Mr. ASPIN. Thank you very much, Mr. Chairman.

Mr. Chairman, the President of the United States following his speech to Congress of last Thursday night has sent to the Congress three requests.

The first is for \$250 million for humanitarian aid to South Vietnam, the second is for an additional \$722 million in military assistance for the South Vietnamese Armed Forces, and the third is for authority to use U.S. troops for "humanitarian evacuation."

SEVEN MEASURES AFFECTING PRESIDENT'S POWERS

I believe that the only debatable matter before the Congress is the third request. It seems that Congress is inclined to vote in favor of the humanitarian aid and against the military aid. So the request question before Congress is what to do with the President's request that Congress pass the following resolution:

Nothing in section 839 (P.L. 93-437), section 741 (P.L. 93-238), section 30 (P.L. 93-189), section 806 (P.L. 93-155), section 13 (P.L. 93-126), section 108 (P.L. 93-52), section 307 (P.L. 93-50) or any other comparable provision of the law shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States to aid, assist, and carry out humanitarian evacuation if ordered by the President of the United States.

The reason why the President needs this authority has nothing to do with the War Powers Resolution passed in the last Congress over the President's veto and everything to do with the cutoff of military activities in South Vietnam after August 15, 1973.

The reason for the President's resolution is that in 1973 Congress passed, and President Nixon signed into law, a measure terminating all U.S. "combat activities" in Indochina after August 15, 1973.

That measure, or measures similar to it, have been attached to seven different pieces of legislation. All seven and the text of each are listed at the end of this statement, Mr. Chairman.

But it is important to note that the language of these measures varies somewhat in several instances.

What the President's resolution does is to repeal the restricting provisions of all seven of these pieces of legislation and allows the President to recommit U.S. troops to South Vietnam "to aid, assist, and carry out humanitarian evacuation." The question facing Congress is what to do with the Presidential request.

FOUR POSSIBILITIES FOR CONGRESS

The first possibility is for Congress to pass the President's resolution as requested and without any changes. But I hope this is not likely to happen mainly because, like in the infamous Gulf of Tonkin resolution, Congress would be buying "a pig in a poke." No one in Congress knows what actions would be authorized by the phrase "to aid, assist, and carry out humanitarianism evacuation."

Probably the administration doesn't know either. The unhappy prospect is that a large contingent of U.S. forces would move into

South Vietnam followed by fighting, casualties, and maybe, worst of all, American POW's. We would be back in the quagmire.

The second possibility, Mr. Chairman, is for Congress to amend the President's resolution to add some constraints and to try to prevent indiscriminate use. I understand this is what the Senate is trying to do, Mr. Chairman. Whether this can be done or not I am not sure. How does Congress write the ground rules for an evacuation?

What I am sure of is that if it can be done at all it cannot be done in the timetable that the President has set. If we try to write a resolution with the proper constraints in 1 week, we will end up with legislation that is either too restrictive or too loose.

The third possibility, already actively being pursued by some members, is for Congress to ignore the President's resolution and to pass our own resolution.

This resolution would order U.S. citizens and selected Vietnamese to evacuate South Vietnam now, before it would be necessary to use U.S. troops to protect them. I think a number of resolutions are circulating in Congress that would do just that.

But what proponents of this idea fail to take into account is that if U.S. citizens start leaving now, publicly and visibly, they may need protection not from the North but from the South Vietnamese.

Frustrations and pent up hostility may cause South Vietnamese soldiers individually or in groups to turn on U.S. civilians. So the protection of U.S. troops may be required in any case.

A fourth possibility for Congress faced with the President's resolution is to limit its application. The resolution might say that U.S. troops are authorized for the evacuation of U.S. civilians only. The advantage of this is that presumably fewer U.S. troops would be needed to evacuate 6,000 U.S. citizens than 200,000 Vietnamese.

It is hard to see how in all moral consciousness we could do this, Mr. Chairman. What we are talking about are families of Vietnamese who are now U.S. citizens and who under their rights can bring their blood relatives into the United States with them and those Vietnamese and their families who have worked for the U.S. Government in Vietnam.

U.S. MORAL COMMITMENT TO VIETNAMESE

No one knows how many want to come to this country—maybe not many. But how can we turn our backs on those who do? If there is anyone to which we have a moral commitment in this whole sorry affair, it is to these people who have helped us.

This brings us to a further consideration. If the President's desire is only to evacuate Americans, I think the case can be made that this resolution is not necessary or at least the President has acted as if it were not necessary.

Many would argue—and President Ford would argue—that the President has the constitutional authority to protect the lives of U.S. citizens and that he could evacuate Americans without any additional legislation.

Though it is not clear to me where this claim of constitutional power comes from, it is clear that the President has acted in such a manner just recently in evacuating Americans from Cambodia. If the Presi-

dent can take Americans out of Cambodia without additional authority, why can't he do it in the case of Vietnam?

What we are left with is the notion—and the administration seems to be claiming this at times—that the President's resolution is needed only to evacuate South Vietnamese.

EVACUATIONS FROM DANANG AND PHNOM PENH

But it seems to me that even this is not entirely clear. On April 3 the President ordered the U.S. Navy to assist in the evacuation of Vietnamese refugees from Danang. The Navy—Amphibious Task Group 76-8 with 12 helicopters and approximately 700 marines—entered South Vietnamese territorial waters and helped transport Vietnamese from Danang to safer areas further south in Vietnam.

The President, following the procedures of the War Powers Resolution, announced this decision to Congress in a letter dated April 4. That letter is also attached to the end of the statement.

But apparently the President felt no constraints on his ability to act from the seven August 15 cutoff measures written into the law. And he felt he had no constraint even though many of these measures specifically prohibited the use of U.S. military forces "in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

Similarly, when the President evacuated the Americans from Cambodia another letter was sent to Congress pursuant to the War Powers Resolution. That letter, too, is attached to the back of the statement.

That letter reveals that more than twice as many Cambodians and other foreigners were rescued from Phnom Penh as U.S. citizens. The numbers were 82 Americans, 159 Cambodians, 35 other nationals. In addition, we were apparently prepared to evacuate additional Cambodians who ultimately decided not to leave.

Administration officials argue that Cambodians and other nationals were moved from Phnom Penh on a "space available" basis. But I cannot see how this could be. They obviously knew how many Americans were in Phnom Penh and how many Americans would fit into each helicopter. The decision to send enough helicopters to evacuate twice as many foreigners as Americans must have been a conscious decision.

What we are left with is the conclusion that either the President broke the law when he evacuated Americans and Cambodians from Cambodia and Vietnamese from Danang, or he doesn't need his resolution to evacuate Americans and Vietnamese from Saigon.

Which leads to an important possibility for congressional action. There are several variations of what I am proposing. Any would be acceptable but the principle is the same.

CONGRESS SHOULD PASS NO LEGISLATION

What I am proposing is that Congress pass no resolution or some variation of no resolution. If Congress passes no resolution, what Congress could say is that Congress does not disapprove of the President's actions in Cambodia and the President's actions in Danang and that Congress feels the President has no need for additional authority to evacuate Americans and Vietnamese from Saigon.

If no resolution is passed, the President is free to use U.S. troops to evacuate Americans and Vietnamese as he deems prudent but he would still be constrained by the War Powers Resolution.

Under the War Powers Resolution the President has to report regularly to Congress and Congress can terminate U.S. involvement by a concurrent resolution—which cannot be vetoed. Congress would use the War Powers Resolution to monitor the President's actions.

What I am suggesting, Mr. Chairman, is that Congress not give its approval to what the President wants to do, but that it not give its disapproval either. There is no doubt that we must insure the safe evacuation of all Americans and that we have a moral obligation to insure the safe evacuation of some Vietnamese. To do so, however, is fraught with dangers, and the possibilities of getting restuck in the quagmire are very real.

It is natural and politically prudent for the President to want to involve Congress in the takeoff of this policy because the probabilities of a crash landing are so great.

THE DILEMMA OF CONGRESS

But Congress is caught in a terrible dilemma. With 1 week timetable to approve a resolution Congress is being pulled in two directions.

In one direction Congress would be rushed into approving what the President wants. But that would be signing up for a voyage of uncertain length and uncertain destination. We went that route once before with the Gulf of Tonkin resolution.

The other direction in which Congress is being pulled is toward hurriedly writing a more restrictive resolution. But can anyone write the ground rules for a successful evacuation? We can try to pin down the administration as to what they plan to do but they may not know themselves.

In any case how can we write restrictive language which allows for military flexibility and multiple contingencies. It would be a terrible thing if American lives were lost because we wrote a too-restrictive resolution allowing U.S. troops into the area.

I think it would be a mistake for Congress to fall into either of the traps, Mr. Chairman—either approving what the President wants or hurriedly trying to write something of its own.

KEEP THE WAR POWERS RESOLUTION INTACT

The only way out of the dilemma that I see is for Congress to neither approve what the President wants to do nor to disapprove it, but to keep the War Powers Resolution intact as a device for monitoring what the President is doing and if necessary pull the troops out with a concurrent resolution.

The administration will argue that they still want some congressional approval before they act. They will argue that the scale of this evacuation is what makes it different from Cambodia and Danang—though why that changes the legal question, I don't know.

Maybe they are arguing that it is all right to commit a little illegality but if you are about to commit a big illegality then you have to

go to the Congress. Maybe what they want is a little political cover by having Congress in on the deal from the start in case it turns into a fiasco.

In any case, maybe there is a way to give the administration something without giving them a resolution of approval. If legality is a problem, perhaps there is a way around it.

We have noted that not all of the funding cutoff resolutions are worded in the same way; some are more restrictive than others. Maybe the one(s) that stands in the way of an evacuation can be repealed. We would not be back in the war because the others would still apply and, of course, the War Powers Resolution still applies.

Maybe another way would be for Congress to pass a resolution saying something like the following, and this is just a suggestion.

The Congress has passed (cite the seven pieces of legislation pertaining to the cutoff). It is the sense of Congress that the intention of such legislation would not be violated should the President in South Vietnam only, conduct an evacuation of Americans and foreign nationals in a manner similar to the evacuation of Phnom Penh.

The object of this kind of language is to say we are neither approving nor disapproving the idea, we are only saying in our view such an action would not be illegal.

REPRESENTATIVE ASPIN: SUMMARY OF STATEMENT

Maybe there are other ways of doing this. I am sure that the committee can think of other and better means. But the central core of this is what is important. The central case is (1) that we should not blindly approve what the President has requested, (2) that we should not hurriedly try to write a more restrictive resolution of approval, and (3) that we should basically use the War Powers Resolution to monitor and control what the President wants to do.

When the War Powers Resolution was passed, Congress recognized that there were times when the President could get approval from Congress before he acted and times when he could not.

With the evacuation of South Vietnam, we have I believe a borderline case. Technically there is time—a week—to get congressional approval, but in fact there is no time to get proper congressional consideration.

Not all things take time—Congress felt very comfortable in declaring war after Pearl Harbor in no time at all—but I sense that given all that has gone on, Congress would feel very uncomfortable about rushing into something in this case.

The only solution that I see is to say that the crisis in South Vietnam is an emergency arising from the sudden and unexpected collapse of the South Vietnamese forces and as such the President may call for an evacuation but he is subject to the provisions of the War Powers Resolution.

That concludes my statement.

Chairman MORGAN. Thank you, Congressman Aspin.

The rest of your statement will be made part of the permanent record.

Mr. ASPIN. Thank you, sir.

[The attachments to the statement follow:]

ATTACHMENTS TO STATEMENT OF HON. LES ASPIN

1. SECTIONS OF THE LAW TERMINATING U.S. MILITARY INVOLVEMENT IN VIETNAM WAR

(1) Section 839. (Public Law 93-437) Supplemental Appropriation Act of 1974: "Section 839. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(2) Section 741. (Public Law 93-238) Defense Appropriation Act of 1974: "None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(3) Section 30. (Public Law 93-189) Foreign Assistance Authorization Act of 1973: "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia."

(4) Section 806. (Public Law 93-155) Defense Authorization Act of 1973: "Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(5) Section 13. (Public Law 93-126) State Department Appropriation Act of 1973: "Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress."

(6) Section 108. (Public Law 93-52) Joint Resolution Continuing Appropriation: "Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(7) Section 307. (Public Law 93-50) Supplemental Appropriations of 1973: "None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose."

2. LETTER FROM THE PRESIDENT TO THE CONGRESS DATED APRIL 4, 1975

As you know, last Saturday I directed United States participation in an international humanitarian relief effort to transport refugees from Danang and other seaports to safer areas farther south in Vietnam. The United States has been joined in this humanitarian effort by a number of other countries who are offering people, supplies and vessels to assist in this effort. This effort was undertaken in response to urgent appeals from the Government of the Republic of Vietnam because of the extremely grave nature of the circumstances involving the lives of hundreds of thousands of refugees. This situation has been brought about by large-scale violations of the agreement ending the war and restoring the peace in Vietnam by the North Vietnamese who have been conducting massive attacks on the northern and central provinces of South Vietnam.

In accordance with my desire to keep the Congress fully informed on this matter, and taking note of the provision of section 4(A) (2) of the War Powers

Resolution (Public Law 93-148), I wish to report to you concerning one aspect of United States participation in the refugee evacuation effort. Because of the large number of refugees and the overwhelming dimensions of the task, I have ordered U.S. naval vessels to assist in this effort, including Amphibious Task Group 76.8 with 12 embarked helicopters and approximately 700 marines. These naval vessels have been authorized to approach the coast of South Vietnam to pick up refugees and U.S. nationals, and transport them to safety. Marines are being detailed to vessels participating in the rescue mission. The first vessel entered South Vietnam territorial waters at 0400 a.m. EDT on April 3, 1975.

Although these forces are equipped for combat within the meaning of section 4(A)(2) of Public Law 93-148, their sole mission is to assist in the evacuation including the maintenance of order on board the vessels engaged in that task.

As stated above, the purpose of the introduction of United States naval vessels into Vietnamese waters is to assist in an international humanitarian effort involving vessels of several nations, including both military and civilian craft. The United States participation in this effort includes the charter of commercial vessels, the use of military Sealift command vessels with civilian crews, as well as United States naval vessels with military crews. This effort is being undertaken pursuant to the President's constitutional authority as commander-in-chief and chief executive in the conduct of foreign relations and pursuant to the Foreign Assistance Act of 1961, as amended, which authorizes humanitarian assistance to refugees, civilian war casualties and other persons disadvantaged by hostilities or conditions relating to hostilities in South Vietnam.

You will appreciate, I am sure, my difficulty in telling you precisely how long United States forces may be needed in this effort. Our present estimate, however, is that this operation may involve the presence of United States naval vessels in Vietnamese waters for a period at least several weeks.

GERALD R. FORD.

3. LETTER FROM THE PRESIDENT TO THE CONGRESS DATED APRIL 12, 1975

As you and other members of Congress were advised, in view of circumstances in Cambodia, the United States had certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. Nationals from that country. On Friday, 11 April 1975, the Khmer Communist forces had ruptured Government of the Khmer Republic (GKR) defensive lines to the north, northwest and east of Phnom Penh and were within mortar range of Pochentong Airfield and the outskirts of Phnom Penh. In view of this deteriorating military situation, and on the recommendations of the American Ambassador there, I ordered U.S. military forces to proceed with the planned evacuation out of consideration for the safety of U.S. citizens.

In accordance with my desire that the Congress be fully informed on this matter, and taking note of Section 4 of the War Powers Resolution (Public Law 93-148), I wish to report to you that the first elements of the U.S. forces entered Cambodian airspace at 8:34 P.M. EDT on 11 April. Military forces included 350 ground combat troops of the U.S. Marines, 36 helicopters, and supporting tactical air and command and control elements. The Marines were deployed from helicopters to assure the security of helicopter landing zone within the city of Phnom Penh. The first helicopter landed approximately 10:00 P.M. EDT 11 April 1975, and the last evacuees and ground security force Marines departed the Cambodian landing zone at approximately 12:20 A.M. on 12 April 1975. The last elements of the force to leave received hostile recoilless rifle fire. There was no firing by U.S. forces at any time during the operation. No U.S. Armed Forces personnel were killed, wounded or missing, and there were no casualties among the American evacuees.

Although these forces were equipped for combat within the meaning of Section 4(A)(2) of Public Law 93-148, their mission was to effect the evacuation of U.S. Nationals. Present information indicates that a total of 82 U.S. citizens were evacuated and that the task force was also able to accommodate 35 third country nationals and 159 Cambodians including employees of the U.S. Government.

The operation was ordered and conducted pursuant to the President's Constitutional executive power and authority as Commander-in-Chief of U.S. Armed Forces.

I am sure you share with me my pride in the Armed Forces of the United States and my thankfulness that the operation was conducted without incident.

GERALD R. FORD.

Chairman MORGAN. I have no questions.

Mr. Broomfield, any questions?

Mr. BROOMFIELD. No questions.

Chairman MORGAN. Mr. Zablocki.

PRESIDENT'S NEED FOR AUTHORITY IN VIETNAM

Mr. ZABLOCKI. Thank you, Mr. Chairman.

I would be remiss if I would not for one welcome my colleague from Wisconsin, my neighbor to the south, who is so dedicated in his efforts in promoting peace.

I know of his humanitarian interests and now they overflow into international affairs.

I am particularly grateful and impressed with his innumerable references to the War Powers Resolution. As the gentleman knows I have been at least one of the formulators, if not the father—I don't know if it had a mother.

In your statement you question the President's lack of cognizance of legislative acts on the statute book in evacuating U.S. personnel and Cambodians from Cambodia. Yet you say that he needs no new authority in Vietnam. Therefore that leaves me at a situation where I must ask myself, and relay the question to you, does the President or does he not need authority if he wants to act legally?

Mr. ASPIN. Mr. Chairman, it could be argued either way. Not being a lawyer I am not sure. My impression is that in fact he did act illegally in the case of—

Mr. ZABLOCKI. But you are encouraging him to do it again even though he has requested authority from us so he would not act illegally in the future.

Mr. ASPIN. That is why I think that language such as I was suggesting here in the case of the last suggestion that I had here about the resolution that Congress would pass would be to say that it was not the intention of Congress in passing these funding cutoff resolutions to prohibit the use of U.S. troops for a genuine evacuation and if the President wants to do it in the case of South Vietnam, we do not consider that a violation of authority.

Mr. ZABLOCKI. We could discuss this problem for an hour.

I just have one more matter, related to your reference to the War Powers Resolution. I think your comment is very valid, it would be necessary that we keep on the beam.

Mr. ASPIN. Absolutely.

Mr. ZABLOCKI. It goes to the very purpose of the War Powers Resolution. Let me read to you from the purposes and policies section, section 2.

It is the purpose of this joint resolution to the intent of the framers of the Constitution of the United States and insure the collective judgment of both the Congress and the President—

Both the Congress and the President—

will apply to the Introduction of American Armed Forces into hostilities.

Now, our intent was that Congress would be, under section 3, consulted before the President would commit troops. We wanted to be on the takeoff, not scrambling aboard while in flight, so we provided

for consultation. Though we provided for the reporting, we also wanted to be consulted. We wanted to have an input. We now have this opportunity in the President's request.

Mr. ASPIN. Yes.

SHOULD CONGRESS SHUN OPPORTUNITY TO ACT?

Mr. ZABLOCKI. But now you, my dear friend from Wisconsin, say let us shun this opportunity.

Mr. ASPIN. No. Let me say that you have—I am convinced here as I say in the statement—a borderline case. What the War Powers Resolution—

Mr. ZABLOCKI. When troops are committed, there are no borderline cases.

Mr. ASPIN. There is a borderline case as far as time.

What we are talking about is the War Powers Resolution recognized a very fact of American life in the 20th century which is that the President needs to act occasionally in a hurry. That is what is recognized by the fact of the War Powers Resolution and the War Powers Resolution, I think, is an absolutely first-rate piece of legislation in recognizing that but yet keeping Congress in on the decision.

It means that the President in cases can use American troops without consulting Congress beforehand but when he does so he must then of course report to Congress within 48 hours and follow the procedures.

Now, the question that then arises is what about this kind of a case of an evacuation. I say that there is not time in this case for Congress to write a properly restricted resolution in order to use the previous consultation route and therefore we should use the emergency route of the War Powers Resolution rather than the previous consultation.

Chairman MORGAN. The time of the gentleman from Wisconsin has expired.

Mr. Whalen.

Mr. WHALEN. Mr. Aspin, as I understand it you are saying that the August 15, 1973, cutoff supersedes the War Powers Resolution; is that correct?

Mr. ASPIN. No. It does not supersede it. The War Powers Resolution is in effect in any case but the August 15 cutoff applies to certain restrictions to a particular area of the world; namely, North Vietnam, South Vietnam, Laos, and Cambodia.

Mr. WHALEN. Well, perhaps I should have stated it in that manner. What you are saying then is that—

Mr. ASPIN. It is more restrictive than the War Powers Resolution.

Mr. WHALEN. It goes beyond the war powers?

Mr. ASPIN. Yes.

Mr. WHALEN. All right.

I have no further questions.

I read a similar statement which you made which appeared in Monday's issue of the Congressional Record. I think the only deletion I noticed here was your admonition to the freshman members, the so-called activists.

Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Nix,

THE DANGER IN VIETNAM

Mr. NIX, Congressman, apart from the legality of the question, will you tell me something about the supportive facts that makes the conclusion believable that the American nationals and their collaborators in Vietnam are in imminent danger.

I ask that question because it occurs to me that the French lost a battle there and their nationals and their collaborators stayed there after the takeover, nothing occurred that the whole world could call a tragedy.

So, I am curious to know why we are convinced that these people are in imminent danger.

Mr. ASPIN. I don't know. I would say to the gentleman from Pennsylvania I am not sure. It may be in fact that what you say is correct and that they are not in imminent danger.

I have heard the argument put forth that perhaps we should just let the situation develop as it will and if the South Vietnamese Government falls then we try and get whatever remaining Americans are left in the country out after negotiating with the North Vietnamese Government.

Perhaps that would work, I can't say. It is just that it seems to me that if we can get Americans out beforehand and we can get them out without a great deal of danger to loss of life and we can get them out without getting restuck in the war in Vietnam, I would feel more comfortable in doing it before.

Mr. NIX. Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Biester, any questions?

Mr. BIESTER. Yes, Mr. Chairman.

I take it you are saying that we don't have time to pass a resolution that gets us in on the takeoff of this decision; is that right?

Mr. ASPIN. Yes.

OPTION TO CRITICIZE THE PRESIDENT'S ACTION

Mr. BIESTER. Do we have time to pass the resolution to promise not to criticize the President for the decision he does make?

Mr. ASPIN. I don't think you have that either and I don't think we should do that. I think that if he carries it out successfully in the cases, for example, of the Danang evacuation—in the Cambodia I hear no criticism of it.

I think that is putting a bigger burden on the President but that is life in the big city. I mean, the President is a fellow who has to take those kinds of responsibilities occasionally.

Mr. BIESTER. And we are not?

Mr. ASPIN. I think by the very nature of this institution, given the fact that there are 435 members in this body and 100 in the other, the Constitution recognizes all kinds of things.

That is why we passed the War Powers Resolution, is that under certain circumstances the President must in the time of emergency operate himself and Congress is just going to have to act through the very, very well constructed vehicle of the War Powers Resolution—the reporting, the 60 days, the concurrent resolution.

All of those provisions of the War Powers Resolution are a way to keep Congress' hand into the decision after it has been made.

But it seems to me that what we have got here is this problem that either we give the President the *carte blanche* decision to go ahead, which is another Gulf of Tonkin or we try to write language sufficient as the Senate is doing.

I don't know if the gentleman has had a chance to look at what the Senate draft bill contains but it is just a mess. It says that the President can use armed forces, if necessary, to withdraw citizens of the United States provided that there exists a direct and imminent threat to the lives of citizens, provided that every effort was made to terminate the threat before such citizens and their dependents were evacuated by use of diplomatic and other means, provided that such citizens and their dependents are being evacuated as rapidly as possible.

It also goes on then to say that we can take out Vietnamese and others provided that every effort was made to terminate the threat, provided a direct and imminent threat exists to their lives, provided that additional U.S. Armed Forces are not required beyond those essential, provided the duration of the possible exposure of the U.S. Armed Forces to hostilities is not thereby extended.

It goes on and on and on.

Who is to say that these provideds meet the requirements? Then when you have all the provideds you consider military flexibility and maybe you are not considering some contingency.

You know, the Senate thinks in these categories. You remember when we were doing the War Powers Resolution the Senate came up with what they wanted as a list of all these categories.

Mr. ZABLOCKI. Would the gentleman yield?

Mr. BRESTER. I yield the balance of my time.

NO CATEGORIES IN HOUSE WAR POWERS RESOLUTION

Mr. ZABLOCKI. I assure the gentleman from Wisconsin and the gentleman from Pennsylvania we didn't intend to set categories as the other body did.

Mr. ASPIN. Good. I hope you didn't even take that route.

Chairman MORGAN. Mr. Hamilton.

Mr. HAMILTON. Thank you, Mr. Chairman.

I just want to commend my colleague from Wisconsin. He has raised a flag of caution for this committee with a very thoughtful statement. We on the full committee have not had an opportunity to hear the administration's position with regard to this evacuation question.

As I read the bill that has been submitted by the administration, there are no limitations of any kind of the President's power to carry out this humanitarian evacuation. He could put under the terms of that resolution, I think you would agree, Mr. Aspin, the entire U.S. Army into South Vietnam and he could evacuate 15 million South Vietnamese under the terms of what they have submitted to us.

Mr. ASPIN. Yes.

Mr. ZABLOCKI. I think the thrust of what you have said is: Let's proceed cautiously on an extraordinarily difficult problem.

I commend you for waving for us that flag of caution.

Chairman MORGAN. Mr. Winn.

Mr. WINN. I have no questions.

After listening to our colleague from Wisconsin, I feel that he has made a very strong point. We just stay in the status quo and Congress sits here and diddles in its usual way while the President and his troops go in and evacuate and then we will all read about it in the paper.

I commend you for the time that you spent before the committee and your remarks in the record.

Chairman MORGAN. Mr. Wolff.

THE WAR POWERS RESOLUTION AND H.R. 6096

Mr. WOLFF. Thank you, Mr. Chairman.

I won't take the full time. However, I do want to refer back to the War Powers Resolution, section 8, paragraph D—"nothing in this joint resolution—is intended to alter the constitutional authority of Congress or of the President."

I think this is very significant, and I believe that the gentleman from Wisconsin has raised a very important element here that does raise the level of this discussion to a reexamination perhaps or rethinking of the Tonkin Gulf resolution.

I have the debate on the War Powers Resolution, and one of the elements that was successfully debated was with regard to the constitutional powers of the President as Commander in Chief; that he does have the power to evacuate Americans who are in danger.

I see in this legislation—H.R. 6096—a waiver of some of the important provisions of the War Powers Resolution and, therefore, I would say that we must very seriously consider the Pandora's Box we are opening with this resolution.

Thank you, Mr. Chairman.

Mr. ASPIN. Thank you.

Chairman MORGAN. Mr. Lagomarsino.

A MORAL OBLIGATION TO DO SOMETHING

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

One thing about your proposal, Mr. Aspin, is that it would certainly be easier for us because we could just wash our hands of the thing at least temporarily and then sit back and criticize the President if anything goes wrong.

I do take it, as you say on page 3, talking about the 200,000 Vietnamese, you say, "It is hard to see how in all moral consciousness we could do this"; namely, not take some action to assist.

So I take it you do feel a moral obligation to try to do something.

Mr. ASPIN. Yes.

Mr. LAGOMARSINO. So what we are really talking about is how do you do it in the best way.

Mr. ASPIN. Exactly, sir.

Mr. LAGOMARSINO. All right.

Chairman MORGAN. Mr. Bingham.

Mr. BINGHAM. Thank you, Mr. Chairman.

I do want to commend our colleague. For one thing I think it is the only time I have heard testimony from a colleague that had suspense in it because I didn't know where he was going to come out. [Laughter.]

I must say that I think it is ingenious, but I don't think it is satisfactory.

I think mainly because of the quantities involved, the problem of the evacuation of Phnom Penh was a relatively small thing that could be quick. The same thing was true in Danang.

We are dealing here with a request of the administration for authorization to evacuate up to 5,000 American nationals and up to, as I understand it, 150,000 or 200,000 South Vietnamese.

I simply don't think we can do that by in effect walking away from the problem and saying that the President can do it under the existing law.

Mr. ASPIN. If the gentleman would yield on that point.

Mr. BINGHAM. Yes.

HOW IS A RESOLUTION ON PRESIDENTIAL POWER WRITTEN ?

Mr. ASPIN. I started out feeling just exactly as the gentleman did and I began to think, how do we do this ?

You know, I looked at the resolution the President sent over and I said to myself, that is too broad—"to aid, assist, and to evacuate." It lets you do anything.

So then I began to think of how do I write a resolution, how would I set about setting up the kinds of limitations on the President's actions that would be necessary to protect ourselves from going into another blind resolution without any authority.

The more I thought about it, the more difficult it became. I think the Senate is wrestling with exactly that same kind of problem.

The problem is how do you do it? How do you write the ground rules for an evacuation? How do you cover all the contingencies? How do you allow for necessary military flexibility?

I honestly don't think we can do it. I think that we run the very grave risk on the one hand of the Gulf of Tonkin resolution. We just discussed the risk if we try and write a resolution. This is a risk and this would be a very great bad thing if American lives were lost because the resolution that we wrote allowing American troops into the area was too restrictive.

If it is written in such a way that they cannot protect themselves or they have to get out in a certain length of time and the enemy knows when to attack and when they are leaving, I think it is a very, very risky proposition and I honestly don't know what else to do. We have 1 week to operate on this thing.

Chairman MORGAN. The time of the gentleman from New York has expired.

Mr. Harrington.

Mr. HARRINGTON. Mr. Aspin, I perhaps have different reasons for reliance on the same resolution. The administration has not honestly or compellingly answered why we cannot repeat in Saigon what we did in Cambodia, only saying that there is an interest in making sure that there is congressional involvement, which I welcome. I think it is long overdue in a variety of areas.

I am bothered by the tacit acceptance of a policy that I think is entirely description, if one accepts what the Central Intelligence Agency said this morning both as to the political viability of what remains of South Vietnam, which erodes by the hour, or if one looks at the broader concerns attendant to this Government coming to an end in the near future. I think the Congress makes a mistake to accept as given whether or not this is something that the gentleman behind you felt constrained to still follow. The intended inference seems to be that that remains our only option.

ATTEMPT TO FORCE NEW POLICY DIRECTIONS IN VIETNAM

The part that I am most troubled by is why we don't use the vehicle that is provided us by the administration today, or some other, to attempt to force new policy directions if the concern runs to the safety of Vietnamese. We should look at the French experience in the middle 1950's or we should look at the question of reconstruction that was referred to in article 21 in the agreements of January 1973.

Is the President serious in suggesting a billion dollars in additional assistance? Why don't we begin to deal with the reality we are going to face, hopefully not in the same way we are facing it in downtown Phnom Penh today, and try to resolve the political realities Vietnam will have to face in the near future.

The question of allowing our nationals and third country nationals, including our collaborators, which I think is a word that might be used in the near future, to depart from that country is a matter that might give us some leverage to help bring some settlement.

I am not suggesting you do nothing. I think it is a problem inseparable from the way you described the Senate language, but whether or not we should be attempting to use language which is narrow, dated, into a larger degree of illusory thinking on the part of the administration.

Mr. ASPIN. In addition or instead of?

Mr. HARRINGTON. I am suggesting that you do what you want to do but let's build on it and cut out the nonsense and begin to engage in a flight toward reality for a change, to use the analogy made somewhat earlier this afternoon.

Mr. ASPIN. Yes.

Mr. HARRINGTON. And begin to have the country face it with us and make some sense out of it rather than generating all sorts of plans that strain my imagination when it comes to hundreds of thousands of people involved.

Mr. ASPIN. I would agree with the gentleman.

Mr. HARRINGTON. I yield back the balance of my time.

Chairman MORGAN. Mr. du Pont.

CONGRESSIONAL COMPETENCE TO DEAL WITH SITUATION

Mr. DU PONT. Thank you, Mr. Chairman.

I would say to my good friend from Wisconsin that I am stunned that I would see him and this whole Congress suddenly say "wait a minute, we are not competent to deal with this situation."

I mean we were competent to deal with impoundment, we were competent to deal with the Budget Act, we were competent to deal with

Cyprus, we were competent to deal with the Jackson-Vanik amendment.

The Democratic caucus has already written a resolution saying we cannot have any more military aid in Indochina. Maybe the gentleman thinks this group is not as good as the Democratic caucus.

For years we have heard the argument that the Congress is supposed to set the policy and now we are up to the brink, the toe is in the water, and it is damn cold in the water.

You say on page 6 that the only way out of the dilemma is to do nothing.

What dilemma? The Congress' dilemma or the dilemma of getting our people out of South Vietnam?

Mr. ASPIN. If I could address the Congressman from Delaware, the dilemma is time. If we did not have to do this in a week, I would be convinced that we could at least make a try at writing a more restrictive piece of language that would have at least a chance of getting our troops in there, getting the Americans out, not getting us involved in the war and not losing an unnecessary amount of lives in the meantime.

Mr. DU PONT. The President only has a week.

Mr. ASPIN. The President exactly has only a week.

Mr. DU PONT. We are coequal, right?

LEGISLATING U.S. EXECUTIVE BRANCH MODES OF ACTION

Mr. ASPIN. But the President, the Executive—the gentleman from Delaware knows perfectly well that the decisions in this place, when you have a difference of opinion in the legislative branch you do it by meetings, you resolve it by meetings and by discussion and by compromise.

When you have a difference of opinion in the executive branch you take it to the superior and it can be resolved. There is a structure for resolving differences of opinion rather quickly in the executive branch of this Government whereas in the legislative branch we do it by talking it out, by compromising, by meeting, by offering resolutions, by trying to work it out. It takes a lot longer.

Look at the fact that the President—and I point this out—comes up with an energy package, as horrible as it is, in a matter of weeks.

Mr. DU PONT. As a matter of fact, it is a pretty good energy package as the gentleman well knows.

Mr. ASPIN. We will leave the question about the value of it aside. The President can at least come up with an energy package in a matter of weeks.

Here we are in Congress trying to come up with an energy package and we still haven't got an energy package—not because the Congress is less competent, not because people are not dedicated but because the way the system works is that in this branch of the Government, it takes longer, you have to compromise out the issues and discuss them and come up with something.

Mr. DU PONT. I would say to the gentleman that if nothing else he has finally come face to face with the real issue, which is, there are times when the Congress just is not able in its infinite wisdom to dot all the i's and cross all the t's. But in this case I think it is very important to act, so I come out exactly on opposite sides with you.

I think it is very important that there be a national consensus, that the Congress be in this with the administration so we are all pulling together, and so if something goes wrong it is our feet that are held to the fire, too.

I think it is most important that we take the administration's resolution, which I concur is not a very well drafted one, and fix it up and get on the record so that we are all in it together and so that we are not ducking the dilemma that the gentleman defines, which is not the dilemma of Vietnam but which is the dilemma of Congress taking the responsibility when the going gets tough instead of just taking it when it is easy.

Mr. ASPIN: If the gentleman would let me respond, I am very happy to hear that he is such an activist for such an activist Congress.

All I can say is that I would be very happy to let him—we are now at Wednesday. The gentleman has until Friday. He has the President's draft, let him work on it and see what he comes up with. Then let him not just compromise it through Congress, let him take it to the gentleman from Massachusetts, Mr. Harrington, and take it to the gentleman from Wisconsin, Mr. Zablocki, and take it to Mr. Broomfield and take it to a few more and see whether he can in fact work out something that sounds all right.

Mr. DU PONT: I will accept that challenge if the gentleman will keep the Democratic caucus from passing a resolution before the committee can act. [Laughter.]

Mr. ASPIN: I can assure the gentleman that the caucus is not about to jump in on this one. [Laughter.]

Chairman MORGAN: Mr. Riegle.

BILL A "BLANK CHECK" DOCUMENT

Mr. RIEGLE: Thank you, Mr. Chairman.

I think the testimony of the gentleman from Wisconsin have been very useful and I think this is a very important discussion for us to have.

I, too, have questions as to whether or not we will find that there is sufficient time to draft the kind of careful document that we all would insist upon.

In fact, I suspect that there probably is not time for that and probably the best test of that is the President, himself, who came to address the Congress last Thursday night, nearly a week ago.

It has taken him all this time to assemble and get before us today this very general sort of blank check document. It suggests that even in that branch this is a very difficult issue to deal with.

What I would like to say in response to some of the comments that have been made and to the gentleman from Wisconsin is that I don't think it is going to be practical for the United States to think in terms of evacuating anything on the order of 100,000 to 200,000 South Vietnamese.

We can talk about it here today but my sense of the situation is that it is not going to be achievable and I am not sure it is even wise.

My own interpretation of the War Powers Resolution in terms of the President's ability to use American forces to safeguard the with-

drawal of American personnel would probably also be broad enough to cover the evacuation of some limited number of South Vietnamese.

Now, what I think of as a limited number would be something on the order of 1,000 to 1,500 and not 100 times that number, 100,000.

Now, I realize the administration witnesses here really swallow hard when that is said but I think the facts in Southeast Asia suggest that it is not really very probable that we are going to be able to organize some sort of a massive evacuation on the order of 200,000 South Vietnamese, and so to spend our time trying to draft legislation that is really aimed at that goal rather than the other goal, which I think is the paramount one—namely, the safe evacuation of the American personnel and whatever limited number of high risk South Vietnamese can come out with them, is really a mistake.

It is a mistaken emphasis and mistaken focus.

ADMINISTRATION'S VIETNAM POLICIES: A MISTAKE

Now, I think this administration has been mistaken in its Vietnam policies all along so I am not surprised to find that they are behaving in a way that does not make sense now, but I think for your own good and for the good of the people that we are talking about and very specifically the American personnel that are still in South Vietnam—and I think, by the way, that is an excessively large number and I think anybody in this room or in the executive branch that was responsible for having that many Americans there this late in the game really deserves to be censured for it because in fact they become the next thing to prisoners of war.

I think now what is happening is they are being used as a lever to bargain out the exit of 100,000 or 200,000 South Vietnamese and I think that is a mistake.

So, I would hope that what the administration would do as we grapple with the question of whether or not we are able to devise language that is sufficient and is tight enough and limited enough that you better scale down your list of South Vietnamese and think in terms of something on the order of 1,000 or 2,000 people that is probably practical to think about removing; and if it develops later on that more can be done, then that can be settled at that time.

If the whole plan is predicated on moving out something close to a quarter of a million South Vietnamese, I just think you are on the wrong track.

Chairman MORGAN. The time of the gentleman from Michigan has expired.

Mrs. Collins.

NO TIME LIMIT IN DRAFT BILL

Mrs. COLLINS. Mr. Aspin, I have just a couple of questions.

The one problem that I find in addition to the others that have been mentioned here today about the President's resolution is that there is no time limit on this bill.

What would your reaction be to an amendment to have the President certify at some specified time that the evacuation has been accomplished and therefore the provisions of the bill would lapse.

Mr. ASPIN. That might work. The problem I have of actually writing a legislative time into it from the standpoint of Congress saying we will appropriate or we will authorize troops for the evacuation for a given number of weeks or so many days or whatever it is, is that you are really tipping off the hand of what you are trying to do militarily.

You are telling the enemy what we are going to be evacuating on a given day and that if they attack on that day you are going to catch them trying to get out of town.

I think any kind of restriction you write in you run into this kind of a problem, that you are either not restricting the President in which case you have got a Gulf of Tonkin resolution or you are restricting him in a way that he will cost American lives.

Mrs. COLLINS. What if no resolution is passed, would the President have authority to evacuate more than a handful of South Vietnamese?

Mr. ASPIN. I don't think he would. You have to ask the authorities. What I am saying here is that I don't know how they would interpret that but I think that is a valid question to ask the State Department legal experts as to what they would interpret. If we did not pass the resolution, what kind of evacuation could they conduct?

Mrs. COLLINS. Under your proposal could the Congress act quickly enough to prevent the President from doing what we in Congress might not approve of? Would we not always be sort of reacting rather than acting in a situation?

Mr. ASPIN. You would be reacting, but I think, given the mood in Congress and given the attention that this issue is getting in Congress and among our colleagues, I have confidence that we could react rather quickly.

Mrs. COLLINS. I have no further questions.

Chairman MORGAN. Mrs. Meyner.

DANGERS TO SOUTH VIETNAMESE

Mrs. MEYNER. Yes.

I would like to commend my colleague from Wisconsin for his fine presentation but I question whether it is really true that if we start now evacuating particularly Americans and some South Vietnamese who have been very closely associated in working with those Americans whether indeed the South Vietnamese in the Saigon area would turn on them. I mean, how really dangerous is that situation?

Mr. ASPIN. It is hard for me to judge. I know I have seen the speculation in the newspapers in various accounts from Vietnam, but I have no way of verifying whether it is likely or not.

Mrs. MEYNER. I am not so sure it is true. In Danang, the Americans there are in no trouble, the ones that are left there, and also the Vietnamese who were working with Americans; so I question that point.

Mr. ASPIN. I don't know. I just have read an awful lot of accounts that say that the mood and the atmosphere in Saigon is just extremely bad and that it is quite possible that something could erupt.

Mrs. MEYNER. I just feel we ought to be starting now to evacuate those people.

Mr. ASPIN. I agree.

Mrs. MEYNER. Right now.

Mr. ASPIN. Nothing I am saying here would preclude that option. In fact, there is a resolution going around saying we should be evacuating Americans. I agree with that.

What I don't agree with is the one that has the timetable. There is one that is going around saying that in the next 7 days all Americans should leave.

I think, if that is passed and that is advisable and that is policy, that is asking for trouble.

Mrs. MEYNER. Yes.

Mr. ASPIN. But anything we can do quietly without numbers and without announcement and the least amount of fanfare I think is perfectly valid and I hope a policy which we are pursuing.

Mrs. MEYNER. Thank you.

Chairman MORGAN. Mr. Bonker.

Mr. BONKER. No questions.

Chairman MORGAN. Thank you, Mr. Aspin.

Mr. ASPIN. Thank you, Mr. Chairman.

Chairman MORGAN. We will next hear from Mr. Leigh and Mr. Habib.

Mr. Habib is Assistant Secretary of State.

Mr. Leigh is the legal adviser to the State Department.

Mr. Leigh, I understand you want to make a short oral statement on the reason that the President's proposal is necessary.

Mr. Leigh.

STATEMENT OF HON. MONROE LEIGH, LEGAL ADVISER, DEPARTMENT OF STATE

Mr. LEIGH. Thank you very much, Mr. Chairman.

I have no prepared statement but, in view of the comments which have been made by Congressman Aspin, it seems to me it may be appropriate if I give a few brief remarks which I will try to confine to about 5 minutes.

On the legal difficulties, I agree with many of the things that Congressman Aspin has said.

I agree it is extremely difficult to fashion the kind of restraints which I understand the Senate is now attempting to fashion.

It is almost impossible for any group of people, be they in the executive branch or in the Congress, to foresee all the contingencies which might arise in the kind of situation which is developing in southeastern Asia.

For that reason we had felt within the executive branch that we did not know any mechanism by which we could safely limit it.

Now, the other difficulty which I see here is the inevitable confusion of terms as between the War Powers Resolution and between the various fund limitation bills.

I hope it won't seem, Mr. Chairman, too tedious but I think it is absolutely essential to talk briefly about the distinction.

THE WAR POWERS RESOLUTION

First of all, as I view it, the War Powers Resolution is not an enactment which empowers the President to do anything. It is in-

tended as a restraint on what he may do if Congress, after he has done something, decides to pass the concurrent resolution.

It is also a requirement upon the President that he make a report and that in situations where he has time to do it that he consult in advance of introducing troops.

On the other hand, the money which is available for the President to use the Armed Forces is subject to limitations which have been put in successive appropriation acts and other laws, since the summer of 1973, and these I speak of collectively as the fund limitation provisions. In every one of those, with one exception, the limitation is that appropriated funds may not be used to support the Armed Forces in "hostilities" or "combat activities."

The one exception is section 30 of the Foreign Assistance Act of 1973 which this committee is familiar with, and the interpretation which has been placed upon that slightly varying language is that it comes to the same thing as the prior limitations which have been imposed by measures which have been reported out by committees other than this one.

So I think that the key to all of these fund-limitation provisions is whether the President is proposing to use the Armed Forces in situations where there are hostilities.

Now, in the case of the War Powers Resolution, this is not something I had studied until quite recently when I came back into the Government, but I was surprised to find that there is a lack of parallelism between the reporting requirement on the one hand, which is in section 4(a), and the consultation requirement, which is in section 3.

If, for example, we sent troops equipped for combat into any part of any foreign country, then we are required to make a report under section 4(a)(2). On the other hand, we are not required—technically speaking—to consult under section 3.

THE DANANG EVACUATION

Now, let me say that when the first instance of this came up, and I am sure Congressman Zablocki is quite familiar with it, it was the case of the refugee sealift off the coast of Danang, and we conceived that to be a section 4(a)(2) situation, to speak technically again.

That is the case in which American forces equipped for combat would go as close as they needed to the beaches south of Danang and pick up refugees insofar as they were able to get to those vessels and take them out. The President elected in that case to consult insofar as he was able in advance of the time and we have since made a report on that.

Now, the situation in Cambodia was different. There, from day to day it seemed to change depending on how close the artillery fire came to the airport at Phnom Penh.

It seemed uncertain to me as a lawyer, and I think to others in the executive branch, as to whether we were in a situation which required reporting.

Now that, if it was true, would have come under section 4(a)(1) of the War Powers Resolution. Section 4(a)(1) says that the President must report if he introduces Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated.

There are a lot of words there that lawyers can spend time arguing about.

We did not conclude that we had reached that situation in the case of Cambodia until the final phase of the evacuation plan. So, in that case when we reported, we were not sure whether they would be involved in hostilities or not. We did consult in advance and we have made a report on that situation.

I mention these details because there is a lack of parallelism between the fund limitation provisions and the War Powers Resolution.

Now the reason the President at this time needs additional authority, the reason why he could not agree that the Congress should do nothing at this time, is that it seems probable that there may occur situations in the future evacuation of Vietnamese nationals in which it might be necessary to introduce Armed Forces into areas where you could not say that there were not hostilities; and if that is the case, immediately your entitlement, your legal authority to use Department of Defense funds, and also Foreign Assistance funds, runs out.

You simply are not authorized to use those funds for the Armed Forces in hostile situations in Indochina. So as long as that limitation is there, the President will be uncertain as to how he will carry out an evacuation plan.

Now, it is true that if it could be an entirely peaceful, nonhostile evacuation, he has adequate authority to do that now, but you can't foresee whether that situation will continue.

So this is the basis, Mr. Chairman, for the request which the President has made.

Chairman MORGAN. Thank you, Mr. Leigh.

Mr. Secretary, you don't have any statement?

STATEMENT OF HON. PHILIP C. HABIB, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS

Mr. HABIB. No, sir, except to say I am glad I brought a lawyer with me today.

Chairman MORGAN. Mr. Leigh, the President is requesting that seven provisions relating to the use of funds be waived.

It is my understanding in reading these requests that two of the seven provisions—section 741 of the Department of Defense Appropriations Act of 1974 and section 307 of the Second Supplemental Appropriations Act of 1973—apply only to funds appropriated pursuant to those acts, and those acts have expired.

Why is it necessary to waive these two provisions of law? Could we reduce the number of waivers to five after taking another look at the request?

Mr. LEIGH. I certainly would be glad to take another look at it. I had not heard this argument, Mr. Chairman, and I will look at it right now.

I think it would be preferable if I made a study of that rather than to try to answer it now.

Chairman MORGAN. Will you supply your opinion of that for the record?

Mr. LEIGH. Yes, sir.

[The information follows:]

STATUTES RESTRICTING THE USE OF FUNDS FOR COMBAT ACTIVITIES IN INDOCHINA

The seven statutes cited in the Administration's legislative proposal requesting clarification of the legislative restrictions on the President's authority are the only restrictions known to the Executive Branch on the use of appropriated funds to support combat activities by United States forces in Indochina. The term "or any other comparable provision of law" was added to the enumeration of statutes in the Administration's draft bill simply to ensure that the intended effect of the legislation would not be defeated by the inadvertent omission of some other similar restriction which might have escaped our attention. It should also be noted that the restriction in the current Department of Defense Appropriation Act has been proposed for reenactment (see Budget Appendix for FY 1976, p. 345).

Similarly, the reason for including all seven of the known restrictions in the draft bill is to be sure that enactment of the bill will dispose of any possible disagreement over the effect of any of the existing limitations. One of the relevant provisions (section 839 of Public Law 93-437) is contained in the current Department of Defense Appropriation Act and must be mentioned in order to make clear that the funds made available by that Act can be used for combat activities necessary to protect a humanitarian evacuation of foreign nationals. Three of the restrictions, although enacted in prior fiscal years (section 30 of Public Law 93-189; section 806 of Public Law 93-155; section 13 of Public Law 93-126), contain language of futurity, indicating their applicability to current appropriations, and should, therefore, also be mentioned.

The remaining three statutes (section 741 of Public Law 93-238; section 108 of Public Law 93-52; section 307 of Public Law 93-50) are all applicable to funds appropriated for prior fiscal years which are no longer available for obligation. However, all of these statutes restrict the expenditure of the affected funds. It is possible that funds obligated by contracts entered into in fiscal year 1973 or 1974 and governed by these restrictions might be expended in fiscal year 1975 to support an evacuation effort. Further, unless these statutes were covered by the draft bill, it might be contended that particular DOD assets acquired with funds to which the restrictions applied could not be used to protect evacuees. It would be exceedingly difficult, if not impossible, to identify the source of funding for particular supplies or equipment, especially fungible items such as aircraft fuel or ammunition. For these reasons, it was considered desirable to include reference to all of the known restrictions in the Administration's request for clarifying legislation.

The texts of the statutes cited in the Administration's draft bill are set out below for convenient reference, with emphasis added to indicate the scope of each restriction.

(1) Section 839 of Public Law 93-437 (The Department of Defense Appropriation Act, 1975).

"None of the funds *herein appropriated* may be *obligated or expended* to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(2) Section 741 of Public Law 93-238 (The Department of Defense Appropriation Act, 1974).

"None of the funds *herein appropriated* may be *obligated or expended* after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(3) Section 30 of Public Law 93-189 (The Foreign Assistance Act of 1973).

"No funds *authorized or appropriated under this or any other law* may be *expended* to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia."

(4) Section 806 of Public Law 93-155 (The Department of Defense Appropriation Authorization Act, 1974).

"Notwithstanding any other provision of law, upon enactment of this Act, *no funds heretofore or hereafter appropriated* may be *obligated or expended* to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia, unless specifically authorized hereafter by the Congress."

(5) Section 13 of Public Law 93-126 (The Department of State Appropriations Authorization Act of 1973).

"Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(6) Section 108 of Public Law 93-52 (Continuing Resolution for Fiscal Year 1974).

"Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(7) Section 307 of Public Law 93-50 (Second Supplemental Appropriations Act, 1973).

"None of the funds herein appropriated under this Act may be expended directly or indirectly to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shore of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose."

HUMANITARIAN AID IN VIETNAM: IS \$200 MILLION ENOUGH?

Chairman MORGAN. Mr. Secretary, legislation has been proposed in the Senate to provide for about \$200 million for humanitarian and evacuation programs in South Vietnam.

In your opinion, would the \$200 million be sufficient? Is it your opinion that if the legislation passes in the form proposed and the ceilings on the \$177 million are lifted, you would have a fund of \$377 million?

What is your opinion of the \$200 million? Do you believe that we should proceed to remove the ceilings and authorize an additional amount of \$177 million?

Mr. HABIB. I understand that the legislation would provide that the \$200 million could be used in any way, and that the lifting of the ceiling on the \$177 million would be on the economic side.

Am I correct, Mr. Chairman?

THE SENATE BILL ON VIETNAM

Chairman MORGAN. Do you know whether the Senate bill includes the lifting of the ceilings on the \$177 million?

Mr. HABIB. No. In a fast reading of it I do not, but I only got it this morning as I was leaving to go up to testify before another committee in the other House and I have not had a chance to get all the opinions that one gets when one looks at bills like this. I don't know.

Mr. BROOMFIELD. Would the chairman yield?

Chairman MORGAN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. It is my understanding there is considerable confusion as to whether or not the \$177 million would be additional to the \$200 million requested and that the Senate Foreign Relations Committee is intending to go into session about 4 o'clock to review this question.

Mr. HABIB. In any event, Mr. Chairman, I think the committee deserves an explanation.

From what I understand, the \$200 million would not be adequate for the purposes that the President presented in his statement to the Congress.

Chairman MORGAN. Mr. Leigh, I have two short questions.

Do you believe that the President needs further legal authority to evacuate U.S. citizens from South Vietnam?

Mr. HABIB. Could I make one point clear in this regard, Mr. Chairman, before Mr. Leigh answers?

What the President asked for in that respect was that the Congress clarify its restrictions with regard to the use of U.S. forces for the evacuation of Americans, but that it promptly revise the law to cover those Vietnamese to whom we have a special obligation. There was a difference in the Presidential statement.

Chairman MORGAN. That was going to be my second question to Mr. Leigh.

LEGAL AUTHORITY TO EVACUATE SOUTH VIETNAMESE CITIZENS

Does the President actually need legal authority to evacuate South Vietnamese citizens?

Mr. LEIGH. Well, I think that he does not need additional authority in order to evacuate American nationals. I think he does not need additional authority to evacuate Vietnamese nationals if it is not an area of hostilities.

But if it should be in an area of hostilities, then he is unable to use funds necessary to support the Armed Forces for that purpose without violating the law. I shall be pleased to provide the committee with a more complete answer for the record.

[The information follows:]

EXECUTIVE AUTHORITY TO INTRODUCE U.S. FORCES INTO HOSTILE SITUATIONS TO EVACUATE U.S. CITIZENS AND FOREIGN NATIONALS

THE CONSTITUTIONAL AUTHORITY OF THE PRESIDENT

From the time of Jefferson to the present, American Presidents have exercised their authority under the Constitution to use military force to protect U.S. citizens abroad. Instances where this authority has been exercised in the absence of any legislative sanction include the Boxer Rebellion in China in 1900, the landing of Marines in Nicaragua in 1923, and many others. (A partial listing of such instances is attached as an annex to this memorandum.)

The nature and basis of this authority was succinctly described by former President Taft. In 1916, after his term of office had expired, he wrote:

"He [the President] has done this [used military force to protect Americans] under his general power as Commander in Chief. It grows not out of any specific act of Congress, but out of that obligation, inferable from the Constitution, of the Government to protect the rights of an American citizen against foreign aggression. . . ." (William Howard Taft, *The President and His Power*, (1967) p. 94-95 (originally published in 1916).)

This remains the position of the executive branch.

The courts also have recognized the authority of the executive branch to take military action to protect U.S. citizens abroad. In the *Slaughterhouse Cases* (83 U.S. (16 Wall.) 36, 79 (1872)) the Supreme Court said of the Government's responsibility to its citizens abroad:

"Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there

can be no doubt nor that the right depends upon his character as a citizen of the United States."

In *Durand v. Hollins* (8 Fed. Cas. 111, 112 (1860)) a Federal Court in New York said of our duty to protect citizens abroad:

"Now, as it respects the interposition of the executive abroad, for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the President. Acts of lawless violence, or of threatened violence to the citizen or his property, cannot be anticipated and provided for; and the protection, to be effectual or of any avail, may, not unfrequently, require the most prompt and decided action. . . . The great object and duty of government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home; and any government failing in the accomplishment of the object, or the performance of the duty, is not worth preserving."

Finally, in *In re Neagle*, (135 U.S. 1 (1899)) the Supreme Court suggested that the President's duty to "take care that the laws be faithfully executed" might go so far as to authorize action to enforce "rights, duties and obligations growing out of . . . our international relations," including, by implication, our obligations to protect our citizens abroad. In support of this suggestion the Court recounted an incident involving one Martin Koszta, a native of Hungary who had at the time only declared his intention of becoming a U.S. citizen. According to Mr. Justice Miller:

"While in Smyrna he [Koszta] was seized by command of the Austrian consul general at that place, and carried on board the Hussar, an Austrian vessel, where he was held in close confinement. Captain Ingraham, in command of the American sloop of war *St. Louis*, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hulsemann, the Austrian minister at Washington, which arose out of this affair and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Captain Ingraham for his conduct in the affair." (135 U.S. at 64)

Mr. Justice Miller ends his discussion of this curious incident by pointing out that Captain Ingraham's actions lacked any congressional authorization, implying that none was needed.

THE SCOPE OF THE VARIOUS "COMBAT ACTIVITIES" STATUTES

We do not believe that there is any necessary conflict between the President's constitutional authority to take military action for the limited purpose of protecting American lives and the various statutes which have been enacted since June of 1973 prohibiting the use of appropriated funds for the introduction of U.S. forces into hostilities in Indochina. The legislative history of these statutes and subsequent statements made by members of Congress who were instrumental in their enactment, make it clear, we believe, that the Congress did not intend by these statutes to circumscribe this constitutional authority of the President.

In discussing the meaning of the Addabbo Amendment to the Fiscal Year 1974 Continuing Resolution, one of the earliest enactments in this series of coextensive restrictions, Congressman Addabbo discussed the precise point at issue here. He said in response to questions from the former House Minority Leader:

"The gentleman from Michigan is speaking of protective action. I am speaking of direct combat action by our forces. We are not amending the Constitution here this afternoon; we are taking a congressional prerogative. The President still has, as Commander in Chief, certain war powers and if any place in this world our forces are threatened or attacked he can move for the moment. . . ."

Representative Ford then asked if it was correct that Congressman Addabbo was saying "that the President as Commander in Chief has certain constitutional military responsibilities and opportunities . . . which would go beyond the limitation in this amendment. . . ." (Emphasis added.) Congressman Addabbo responded "his rights under the Constitution as Commander in Chief, yes". (Congressional Record, June 28, 1973, page H-5365.)

On August 3, 1973—after the first of these statutes was enacted but before their effective date—Admiral Moorer, then Chairman of the Joint Chiefs of Staff, said in executive session testimony before the Senate Foreign Relations Committee:

"[T]he only time that I think I said we might . . . use retaliatory fire was in the event we were trying to rescue Americans. I think you accept that as being—I do—a world wide authority when we get into that type of crisis."

Chairman Fulbright said that he did accept the authority, though he also suggested that we should not create a situation making such action necessary. (Moorer testimony before the Senate Foreign Relations Committee, August 3, 1973, page 40.)

One might ask, if the President's authority to take military action to rescue Americans is so clear, why has the Congress been requested to enact legislation clarifying that authority? The answer is that the executive branch believes our efforts to evacuate Americans, if that becomes necessary, should, in view of the national concern about the role of the United States in Indochina, be supported by the Congress as well as the constitutional authority of the President. Our national response to such an emergency should be a united one in which the legislative and the executive branches are joined in their resolve. Possible disagreements over interpretation of the Constitution or the various statutes relating to Indochina should be set aside. In dealing with a matter as important as protecting the lives of American citizens there should be no dissension within our Government on the question of taking military action if necessary for the limited purpose of safely evacuating Americans from places of danger.

With regard to the authority of the President to employ the armed forces to evacuate foreigners from places of danger, it is clear that the various statutes restricting our involvement in hostilities in Indochina do not operate to prevent the President from using the armed forces for the evacuation of foreigners so long as those forces do not become involved in hostilities. We acknowledge that the President may not order U.S. forces into combat in Vietnam for the purpose of evacuating Vietnamese and third-country nationals without congressional authorization, except where a limited number of foreigners can be evacuated in connection with an evacuation of Americans without materially changing the nature of such an effort. Because we believe we have a real responsibility to the many Vietnamese who have been associated with the United States for many years, and because we recognize that it might not be possible to evacuate these people to safety without some limited involvement in hostilities by U.S. forces, we are seeking authorization to take the minimum military action necessary to achieve this limited purpose should the worst come to pass.

ANNEX

INSTANCES WHERE THE ARMED FORCES OF THE UNITED STATES WERE USED TO PROTECT U.S. CITIZENS WITHOUT CONGRESSIONAL AUTHORIZATION

1. Following the burning of the American and British legations in Japan in 1863, the Commander of the USS Wyoming was instructed to use all necessary force to insure the safety of Americans residing in Japan.
2. In 1863 a detachment of Japanese troops assaulted foreign residents in Hiogo. Naval forces of the United States and other Western powers made a joint landing and adopted measures to protect the foreign settlement.
3. In 1888, U.S. naval forces in the Pacific were ordered to extend full protection and defense to American citizens and foreigners in Samoa who were threatened by civil war in that island.
4. In 1900, 2,500 U.S. troops were sent to join an international military force organized to protect the foreign legations in Peking during the "Boxer Rebellion."
5. In 1927, Nationalist soldiers in Nanking, China attacked Americans and other foreigners. On March 22 of that year, eleven men from the USS Noa were landed to protect the American Consulate. Additional forces were sent from the USS Preston to protect Americans and their property. The next month, 24 marines were landed at Hankow to protect an American business firm and in December, during a rebellion in Canton, marines were sent ashore to assist in the evacuation of Americans. By the end of 1927, the United States had 44 naval vessels in Chinese waters and 5,670 men ashore.
6. When local disturbances broke out in Nicaragua in 1926, the government of that country requested that American forces undertake to protect the lives

and property of Americans and other foreigners. In May of that year, a force of marines was landed for the purpose of establishing a neutral zone. Additional neutral zones were established later in the year. The American military presence in Nicaragua continued until 1933.

For additional examples, see "Authority of the President to Repel the Attack in Korea," 23 *Department of State Bulletin*, 173 (1950); Memorandum of the Solicitor for the Department of State, October 5, 1912, "Right to Protect Citizens in Foreign Countries by Landing Forces," (2d ed., 1929); "Power of the President to Send the Armed Forces Outside the United States," Committee print prepared for the Joint Committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate, February 28, 1951, 82 Congress, 1st session.

Chairman MORGAN. Mr. Secretary, before we reach a decision I would like to ask you, do you favor the Senate approach? Would you support a form of a contingency fund with the limitations and restrictions that I understand that the Senate Foreign Relations Committee will approve this afternoon?

Mr. HABIB. Mr. Chairman, as the Secretary said yesterday, the administration could accept the concept of contingency funds provided that the funds were adequate, and it is my understanding that the funds that have been proposed are not accepted by the administration as being adequate.

I would, of course, leave it to others in the administration to elaborate on this position. I have not gotten direct guidance, but that is my understanding.

Chairman MORGAN. Mr. Parker testified here yesterday that the total cost would be over \$1 billion for final evacuation, supplying humanitarian aid, and so forth.

Do you believe the total would go that high?

Mr. HABIB. I don't recall that the figures were that high for that limited purpose, Mr. Chairman. As I understand it, the request for—

FUTURE AID NEEDS IN VIETNAM

Chairman MORGAN. This was further humanitarian aid and resettling refugees, and so forth. He spelled out over \$1 billion.

Mr. HABIB. I think he was going on into the future, beyond the dates in which the President was concerned with the proposals that he put to Congress.

What the President has indicated was that the \$250 million request was for an emergency humanitarian economic assistance program, and that there might be requirements further on.

That would depend on the circumstances. It would depend upon the situation with respect to refugees, whether they increased or decreased or whether there were some other conditions on the ground.

There is all sorts of speculation one could engage in. I would not have used those figures. Very frankly, I think they made a mistake to project forward into the circumstances which we are not sure about; but I think they were trying to be fully responsive to the needs of the Congress.

I would have said simply that this is what we are asking for now, this is what the President has requested for this limited purpose and it will do the following things. This is what we intend to do with it, and beyond that I would not be prepared to speculate.

Chairman MORGAN. You stated that the Secretary said that he does not feel the \$250 million would be sufficient.

Mr. HABIB. No, sir, I didn't say that. The question was put to him yesterday whether or not he would accept the concept of a contingency fund. At that time the sum had not been mentioned specifically in the hearings, and his answer was that the concept could be acceptable provided the funds were sufficient, that they were adequate.

It is my understanding that the funds that have now been spoken of are not considered adequate.

Chairman MORGAN. Thank you, Mr. Secretary.

Mr. Broomfield.

HOSTILE ACTION IN CAMBODIA

Mr. BROOMFIELD. Mr. Chairman, I would like to ask Mr. Leigh a question regarding evacuation.

You mentioned hostile action, that it does present a problem. Are you referring to areas that are not presently occupied by the Government of South Vietnam or are we talking about possible hostile action within the occupied territory now occupied by the Government.

Mr. LEIGH. I didn't really mean to discriminate between them. In the case of Cambodia, for example, the final phase of the airlift was in downtown Phnom Penh and you could have argued that it was ringed around with hostile action.

On the other hand, at the particular locality where the lift occurred there was not any hostile fire.

Mr. HABIB. Not quite. It was almost that way, it was done very quickly and was very perfectly executed and there was nothing at all in the way of trouble, but as the last chopper was lifting off the ground a 75 millimeter rocket shell landed nearby. That was the only instance of hostile fire.

I am sorry to correct my learned colleague but I want to make sure the record is straight.

Mr. WHALEN. Would the gentleman yield?

Mr. BROOMFIELD. I yield, yes.

Mr. WHALEN. I had the same concern. Do I understand then you are saying that evacuation per se is not a combat activity, your concern is that it may ultimately lead into some form of combat?

Mr. LEIGH. It might have to be executed in a situation in which hostilities were occurring at the precise local point at which it had to be carried out.

Mr. WHALEN. So it is for this reason that you feel some kind of authority is required?

Mr. LEIGH. We would have to have some sort of release from the present restraints in the fund limitation statutes for that situation.

Mr. WHALEN. I thank the gentleman for yielding.

Mr. DU PONT. Would the gentleman yield?

Mr. BROOMFIELD. I yield.

NO EVACUATION FROM COMMUNIST-HELD AREAS

Mr. DU PONT. I took the gentleman's comment from Michigan a little differently when he was talking about hostile areas. You are not

requesting any authority to evacuate anybody from an area such as Danang that is already completely under enemy control, are you?

Mr. HARRIS. That is not envisaged.

Mr. LEIGH. No, we are not contemplating that but in the kind of confusion that may develop in the final stages of an evacuation you can't tell what the situation may be.

Mr. DU PONT. That would be confusion resulting from the hostilities moving toward the evacuation point. You have no intention to leap-frog the lines in occupied territory?

Mr. LEIGH. None whatsoever. It is not that clear a line.

Mr. DU PONT. I know.

Mr. HAYS. What you are really saying is that the Vietnamization policy is the greatest thing in the world; they are finally going to have both sides shooting at us in the evacuation.

Mr. LEIGH. I hope not.

Mr. HAYS. I hope not.

Mr. LEIGH. We better take it into account, but I don't think anybody is hoping that that sort of thing would happen or necessarily expecting it to happen.

Chairman MORGAN. The gentleman's time has expired.

Mr. Zablocki.

ALLEGED DISCREPANCY IN THE WAR POWERS RESOLUTION

Mr. ZABLOCKI. Thank you, Mr. Chairman.

Mr. Leigh, in your statement you stated that you saw a discrepancy, so to speak, between section 3 and section 4 of the War Powers Resolution. I might say that was intentionally structured—that the President should in every possible instance consult because we did envision a situation where the Congress may not be in session, that the President could not consult with Congress.

I must take issue because you did mention my name when you were referring to consultation. It was my understanding that indeed Congress was not consulted about the evacuation.

I may have been in error, I might add, but I do recall that prior to April 3 the Speaker, the majority leader, and the minority leader of the House were out of the country and therefore I presumed that they were not in deep consultation on the Indochina situation prior to April 3.

I must further add that after that date, after the report, the leadership was consulted.

Certainly if the gentleman implied that I was consulted, I must clearly and unequivocally state I knew of no consultation and I indeed was not consulted or informed.

Mr. LEIGH. May I respond to that, Mr. Zablocki?

My understanding is that the White House sent messages to each of the list of 16 Members of Congress. Some of them, it is true, were as far away as China but nevertheless the Embassy there reported that it had delivered a message to Mr. Rhodes and to—

Mr. ZABLOCKI. Seeking views or reporting a decision to them?

Mr. LEIGH. No, he was at that time informing them of what he proposed to do. The timetable was such, I am perfectly ready to concede, that it was not possible to get a response back from them.

DEFINITION OF CONSULTATION

Mr. ZABLOCKI. Would that, Mr. Leigh, be your definition of consulting under the War Powers Resolution?

Mr. LEIGH. I think that under the circumstances that was the best that could be done at that time and as a matter of fact—

Mr. ZABLOCKI. Just so the record is clear, that procedure was not consultation in the interpretation or the intention of section 3 of the War Powers Resolution, as the gentleman from Wisconsin would interpret it to be.

Mr. LEIGH. Well, the situation actually would have been covered more precisely by section 5 which contemplated that you notify the Speaker and the President pro tem of the Senate and then there would be a period in which they might convene or ask the President to convene a special session of Congress for that circumstance.

CONGRESS NOTIFIED BY WHITE HOUSE "BY PONY EXPRESS"

Mr. ZABLOCKI. That is exactly correct under section 5.

Mr. LEIGH. I am sorry if the White House message did not reach you because it was certainly my understanding and I saw to it that your name was on the list of those to be notified.

Mr. ZABLOCKI. It might have gone by pony express and has not arrived yet. I was in Washington.

[Laughter.]

Mr. LEIGH. Maybe that is why.

Mr. ZABLOCKI. I was in my office.

Mr. LEIGH. I understood that you were one of two who were in Washington and I thought surely that message would have gotten through.

Mr. ZABLOCKI. I occasionally lose messages from my constituents but this one I would not intentionally lose.

I had some concern after reading H.R. 5960 that it may be giving broad authority to the President. Upon further study I gather that Public Law 93-148, the War Powers Resolution is not sought to be waived.

Mr. LEIGH. That is correct.

REPORTING UNDER THE WAR POWERS RESOLUTION

Mr. ZABLOCKI. And therefore I think there is a limitation as to the extent the President could commit U.S. troops because if he indeed would enlarge the number of troops in Saigon he would have to report as well under section 4(a)(3). If there were troops in Saigon and they were fired upon, the President under the War Powers Resolution would have to report under section 4(a)(1) which would then trigger the legislative procedures by which Congress would either approve or disapprove his commitment of troops in Vietnam.

Is my interpretation correct?

Mr. LEIGH. Yes, it is.

Mr. ZABLOCKI. Is my further expectation that the executive branch, as it in good faith historically did, would report under the provisions of the War Powers Resolution if that situation developed.

[Interruption.]

Mr. ZABLOCKI. I would expect that the executive branch would indeed report if such a situation would develop in Vietnam.

Mr. LEIGH. Yes, sir.

Mr. ZABLOCKI. That is to report under section 4(a)(1).

Mr. LEIGH. That is true, sir.

Mr. ZABLOCKI. Thank you, sir.

Chairman MORGAN. Mr. Buchanan.

Mr. BUCHANAN. No questions, Mr. Chairman.

Chairman MORGAN. Mr. Hays.

Mr. HAYS. Well, I didn't mean to distract you. I just was asking Mr. Fountain if the President went to bed before 10 o'clock if he had to report under some section of it.

Mr. ZABLOCKI. That might be interesting if he did.

EVACUATION FIGURES ASKED

Mr. HAYS. Well, I think he probably would the way the Zablocki act is written and I was foolish enough to vote for it.

What I would like to really ask you, Mr. Secretary, is how many people are you really talking about evacuating? Have you got a figure in mind if it comes to that?

Chairman MORGAN. Wayne, we had an agreement with the witness before the meeting started that—

Mr. HAYS. We would not talk about it.

Chairman MORGAN. Sensitive material concerning the evacuation will be handled in executive session after this meeting.

Mr. HAYS. All right.

I will pass then, Mr. Chairman.

Mr. ZABLOCKI. Mr. Chairman, may I suggest that we take a vote now as is required by the rules of the House and that we will vote on going to executive session when we complete the open session?

Is so move that we take the vote.

Chairman MORGAN. A motion has been made that the committee go into executive session following this open session. Under House rules we must have a rollell vote.

Mr. HAYS. What is the motion?

VOTE ON EXECUTIVE SESSION

Chairman MORGAN. The motion is to go into executive session after we complete the open session.

The clerk will call the roll.

Mr. CZARNECKI. Chairman Morgan.

Chairman MORGAN. Aye.

Mr. CZARNECKI. Mr. Zablocki.

Mr. ZABLOCKI. Aye.

Mr. CZARNECKI. Mr. Hays.

Mr. HAYS. Aye.

Mr. CZARNECKI. Mr. Fountain.

Mr. FOUNTAIN. Aye.

Mr. CZARNECKI. Mr. Fascell.

[No response.]

Mr. CZARNECKI. Mr. Diggs.
 [No response.]
 Mr. CZARNECKI. Mr. Nix.
 [No response.]
 Mr. CZARNECKI. Mr. Fraser.
 [No response.]
 Mr. CZARNECKI. Mr. Rosenthal.
 [No response.]
 Mr. CZARNECKI. Mr. Hamilton.
 Mr. HAMILTON. Aye.
 Mr. CZARNECKI. Mr. Wolff.
 Mr. WOLFF. Aye.
 Mr. CZARNECKI. Mr. Bingham.
 Mr. BINGHAM. Aye.
 Mr. CZARNECKI. Mr. Yatron.
 [No response.]
 Mr. CZARNECKI. Mr. Taylor.
 [No response.]
 Mr. CZARNECKI. Mr. Harrington.
 Mr. HARRINGTON. No.
 Mr. CZARNECKI. Mr. Ryan.
 [No response.]
 Mr. CZARNECKI. Mr. Wilson.
 [No response.]
 Mr. CZARNECKI. Mr. Riegle.
 Mr. RIEGLE. No.
 Mr. CZARNECKI. Mrs. Collins.
 Mrs. COLLINS. Aye.
 Mr. CZARNECKI. Mr. Solarz.
 [No response.]
 Mr. CZARNECKI. Mrs. Meyner.
 Mrs. MEYNER. Aye.
 Mr. CZARNECKI. Mr. Bonker.
 Mr. BONKER. Aye.
 Mr. CZARNECKI. Mr. Broomfield.
 Mr. BROOMFIELD. Aye.
 Mr. CZARNECKI. Mr. Derwinski.
 [No response.]
 Mr. CZARNECKI. Mr. Findley.
 [No response.]
 Mr. CZARNECKI. Mr. Buchanan.
 Mr. BUCHANAN. Aye.
 Mr. CZARNECKI. Mr. Burke.
 [No response.]
 Mr. CZARNECKI. Mr. du Pont.
 Mr. DU PONT. Aye.
 Mr. CZARNECKI. Mr. Whalen.
 Mr. WHALEN. Aye.
 Mr. CZARNECKI. Mr. Biester.
 Mr. BIESTER. Aye.
 Mr. CZARNECKI. Mr. Winn.
 Mr. WINN. Aye.

MR. CZARNECKI. Mr. Gilman.

MR. GILMAN. Aye.

MR. CZARNECKI. Mr. Guyer.

[No response.]

MR. CZARNECKI. Mr. Lagomarsino.

MR. LAGOMARSINO. Aye.

MR. FASCELL. Aye for Fascell.

MR. CZARNECKI. At this vote by rollcall, 19 ayes and 2 nays.

Chairman MORGAN. The motion is adopted.

MR. HAYS.

MR. HAYS. I have no further questions, Mr. Chairman.

Chairman MORGAN. Mr. du Pont.

MR. DU PONT. Thank you, Mr. Chairman.

MR. LEIGH, in order that we may accept Mr. Aspin's challenge and get right to work, I would like to ask you about four limitations that I would see as necessary in redrafting the administration bill.

Without haggling over the language I would like your reaction to their concept of these limitations.

First, it seems to me important that we cite the War Powers Resolution and specifically state again that it is not being waived.

Would you have objection to that?

MR. LEIGH. I don't think so, sir.

THREE KINDS OF LIMITS NEEDED IN BILL

MR. DU PONT. Second, it seems to me there are three kinds of limits that ought to be drafted into the bill.

First, a dollar limit and whatever figure we come out with, whether it is \$177 million \$200 million or whatever; second, that there be some kind of a territorial limit such as we discussed a moment ago, perhaps phrased in terms of MR-3 or MR-4 so that there is no leapfrogging authority; and, third, that there be some sort of a time limit so that this is not an endless commitment.

I just can't quite see how to draft that at the moment but in concept how would you feel about those three limitations?

MR. LEIGH. May I just consult for a moment with Mr. Habib.

Well, I think, Mr. du Pont, that I would not be able to give an answer at this time on those. We would be glad to look at specific provisions that you might wish to propose on that and see whether as a practical matter that could be handled insofar as the administration's objections are concerned.

It may be that there is already from Congress' point of view a limitation as to time in the sense that Mr. Zablocki pointed out that Congress could adopt a concurrent resolution under the War Powers Resolution expressing a limit. As to the money it may be that there is an inherent limitation in the appropriation process as well.

MR. DU PONT. Except that we are waiving seven provisions of law, some of which apply to money, and if you waive those that opens up presumably all the money in that legislation.

MR. LEIGH. Yes, that is true.

MR. HABIB. I think we are prepared to consider any such proposals.

MR. DU PONT. But you have no—well, we will show you the proposals after we get them.

Thank you, Mr. Chairman.

Mr. ZABLOCKI [presiding]. Mr. Fountain.

Mr. FOUNTAIN. No questions.

Mr. ZABLOCKI. Mr. Whalen.

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. Leigh, we have heard an awful lot in the last few moments about the War Powers Resolution but I would agree with Mr. Aspin's analysis that it is not the War Powers Resolution that is giving you the problem, is that correct, but rather the—

Mr. LEIGH. That is absolutely correct.

Mr. WHALEN. But need for action by the Congress stems from these seven amendments which were adopted.

Mr. LEIGH. That is correct, sir.

Mr. WHALEN. So we are not talking about here the War Powers Resolution.

Now, as I understand your answer to my earlier question, you indicated that evacuation per se does not violate these restrictive provisions.

THE LEGAL SITUATION

Mr. LEIGH. That is our interpretation, sir.

Mr. WHALEN. Is it your contention then that evacuation today from Saigon and the use of troops in this action would not in any way violate these restrictive provisions?

Mr. LEIGH. So long as it could be a purely peaceful evacuation.

Mr. WHALEN. But your concern then as I understand it is that at some point, perhaps as the enemy approaches Saigon, that this could involve combat action?

Mr. LEIGH. That is right.

Mr. WHALEN. And therefore you feel that some kind of congressional action is required which in effect would somehow waive these restrictive provisions?

Mr. LEIGH. That is right, sir.

Mr. WHALEN. I am just wondering in light of the fact that it is your view that evacuation today from Saigon would not in any way violate these restrictive provisions, isn't this an argument in itself for early evacuation not only of Americans but those South Vietnamese citizens whom we hope to bring out?

Mr. LEIGH. Well, I think, Mr. Whalen, that that is not really a legal question.

Mr. HABIB. I think it would depend upon the circumstances, even today or tomorrow. I think Mr. Hays pointed out some of the possibilities, but it would depend upon the circumstances.

Mr. WHALEN. Well, it seems to me it is both a legal and very practical question.

If there are legal inhibitions, then you may feel at some point without authority from Congress that you can go no further.

Mr. HABIB. That is correct.

Mr. WHALEN. I say to avoid that possibility it certainly may be well to undertake efforts to evacuate rather speedily. I won't get into the question. I know we will do that in closed session, as to exactly what you are doing along these lines.

Thank you, Mr. Chairman.

Mr. ZABLOCKI. Mr. Fascell.

LEGAL RESTRICTIONS ON PRESIDENT IN INDOCHINA

Mr. FASCELL. Thank you, Mr. Chairman.

I was going to go through the process of trying to understand the seven waiver requests, Mr. Leigh. You have agreed to give your interpretation on two of them in response to questions raised by the chairman.

How about taking the first one, Supplemental Appropriation Act of 1974.

Mr. LEIGH. That is Public Law 93-437.

Mr. FASCELL. Same one.

"None of the funds herein appropriated," how does that apply to the future if all the funds appropriated under that act have already been expended?

Mr. LEIGH. I am not sure of the factual premise which you make on that, Mr. Fascell. It may be true.

Mr. FASCELL. But should we not know whether the funds—

Mr. LEIGH. We will find out whether they have all been expended, and if that is the case you would not need to use this.

Mr. FASCELL. There must have been some basis for putting that request in. I just was trying to find out what the basis is.

Mr. LEIGH. Well, I am afraid I cannot at the moment answer that question. We have agreed to furnish that for the record.

Mr. FASCELL. I think that would be true with every one of these.

When you get down to a limitation which says "No funds heretofore or hereafter appropriated may be obligated or expended" and then it has a further caveat for example—now I am looking at section 806, but then it goes on to say "Unless specifically authorized hereafter by Congress."

Mr. LEIGH. Well, that was the one I was noticing as you were talking.

Mr. FASCELL. So you see, you have a specific authorization request pending. I don't see why a waiver is required in that case. If you have a specific authorization, it meets the condition laid down in the limitation.

LEGAL INTERPRETATION OF PENTAGON LAWYERS

Mr. LEIGH. Well, that has not been the interpretation which the lawyers in the Pentagon have placed on this.

Mr. FASCELL. I don't know about their interpretation. But let's just the two of us talk about whether a specific authorization is a specific authorization to do whatever it is that you need to do; and if it is today, would that not modify something that was passed yesterday?

Mr. LEIGH. Well, that is certainly true in theory.

Mr. WOLFF. Would the gentleman yield?

Mr. FASCELL. Sure.

Mr. WOLFF. Is it not true that one of the most interesting parts of this bill is, not that which deals with the specific laws that are enumerated, but the phrase or any other comparable provision of law which shall be construed as limiting the availability of funds? That is the one that troubles me more than the waiver of limitations on past appropriations.

It means that we are in effect signing a blank check.

MR. FASCELL. Well, I don't really quite follow that observation of the gentleman from New York.

MR. WOLFF. The fact is that there may be answers to the questions that have been raised relative to past expenditures of funds, but what we are doing here is waiving any consideration.

MEANING OF THE BILL LANGUAGE

MR. FASCELL. I think you run into that problem. Now, I guess you are talking about the language beginning on line 7 and running through line 11.

MR. WOLFF. Line 7 to 11; yes.

MR. FASCELL. Which reads:

Or any other comparable provision of law shall be limiting the availability of use for the Armed Forces of the United States which would aid, assist and carry out humanitarian evacuation.

MR. WOLFF. Which would get us into the war powers.

MR. FASCELL. I think the question is to aid, assist and carry out which is what we are talking about. Humanitarian evacuation is quite clear. I think what is required is the determination of what it means to aid, assist and carry out and whether that includes use of the Armed Forces.

Obviously that is the only reason for the language in the resolution. If that is true, what does that amend, if anything? I think we need to know specifically.

MR. LEIGH. Well, Mr. Fascell, if I understood Mr. Wolff's observation correctly, he was suggesting that this provision "other comparable provision of law" might apply prospectively to other laws not yet written.

MR. FASCELL. I don't see how it could.

MR. LEIGH. If it did, the Congress would change it in 1 minute.

On the other hand, I think the best procedure for us to follow is to furnish a comprehensive statement for the record on just what each of these laws which we are proposing to obtain some relief from does to us now and why we need relief from it.

MEANING QUESTIONED OF "ASSIST AND CARRY OUT"

MR. FASCELL. In addition to that, however, we need to understand exactly what this language means in the bill between lines 7 and 11, "not with respect to any other comparable provision of law."

I don't think that is the problem; the law is there or it is not there. I think what I need to know is what is intended by the words, "assist and carry out."

If that involves an interpretation of constitutional powers of the President which exist or which he says exist or is an enlargement upon the limitations for the use of funds, that is the thing I am interested in.

Does that mean specifically some enlargement of the authority to use the military forces of the United States? That means, of course, then that funds which would be for humanitarian evacuation could be used to aid and assist which could then be used for military purposes obviously.

And, if so, to what extent.

That is all, Mr. Chairman.

[The following statement was subsequently supplied for the record in response to the request:]

The words "assist and carry out" are not intended to expand upon the existing constitutional and statutory powers of the President to use the Armed Forces to conduct an evacuation or to provide protection or other assistance for evacuees. The quoted language is intended only to make clear that the fund limitation statutes would not impair the exercise of these existing authorities.

Mr. ZABLOCKI. Mr. Biester.

MEANING OF "HUMANITARIAN EVACUATION"

Mr. BIESTER. Thank you, Mr. Chairman.

In the bill H.R. 5960, line 10, is the phrase "humanitarian evacuation."

Can you give me some idea of what is meant or intended by that phrase, "humanitarian evacuation"?

Mr. HABIB. As defined, it would cover those Vietnamese to whom we have a special obligation, whose lives may be endangered in the particular circumstances and should the situation develop in that direction.

Mr. BIESTER. It is a classification based on—

Mr. HABIB. Based upon endangered lives.

Mr. BIESTER. Endangered lives.

Mr. HABIB. Yes; and I think that is what the President stated when he presented the proposals to Congress in joint session.

SEVEN SECTIONS OF LAW AFFECTING PRESIDENT'S ACTION

Mr. BIESTER. Thank you.

I notice as one looks at all of these seven sections of law which would be waived that the phrases "combat activities", and "hostilities", occur.

An evacuation, while it may involve military personnel, although there was no actual fighting between those personnel and any other parties, that would not be classified either as hostilities or combat activities; would it?

Mr. LEIGH. Not necessarily, I think. There is one section that we are talking about—

Mr. BIESTER. I am going to get to that. I wanted to clear up the combat activities.

Can we agree under the present circumstances if there was not fighting between the military forces and any other party they would not be involved in combat activities or in hostilities?

Mr. LEIGH. I agree with that.

Mr. BIESTER. Now, there is a section which deals with military or paramilitary operations and I am curious to know what your interpretation of that may be insofar as it relates to activity which is not hostile, not fighting, not combat.

Is that also precluded?

Mr. LEIGH. This provision which is in section 30 of the Foreign Assistance Act of 1973 and the interpretation that the executive branch has placed upon that is that its meaning is the same as the other

fund limitation statutes which you mention. This interpretation is supported by the legislative history and also by the fact that it was enacted at the same time as other sections of the same bill which contemplated the use of the Armed Forces for certain activities, not in hostilities, in Indochina.

Mr. BIESTER. Thank you.

Now, with respect to limitations, Mr. du Pont, the gentleman from Delaware, expressed some generalizations with respect to those and there was a lack of eagerness to go into those areas on those general bases.

I wonder if we might discuss them with specificity.

With respect to a limitation in terms of territory, may I suggest a limitation based on MR-3 and MR-4 areas.

Mr. HABIB. We would be prepared to consider that. As a matter of fact, the present lines extend a little beyond MR-3, I think there is a piece of MR-2.

Mr. BIESTER. Just up along the coast?

Mr. HABIB. That is correct. Any of these proposals, of course, we would be prepared to consider, although we are not prepared to respond at the moment, off the cuff, for very obvious reasons.

VIETNAM: A TIME PROBLEM

Mr. BIESTER. Because we have a time problem, I think it is imperative that there be a very thick heavy line of direct communication between the executive branch and the Congress at this time, and therefore while I temporarily accept your answer to be prepared to consider, I urge you to begin that consideration.

Mr. HABIB. Yes, sir.

Mr. BIESTER. As to time period.

Mr. HABIB. Will we get specific legislation that we can look at?

Mr. BIESTER. No; that is the problem here. It seems to me if we are talking about awaiting specific legislation, we are talking about then a review after the Congress may very well have acted. And as I understand the time situation here, we may not have that kind of time.

Rather than have ourselves operating in two different camps in this instance, it would be very helpful if we knew exactly what the perimeters of each side's consideration here.

Mr. HABIB. I would say, for example, that a general territorial limitation would be within the scope of the intent of what the President had in mind. The only reason I don't want to state it definitively is because, quite obviously, I don't have the authority to do so.

Mr. BIESTER. I understand.

As to time, I would ask you to take under consideration a period of 30 days.

Mr. HABIB. I think there would be some question as to whether it would not want to rely on other provisions that provide time limitations, because you don't know when this thing might or might not kick off. I would think that a time limitation would not be necessarily within even the intent of the legislation as amended.

PRESIDENT HAS SOUGHT CHARTER FROM CONGRESS

Mr. BIESTER. It seems to me, though, what we are doing here, the President has sought a charter from the Congress with respect to a certain set of purposes and it would be very useful for us to not only provide that charter but to circumscribe his powers with respect to the chartered activity.

I think, therefore, again it is important to have in the charter itself all the requisite limitations so that each entity involved here is quite clear as to what the responsibilities and powers are.

Mr. HABIB. I would think that putting a particular time length on it at this time would not be within the intent of the purpose of the proposal, but what time limit might be put on, as Mr. Leigh suggested earlier, is that the War Powers Resolution contains a procedure through which the Congress can express its view that the introduction of troops should come to an end.

Mr. BIESTER. That answer is helpful to me.

Mr. Chairman, there are some other questions I would like to ask but I think it may be best to ask them in executive session.

Chairman MORGAN. Mr. Hamilton.

CONSTITUTIONAL AUTHORITY: AMERICAN CITIZENS EVACUATION

Mr. HAMILTON. Mr. Leigh, I just want to ask one question about authority.

If there is no resolution at all passed by the Congress, what authority, in your view, does the President have to evacuate non-Americans and what is the basis of your authority?

Mr. LEIGH. Well, with respect to American citizens, there has been a very long history of executive action to evacuate American nationals from situations where they are endangered going back to the time at least of Thomas Jefferson and running down through many instances in China in 1927.

I shall provide the committee with a list of examples in which historically the President has acted to use the Armed Forces to extricate American citizens from situations of danger and hostility. [See p. 176.]

Mr. HAMILTON. Your authority for that is historical and not legal?

Mr. LEIGH. I would not go quite that far. I would say it was legal but it is the President's constitutional power as Commander in Chief and as the Chief Executive responsible for protecting the lives of American nationals.

Mr. HAMILTON. So there is no reason to do, as the Senate has done in its draft resolution, to provide for authority for the President to evacuate Americans?

Mr. LEIGH. Not as a technical legal matter. There may be political reasons why that might be done and the President has asked for clarification of this authority.

EVACUATION OF FOREIGN NATIONALS

Mr. HAMILTON. All right.

Now, let's go to the question of non-Americans. What is the authority, or if there is no resolution by the Congress, what authority does the President have to evacuate non-Americans?

Mr. LEIGH. Well, I think he lacks legal authority to evacuate non-Americans if, in doing so, he involved American armed services in hostilities. This is because of the fund limitation provisions which are listed in the bill which the President has proposed.

Mr. HAMILTON. Now, those fund limitations are fund limitations, they are not limitations on the President to act? They are not limitations on his authority to act? I want to draw that distinction.

Mr. LEIGH. Well, it is a very important point and I don't know that anyone, no matter how eminent he may be as a constitutional lawyer, can carry it to that point and speak with absolute assurance.

Chief Justice Taft has been quoted repeatedly as saying that so long as Congress has provided the money the President can send the armed services anywhere in the world he wants.

On the other hand, if Congress in providing the money has put a limitation on it I take the view that that is a limitation which the President is required to respect.

Mr. HAMILTON. So you think there is not authority for the President to evacuate non-Americans?

Mr. LEIGH. In situations where hostilities are inevitably involved; now, if no hostilities are involved, I see no application of the fund limitation provisions and so the traditional view expressed by Chief Justice Taft would apply and I think that the President is free to evacuate.

It is entirely a question of whether it is in the midst of hostilities.

Mr. HAMILTON. Did I understand you earlier to say that you anticipated no hostilities in Phnom Penh on the evacuation?

Mr. LEIGH. In Phnom Penh, we were uncertain as to what was going to happen. We watched it day by day, even hour by hour.

Now, in that situation—Mr. Habib is more familiar with the military details than I am—but I understand that there had been occasional stray rockets landing at the airfield outside of Phnom Penh for months.

THE EVACUATION FROM CAMBODIA

Mr. HAMILTON. How could the President do what he did in Phnom Penh given the view you have just stated of the restrictions on his authority?

Mr. LEIGH. Well, we did not consider that it had reached the degree of seriousness as hostilities which required a cutoff of the action which the military were proposing to take.

Mr. HAMILTON. How in the world did you reach that conclusion?

Mr. LEIGH. Well, I admit it was not an easy—

Mr. HAMILTON. It was not easy, I can assure you.

Mr. HABIB. There was another factor involved, of course, which is that since that last lift was oriented toward the evacuation of Americans, the Cambodians that came out were with Americans.

Other Cambodians had been going out previously by means other than that, which did not involve U.S. military forces.

Mr. HAMILTON. Well, you seem to have stated the view under your interpretation of the present law that the President, since he does not have the funds for it, cannot use American troops for purposes of evacuation because he cannot commit American troops where there is the possibility of hostilities.

Mr. LEIGH. No, there has to be the actuality of hostilities in order to trigger the fund limitation in the Department of Defense Appropriation Acts.

COMMITMENT OF TROOPS AT PHNOM PENH AND DANANG

Mr. HAMILTON. And yet in both the case of Phnom Penh and Danang you did commit American troops, the President did, and in Danang at least, you were just evacuating non-Americans as I understand.

Mr. LEIGH. In Danang, Mr. Hamilton, the orders were quite explicit that the LST's and the other vessels which went there would not go into the area if it would entail involvement in hostilities and they were directed to leave if it became apparent that they might be involved in hostilities.

That is the way in which that operated—

Mr. HAMILTON. Was there any firing in the Danang evacuation?

Mr. LEIGH. No.

Mr. HABIB. No, there was not.

Mr. HAMILTON. But there was firing in the Phnom Penh evacuation?

Mr. HABIB. After they left. It was literally after they had taken off, the last helicopter had taken off.

Mr. HAMILTON. I understand, but nonetheless there was.

Mr. HABIB. As the last helicopter was leaving, I think, is the more accurate way to say it.

Mr. HAMILTON. Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

MEANING OF "HOSTILITY" IN BILL

I just have one question referring to H.R. 5960 trying to clarify the word "hostility" that Mr. Biester referred to.

Is not all of South Vietnam a hostile area or considered as such at the present time?

Mr. HABIB. Well, not within our understanding.

Mr. WINN. Subject to hostility?

Mr. HABIB. There are commercial airlines going in and out of the Saigon airport every day, and in fact the situation there, in that area, is about as normal as it has been for several years.

Mr. WINN. What I am trying to figure out is how do you draw the lines of hostility if they are changing every hour on the hour?

Mr. HABIB. Not quite every hour on the hour, although that could be. You are absolutely right. I would defer to my learned colleague. Will you define hostilities?

I am doubly glad now that he came with me.

How do you define hostilities? Do you have a legal definition of hostilities?

Somebody shooting at you is the way I would define it, but I am sure the lawyers will come up with a fancier phraseology than that.

Mr. WINN. Where I am confused is that if there are North Vietnamese fighting South Vietnamese and there are North Vietnamese

in Saigon which is controlled by the South Vietnamese, isn't Saigon, let's say, an area of hostility?

Mr. HABIB. Basically that is not a hostile area, there are no hostilities going on in Saigon at this time.

IS INVOLVEMENT IN HOSTILITIES WAR?

Mr. LEIGH. Mr. Winn, we have assumed in trying to interpret this set of statutes that the Congress has started from the premise that American involvement in war was almost certain to occur if U.S. Forces became involved in hostilities.

I mean by that that there would be the kind of involvement which would be difficult for Congress to in any way stop and that therefore the practical determination was whether the degree of exposure was enough to create an apprehension that there would be a kind of general engagement following it.

But if you have the situation, as we thought we surely had at Danang where the ships could lie offshore for a certain distance and allow the smaller vessels to come out and unload their refugee passengers onboard the American ship, that we could be reasonably confident that we were not going to get involved in hostilities and we would not transgress the limitations in the Department of Defense Appropriation Act.

Mr. WINN. I understand the Danang situation now, of course, that it is over. In other words, you are saying basically it is a degree of exposure?

Mr. LEIGH. I think that is correct, sir.

Mr. WINN. All right.

I think that helps clarify it in my mind.

Mr. DU PONT. Would the gentleman yield?

Mr. BUCHANAN. Would the gentleman yield?

Mr. WINN. I yield.

Mr. DU PONT. Let me pursue that point.

If you are talking about getting top Vietnamese officials and military people out of there, you are not going to do that until the shooting is virtually over, until the war is virtually over, because they are not going to leave this week while the defense is still going on. They are all going to want to leave in the last 3 hours and all of it is going to be undertaken in conditions of hostilities.

Mr. HABIB. I think later on we could talk about circumstances in a much more specific way, if it is all right with you, sir.

Mr. BUCHANAN. Would the gentleman yield?

Mr. DU PONT. I yield.

THE PHNOM PENH EVACUATION

Mr. BUCHANAN. I want to nail down this Phnom Penh matter.

You indicated those helicopters were sent in to evacuate Americans. There was American evacuation involved in that last group, is that correct, Mr. Secretary?

Mr. HABIB. There were Americans on the last helicopter coming out, that is right?

Mr. BUCHANAN. On the very last one?

Mr. HABIB. Yes.

Mr. BUCHANAN. Which is the only instance in which there was any firing?

Mr. HABIB. As I understand it, as the last helicopter was coming out, a shell landed nearby.

Mr. BUCHANAN. There are no restrictions providing what you do to evacuate Americans, are there?

Mr. LEIGH. That is our interpretation.

Chairman MORGAN. The gentleman's time has expired.

Mr. Wolff.

PROTECTION OF AMERICANS FROM SOUTH VIETNAMESE

Mr. WOLFF. Thank you, Mr. Chairman.

During the President's speech, he alluded to the fact that some of the military assistance that might be needed is to protect our citizens from hostile action of the South Vietnamese.

Do you see any danger in that, Mr. Secretary?

Mr. HABIB. I don't recall that the President said anything like that. That is the sort of stuff one has been reading in the newspapers, but I don't recall it being said.

Mr. WOLFF. I am referring to the fact that people might be unhappy with our leaving and that they may be under great difficulty from the South Vietnamese as well.

Mr. HABIB. I don't recall that the President said anything like that. I am looking at the text right now, sir, and I can't find anything quite like that.

I think there has been a lot of that kind of talk in the newspapers. The President didn't say anything of that sort as I recall.

Mr. WOLFF. Do you think there will be any problems in that connection?

Mr. HABIB. That question was raised earlier; it is a question, I think, which deserves to be raised, and we might discuss it in a little more detail later.

Mr. WOLFF. That is hard to say whether we should raise it later or not.

Do we feel that there is a chance of any hostile action from the South Vietnamese?

Mr. HABIB. I would like to discuss that later on.

NO RESUMPTION OF BOMBING TO FACILITATE EVACUATION

Mr. WOLFF. Let us go to another point then.

In this action that we do contemplate or if it is necessary, is it contemplated that any resumption of the bombing of North Vietnam is part of the effort to evacuate the South Vietnamese?

Mr. HABIB. That is not envisaged in this proposal and, as is quite clear, the congressional authority in that regard is well known.

Mr. WOLFF. Is that any part of these public laws that you have asked for us to rescind?

Mr. HABIB. No, sir, not to my knowledge.

Mr. LEIGH. Well, do you mean the ones that are listed in the proposal?

Mr. WOLFF. Or this other phrase "or any other comparable provision of law."

Mr. LEIGH. I do not think so, Mr. Wolff.

Mr. WOLFF. This phrase "or any other comparable provision of law," do you have any other laws that you feel are restrictive at the present time?

Mr. LEIGH. I don't know of any. I think it was put in as a matter of caution by the draftsman; but let me include that in the submission I make for the record.

Mr. WOLFF. Would you mind our deleting that portion from the bill?

Mr. LEIGH. Well, if we can't find any examples of it, I think we would be hard pressed to object to deleting it.

That was done on an interagency basis and I can't be sure what provisions the lawyers in the Defense Department as well as lawyers elsewhere may have had in mind.

APPROPRIATION PROCESS AS CONGRESSIONAL TOOL

Mr. WOLFF. Let me refer back to the public laws that you have enumerated here. These are appropriation bills primarily as I understand it; is that correct?

Mr. LEIGH. Some are not, I believe.

Chairman MORGAN. Five of the seven.

Mr. WOLFF. I am sorry, five of the seven.

Let me go back to the debate on the War Powers Resolution, if I can, just for a moment and say that one of the Members of Congress objected to the War Powers Resolution because specifically it would in some way tie the hands of the President and in answer to that at the end of the debate, he said:

Let me add another comment, if I might: I deny—deny emphatically—that Congress has not had the tools in the last 20 years to play a more effective role. We have had the appropriation process every year.

The Member that made that statement is now the President of the United States.

What you are asking us to do is to rescind the action of this Congress and several Congresses before it in the appropriation process.

I think that the gentleman made the statement before relative to a definition of evacuation. I think it will be very interesting to hear the limitations that are made upon the question of humanitarian assistance.

Chairman MORGAN. The gentleman's time has expired.

Mr. Gilman.

TIME LIMIT FOR EVACUATION

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Leigh, in your opinion, would there be any good argument against imposing a reasonable time limitation on the evacuation proposed under this authorizing resolution?

Mr. LEIGH. Well, that is a question, Mr. Gilman, which Mr. Habib responded to a little while ago. We would be happy to look at any proposal which is made in that respect.

On the other hand, we did point out that under the War Powers Resolution there is from the point of view of Congress a remedy for that. The difficulty about the time limitation is that you don't know at what stage you would begin the running of that time and we don't know at what stage we would begin the evacuation.

We would be glad to look at a provision of that sort.

Mr. GILMAN. Can you estimate what amount of time would be needed once the evacuation were to start?

Mr. HABIB. No. I don't think so, sir, nor can you estimate at what time one would reach the circumstances such as the President characterized as the worst case.

Mr. GILMAN. It is conceivable then that we could have troops over there right up to the very end, under this resolution?

Mr. HABIB. It is conceivable but not practical in terms of the purposes stated in the resolution, the purpose is intended to be explicit and limited.

RESTRAINTS ON PRESIDENTIAL AUTHORITY TO USE TROOPS

Mr. GILMAN. If this resolution is passed, are there any restraints on the Presidential authority to utilize troops for evacuation or are we essentially granting a blank check?

Mr. LEIGH. I don't think there would be any restraints on the President's use of the authority other than the normal ones that the President would intend to act legally in all respects.

Mr. GILMAN. There is no necessity for the Chief Executive to come back to Congress for any further approval, is there, once this resolution is approved.

Mr. LEIGH. There would not.

On the other hand, depending on the circumstances, and it seems to me very likely that he would be making reports to the Congress under either section 4(a) (1) or 4(a) (2) of the War Powers Resolution and possibly section 4(a) (3) as Mr. Zablocki has reminded us.

Mr. GILMAN. You have discussed in response to several questions the evacuation of Cambodia and Danang. Mr. Aspin raises the question of the legality of the President's decisions in both of those evacuations.

Is it your opinion that both of those evacuations were accomplished legally?

Mr. LEIGH. Yes, it is, Mr. Gilman.

Mr. GILMAN. Thank you.

Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Bingham.

Mr. BINGHAM. Thank you, Mr. Chairman.

I am still not quite clear, Mr. Leigh, as to what your position is with regard to the authority of the President to evacuate U.S. citizens. Do you agree with Mr. Aspin's thesis as it deals with the evacuation of U.S. citizens?

Mr. LEIGH. My position is that the President has the constitutional power as Commander in Chief to evacuate U.S. citizens in situations of danger in foreign countries.

Mr. BINGHAM. Notwithstanding the provision of law cited in H.R. 5960?

Mr. LEIGH. That is also my position, Mr. Bingham, and I understand that there were colloquys which occurred between administration spokesmen and Members of Congress which confirmed that interpretation.

Mr. BINGHAM. Then if it were the sentiment of the Congress that it wished to authorize the use of American Armed Forces only for the evacuation of American citizens, no additional authority would be necessary; is that right?

Mr. LEIGH. As a technical legal matter that is my opinion.

On the other hand, the President requested clarification and there are political considerations which would argue in favor, I believe, of having congressional participation in this process.

Mr. BINGHAM. If you can answer in open session, Mr. Habib, what is the current situation with regard to evacuation both as to American and Vietnamese right today?

Mr. HABIB. Let's talk about that later if we may. I would rather not get into that.

Mr. BINGHAM. I am not talking about plans; I am talking about what is going on.

Mr. HABIB. At the present time?

Mr. BINGHAM. Yes.

EVACUATION OF AMERICANS IN VIETNAM

Mr. HABIB. At the present time there are some Americans who are leaving. The mission, the American Embassy, has been ordered to get out, thin down all nonessential official Americans in Vietnam, and the process has been going on.

Now, of course, we have some Americans who are not official Americans and who therefore cannot be ordered to leave, but some of them are thinning down also.

Mr. BINGHAM. Are they being encouraged to leave?

Mr. HABIB. Nonessential Americans, yes, sir. They are being ordered to leave.

Mr. BINGHAM. What about Vietnamese, are they free to leave if they can get a seat on a plane and have the money for a ticket?

Mr. HABIB. Some have and some haven't. That is a matter of their law and their government. We don't control that.

RECESS CALLED

Chairman MORGAN. The Chair would like to declare a short recess. The witnesses can take a break. The members have been summoned by a rolleall, which is on the Quie amendment to add \$137 million for bilingual language studies in the bill now on the floor.

The Chair intends to complete questioning to the end of the row in open session, and then go into executive session.

Mr. HABIB. Yes, sir, Mr. Chairman.

Chairman MORGAN. The committee stands in recess.

[Whereupon, at 4:10 p.m., the committee recessed until 4:45 p.m.]

Chairman MORGAN. The committee will reconvene.

When the committee recessed, Mr. Bingham had completed his questioning.

Mr. Harrington.

THE BATTLE FOR SOUTH VIETNAM

Mr. HARRINGTON. Mr. Habib. I heard you on Monday, I didn't hear you last Wednesday, I listened to Defense Intelligence analysts yesterday and some State Department personnel yesterday, and I listened to the Central Intelligence Agency this morning.

In the course of a week we have gone from General Weyand indicating, I think, that there is a potential rice surplus in the southern part of what remains of the Republic of Vietnam and a potential for oil off of the coastline, creating at least the possibility that there could be a viable truncated government remaining.

I listened to the Central Intelligence Agency this morning make it absolutely clear that any continued adherence to that belief makes no sense in view of military changes which had occurred as recently as yesterday along the coast. I am thinking of Xuan Loc, which had been encircled, and the question whether only 18,000 combatants could be expected to escape to fight in some other narrower perimeter.

In addition, they indicated that all political elements in South Vietnam that they had contact with were in agreement that Thieu had ceased to be an effective political force.

I read Secretary Schlesinger's suggestion that, if this aid is given, there could be consideration of nearly \$1.3 billion in the next season, and still more in ensuing years. All of this really comes down to my exchange with Mr. Aspin. When does that kind of illusion, for whatever reasons it was engaged in, stop getting shared? When do we deal with the reality of what is there and attempt to take off the blinders?

You have not dealt, as of Monday afternoon, with the obvious political ascendancy of the North Vietnamese and Vietcong in any fashion that would indicate you understand the problems. And yet the administration continues to express concern for the safe departure of the people who have allied themselves with us.

This combination is what puzzles me. How long can you persist? It was your agency this morning that told us, essentially, that changes are occurring which lead them to believe that the situation is about over.

VIETNAM SITUATION: A PERILOUS ONE

Mr. HABIB. Mr. Harrington, there is no question that the situation is a perilous one. I don't think anything I have said to this committee or other committees I have appeared before would give anything but that impression.

I don't have blinders on, and I attempt to be realistic. There are certain things, of course, that I don't say publicly for the very simple reason that, when I speak, it is as an official, and when I get into discussions and comments about other governments and other personalities, there must be a certain inhibition.

In any event, let me say this, that no one has talked as far as I know in terms of the administration's request leading to military victory.

Our Secretary of State yesterday stated quite clearly, I think, to the Senate that the President had approached the problem with great deliberation and had determined, on the basis of the information available to him, that without sufficient military and economic assistance South Vietnam in its truncated version had no chance whatsoever of creating any kind of circumstances—call them what you will, stabilization, if you prefer—which would allow for a political settlement other than just complete surrender. It was believed that there is a chance, with the provision of adequate assistance, that circumstances could be created in which there could be the kind of political settlement you speak of, which basically would come about through some sort of negotiation, adjustment, accommodation between the contending parties.

The one place I would take issue with some of the things you said is that I don't think it is necessarily our task to negotiate that accommodation, that adjustment. We undertook that task once when we produced the agreement in Paris, which provided the framework within which, hopefully, those things could be done.

DECISION OF THE VIETNAMESE PEOPLE

Finally, I would say in general comment to your statement, that the decision as to when it ends and when people stop resisting, we have tried to make very clear, should not be our decision. That should be the decision of the South Vietnamese people. The decision we are being asked to make, and you can address it in any way you want, is whether or not we are prepared to provide them the resources to continue to resist, since they are willing to resist.

Now, I believe, and the administration has proposed, that we should continue to give them the means to resist, because if you cut them off, they have no other source for those necessary resources.

They may not succeed even with the resources we are proposing they be provided.

Would it be better that they be given the chance to resist and that, if they fail, it is by their own failure? Or would it be better that they not be given the means to resist when they wished to resist, that they not be given the chance they seek by reason of our being unwilling to provide resources at this 11th hour—after all the years that have gone into this, after all of the sacrifices we have made and the hopes that we built up in them, and the moral obligations—not legal obligations—that we incurred in the process.

Now, it may be that you don't accept that obligation. The administration has quite clearly stated it and does accept it.

I am sorry if I took so long to answer your question, but you always ask very difficult questions and they require long answers.

Mr. HARRINGTON. I appreciate that.

Let me respond very briefly by suggesting that your concern about obligations engendered is very hard to square with the question of resistance. Looking at what the best estimates of the executive branch are, talk about the right to resist, has ceased to be very relevant and meaningful.

Mr. HABIB. The situation is perilous.

Mr. HARRINGTON. I don't mean perilous. You are assuming a will to resist, but you have basically, from what we are told, a discredited, ineffective, and probably limited—

Mr. HABIB. May I make one comment, sir?

Mr. HARRINGTON. Surely.

RESISTANCE IN VIETNAM: NO "REGIME"

Mr. HABIB. I find this again and again with the opponents of our policy. They characterize the Vietnamese people as "that regime" or "the Thieu regime." You know, that is not what is resisting in Vietnam. It is not a regime. There is no question but that the South Vietnamese people have no desire to be overtaken, overrun, and have imposed upon them by force the will of Hanoi.

Now, that has been the history of 20-odd years in Vietnam. That they have been militarily ineffective up to a certain point can be readily conceded by a look at the map, but that the will to resist is there is undeniable, while their ability to resist continues to be tested. If you want to say that that is just simply the Thieu regime that wants to resist, I would beg to differ. That is not my understanding of the South Vietnamese character or of their desires, and I have lived among them and have known them for many years.

CHARACTER AND HISTORY OF VIETNAM WAR

Mr. HARRINGTON. That is not what I meant to say. I just wanted to emphasize the history and character of this war, and I don't share your characterization or the administration's characterization. I think it is essentially a war between contending factions with a shared background going back centuries with those characteristics.

Mr. HABIB. But with very different perceptions of the way they want to live. That is an important difference for those who have been resisting Hanoi's objectives. Hanoi's objectives have always been clear, they have never concealed them, and the resistance to those objectives has been equally clear. There is a very different perception as to how they want to live.

All I would ask you, is to ask any Vietnamese, even those who are anti-Thieu—and I know a lot of them, I spent a lot of time in political circles in Saigon: Their perception of the North is not much different than that of those who support the present government.

When the congressional committee went out there not long ago, I had the honor to accompany them. I think there were a number who were quite surprised at the strength of feeling—this is before the latest campaign—the strength of feeling that existed among anti-Communist Vietnamese who were antiregime.

Mr. HARRINGTON. I would accept whatever characterization you choose to give it, Mr. Habib, but I would still say that the history of conflicts of that kind are replete with the kind of savagery, the kind of feeling, that you describe, whether it be this country a century ago or whether it be Spain in the 1930's or any other conflict waged over basic philosophic differences. I think you are going to get those feelings, but what we have to face right now is what the possibilities are in view of the battlefield situation.

Mr. HABIB. I am very much aware of what the possibilities are.
 Mr. HARRINGTON. I think I have used up my time. Thank you.
 Chairman MORGAN. Mr. Riegle.

AUTHORITY TO EVACUATE SOUTH VIETNAMESE

Mr. RIEGLE. Thank you, Mr. Chairman.

I want to address my comments not only to the witnesses but also to those members that are still in the room because I want to try to narrow this thing down.

It seems to me what we are really talking about here is whether or not we are going to give the President the authority to use American military combat personnel and equipment to evacuate South Vietnamese.

It is quite clear to me that he has the authority to do so in order to take out Americans. It is really a question of whether we want to give the military authority to take out South Vietnamese and, if so, how many and over what time period.

Now, I think we ought to be realistic in facing the fact that, if we do, I am certain in my own mind that that means American military set a goal of anywhere in the 100,000 to 200,000 range of South Vietnamese to be taken out, and we talk about the prospective American military efforts that will be required to cover that kind of an evacuation—personnel are going to be killed in action, and it is not going to be 5 or 10. It is going to be a lot of them.

I want to know if any thought has been given as to what is an acceptable death level of American forces in evacuating South Vietnamese—if it is 200 or 500? Or are we willing to pay that price in terms of a loss of American lives in covering an evacuation, say, of 200,000 South Vietnamese, if it takes 1,000 or 1,500 American combat deaths—or is there some point at which we would say that we would stop the evacuation rather than lose more American forces in combat?

Now, is anybody on the administration side being realistic enough to address that prospect?

It is not an idle question.

I remember a time when we were involved in that war, and we were losing 400 Americans a week. We could very easily lose 400 Americans a week, or more, using the authority that you have asked for here, if you are serious about trying to take out as many as nearly a quarter of a million South Vietnamese.

Have any unacceptable limits been established yet that you can share with us?

DISCUSSION OF VIETNAM CONTINGENCIES

Mr. HABIB. Mr. Chairman, I think that that kind of question would be better answered when we get into executive session, when we are talking about the details and the various contingencies.

I know that does not satisfy you, Mr. Riegle, but I would rather not talk numbers, contingencies, plans, or anything of that sort in open session.

Mr. RIEGLE. Well, for over 10 years, one of the tactics has been to shut the doors and talk in closed session. I have never heard anything

said in closed session that does not appear the next day in the newspaper anyway.

Mr. HABIB. That will not be my fault if it occurs.

Mr. RIEGLE. I don't know whose fault it is.

Most of the leaks that came out with respect to the breakdown of the recent Middle East negotiations did not come from the congressional side of the fence. And you know that as well as I do.

Mr. HABIB. I didn't intend to point the finger.

Mr. RIEGLE. My point is that the American people have the right to understand that what you are talking about here is walking right straight into the prospect of sacrificing American lives—and major U.S. military action—to take out South Vietnamese.

Now, you want to shut the door to talk about it.

I don't want to shut the door to talk about it.

Mr. HABIB. No; I will not shut the door or anything of the sort.

Mr. RIEGLE. What is an acceptable limit?

Mr. HABIB. If you will permit me to explain to you why I feel it is important to discuss the details of contingency plans in closed session rather than open session, then I will.

Mr. RIEGLE. I didn't say anything about contingency plans.

Mr. HABIB. That is the way—

Mr. RIEGLE. What I am talking about is this: Are there any unacceptable prospective death limits in terms of the use of Americans, American military personnel, in taking out up to something close to a quarter of a million South Vietnamese?

The answer is either "Yes" or "No."

Mr. HABIB. The answer to your question is, as far as I am concerned, there will be no American deaths in taking out anybody.

Mr. RIEGLE. But this bill right here—

Mr. HABIB. Now, that is the answer to your question.

Mr. RIEGLE. This is a blank check, though, is it not?

Mr. HABIB. No; it is not.

Mr. RIEGLE. This could produce 5,000 Americans killed?

Mr. HABIB. It could not.

Mr. RIEGLE. You are saying that could not happen?

Mr. HABIB. I didn't say that. You said it could. I said that is not correct. It also could not.

Mr. RIEGLE. So we don't know whether it is going to or not. It is possible.

Mr. HABIB. If you want to discuss the contingencies and the various possibilities under various circumstances, I have requested the chairman's permission that we do so in executive session.

I don't intend to discuss contingencies and plans in open session for the simple reason that it would jeopardize the safety of people involved, including our own people and including some of the men that you are talking about.

Mr. RIEGLE. I am just concerned about the safety of American military personnel that we send in.

Mr. HABIB. Then I think we are in agreement.

Chairman MORGAN. The gentleman's time has expired.

Mr. Lagomarsino.

Mr. LAGOMARSINO. I have no questions, Mr. Chairman.

Chairman MORGAN. Mrs. Collins.

WHERE WILL EVACUEES BE TAKEN?

Mrs. COLLINS. I have many questions that I want to ask in executive session, but the one question I think that you might be able to answer now is: Where are these evacuees of South Vietnam to be taken to?

Are they going to be brought to this country?

Mr. HABIB. If you come to a point where evacuation becomes a reality, and refugees are generated, there are international provisions and institutions that take care of circumstances of that sort.

There exist both the U.N. High Commission for Refugees and the International Commission for European Migration that normally, in such circumstances, function as administrative and facilitative bodies. There are all sorts of ways that this can be handled.

Again, one can think of different circumstances and different possibilities depending upon just what actually materializes.

Mrs. COLLINS. Are there chances that these evacuees will be brought to the United States.

Mr. HABIB. Yes; of course, some.

Mrs. COLLINS. Will others go to other countries?

Mr. HABIB. We would hope that they would. There is already some indication that other countries would be prepared to facilitate that, but, again, you would have to consider it in terms of the circumstances and the actual conditions that obtained, the manner in which it happened, and what actual administrative arrangements could be made.

Mrs. COLLINS. I think that I would like to ask the rest of my questions in executive session.

Chairman MORGAN. Mr. Bonker.

COSTS OF VIETNAM EVACUATION

Mr. BONKER. Mr. Habib, the bill that is before us provides that nothing in existing law shall be construed as limiting the availability of funds for the use of armed services in an evacuation effort.

I am concerned about the total amount involved and the possible limits of the use of this money. Have you any estimates concerning the total cost of an evacuation program? We have heard the figure of \$200 million or \$250 million.

Is that a rounded figure?

Mr. HABIB. No, I don't know of any basis for that figure in terms of the kind of program that is being spoken of here.

Mr. BONKER. When we remove this limit, where will the money come from to support the evacuation program?

Mr. HABIB. That is not provided for in this legislation, other than with respect to the cost of such military forces as may be involved.

I think that is the purpose of this modification of the law.

Mr. BONKER. Well, if Congress—

Mr. HABIB. This law only refers to those. Am I correct? Let's get the lawyer in the act. We can get an interpretation of law. I think I am correct, but let me verify it.

Am I correct?

Mr. LEIGH. What this does is to try to relieve the President of the limitations in the funds limitations laws for this purpose, for this humanitarian evacuation—and nothing else.

Mr. HABIB. It does not appropriate money?

Mr. LEIGH. No.

APPROPRIATION OF FUNDS FOR HUMANITARIAN AID

Mr. BONKER. When do you expect to make a request for the appropriation of funds for this effort?

Mr. HABIB. That would depend on the circumstances.

Hopefully, under certain circumstances, there would not have to be much of an appropriation. Under other circumstances, there might be.

I think we can discuss that when we discuss the various circumstances.

Mr. BONKER. Did the request that you had before this committee the other day—for \$250 million for economic and humanitarian aid—include provisions for an evacuation program?

Mr. HABIB. No; that was a separate program which I think was outlined for the subcommittee the other day. That had to do with economic and humanitarian aid to be used basically and fundamentally for refugee rehabilitation and relief in South Vietnam at the present time, or beginning at the present time and within some definitive period.

I think the plan they gave to the subcommittee the other day was based on a 6 months' projection of requirements for refugee camps and rehabilitation.

Mr. BONKER. Let me ask just one further question.

It appears to me that earlier I understood Mr. Leigh, I believe, to say that—maybe it was you, Mr. Habib—the administration would not accept the proposal that was adopted recently by the Senate panel.

Mr. HABIB. Let me make clear what I said. I said that yesterday the Secretary of State had said that the concept that was presented was acceptable, but provided that the sums were adequate.

It is my understanding that the position of the administration is now that the concept remains acceptable, but that the funds that are mentioned in the bill, which I have only briefly seen, are not adequate.

Mr. BONKER. How much was specified in that bill?

Mr. HABIB. The version that I saw spoke of \$200 million.

Mr. BONKER. So, it is your impression, based on the information that you have, that \$200 million is not sufficient for an evacuation program?

Mr. HABIB. No, that is not the way I would respond to that question. What I would say is that the \$200 million, in the manner presented in that bill, is not adequate in terms of the administration's purposes as set forth by the President in his presentation to the joint session.

Chairman MORGAN. Under the prior permission obtained by rollcall vote the committee will at this point go into executive session. All those persons not authorized to remain in the room shall leave.

[Whereupon, at 5:10 p.m., the committee proceeded in executive session.]

VIETNAM EVACUATION AND HUMANITARIAN ASSISTANCE

FRIDAY, APRIL 18, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The committee met at 10:30 a.m., in room 2172, Rayburn House Office Building. Hon. Thomas E. Morgan (chairman of the committee) presiding.

Chairman MORGAN. The committee will come to order.

We will hear testimony today from the Secretary of State.

Mr. Secretary, your appearance here today offers us an opportunity to exchange views on legislation produced by this committee after much hard work yesterday.

The bill we have approved will be presented to the House at noon today. We hope to bring it up next week.

It is the committee's response to the President's urgent request to the Congress a week ago.

We believe the bill meets the President's needs so that he can provide for the safe evacuation of Americans and their dependents and others from Vietnam.

Mr. Secretary, for our part, this committee has carefully studied the President's request. We have been meeting almost daily, morning and afternoon. We have voted special funds for the President for a peaceful civilian evacuation.

Mr. Secretary, I realize that you have had only a short time, maybe not even any time to study the actions and recommendations of the committee, but if you can we would appreciate your giving us some of your views on the bill.

We also want to hear from you about the changing situations in Indochina and what measures are being taken to provide for the safety of American citizens and their dependents in Vietnam. We are also interested in knowing what efforts the President and the administration are taking to bring about a political solution to the crisis.

I would like to advise you that the committee voted yesterday in accordance with the rules of the House to go into executive session later on in this session if you believe there are sensitive matters that should be presented in closed session.

Mr. Secretary, you have a short statement and you may proceed.

STATEMENT OF HON. HENRY A. KISSINGER, SECRETARY OF STATE

Secretary KISSINGER. Mr. Chairman, ladies and gentlemen:

I have a very short statement, Mr. Chairman; I assumed you would rather spend your time asking me questions. I gave a more lengthy

statement in the Senate earlier this week which I will offer for the record.

[The statement before the Senate Appropriations Committee appears in the appendix, p. 214.]

Secretary KISSINGER. Mr. Chairman, ladies and gentlemen, I welcome the opportunity to appear now before this committee. My remarks will be very brief in order to let you get directly to questions.

The tragedy in Vietnam has been discussed at great length in recent weeks, and my own views are well known to you.

Although we are no longer fighting in Vietnam, we are still involved there, and what we do—or fail to do—can still influence the outcome. Thus, we are faced with a difficult national decision.

The question before us now is what can be done and should be done to restore some prospect of a negotiated settlement, such as we sought so earnestly in Paris, and to provide for the safety and well-being of the people of South Vietnam caught up in this turmoil.

The President's request includes the provision of adequate military and humanitarian assistance. He has also asked the Congress to clarify existing provisions of law regarding the use of U.S. forces in the evacuation of Americans and Vietnamese should the worst come to pass.

The request for military assistance we made to provide the people of South Vietnam the means to defend against those who seek to impose their will by force. If South Vietnam is unable to continue its struggle, it should not be by virtue of the cessation of U.S. support so long as the will to resist remains.

VIETNAM: "AN ENORMOUS HUMAN TRAGEDY"

No aspect of the situation in Vietnam touches the hearts of Americans today as much as the enormous human tragedy represented by hundreds of thousands of uprooted refugees. They have our compassion, and they need our immediate help. The President's request for humanitarian assistance was to provide the food, shelter, and medical care these unfortunate victims of the war must have.

In this regard, I want to acknowledge the serious and urgent efforts this committee has engaged in to adopt legislation for the kind of humanitarian and evacuation effort, if that should become necessary, which is consistent with our responsibilities.

I commend the committee for its conscientious and expeditious accomplishment. I urge your colleagues in the other committees of the House and Senate to act as swiftly as you have.

This is the extent of my formal statement, Mr. Chairman, and I am now prepared to answer your questions.

SITUATION IN CAMBODIA

Chairman MORGAN. Thank you, Mr. Secretary.

Mr. Secretary, a tragic chapter in Cambodia is now finished and new forces have taken over in that country. Can you tell the committee what has happened under this transition? Is there any information coming out of there at the present time?

Secretary KISSINGER. We have fragmentary information, Mr. Chairman. The Communist forces are in complete control of the capital. Some of the Cambodian officials managed to escape at the last moment,

but our impression is that the vast majority of the cabinet, including those who stayed behind when they had an opportunity to leave when we evacuated, are now still in Phnom Penh and we know that several of them have been arrested.

There is still some resistance in isolated provinces, but our expectation is that this will be overcome.

Prince Sihanouk has so far indicated that he might maintain his headquarters in Peking with occasional trips to Phnom Penh, as a sort of international spokesman for this new government that will no doubt be established.

An increasing number of governments are recognizing the forces now controlling Phnom Penh and that process can be expected to continue. This is about the extent of the information we have, except that the human suffering is expected to be large, given the circumstances.

CAMBODIA: LESSONS FOR VIETNAM?

Chairman MORGAN. Mr. Secretary, are there any lessons to be learned from the situation in Cambodia that might apply to a possible Communist takeover in South Vietnam?

Secretary KISSINGER. First of all, of course, we don't want to speculate at this moment on a Communist takeover of South Vietnam, but the various lessons indicate there is simply no substitute for some kind of a military balance, that without that there can be no negotiation that is effective, and under some circumstances it may be in the interests of the Communist forces not to have a negotiation, so that the process of takeover makes their dominance self-evident to the population.

It used to be said in Cambodia, for example, that Lon Nol was the obstacle to a settlement. Lon Nol was removed, due to the exhaustion of ammunition supplies. The military situation was such that the Communists had absolutely no interest in negotiating, and therefore we should have absolutely no illusions that negotiating by itself can be a substitute for existing realities on the ground.

The existing realities on the ground could ease; in certain circumstances, a humane transition could come about.

With respect to evacuation, I feel that the lessons of the Phnom Penh evacuation are not necessarily applicable in Saigon for a variety of reasons, including the fact that there are much greater levels of arms in the hands of many more people, the composition of the forces is much more complicated, and therefore the delicacies involved in evacuating Americans from Vietnam are infinitely greater than those that were involved in Phnom Penh.

Chairman MORGAN. Thank you, Mr. Secretary.
Mr. Broomfield.

CONGRATULATIONS ON EVACUATION OF PHNOM PENH

Mr. BROOMFIELD. Thank you, Mr. Chairman.

Mr. Secretary, I wish to compliment you and the administration on the handling of the evacuation in Phnom Penh. It went smoothly and with very little problem. Obviously, all of us are hoping that if it becomes necessary in Vietnam, we will be that successful.

Several statements were made yesterday and some, I think, were very unfortunate. Some of the numbers were suggesting or implying that the administration is dragging its feet on evacuating American citizens from South Vietnam.

I tried to assure them that in my judgment it was going in an orderly way. Would you like to comment on that?

Secretary KISSINGER. Mr. Broomfield, one of the themes that I have tried to strike in recent months is the absolute necessity of a relationship of confidence between the Congress and the Executive. Now, all of the decisions that are involved in a critical situation such as we are now facing in Vietnam are complex and have many intangible aspects.

It is possible that mistakes in judgment are made, or that different people would assess the same problem in a different way. But to suggest that the administration deliberately is keeping Americans hostage to advancing armies is unworthy of the debate.

What is the problem in Vietnam? We would like to reduce the number of Americans to the greatest extent possible, but we would like to do it in such a way that the very act of evacuating them does not trigger a panic that would make the evacuation of anybody impossible.

Now, where you strike that balance is, of course, a question of judgment, and different people can come to different conclusions about that.

We are moving at the pace that seems to us most calculated to protect the greatest number of American lives. It would be easy for us to make some sort of a grandstand play, but if the next day it led to a totally uncontrollable situation in Saigon, we would have achieved only one day's headlines and no real results.

Anybody who knows the geography of Saigon, the location of the airport, the nature of the situation there now, must realize that we have to move at a pace in which the cooperation of the population and the Government of South Vietnam is maintained.

We have, after all, made a substantial reduction, and the number is now below 4,000 from a figure of about 6,000 when the President spoke before the Congress.

We are trying, under not exactly ideal conditions, to do it as unobtrusively as possible and in a manner that prevents panic. For that, we also have to prevent panic here.

ANOTHER GULF OF TONKIN RESOLUTION?

Mr. BROOMFIELD. Yesterday during the debate some of the critics of American foreign policy and of this administration were trying to imply that what the President was requesting and what was before this committee for consideration on humanitarian evacuation was nothing more than another Bay of Tonkin resolution.

Both Dr. Morgan and myself assured the committee, as well as everyone else, that this obviously was not a Bay of Tonkin resolution. There was no military aid in the bill we had before us yesterday. It provides for just two specific purposes—humanitarian and evacuation assistance.

I wonder if you would comment about that?

Secretary KISSINGER. There are two separate problems. One is the military assistance request which this committee is not considering. That, of course, is in its nature a normal type of military assistance request, larger in scale, but not different in nature from that which we give to many other countries.

With respect to the Presidential authorities to use American forces to evacuate Americans—and if the worst comes to pass, those South Vietnamese who have been closely associated with us—I think it is obvious that the administration is not seeking an open-ended authority to reenter the Indochina war. And this is another one of those debates which we should avoid.

In my speech yesterday before the Society of Newspaper Editors, I made it absolutely clear that the administration had made its case; that it will abide by the verdict of the Congress; that we are not seeking to reopen all these wounds—but we do have a number of important problems and some profound moral obligations.

One problem is the evacuation of Americans.

The second is that over a period of 15 years in South Vietnam, here are literally tens of thousands of South Vietnamese whose lives are now in jeopardy as a result of having associated themselves with efforts that they had every reason to believe would succeed, and they had every reason to believe in some protection by the United States. This is an obligation that we want to recognize.

If the Congress was disposed to cooperate with us, I am certain we could find formulations that would make it crystal clear that the authority would not be used for any purpose other than that which I have stated. It is not our intention, we do not believe it to be in the national interest, to reenter the Indochina war, or to use American forces for any purpose other than the humanitarian purposes which I have stated.

MR. BROOMFIELD. Mr. Secretary, in closing I want to add a personal note. There has been a great deal in the papers lately about some of our temporary setbacks in foreign policy. I know a goodly number of Members of Congress who deeply respect and admire the work that you are performing as our Secretary of State. I hope you will stay with the Ford administration and see it through these difficult times.

Secretary KISSINGER. Thank you.

Chairman MORGAN. Mr. Zablocki.

THE RESIGNATION OF PRESIDENT THIEU

MR. ZABLOCKI. Thank you, Mr. Chairman.

Mr. Secretary, I want to join the chairman and my colleague from Michigan in their sentiments of support and cooperation, and certainly best wishes in your very difficult tasks ahead.

Now, Mr. Secretary, some Members of Congress—and I might say I am not one of them—advocate the resignation of President Thieu. They say it must take place for the Vietnam problem to be solved. Their claim is that Thieu is the obstacle to negotiations and to stability in South Vietnam.

Mr. Secretary, what is your assessment of their claim?

Secretary KISSINGER. I would like to discuss some of the aspects of this problem in executive session later on, but if I can discuss the experience of Cambodia here, it was said for many weeks in similar debate, while ammunition was running out, that the obstacle to a settlement in Cambodia was Lon Nol. When Lon Nol left, the demands were simply shifted to his successor and I do not believe that any one personality is going to be the key to the settlement, though this demand has been made.

The United States supports the government in South Vietnam. It does not support particular individuals. We strongly favor a negotiation and we believe incentives exist to produce a negotiation, but we do not believe that focusing it on one individual is a full description of the problem, or an adequate description of the problem.

Mr. ZABLOCKI. Is there any evidence that Thieu is obstinate and unwilling to negotiate?

THIEU'S VIEWS ON NEGOTIATIONS

Secretary KISSINGER. As you know, the South Vietnamese Government has offered unconditional negotiations and so has their Foreign Minister, who is here in the city.

Throughout the war the North Vietnamese have demanded the resignation of Thieu and have stated terms for a political negotiation that amounts to a disguised surrender, in which a group which they controlled by two-thirds would negotiate with a group that they controlled totally, for a final arrangement. They have not particularly changed these demands in recent weeks.

We believe that in Saigon today there is a great readiness to negotiate with considerable flexibility.

Mr. ZABLOCKI. Mr. Secretary, Australia recognized Sihanouk and the Khmer Rouge in Cambodia, and I understand other countries will similarly be recognizing them. Can you tell us what the next step is as far as United States-Cambodian relations are concerned?

Secretary KISSINGER. Given the situation and the history, we do not believe that the United States will gain any particular advantages by any excessive alacrity in moving from one day to the next from the recognition of one government to another. Nor, frankly, do we believe that with respect to those governments that are moving with this speed, that this will affect ultimate relationships with the government concerned.

At this particular moment, in the light of the tragedy that has unfolded, the fact that the evacuation of Americans from Phnom Penh is less than a week old, we think it is premature to talk about the problem of diplomatic recognition. But there have been sufficient newspaper reports to indicate that we have been in touch with some of the participants on the other side so that we are not without diplomatic contact.

ROLE OF SIHANOUK IN CAMBODIA

Mr. ZABLOCKI. Will Sihanouk be the leader of the new government in Cambodia, in your opinion?

Secretary KISSINGER. I am sure he would like to know that too.

Mr. ZABLOCKI. My last question, Mr. Chairman.

There are newspaper reports that the Khmer Rouge military were applauded and commended upon entering Phnom Penh. Was this performance expected?

Secretary KISSINGER. The reaction of populations to victorious armies, particularly in civil wars, tends to have a certain uniformity.

Mr. ZABLOCKI. But not quite in our own War Between The States. They are still fighting it in some areas of this country.

Secretary KISSINGER. I think it is premature to make a judgment on what this means, and I don't think we have formed any precise conclusion as to what would happen when these armies entered. After all, you confront a situation there where the population has to come to terms with new rulers, and it may be that adopting a posture of moderation is the one that is the one least likely to provoke harsh measures, so I don't know what significance to attach to this particular event.

Mr. ZABLOCKI. Thank you, Mr. Secretary.

SITUATION IN CAMBODIA

Chairman MORGAN. Mr. Buchanan.

Mr. BUCHANAN. Mr. Secretary, I don't know whether Cambodia would have fallen anyway or not, even if we had continued our military assistance, but it does seem reasonable to assume that the fact that they were running out of ammunition, and no more help was forthcoming from us or anyone else, had something to do with the fall of Cambodia.

Secretary KISSINGER. It is absolutely astounding how long they fought, knowing that we were drawing down the last supplies and stretching them out in order to permit time for a congressional vote. Whatever else has to be said, the Khmer forces and the Government acted with extraordinary dignity.

THE CHANCES IN VIETNAM

Mr. BUCHANAN. This committee has reported out legislation for humanitarian evacuation. I assume this will be passed by the Congress substantially in the same form. It appears equally likely that there will be no further military assistance forthcoming from the Congress unless a lot of people change their minds. It appears to me one of the reasons is that a lot of people have simply given up on South Vietnam. They consider this not a viable government and there seem to be a great many people who believe South Vietnam simply can't survive whatever we do.

I wonder if you could respond? What about Vietnam? Is there any chance anyway, whatever we do?

Secretary KISSINGER. I have to say we bear a heavy responsibility for what happened in Vietnam. I do not believe the offensive would have occurred at anything like its magnitude, nor the South Vietnamese withdrawal in anything like this panic, except for a sequence of actions for which we have a substantial responsibility.

This should also affect our action now.

The problem in Cambodia and in Vietnam assumes similar proportions. It is, whether the United States, by its decision, should prohibit

people with whom it has been associated from defending themselves—this is really what the moral issue comes down to.

I cannot be certain about the military outcome. In fact, I would say the military situation is very grave. Our point has been that whatever the outcome, our request permits the most controlled and the most humane evolution, and provides the greatest incentive for a negotiation which will undoubtedly reflect the existing military balance, but which nevertheless may preserve some elements of self-determination.

This is the case we are making. We are not guaranteeing success; we are not claiming that it will work in any ultimate sense. What we are saying is, first, it is not our decision to make, whether they should continue to resist.

Second, that whatever assumptions we make about the outcome, we can achieve the most controlled conditions for it, and the most humane evolution, by meeting the President's request. That is our most overwhelming concern.

Chairman MORGAN. Mr. FASCELL.

THE MILITARY IMBALANCE IN VIETNAM

Mr. FASCELL. Thank you, Mr. Chairman.

Mr. Secretary, given the military imbalance that exists, and the track record of the North Vietnamese, it would seem very logical to conclude at this point that there is absolutely no opportunity for a negotiated settlement for a new government under any conditions.

Secretary KISSINGER. Well, as somebody who has negotiated with the North Vietnamese for 4½ years, I could wish for more favorable circumstances in which to see a negotiation.

There are obvious limits to what a negotiation can achieve under present circumstances. Negotiations now would be conducted under conditions and for purposes different from some of the preceding ones. There are still certain benefits to the North Vietnamese from negotiating, some of which I would like to discuss in executive session. Their track record, not only in the last negotiations, but historically, is very poor.

LITTLE PURPOSE TO CHANGE OF GOVERNMENT IN VIETNAM

Mr. FASCELL. For the same reasons one would reasonably conclude there is very little purpose in a change in government in South Vietnam prior to complete takeover?

Secretary KISSINGER. First of all, of course, I don't think it would be appropriate for me to presume a complete takeover, but assuming the worst, the conditions under which a takeover were to take place would be—as far as human beings are concerned—of very great significance.

In Cambodia the forces on both sides were much less heavily armed. The Cambodian character is much more conciliatory. In Vietnam, if the worst came to pass—and I repeat, I am discussing your hypothesis, not mine—if the worst came to pass, it would be the conclusion of nearly a generation of civil war and, therefore, the conditions under which this took place, in terms of human suffering, would be of very great consequence.

PRG LEADERSHIP

Mr. FASCELL. Mr. Secretary, does the PRG have any real leadership or authority to negotiate with regard to evacuation?

Secretary KISSINGER. About 85 to 90 percent of the forces in South Vietnam are North Vietnamese regular forces. There is no longer the slightest pretense that this is—on the military side—anything other than a North Vietnamese military operation.

On the other hand, there has been a meticulous effort made to maintain, I would have to say, a facade of a PRG administration, and the territories that have been occupied by the Communist forces have not been absorbed into North Vietnam, but have been put under a PRG administration. The PRG would have the authority to conduct the negotiations to the extent that Hanoi gives them that authority and, conversely, I would say any commitment the PRG makes can be assumed to have the backing of Hanoi. I don't think it is likely to happen that the PRG would make a commitment that would be disavowed by Hanoi.

Mr. FASCELL. Mr. Secretary, do we have some estimate of the magnitude of dislocated people who are in the South Vietnamese-held territory?

Secretary KISSINGER. I think the figure at this moment is something like 500,000, who have been registered with the Government. There may be as many as a million total. It is a very confused situation.

SITUATION IN LAOS

Mr. FASCELL. Mr. Secretary, there are reports alleging the North Vietnamese have joined the Pathet Lao in an effort to take over the Lao Government.

Secretary KISSINGER. Whether the North Vietnamese have directly joined the Pathet Lao in taking over the Lao Government, there is no question that the pressures now, and the balance of forces as they exist in the Indochina Peninsula, is going to be reflected in the political arrangements throughout the Indochina Peninsula, so I don't think it will require a great number of North Vietnamese forces to register that fact.

Again, the North Vietnamese have systematically violated the agreements with respect to Laos as they have violated those with respect to South Vietnam. They were supposed, under the agreement, to withdraw all their forces from Laos within 60 days and that, of course, has never been done.

VIEW OF GENERAL WEYAND ON VIETNAM

Chairman MORGAN. Mr. Winn.

Mr. WINN. Mr. Secretary, in his appearance before our committee last week, General Weyand indicated after the Paris agreement in 1973 there was an understanding between our country and the Government of South Vietnam that we would continue to provide aid each year thereafter in the amount of about \$1 billion a year for an undetermined amount of time.

This would be divided \$700 million military assistance and \$300 million economic assistance.

We have provided more than that since that time.

I just wondered, is this your understanding of the agreement between the two countries?

Secretary **KISSINGER**. Agreements and understandings are used rather loosely at this moment. I am not familiar with any agreement or understanding that deals with any particular figure, but I again would have to look at the record.

Mr. **WINN**. The general indicated this was one of a set of assumptions.

ASSUMPTIONS OF U.S. AID TO VIETNAM

Secretary **KISSINGER**. It may have been an assumption and certainly we asked for more than that each year. It is a rather moot point because our judgment each year was that they needed more than \$1 billion, and we formally made this request to the Congress.

Our attitude toward the Paris agreements—as we stated publicly at the time, which is too frequently forgotten today—we stated we would give adequate economic help. What that was, anybody who knows our constitutional process realizes, emerges from a negotiation between the Congress and the Executive.

We had also the right under article 7, which we stated we would exercise, of replacing lost military equipment on the basis of 1 to 1. That figure was hard to estimate because if there had been no military conflict, if the cease-fire had been observed there would have been very little military assistance required under the provisions of article 7 so that the amount of military assistance was to some extent dependent on the military conditions, and that too was pointed out.

I am not familiar with any particular figure ever having been indicated, to be given over a period of time, but the fact is we did, every year, ask for a substantially larger sum than \$1 billion and, therefore, our judgment certainly was that this is what was required.

Mr. **WINN**. It could be that General Weyand was incorrect in his assumption.

Secretary **KISSINGER**. It doesn't make any difference because we asked for more each year than \$1 billion.

WAIVER OF FIVE STATUTES ON INDOCHINA WARMAKING

Mr. **WINN**. Mr. Secretary, the bill which passed our committee yesterday waives five statutes which specifically prohibit the use of American troops in combat in Indochina. My question to you, Mr. Secretary, is: Is it your assumption that these statutes do not apply to the President in his role as Commander in Chief in the evacuation of American citizens?

Secretary **KISSINGER**. Well, as you know, we opposed these statutes at the time and pointed out they would have serious consequences in the long term, not because we had any intention of reentering the war but because we believed that it would have very serious consequences on the assessment by Hanoi of the risk it might run, which was a different thing.

With respect to the authority to extricate Americans, the legal opinion that I have seen is divided on the subject.

The proscription that we find most compelling is the one in the Foreign Assistance Act of 1973, not in the War Powers Resolution.

Our concern would be whether we have the authority to expend funds for American military personnel in the evacuation of Americans, when there is a possibility that they might be involved in hostile action. For that reason, we asked for congressional clarification.

In Phnom Penh we did it on the basis of the assumption that there were inherent constitutional powers for the President——

STATUTES RELEVANT TO CAMBODIAN EVACUATION

Mr. WINN. In other words, in Phnom Penh it was your assumption and that of the administration that these statutes did not apply insofar as American citizens were concerned?

Secretary KISSINGER. In Phnom Penh we were prepared to stretch the statute, but we were dealing with an operation that lasted only 1½ hours under conditions in which we felt rather confident there would be no attempted hostile action, so that the law would not have been triggered.

Mr. WINN. Did you think you did stretch the statutes because at least at the end wasn't there enemy action, or was that perhaps celebration?

Secretary KISSINGER. I think there was one shell fired at the end. We thought we were coming to the margin of that congressional action, and if we were to undertake an operation which at least is potentially more serious, we thought it would be helpful for the country if the Congress and the Executive were together.

I must say, in a very grave emergency the President would probably act when the lives of Americans are at stake, but I think it would be healthier for the country if the situation were clarified.

Chairman MORGAN. The gentleman's time has expired.

Mr. Fraser.

Mr. FRASER. Mr. Secretary, upon the completion of the expenditure of the \$700 million in military assistance already authorized and appropriated for this year, how long do you expect the South Vietnamese forces will continue to have ammunition and other operating requirements available?

Secretary KISSINGER. My understanding is that at the current rate of expenditure they are likely to run out of ammunition in a matter of weeks, certainly by the end of May. You know you can get a more precise answer to that from the Pentagon, but this is my understanding.

SOUTH VIETNAM: A LOST CAUSE?

Mr. FRASER. There is a general impression, I think, that the fighting, the conflict in South Vietnam represents a lost cause. In other words, if the United States would provide more military assistance, the principal effect would be to simply stretch out the fighting with the same ultimate end. I wonder if you would comment on that?

Secretary KISSINGER. Of course, this was the point that was argued in Cambodia. It gets back to a reply I offered earlier, whether it is appropriate for the United States to make that decision, vis-a-vis

countries with which it has been associated for such a long time, and, second, that there are many intermediary stages between military success and total collapse, and to achieve these intermediary stages—that is to say, to achieve possibilities for controlled outcomes—I think a vote of some military assistance would be extremely helpful.

ROLE OF AMBASSADOR MARTIN

Mr. FRASER. On that score, Mr. Secretary—because I think that is the best case that the administration has to make—with additional military aid the possibility for a controlled outcome would be substantially increased, but I read news accounts of a statement by our Ambassador in Saigon which suggested, at least to me, that there wasn't very much flexibility.

I notice, for example, a statement by the President of France indicating that any ultimate settlement, or so-called controlled outcome, would require political leadership in Saigon that was fully committed to that.

It was very clear, I think, from the context of President Giscard d'Estaing's statement that he didn't feel the present leadership in Saigon was fully committed to such an outcome.

It is in this area, I think, that many of us have the greatest difficulty. We lack assurance of a willingness to try to bring about a controlled end which will ultimately be politically the same as a final takeover by the other side, but nevertheless might be controlled with all of the favorable possibilities that that might open up, not only to get Americans out, but Vietnamese.

Secretary KISSINGER. First of all, of course, an ambassador is in an extremely difficult situation to make public judgments about a government to which he is accredited. It is not unknown in Washington, but it is not the common behavior of ambassadors.

Second, he faces an extremely complicated and delicate situation.

Third, I believe that the negotiating process has its own logic, which will become apparent.

If you would permit me, I would like to discuss the negotiating aspects in an executive session.

Mr. FRASER. There has been a lack of confidence on the part of many of us in our Ambassador there based on some experiences with him and this, I think, heightens our apprehensions.

Secretary KISSINGER. Of course, it is not an opinion we share or he wouldn't be still Ambassador, but in any event, under the conditions that now obtain it is obvious that for the United States to change its Ambassador and for the South Vietnamese Government to change its leadership simultaneously, which is being proposed by many people, is not the best way to maintain a controlled situation.

We believe that Ambassador Martin is a disciplined Foreign Service officer who will carry out his instructions with great competence.

VIETNAM: COLLAPSE IMMINENT?

Mr. FRASER. Perhaps most of my questions would have to be answered in executive session, but your understanding is, absent any further military assistance, that the Saigon forces will be unable to fight after a few more weeks or by the end of May.

Secretary KISSINGER. I think their collapse would be certain. I have pointed out that even their present military situation is extremely difficult, but without military assistance it would be hopeless in relation to any of the purposes we might be discussing.

Mr. FRASER. I had a meeting with the Ambassador for the PRG who is stationed in Paris. I saw him in Geneva. My impression is that their demands keep escalating. Not only was I told it was important that President Thieu be removed, but there was a discussion that we stop all military assistance.

Secretary KISSINGER. And before long it will be to stop all assistance.

Mr. FRASER. Have we had any kind of communication with the other side in which some of these intentions have been made more explicit?

Secretary KISSINGER. Well, I think we are familiar with their intentions and there have been some communications. The timing of what we can do, we have to some extent hoped we could relate to congressional action, because our experience has been that the things available on one side affect the conclusions on the other, especially in Vietnam; whether or not their demands escalate depends in part on their perception of the military situation.

Chairman MORGAN. Mr. Biester.

IMPACT ON U.S.S.R. AND CHINA

Mr. BIESTER. Thank you, Mr. Chairman.

Mr. Secretary, if one were to assume that the worst case would proceed, as you have described it, what are the implications of both those events on our behavior with respect to those impending events on détente with the Soviet Union, and our relationship with the People's Republic?

Secretary KISSINGER. In the conduct of our foreign policy, we now face two problems. One is, nobody who has access to information of the real views of leaders around the world can have any question that what is happening in Indochina creates severe problems for the conduct of American foreign policy.

I am often criticized for pointing this out. We cannot, however, avoid these difficulties by denying they exist.

I also would like to stress to this committee that I am convinced that we can master these difficulties, if we can work together as a united people, and face the fact of what is ahead of us and put our current debates behind us.

So I am not using this as a means of blackmailing the Congress; I am using it as a challenge to make us face the reality of the world.

Now, with respect to the Soviet Union and the People's Republic of China, the facts are that they kept their level of aid roughly constant, and our level of aid declined, so an imbalance in military power developed between those two sides.

These two countries have a responsibility for the consequences of their introduction of large-scale military aid, because the purposes of the aid on the two sides was not symmetrical. Any aid going to North Vietnam had a high probability of being used for offensive purposes.

In the whole history of the Vietnamese war, the South Vietnamese

have never used their forces for substantial offensive operations, never against North Vietnam.

Therefore, we have been pointing out, both the President and I, that countries with which we seek a relaxation of tensions have an obligation to behave with enough responsibility not to give the impression that they are seeking relaxation selectively.

The second problem is the future. On the one side we do not want any country to believe that the present concern in America about one area of the world shows any lack of determination or any lack of unity with respect to other areas of the world, and we want to make sure, and I am sure in this respect we speak for the American people and for the American Congress, that there are no misapprehensions that these lessons can be generalized elsewhere.

On the other hand, we believe also that the policy of seeking to reduce the dangers of general war, which have been at the basis of our policy of détente, are in the interests of our people, in the interests of our adversaries and in the interests of mankind.

So, while we are pointing out unacceptable aspects of behavior and while we want to make clear that there will be no opportunities for temptation, we also are making it clear that we are prepared to continue a policy to reduce the dangers of nuclear war and to bring about a more creative world community.

This is a complex policy and it is one of the reasons why we need a united people behind us.

REASSESSMENT BY CHINA?

Mr. BIESTER. Let me phrase my question a trifle more precisely: Do you think that these events, coupled with what one may expect reasonably to be the behavior, or the pattern of behavior of the Congress with respect to forthcoming military aid, occasion any reassessment on the part of the leaders in China of their current relation to us?

Secretary KISSINGER. Well, I think that leaders all over the world are now going to ask themselves a question, not about American good will, not about whether they like individual Americans, but whether the United States can maintain the global balance of power which has, after all, preserved the peace of the world, and thereby the independence and security of many countries, and I would not be surprised if the leaders of the People's Republic of China also ask themselves this question.

Chairman MORGAN. The time of the gentleman has expired.

Secretary KISSINGER. This is why a determined, united and constructive American policy now is an absolute imperative.

Chairman MORGAN. Mr. Taylor.

ABANDONED U.S. MILITARY EQUIPMENT

Mr. TAYLOR. We hear reports that much U.S. military equipment has been abandoned during recent weeks by the South Vietnamese, and now is in the hands of the Communists, and if we send additional military equipment it might suffer the same fate. Could you comment on that?

Secretary KISSINGER. The circumstances of the retreat of the South Vietnamese Army produced panic. The decision to make the retreat, to undertake the retreat, which was taken without consultation with the United States, reflected President Thieu's assessment of the relative balance of forces that had developed through the decline of American aid—which had prevented him from getting any new equipment since May 1974, very few spare parts, and forced most of American military assistance to be concentrated on ammunition and fuel and even that in inadequate amounts.

One of the difficulties the South Vietnamese Army confronted this year is that they suffered 30,000 dead last year, partly as a result of their having to curtail ammunition expenditures. So in this state, and also given the fact the South Vietnamese Army has its dependents living with it, a retreat of such magnitude triggered panic and a great deal of equipment was abandoned.

The expectation is that if the situation around Saigon can be stabilized—that with shorter lines of communication, and better prepared defenses—that this will not be repeated. In fairness, one has to point out that if the worst came to pass and the whole situation collapsed, of course, more American equipment would fall into the hands of the other side.

EFFECT OF MONEY FOR CAMBODIA

Mr. TAYLOR. President Ford, a few weeks ago, requested an appropriation for military assistance for Cambodia. Congress did not act on this request. Had Congress acted favorably and quickly on the President's request, in your opinion would the results in Cambodia have been different?

Secretary KISSINGER. I think it serves no useful purpose to go into this now. It is my personal belief that Phnom Penh could have been held until the advent of the rainy season if this amount had been granted in February or early March, partly for practical reasons and partly for morale reasons, but this is a matter of opinion.

Mr. TAYLOR. The question really is, was it too late at that time to save the situation?

Secretary KISSINGER. There was divided opinion on the subject at the time.

As I look at the situation developing, I think the chances were much better than even that it could have been saved until the rainy season at least. I would like to say, however, what I said publicly yesterday, that we will not, as far as the administration is concerned, pursue that argument once the outcome has been completed.

I want to make clear I am answering a question; I am not volunteering this. It is my belief that it could have been saved, yes.

Mr. TAYLOR. Thank you.

Chairman MORGAN. Mr. Guyer.

GUILT AND VIETNAM

Mr. GUYER. Mr. Chairman, I happen to think you are doing a great job with a very difficult assignment.

One thing puzzles me. We have had a lot of talk lately about national guilt. Jack Anderson this morning, who perpetually seems to have more sources than the cavalry has horses, said that we have had a pretty good track record as a country.

I don't want to post mortem our long involvement in Vietnam, but for many years the press and the media have blistered us for being in Vietnam; then for not getting out of Vietnam; and then within 48 hours some of the same people, describe the United States as being unreliable, as being welters on their word, back-downers, who forfeit commitments, commit abandonment and so forth.

I don't happen to share that kind of a guilt. There are something like 148 countries in the world, give or take a few, and about 70 more territories. Suddenly why do we happen to become the bad guys, and where were all the other people who should have shared some of this concern?

NATIONAL GUILT OVER VIETNAM

Secretary **KISSINGER**. It is not a question of national guilt, because only a very idealistic people could have pursued its endeavors in the face of so much adversity and so much discouragement. So we have no reason for guilt in this sense.

It is an empirical fact that the United States, by virtue of its power, and paradoxically by virtue of the high expectations people hold of it, is the principal factor in maintaining world peace and assuring world progress.

So, to the degree that confidence in our judgment, our steadiness, and quite frankly, in our domestic stability, declines, to that extent the world will become a less safe place and in time a less prosperous place to live in.

This is one of the dangers in the present situation. It has nothing to do with whether people feel that we were guilty. They may think our judgment was wrong to begin with. They may think our domestic divisions are such that whatever our judgment was, neither side of our domestic debate can ever achieve the full results that it seeks, and that this will produce a sense of paralysis.

Or they may fear that whatever the past, that we are now going to withdraw into a period of national recrimination or sullen isolationism.

So, for all these reasons, world stability—which, despite all the criticism, we have been largely responsible for—and world progress, which we have been even more largely responsible for, is endangered unless we move out of this particular period with some confidence and determination.

Now, I am convinced that we can do this. I am convinced that we can use this event as a catharsis in which we return to fundamentals and in which the doubts that are expressed by many of our own people, and by many people abroad, can be turned into a means of regenerating our international momentum.

So I am not at all pessimistic, but I want to point out what the problem is, because we will never solve it unless we face it.

PARIS ACCORDS AND RECURRENT OF WAR

Mr. GUYER. Two brief comments, Mr. Chairman, if I have time.

One is, when you achieved the first cease-fire back in 1973—which I think was a great thing—nobody else had been able to figure it out—you appeared before the committees although not Secretary at that time—Mr. Rogers may have been here, I am not sure—but I think testimony was given there were between 35,000 and 43,000 North Vietnamese troops left over in no man's land at the time of the peace settlement, who were never acknowledged. My question is: It never really was a surprise that there was not a renewal of the war—I think most of us felt there would be. Would you share that belief?

Secretary KISSINGER. Under the Paris accords, the North Vietnamese maintained the fiction that they did not have any forces in the South; at that time our estimate was that there were roughly 80,000 to 100,000 North Vietnamese in the country. We went along with that fiction because we believed that President Thieu could maintain the military balance. There was a provision in the agreement that prohibited any additional infiltration and that prohibited any additional introduction of new military equipment except on a one-to-one basis, and only through international checkpoints.

Had those two provisions of the agreement been maintained, the present offensive would have been unthinkable. The present level of North Vietnamese forces in the country is between 300,000 and 350,000, so they have more than tripled their forces in total violation of the agreement, and they have introduced massive quantities of equipment and supplies also in total violation of the agreement.

We expected some cease-fire violations when the agreement was made in 1973, but we thought they would be manageable within the local context. And as late as May 1974, the general assumption was that things might settle down to a Korean pattern in Vietnam. Then a series of events occurred. Our domestic crisis of authority and domestic upheavals, various actions of the Congress, various other actions internationally that encouraged the North Vietnamese to believe that they could do what I don't believe they had any intention of doing until as late as February of this year.

UNITED STATES AND PHILIPPINES POST-VIETNAM

Mr. GUYER. Could I ask you for any comment on Mr. Marcos' statement that we might be more of a liability than an asset in the Philippines?

Secretary KISSINGER. It is a public expression of some of the fears that we see a great deal of privately. I believe that in our conduct, as a people, in the manner in which we conduct foreign policy, we will be able to preserve our essential interests; we will reassure our essential allies and, as I said, we have it totally within our power to conduct a creative foreign policy if we can get together as a people.

Chairman MORGAN. Mr. Solarz.

EVACUATE VIETNAMESE NOW

Mr. SOLARZ. Thank you, Mr. Chairman.

Mr. Secretary, with all due respect, it seems to me that you know, and members of this committee know, that the Congress is not going to appropriate any additional military assistance for Vietnam.

As you indicated in your own testimony, the days of the regime in Saigon are numbered. My own feeling is that they will collapse sooner rather than later.

So it seems to me that instead of wasting time over futile arguments with respect to who is responsible for the collapse of the Government, instead of wasting time making futile efforts to secure additional assistance which in any case the Congress is not going to provide, that we ought to be concentrating on evacuating as effectively and as expeditiously as possible, those Americans and Vietnamese whose lives may very well be in danger if we don't get them out before the last act is over.

In this connection, sir, I think you are aware of the fact that I had an opportunity to meet 2 days ago in Paris with Mr. Pham Van Ba, who is the representative of the PRG in France.

During the course of our conversation he indicated the PRG would be willing to cooperate with the peaceful evacuation not only of American citizens in Vietnam, but also of those Vietnamese nationals who would like to leave.

I can't say to what extent Mr. Ba's views faithfully reflect the attitude of the PRG itself, or the Democratic Republic of Vietnam, with which it is associated. But to the extent that there is any possibility whatsoever that an orderly evacuation of American citizens and Vietnamese nationals could be worked out, without the necessity for reintroducing American troops into South Vietnam, it seems to me that this is a possibility which it is incumbent upon the administration to pursue.

And so I would like to ask you, Mr. Secretary, whether you are prepared to offer this committee any assurances that either through third parties or directly, our own administration will in fact pursue the possibility of some kind of negotiated agreement with the PRG and the DRV and with whatever other parties may be involved, in an effort to determine if an arrangement can be worked out whereby an evacuation could take place without the necessity for the reintroduction of American troops.

PRG STATEMENTS ON PEACE

Secretary KISSINGER. With equal respect, it is the obligation of the President, the Secretary of State and the administration to put before the country what they believe to be the right course, not to count votes before the votes are cast, and not to assume that reasoned arguments could not change votes.

We have spent an extraordinary amount of our time, and so have all the members of the administration this week, before congressional committees, not to assess blame, and in no prepared statement that I am familiar with has that occurred.

It has occurred only in response to questions, when a specific question was asked.

Our purpose is to achieve controlled conditions, in part at least for precisely the purposes that you have mentioned.

Now, with respect to PRG statements, the Vietnamese Communists, North and South, over the years have developed an extraordinary skill in coming forward with complicated formulas that, upon closer examination, have not always meant precisely what they implied.

With respect to your general purpose, however, we fully agree with you that we should make an effort to reduce the number of Americans to the most manageable proportions possible and, if an evacuation becomes necessary, to use American forces only as an absolutely last resort if all other avenues have been exhausted, including the avenue of negotiations.

So, in principle, I do not disagree with the purposes you have stated. It is a question of timing and of method.

Chairman MORGAN. The time of the gentleman from New York has expired.

Mr. Lagomarsino.

RECOGNITION OF PRG BY THIRD COUNTRIES

Mr. LAGOMARSINO. Mr. Secretary, talking about the PRG, I understand that some governments have actually recognized the PRG as the Government of South Vietnam. Is that correct?

Secretary KISSINGER. Until recently very few.

Mr. LAGOMARSINO. But some have?

Secretary KISSINGER. Yes.

Mr. LAGOMARSINO. Has North Vietnam recognized the PRG as the legitimate Government of South Vietnam?

Secretary KISSINGER. No, they haven't done this and it is going to be interesting to see how that relationship will evolve.

Mr. LAGOMARSINO. I think that might tell us something about who speaks for whom in this situation. I share your concern about whom you deal with here.

Secretary KISSINGER. My own personal view is that North Vietnam has no intention of permitting a permanent political entity of South Vietnam to exist.

UNIFICATION OF NORTH AND SOUTH VIETNAM

Mr. LAGOMARSINO. It is my understanding that the ultimate goal, as rather clearly expressed, was reunification of the two countries, and if that is so, there would be obviously no place for a separate South Vietnamese Government whether PRG or anything else.

Secretary KISSINGER. When I was negotiating with the North Vietnamese, their basic proposal was that the Saigon Government should be changed to contain in effect two-thirds PRG people and one-third semineutralists. They put it in terms of a three-part coalition, but it would have worked out that two-thirds of it was theirs.

Then that government, which they controlled by two-thirds, was going to negotiate with the PRG which, of course, was completely

Communist, and when that process was concluded, they were going to negotiate with Hanoi.

I don't think it is going to be a very bitter negotiation they foresee.

Mr. LAGOMARSINO. They might skip a couple of steps.

Secretary KISSINGER. They might skip a few steps.

Mr. LAGOMARSINO. Do we have any information with regard to the territories that have recently been occupied by the North Vietnamese as to whether they or the PRG are actually running things?

Secretary KISSINGER. Do we have any information? Yes; we have fragmentary information. Of course, you can get totally confusing information, because we have information as to atrocities and we have information from people who have not seen any atrocities. And it is perfectly possible that both of them are true, because if atrocities are going on, or if executions are going on, they are not likely to take place in the main square of Danang, for example, so it is quite possible to have visitors to a town report that they saw no evidence of it.

On the whole, we have received reports, which seem plausible to us, of executions of certain categories of personnel. The quantities would be difficult to estimate and these are fragmentary reports from people who have escaped.

KISSINGER: HANOI RUNS PRG

Mr. LAGOMARSINO. Do we have any idea as to who is supposedly in charge of these areas, whether it is the Vietcong or the North Vietnamese?

Secretary KISSINGER. There has never been any question in our minds and there has never been a plausible proposition made that the Politburo in Hanoi does not control the Vietcong.

A member of the Politburo in Hanoi is in fact specifically responsible for this. While an international fiction has been maintained that the Vietcong are a separate group, in order to avoid the charge that an invasion was going on, I think this pretense is not taken seriously today by any except the tiniest group of fanatics. The Vietcong in the south are a branch of the Politburo of Hanoi and I am certain that events over the next very few years will leave no question about this.

Mr. LAGOMARSINO. Mr. Secretary, Mr. Broomfield mentioned criticism by some Members of Congress of the request for American troops to safeguard the evacuation of Americans and South Vietnamese. With regard to that, would you discuss with us the provisions that we included in the bill that was passed out of this committee yesterday relating to, No. 1, the War Powers Resolution, and the last section of the bill that provides that any section of the bill can be modified by a concurrent resolution passed by the two Houses of Congress?

Secretary KISSINGER. Frankly, as to section 7, I am not sure I understand its significance—whether that means that this is not an open-end resolution, so that you can always take away the authority again. If that is what it means, we have no problem with it.

We will certainly abide by the War Powers Resolution and, as I pointed out to Mr. Zablocki previously—not in this session, but in private discussions—we do not believe that the War Powers Resolution is in itself an inhibiting factor in this situation.

Chairman MORGAN. The time of the gentleman from California has expired.

Mrs. Meyner.

RICE SHIPMENTS TO CAMBODIA

Mrs. MEYNER. Thank you, Mr. Chairman.

Mr. Secretary, you mentioned just a few minutes ago that the United States had done a great deal to contribute to peace and world stability.

Now, I think in many respects that is true. However, I would delete from that our actions in both Cambodia and South Vietnam because for a number of years I felt that the only war that should be waged in those countries would be an all-out battle against human suffering and misery, to which I feel we have contributed substantially.

Now, I just want to direct my questions about humanitarian aid for the future. I just wondered if the administration intends to continue humanitarian rice shipments to Phnom Penh if the government is willing and desirous, and would not the Cambodians be in need of shipments in the next few months, and aren't, I think, 90,000 tons of rice in the pipelines now, and intended for Cambodia, and are we going to continue sending that?

Secretary KISSINGER. We are doing nothing to stop the movement of this rice. I think it is being generally transshipped to Saigon and to Thailand. What we are studying now is whether it is possible to get the International Red Cross involved in this and what the distribution system would be, and we will see in the next few days what sort of political situation emerges in Phnom Penh; but it is a problem we are studying sympathetically.

AID FOR A COMMUNIST CAMBODIA

Mrs. MEYNER. I know this is probably hard for you to judge, but if a new government in Phnom Penh were to ask for postwar reconstruction aid, would the administration support such a request?

Secretary KISSINGER. That is an interesting question. It is not likely to happen, I would assume. It really will depend on the political situation.

At one point we were prepared to consider economic aid, even to North Vietnam, and we held some discussions with them on that subject after the signing of the Paris accords. Then their systematic violation of these accords made it appear an absurdity to go to the Congress with a plan to support them.

This is a question we should discuss some weeks from now when the situation has become clarified.

Mrs. MEYNER. Then I would assume you would give the same answer if the PRG were to request such aid in the future?

Secretary KISSINGER. Well, of course, I have not stated that I believe the PRG will take over.

Mrs. MEYNER. In the event there should be a collapse?

Secretary KISSINGER. I will give you the same answer, without any enthusiasm whatsoever about the Vietnamese Communists. From them I would expect this request even less, but I may be wrong on that. We would certainly look at it if it is received. We do feel a particular concern for the Vietnamese people.

HUMAN SUFFERING IN CAMBODIA

Mrs. MEYNER. Just one final question: You said, I think after your official statement, in talking about Cambodia, that you expected the human suffering there to be large. Did you mean starvation or did you mean assassinations and the blood bath?

Secretary KISSINGER. I think the human suffering will be large on two levels. All experience with Indochinese communism would indicate that they will make an attempt, not particularly out of hatred or sadism, but they will try to eliminate all potential opponents.

Mrs. MEYNER. In Cambodia?

Secretary KISSINGER. Well, it is certainly the experience in Vietnam. In Cambodia, during the war, we had frequent reports of rather the same pattern in the provincial towns that were being taken. But this is something that is now beyond our control. We would be more than pleased, obviously, if this were not to happen.

On the second level, there will undoubtedly be great human suffering because of the concentration of the population, because of the shortage of food, because of the dislocation of the country, and this is a kind of suffering about which perhaps we may be in a position to do something.

Mrs. MEYNER. I would hope so because before our involvement in Cambodia, Cambodia used to be a rice exporting country and now they no longer can do that, let alone feed its own people.

THE OVERTHROW OF SIHANOUK

Secretary KISSINGER. I think one of the members of this committee spoke of a feeling of national guilt which sometimes takes obsessive form. I think we ought to remember that first of all, the upheaval that overthrew Sihanouk was not caused by us. That preceded anything we did.

Second, we went into Cambodia to push back 60,000 North Vietnamese who had been there for years and who were killing American troops, and we went in there in order to pick up equipment and to reduce Communist forces which would enable us to withdraw our own forces from South Vietnam.

This is sometimes obscured in the public debate. After we went into Cambodia, our casualties went down from over 100 a week to less than 50, and finally, to 10 a week. So we achieved our purposes. Our guilt, responsibility or whatever you may call it, toward the Cambodians is that we conducted our operations in Cambodia primarily to serve our purposes related to Vietnam, and that they have now been left in a very difficult circumstance; but we did not just go into Cambodia in order to get involved in Cambodian affairs.

The North Vietnamese were there for years in large numbers, and used Cambodia as a sanctuary to conduct forays against American forces, which at that time still numbered over 500,000, and what was done was designed to permit the withdrawal of these forces with a minimum of casualties.

Chairman MORGAN. The gentlewoman's time has expired.

Mr. Bonker.

ROLE OF U.S.S.R. AND CHINA IN VIETNAM SITUATION

Mr. BONKER. Mr. Secretary, the other day President Ford, in his address before the American Society of Newspaper Editors, commented that he couldn't really blame China and Russia for what has happened in Southeast Asia, that they were just merely living up to their commitments to North Vietnam.

Yesterday you addressed that same group and you said, if I have your quote correct, that the Soviet Union and China helped North Vietnam to make a mockery out of the 1973 peace accords. I wonder if you could clear up that apparent contradiction?

Secretary KISSINGER. To complicate matters even further, let me point out that not only did I talk over my address with the President, but the President read my address and knew word for word what I was going to say, so there is a complete coherence between his views and mine on this subject.

I don't remember the question the President was answering when he made that statement.

Our view is this: The Soviet Union and the People's Republic of China did not do anything particularly different in introducing military equipment into Hanoi than they had been doing over a period of years.

Nevertheless, they must bear responsibility for the consequences of their actions, regardless of whether they were motivated by any special malice or any particular desire to upset the situation. The fact is that the introduction of sophisticated military equipment into Indochina, to Hanoi, a country with a demonstrated record and avowed purpose of engaging in offensive operations, is not an act designed to stabilize the situation.

We compounded the problem by reducing our aid, and therefore the fact that North Vietnamese aid from its allies remained constant, while the South Vietnamese' aid from its allies drastically declined, produced military imbalance.

Therefore, both of the statements that were made are correct, and we are maintaining them both, and we are using this opportunity to call the attention of other countries to the fact that relaxation of tensions cannot be practiced selectively. That, if arms are introduced into areas where there is a high possibility that they will be used offensively, this cannot be considered a stabilizing act, even if we could theoretically balance it by introducing large amounts of arms ourselves.

In Vietnam there is this responsibility on the part of the Communist countries, and there is our responsibility for not matching it, and both are true.

RELATIONSHIP OF HUMANITARIAN AND MILITARY AID

Mr. BONKER. Mr. Secretary, a few weeks ago when this committee was considering the administration's request for \$222 million to Cambodia, Mr. Habib, I believe, said that you could not accept humanitarian aid without military assistance, that humanitarian help would be meaningless if the military support were not there.

This committee passed a bill yesterday which authorizes even more than the President asked for, I think \$327 million in humanitarian, economic and evacuation assistance.

Could you tell me if that money is necessary, or will it be used without the other appropriation for military aid? Do they go hand in hand?

Secretary KISSINGER. Mr. Habib was attempting to point out a few weeks ago that humanitarian assistance to Cambodia, without military assistance, would lead to exactly the situation that we now face, namely, complete collapse of the defense of Phnom Penh.

Of course, the problem of humanitarian needs would still remain, but it is a problem that then has to be faced under different circumstances.

I would say in addition, on the humanitarian problem—this isn't exactly your question, but is partly Mrs. Meyner's question—that in assessing America's responsibility for giving aid, under these conditions we should not assume the whole burden ourselves. I think the countries that gave the arms that made the war possible on the other side also have a responsibility to alleviate the suffering caused by the arms, and not only we—and I think this must govern our actions to a not inconsiderable degree.

Now, what would we do under present conditions? Under present circumstances, the objectives I have outlined require military aid in addition to humanitarian aid, because without the military aid we will soon find an uncontrolled situation and then the humanitarian problem takes on a totally different dimension. We would be dealing with a hostile government under completely different circumstances.

So we do not consider humanitarian aid, as much as we appreciate it, as a substitute for military aid.

We do appreciate the action taken yesterday by this committee and I have said so publicly; but while this committee is not the committee of jurisdiction for the military aid, I would respectfully point out that the need is for both.

Chairman MORGAN. The gentleman's time has expired.

Mr. Bingham.

VIETNAM: WHO IS GUILTY?

Mr. BINGHAM. Thank you, Mr. Chairman.

Mr. Secretary, I would like to come back for a moment to the question of the U.S. preoccupation with guilt or self-flagellation. It seems to me, with all respect, that you and the President have tended in your statements to put the U.S. record in Indochina in the worst light rather than the best light.

The President has indicated the United States has not lived up to commitments it has made in spite of the very great question as to the existence and nature of those commitments. It seems to me you have tended to blame the military collapse in South Vietnam on insufficient military aid from the United States, although the Department of Defense has indicated that deliveries of military aid have remained at about the same level of about \$1 billion even in this fiscal year.

It seems to me in terms of the U.S. position in the world and in terms of the judgment of history, that one might have expected the

President and Secretary of State to put their country's performance in the best light rather than in the worst light.

Secretary KISSINGER. Who is to know what the judgment of history will be? Eventually we will have to be judged whether we called the thing as we saw it. Nobody can doubt the sacrifice that has been made by Americans over a period of years, over a period of a decade.

The fact remains that the situation, as it developed, was in our judgment avoidable had we as a country been prepared to make available the assistance that was needed. Whether the best course, when you face a grim situation, is to pretend that one has no responsibility, or whether the best course is to face one's responsibility and use it as a catharsis and as an opportunity for a new approach, this is a question of judgment that has to be made.

Our judgment is that it is better for our own conception of our role in the world if we face what has happened—regardless of whose fault it was, because there is enough fault to go around among the branches of the Government to make that a fruitless debate. We must face the facts and face the consequences.

Moreover, many foreign countries now don't much care whether we had done enough. To them there is the elemental spectacle of a major American enterprise that has failed, for whatever reason. Perhaps because of poor judgment by the executive. That nevertheless is a fact that they have to deal with, and that produces part of our current problems.

ROLE OF THIEU ON PARIS ACCORDS

Mr. BINGHAM. Mr. Secretary, you are not normally given to oversimplification, but I think in your statement yesterday and in some of the statements you made here today about the breaching of the 1973 agreement, you have oversimplified. You surely know better than anyone the role that President Thieu played in trying to block the agreement that was entered into, to make it difficult to implement. You know that he never liked it, and never showed any inclination to carry out at least the political aspects of the agreement.

You know also that Hanoi, at the time the agreement was entered into, hailed it as a very satisfactory result and that during the months that followed there were breaches on both sides and it seemed quite clear that Thieu had no intention of carrying out the political aspects of the agreement.

In the light of that, is it not an oversimplification to indicate that Hanoi and their suppliers were the only ones at fault so far as the breakdown of the 1973 agreement is concerned?

Secretary KISSINGER. I don't know what statement of mine yesterday you are referring to, because I am not conscious that I addressed myself to that particular question yesterday.

Mr. BINGHAM. I was referring to the statement Mr. Bonker referred to about the Soviets and the Chinese supporting a total agreement.

Secretary KISSINGER. I will never cease being amazed at my inability to get philosophical points across. Most of my speech yesterday dealt with a philosophical analysis of our domestic situation and there were three lines that dealt with the Soviet and Chinese situation, which have received all the public attention.

Mr. BINGHAM. I think that is because they were most uncharacteristic.

THIEU ON ACCORDS: CONTROLLED ENTHUSIASM

Secretary KISSINGER. No; I think they were necessary in the overall context of the foreign policy problem that we now face.

With respect to President Thieu, having discussed the Paris agreement with him on several occasions, I agree with you that his enthusiasm for it was under firm control and he did not declare it a cause for national celebration.

Nevertheless, there are levels of violation. The art of compromise is not one for which the Vietnamese nation is particularly renowned, and, therefore, it is quite correct to say that there were violations on both sides. But the violations that occurred for the first year, year and a half—on both sides—really more or less were within the framework of the agreement. There were thrusts and counterthrusts, and there were difficult negotiations.

With respect to the political talks, it was the PRG which broke off the political negotiations and it was they that refused to enter into them without preconditions. The violations that the government in Saigon committed were in my view negotiable within the framework of the agreement.

The violations of the North Vietnamese Government were and are a massive act of aggression, designed to overthrow the whole structure of the agreement and indeed to overturn the existence of South Vietnam, and I do not believe they can be put on the same level.

Mr. BINGHAM. Following up on Mrs. Meyner's questions, I am sure you are aware that yesterday Secretary General Waldheim asked for an international fund of \$100 million for Vietnam for UNICEF and the United Nations High Commission for Refugees, and it would seem that international organizations of this kind are the best equipped to carry on humanitarian assistance in the very difficult circumstances that probably lie ahead in Vietnam.

I am sure you haven't had a chance to react to that request, but perhaps I should just express the hope that the State Department will look very sympathetically at that request.

Chairman MORGAN. The time of the gentleman has expired.

Mr. BINGHAM. Let the record show the Secretary nodded.

CONTRIBUTION TO RED CROSS FOR CAMBODIA

Secretary KISSINGER. I could give you an answer.

We have made a contribution to the International Red Cross. We are considering how we can respond to this United Nations appeal and I am sure you will appreciate that there is one set of conditions while military operations are going on and another set of conditions, such as in Cambodia, when one's aid is not in fact financing the logistics of the opponent in conducting military operations.

Chairman MORGAN. Since the Secretary has to leave at 12:50, the committee will now go into executive session.

Those not privileged to remain in the room shall leave.

[Whereupon, at 12:23 p.m., the committee proceeded in executive session.]

VIETNAM EVACUATION AND HUMANITARIAN ASSISTANCE

WEDNESDAY, MAY 7, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The committee met at 11:07 a.m., in room 2172, Rayburn House Office Building, Hon. Thomas E. Morgan (chairman of the committee) presiding.

Chairman MORGAN. The committee will please come to order.

We are meeting this morning for a review of the evacuation from South Vietnam.

Before the testimony begins, the Chair wishes to note that we are not considering any specific piece of legislation today.

Last Thursday the House acted on the conference report on H.R. 6096, which authorized \$327 million for humanitarian assistance in and evacuation from Vietnam. The House rejected the conference report. I deeply regret the House action.

Since then, a new request has been made by the President—for an authorization of \$507 million for refugee resettlement. That bill has been referred to the Judiciary Committee, not to this committee.

Although we do not have any new legislation pending, it is essential that the committee be advised of what is happening with respect to the refugees. Some of the assistance being provided may be under the jurisdiction of this committee and it is important that we be appraised of the situation.

We need to know in particular about certain details of the evacuation—and the extent to which funds from the Foreign Assistance Act and related legislation have been used to pay for civilian evacuation costs.

The Chair also wishes to remind the committee that—subject to a quorum being present later on in the day—we will take up two bills which are:

1. H.R. 5457, relating to U.N. Peacekeeping in the Middle East; and
2. H.R. 5884, relating to the Council of International Economic Policy.

The principal witness today is Ambassador L. Dean Brown, Director of the Interagency Task Force for Indochina. Accompanying Ambassador Brown are: Frank L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs; Maj. Gen. Maurice F. Casey, Deputy Director for Strategic Mobility at the Defense Department; and an old friend of this committee, Arthur Z. Gardiner, Jr., AID Assistant Administrator for East Asia. Other wit-

nesses from the executive branch will be identified as they are called upon.

Ambassador Brown, you have a prepared statement and you may proceed.

STATEMENT OF HON. L. DEAN BROWN, DIRECTOR, INTERAGENCY TASK FORCE FOR INDOCHINA

Mr. BROWN. Thank you very much, Mr. Chairman.

The rapid pace of events surrounding the fall of Saigon, the massive air and sea movement still in progress, and the organization of staging and reception facilities in American territory has precluded my appearing at an earlier date before this committee. This extraordinary effort reached full speed only a little over 2 weeks ago. Now that the priorities of our effort are shifting from the critical exigencies of evacuation to the tough, longer range problems of resettlement in the United States and abroad, I look forward to more frequent meetings with the interested committees of Congress.

I am happy to report to you today that the United States has accomplished a mission of impressive humanitarian dimensions. We have successfully evacuated or rescued at sea about 120,000 Americans and Vietnamese. We have prepared staging facilities to care for this enormous flow at Guam and Wake; we have opened reception centers at three points in the United States and together with voluntary agencies have launched a resettlement program.

While many deserve thanks for this extraordinary undertaking, I am sure the committee will agree with me that special gratitude is due to our military services which have risked so much and worked so hard to make our efforts successful and to our brave mission in Saigon which lived with all of the tough choices human beings face when confronted with tragedy.

DETAILS OF EVACUATION

With regard to the committee's areas of interest, I would like to report in greater detail on the evacuation program. Maj. Gen. Maurice Casey will amplify my remarks and answer questions. I will also try to bring you up to date on our discussions with the international community about resettlement of Indochinese refugees. Arthur Gardiner of AID is with me to discuss the questions of funding.

The evacuation was conducted in three phases. In the first instance we planned and accomplished an air and sea evacuation of almost 50,000 Vietnamese and about 6,000 Americans. The air component of the evacuation rose as the situation deteriorated in Vietnam and peaked at the rate of 5,000 to 6,000 a day. This massive effort was principally the work of military air and contract craft and would have lasted longer had not hostile fire closed Ton Son Nhut airport.

THE FINAL HELICOPTER LIFT

Second, we extracted in the final helicopter lift from Saigon on April 29, almost 7,000 Americans and Vietnamese. The helicopters came from American carriers standing off the coast and operated under

a protective air cover. Most of the operation was carried out at night and in poor atmospheric conditions. We can be thankful and at the same time sad that no more than four Americans lost their lives in this movement of great danger.

The third or sea rescue phase of the evacuation was carried out by American vessels. These unfortunate individuals boarded Vietnamese naval craft, commercial shipping, fishing boats and sampans—most unseaworthy—in a desperate attempt to find safety outside their land. The United States rescued or escorted almost 60,000 Vietnamese. We had little choice; to abandon them meant death at sea or return to the land from which they were fleeing for fear of persecution. Many of those we saved were exhausted and physically debilitated.

The evacuation is now over. There are no American vessels currently operating off the coast of Vietnam and Cambodia. There are, however, Vietnamese who continue to arrive in ports like Singapore and Hong Kong on their own vessels. Some arrive in large numbers; others in small groups. Our air fleet is now engaged in carrying refugees principally from Subic Bay in the Philippines to Guam and Wake where they will be received, processed, by American and international authorities and from there they will be sent to the United States and other countries.

THE STATUS OF THE RESETTLEMENT EFFORT

Let me review with you the status of our international effort to resettle Vietnamese and Cambodians elsewhere in the world by quoting from my testimony on May 5 before the Judiciary Committee.

We intend to press the international community to accept refugees and we have moved energetically to enlist its cooperation. Specifically we have been in frequent contact with the international agencies, principally the United Nations and the United Nations High Commissioner for Refugees and the Inter-Governmental Committee for European Migration (ICEM).

At that time I said, "I am sorry to report that the UNHCR has not moved as rapidly as we would have wished." Since that time they have been making efforts on the international plain to help resettle.

ANNOUNCEMENT OF U.N. HIGH COMMISSIONER OF REFUGEES

I would like to insert, if I could, for the record the announcement of the U.N. High Commissioner of Refugees.

Chairman MORGAN. Without objection, so ordered.

[The announcement of the U.N. High Commissioner follows:]

Following is text of U.N. High Commissioner of Refugees press release dated May 6 concerning U.N. High Commissioner of Refugees role in assisting Vietnamese refugees outside their country:

"A number of governments have drawn the attention of the United Nations High Commissioner for Refugees to the recent arrival in various countries of large numbers of Vietnamese, as well as groups of Cambodians, who left their countries during the recent events and who now need assistance.

"The High Commissioner has expressed concern about the substantial number of people who clearly require urgent solutions to their situation. The office will place emphasis, according to the need, on resettlement in countries willing to accept them or durable asylum in countries where they have arrived. The High Commissioner is contacting a number of governments of countries of potential resettlement. In addition, U.N. High Commissioner of Refugees will assist in facilitating voluntary repatriation whenever possible. If this is the preferred

choice of some of the uprooted, and the reuniting of split families, thereby alleviating the tragic consequences of separation.

"According to information available at this stage, these groups have arrived in significant numbers in Guam, Hong Kong, Malaysia, Philippines, Singapore and Thailand, though smaller numbers find themselves in a number of other countries including some outside the area.

"The High Commissioner's representatives in these countries are assessing the situation in order to provide the data required for appropriate action. As part of this comprehensive assessment, two U.N. High Commissioner of Refugees officials arrived in Guam today.

"The High Commissioner, Sadruddin Aga Khan, stated: 'My office has always helped promote speedy solutions to problems of refugees and displaced persons, wherever they might be. U.N. High Commissioner of Refugees will, as in the past, seek ways to encourage, as needed, voluntary repatriation, integration in countries of first asylum, or resettlement of individuals of concern to us, in a strictly humanitarian and nonpolitical manner.'"

Mr. BROWN. I would like to extend my thanks to ICEM for the speed with which it has moved. John Thomas of ICEM is on Guam right now. The International Committee of the Red Cross, the ICRC, has always been helpful and it is sending a delegation to Guam which will issue travel documents which will facilitate the movement of the refugees to other ports.

For our own part we launched a diplomatic initiative to bring our concerns on the plight of the Indochina refugees to governments around the world. We have asked for their help and an expression of willingness to accept some refugees into their lands. The reaction thus far is incomplete and mixed. We have received some preliminary positive responses from certain countries including nations in French speaking Africa, Europe and Latin America. Canada has publicly declared its willingness to take 3,000. Australia is participating. France is receiving many who have special ties to that country. At this point, I cannot predict how many who are now on Guam and at Pendleton will find homes in third countries, but we will continue to make a maximum effort to bring our concern, which is humanitarian, to the attention of the world community.

SUMMARY OF INTERNATIONAL RESETTLEMENT

I would also like to submit to the committee a more detailed comment and summary on the international dimension of resettlement which we recently prepared.

Chairman MORGAN. Without objection, so ordered.

[The papers submitted on the international dimension of resettlement appear in the appendix, p. 217]

Mr. BROWN. In closing I would urge the members of this committee to give their urgent and favorable attention to the administration's \$507 million proposal for evacuation and resettlement assistance. The problems we continue to face in this last and tragic moment of the Indochina conflict call for a dramatic, humanitarian response on the part of all Americans. We cannot afford to delay.

Thank you, Mr. Chairman.

USE OF 614(a) WAIVER AUTHORITY

Chairman MORGAN. Thank you, Ambassador Brown.

Mr. Ambassador, I understand the President has used the waiver authority of section 614(a) of the Foreign Assistance Act to defray

some of the costs incurred during the evacuation. Is there any limitation on the amount of funds that the President can use pursuant to this waiver?

Mr. BROWN. I will ask Mr. Gardiner.

STATEMENT OF HON. ARTHUR Z. GARDINER, JR., ASSISTANT ADMINISTRATOR FOR EAST ASIA, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. GARDINER. Well, sir, the limitation in this case will come from the amount of funds available for the deobligation that we do in fact have in the foreign assistance accounts and that could be used for this purpose.

Chairman MORGAN. How much has been transferred under this authority so far?

Mr. GARDINER. There has been a total of \$102 million transferred, sir, in two different ways. One, we transferred under the authority of the Refugee and Migration Assistance Act \$5 million that has been made available to the State Department's Office of Refugee and Migration Affairs. Then in addition to that we have used the authority of section 632(a) of the Foreign Assistance Act to transfer \$98 million in funds that we have deobligated from Cambodia and Vietnam on-going programs to the Department of State to finance this effort.

LEGAL SITUATION IN SECTION 614(A) USE

Chairman MORGAN. Would it have been possible to have conducted the evacuation without this waiver authority?

Mr. GARDINER. Well, this was the only source of funds that the executive branch had, sir, to the best of my knowledge.

Chairman MORGAN. Mr. Gardiner, I know that the waiver authority under 614(a) has been used rather sparingly in recent times but as you point out it has been rather extensively used in the current situation. Does the Legal Department or the Counsel of the State Department see any problems in the use of 614(a) in order to make more funds available for humanitarian assistance?

Mr. GARDINER. Well, sir, the principal problem I think we have—as you know, there is a \$250 million annual ceiling on the amount that can be subject to waiver under section 614, but our problem at the current time is that we simply don't have the funds available for deobligation that would permit us to come anywhere near that ceiling.

Chairman MORGAN. Would it be helpful to the executive branch if the proper committee endorsed the use of section 614(a) funds for such uses through a resolution?

Mr. GARDINER. Well, sir, I think we would very much appreciate congressional endorsement of the route we have chosen, yes, sir.

PRAISE FOR EVACUATION

Chairman MORGAN. Thank you, Ambassador Brown and Mr. Gardiner.

Mr. Whalen.

Mr. WHALEN. Thank you, Mr. Chairman.

First of all, I would like to commend you for the very excellent job that you and your staff did in evacuating both Americans as well as South Vietnamese under very trying conditions.

Mr. BROWN. Thank you, sir.

Mr. WHALEN. I suppose the question remains as to whether or not this undertaking might have been initiated earlier but I think that was outside of our province.

PROFILE OF REFUGEES?

I just have a couple of questions, Ambassador Brown. Have you had an opportunity yet to develop a profile with respect to the refugees who have arrived in our country or who perhaps are still on their way to our country or in Guam and elsewhere?

Mr. BROWN. Yes, sir, but my profile is inaccurate in the sense that the profile was taken on the first group of 40,000 that came out and that might be distorted in the end by the ones that we are just receiving now at Guam and Subic, the ones who are coming in on the ships. They were rescued on the high seas and probably are quite different in their composition from the earlier group.

As would be expected, of the people that we considered endangered and who considered themselves endangered, you have a very high percentage of middle-class people; that is, educators, clergymen, doctors, lawyers and other professionals. Included in this group of course were some of the employees of our own Embassy, the employees of American firms, the labor union people who came out, so you have a fairly well educated group. We ran a small survey on this, sir, and came out with about 70 percent of heads of households speaking English.

NUMBER OF HEADS OF HOUSEHOLDS

Mr. WHALEN. In terms of heads of households, approximately how many do you envision?

Mr. BROWN. Well, looking at the average size of family and the total numbers of people that are moving, we would have about 35,000 heads of households. That is what we would be looking to resettle, sir.

Mr. WHALEN. Do you have any plans with respect to these heads of households? We can understand that our constituents throughout the country are concerned with the very high rate of unemployment and that these individuals might be foisted on the labor market, therefore aggregating an already serious problem.

Mr. BROWN. Yes, sir. As you understand, sir, the resettlement of individuals will be done by the voluntary agencies in the United States. Essentially the task of the American Government is to move the people to the centers in the United States, process them in accordance with our law and then turn to the voluntary agencies and to a certain extent to the HEW but in the beginning the voluntary agencies will find sponsors for refugees whom they agree to take on.

In the early discussions I had with the voluntary agencies, and we meet regularly, we made the point and had a common understanding that we would distribute these people as equitably as possible across the United States. The voluntary agencies would take special care not

to move large numbers of people into economically depressed areas or areas of the high unemployment. This has been very much on our mind.

FEDERAL FUNDS FOR VOLUNTARY AGENCIES

Mr. WHALEN. It is your intention to request Federal funds to assist the voluntary agencies in this effort?

Mr. BROWN. That is right, sir. If the proposed legislation is enacted, we will be able to assist the voluntary agencies. It is beyond their own capacities to do this much. They will be putting in tremendous amounts of their own funds but we will need to help them.

JOB OFFERS FOR REFUGEES

Mr. WHALEN. Has the State Department received any offers by American industry with respect to jobs?

Mr. BROWN. Yes, sir. Up until yesterday we had been answering the phone along the following lines. Here is a list of voluntary agencies, please call them. At a meeting we had the day before yesterday the voluntary agencies said "Could we not take on a little bit of the responsibility of accepting these calls, it would be more efficient." So yesterday we opened the center in the State Department with 16 operators and we will add to it today. They were on from 8 a.m. until midnight and they received over 1,000 solid offers of sponsorship in that period.

Mr. WHALEN. 1,000?

Mr. BROWN. Over 1,000, sir.

Mr. WHALEN. Job offers?

Mr. BROWN. No. We will sponsor a Vietnamese or a Vietnamese family in our home.

Mr. WHALEN. I see.

Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Zablocki.

NEED FOR WAIVER AUTHORITIES

Mr. ZABLOCKI. Thank you, Mr. Chairman.

I join in commending Ambassador Brown for a job well done under very adverse conditions.

As you know, the conference report which was defeated on the floor last week contained waivers for section 36 through 38 of the Foreign Assistance Act of 1974. It was our understanding that the executive branch needed the waiver of certain limitations placed on appropriation legislation in order to effectively carry out the evacuation of U.S. citizens and other nationals.

Are those waivers still needed, and if not, why not?

Mr. GARDNER. Mr. Congressman, the purpose of the President's 614 waiver, which I think was issued the day the conference report reached the floor of the Senate, if my recollection serves me correctly, was to waive the provisions of those sections that prevented the use of more than a specified amount of funds for humanitarian assistance purposes, and of another section in the Appropriations Act

which requires prior notification before the institution of a new project. So, the 614 waiver which the President has now issued and which he used reluctantly, and only after finding the point at which it appeared necessary to accomplish our purpose, the same purpose as I think the provisions of section 2(B) of the conference bill are designed to meet.

LEGAL OPINION ON TRANSFERS CITED

Mr. ZABLOCKI. Therefore, you maintain the 614 authority was sufficient to make funds available?

Mr. GARDINER. Yes, sir.

Now, I would like, if I could, to introduce into the record a copy of the legal opinion of our general counsel that sketches the basis on which we proceeded.

Chairman MORGAN. Without objection, so ordered.

[Copy of the legal opinion of general counsel follows:]

MEMORANDUM OF LAW

AUTHORIZATION TO FUND VIETNAM REFUGEE EVACUATION ACTIVITIES UNDER THE FOREIGN ASSISTANCE ACT

In March 1975, North Vietnamese armies launched an assault on the northern provinces of South Vietnam. South Vietnamese resistance unexpectedly collapsed, permitting the armies of the North to move southward at an unexpectedly rapid rate. Hundreds of thousands of Vietnamese fled or attempted to flee the onslaught. By their own efforts and through ships and aircraft made available by United States with Foreign Assistance Act (FAA) funds, several thousand succeeded in reaching areas still controlled by the Republic of Vietnam. FAA funds were made available to care for these refugees. At the same time, such funds were used to airlift orphans, eligible for intercountry adoption, to the United States.

The North Vietnamese advance, however, continued unabated and in a matter of weeks the southern areas of South Vietnam were threatened and Saigon was nearly encircled. The collapse of the government seemed—and was proven to be—imminent. Thousands of Vietnamese who believed their lives to be in danger or found the Communist way of life personally anathema hoped to escape but had nowhere to turn. The U.S. Government, again using FAA funds, air and sea lifted approximately 80,000 refugees out of Vietnam and picked up an additional 40,000 refugees, who made their way by boat to U.S. naval and other ships located a few miles off the coast.

The refugees, both those who were taken out by air and those taken out by sea, were transported to U.S. installations in the Philippines and the territories of Guam and Wake. To prevent overcrowding of these facilities and to expedite resettlement of these people, several thousand have been and are being transported to U.S. Government facilities in the United States. The question has arisen whether FAA funds may be legally used to carry on these activities, particularly those latter activities that involved the caring for refugees outside of South Vietnam.

For the reasons set forth below, we conclude that FAA funds were legally available for these purposes.

Although we believe that several sections of the FAA authorize use of funds for comparable purposes,¹ we rest our decision on the language and legislative history of the specific authorizations of section 801 of the FAA of 1961 and section 38(a) (1) of the FAA of 1974.

Section 801 provides in part:

"The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and rehabilitation of South

¹ Amongst the authorities which we believe could be used (and have been used) for refugee assistance are the following: Section 531 (Security Supporting Assistance), Section 451 (Contingency Fund), Section 301 (International Organizations), and Section 639 (Famine and Disaster Relief).

Vietnam . . . including especially humanitarian assistance to refugees, civilians, war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities [in Vietnam]." (Emphasis added)

Of the amounts made available for assistance to South Vietnam, section 38(a) (1) allocated for FY 1975 \$90 million for humanitarian assistance of which \$70 million was to be made available for refugee relief. This allocation was made with reference to the "War Victims Relief and Rehabilitation" illustrative project that was submitted by the Executive Branch. The project data sheet specifically stated that "[a]ssistance includes transportation, temporary shelter, house reconstruction allowance, help in preparing land for planting, food allowance until first harvest and allowances for agriculture and household needs." (Indochina Post-war Reconstruction Programs FY 1975 at 22.) With respect to this description of the project, three observations should be made.

(1) The project did not identify specific groups of refugees nor indicate specific sites at which they were to be cared for or to which they were to be removed. This lack of precision can be attributed to an understanding on the part of both the Executive Branch and the Congress that war-time conditions still persisted in South Vietnam and that the requirements of security and the changing battle lines made specificity inappropriate and counter productive.

(2) All of the items of assistance which have been furnished to new refugees both within and without Vietnam are mentioned in the data sheet, i.e. transportation, temporary shelter, food allowances and other allowances for household needs.

(3) Although the data sheet did not specify that these projects would be carried out within Vietnam, such was the implication and probably the belief of both the Executive Branch and the Congress.

Any substantial question as to FAA authority then rests on the fact that the refugees were transported out of Vietnam and cared for out of Vietnam. We would point out that the conditions that have evolved in South Vietnam in the past few weeks were not anticipated by either the Executive Branch at the time it prepared its Congressional Presentation or by the Congress at the time that it enacted either section 801 or section 38(a) (1). As a consequence, the proper course of action must be determined from a broad-gaged view of the purpose of the legislation. For example, if the sole purpose of section 801 and section 38 was to provide such economic assistance as might be necessary to ensure the continued stability of the Saigon Government, then it would be inappropriate to interpret the legislation as permitting an evacuation from South Vietnam once the Saigon Government was on the verge of collapse and which evacuation indeed may have accelerated such a collapse. If, on the other hand, the purpose of the legislation was to relieve human suffering caused by that conflict, then one may validly conclude that there was legislative authority to relieve human misery in the manner that we have employed.

We are convinced that the concern of Congress for the people affected by the conflict was as great, if not greater, than their concern for continuance of the Saigon regime. As noted above, the brief authorizing paragraph of section 801 placed special emphasis on humanitarian assistance to refugees. The legislative history of part V of the FAA (in which section 801 is contained), makes the point even more strongly. The Foreign Relations Committee stated in its report accompanying the FAA of 1973 that "*primary emphasis* on aid programs for these countries [South Vietnam, Cambodia and Laos] should be on *the furnishing of humanitarian relief assistance* and priority given to refugee relief, health needs, child care and aid to war victims." (Senate Rep. No. 93-377 at 37, 93d Cong., 1st Sess., emphasis added.)

The Committee on Foreign Affairs made the same point just as emphatically. The Committee Report stated that the President be authorized to furnish assistance "*with special emphasis* on humanitarian assistance to refugees, civilian war casualties and other persons disadvantaged by the war." (House Rep. No. 93-388, at 53, 93d Cong., 1st Sess., emphasis added.)

In the context of a policy statement which was ultimately dropped during the legislative process, the report noted: "The Committee rewrote the policy statement suggested by the Executive Branch because *it was felt that future U.S. assistance in Indochina should emphasize humanitarian programs administered on a people to people basis.*" (*Id.*, emphasis added)

The concern for the victims of the conflict continued through the consideration of the FAA of 1974 and the Senate Report noted "the Committee strongly

favors relief activity . . ." (Report No. 93-1299 at 15, 93d Cong., 2nd Sess.) and stated that "the most crucial of the programs approved for Vietnam is that for humanitarian relief, for which the Committee has allocated \$90 million." The concern, of course, is also reflected in the adoption by the Conference Committee of that allocation.

There can be no doubt then that a primary purpose of Indochina Postwar Reconstruction funding was to care for those who were victimized by the conflict, apart from the relationship of the condition of these people to the stability of the South Vietnamese Government. It would be bizarre to interpret this concern as permitting efforts to provide shelter, medical care and relief from malnutrition but not to permit efforts aimed at saving the lives or alleviating the suffering of those who believed that their safety and freedom would be gravely jeopardized by a Communist takeover.

Similarly, it should be recognized that one of our political objectives in supporting the South Vietnamese Government through the Foreign Assistance program was to ensure the continued stability of Asia. Our efforts to save those who were closely associated with us and who wished to leave South Vietnam were in part designed (in addition to their humanitarian justification) to indicate to others in other countries who may also be closely associated with us, that the U.S. would make every reasonable effort to enhance the welfare of those allied with us. In this context we should note that the predecessor of the Indochina Postwar Reconstruction program is the Security Supporting Assistance program and that programs under that authority are governed by the criteria of whether or not they will enhance political or economic stability, and that that authority has in fact been used in the past to provide for refugees where such efforts have been deemed to contribute to the goal of stability. (This was the case in Indochina when those countries were funded out of the supporting assistance account. Refugee relief has also been funded out of this account elsewhere, e.g. Algeria in 1962). Thus another objective of the FAA program in South Vietnam (in addition to the humanitarian one) was served by our efforts to assist those who sought refuge from Communist rule.

Having determined then that the efforts undertaken in recent weeks were consistent with the objectives of our economic assistance authorizations for Indochina, we must ask whether any peculiar characteristic of the effort would make it inappropriate to employ Foreign Assistance Act funds.

A question might be raised as to our authority to in effect create refugees by transporting them out of Vietnam. In response to this point, we would first note that our proposed project specifically included *transportation* to safe areas. Secondly, we created refugees by facilitating their movement to GVN controlled areas earlier during the offensive and by flying orphans to the United States. These actions were described by several Administration witnesses to several Congressional committees. In addition, informal consultation took place with the Congressional leadership. No one suggested that the Executive Branch lacked the authority to conduct these activities.

It might also be argued that the caring for refugees in countries not their own is not normally viewed as a legitimate FAA activity. In this connection, however, it should be noted that Indochina Postwar Reconstruction authority has been used to fund Cambodian refugees in Vietnam during FY 1973, 1974 and 1975. Specific reference was made to these Cambodians in the FY 1975 Congressional Presentation. (Indochina Postwar Reconstruction Programs FY 1975 at 22.) Additional precedents can be found. In 1971 some 5 million refugees fled from East Pakistan to India. More than \$30 million was made available to care for these refugees under the FAA and this action was endorsed subsequently by the Congress when it provided additional funding authority for the care of these refugees. (Sec. 491 of the FAA of 1961, as amended.) We could also point to the continued funding under the FAA of assistance through the United Nations Relief and Works Agency to Palestinian refugees who have fled from what is now Israel.³

We might also be asked whether the fact that the refugees are cared for at U.S. installations and on U.S. territory makes the application of the FAA inappropriate. We do not believe that this situation varies significantly from ones in which refugees are cared for in third countries that are not their own, except inasmuch as such care relates to admission into the United States under the Immigration and Naturalization Act. This issue has been handled separately and has been addressed by the Immigration authorities in consultation with relevant Congress-

³UNRWA has been funded under the general authority of Section 301 (International Organizations) and also through the specific authorization of Section 302(e).

sional committees who have acquiesced in the Administration's action and proposed actions.

We believe, then, that none of these circumstances make the use of FAA funds inappropriate. We recognize, however, that our activities arguably varied somewhat from the illustrative project described to the Congress last year. Therefore, as soon as it became evident that the evacuation would be conducted on a significant scale, we concluded that, in keeping with the spirit of section 113 of the Foreign Assistance and Related Programs Appropriation Act of 1975, Congressional notification would have been appropriate if time had permitted. Because events were moving so rapidly, however, the President exercised his authority under section 614(a) of the FAA to waive that provision of law.³ At the same time because he recognized that cost might exceed the \$70 million allocated for refugee relief, he also waived the ceiling imposed by that allocation.

Our actions might also be questioned on the grounds that the Migration and Refugee Assistance Act of 1962 is specifically designed to authorize funds to provide assistance to refugees⁴ and that therefore the use of Foreign Assistance Act funds for this purpose is violative of the specific-general rule of statutory construction. In the judicial setting, this rule has been interpreted to require that when a general provision of legislation and a specific one *cannot be harmonized*, the specific provision should prevail. (Sutherland, *Statutory Construction*, Sec. 51.05, 4th Ed.) In the context of appropriations, the Comptroller General has stated this rule more rigidly: "[A] specific appropriation for a particular object precludes the use of a more general appropriation therefore, even though the general appropriation might have been available for such use in the absence of a specific appropriation." (34 Comp. Gen. 236, 239). It would appear that this rule is grounded in the concern that the Executive Branch not circumvent specific funding decisions, made by the Appropriations Committees, by using funds available under a more general authority. Stated generally, this concern is a legitimate one, but for reasons that we will set forth more fully below, we do not believe that it is applicable to the funding of refugee assistance.

At the outset, however, we should be clear as to what the "specific" and what the "general" provisions are in the instant case. Sections 801 and 38(a)(1) specifically provide for assistance programs to refugees, victimized by the conflict in Indochina. For the reasons already set forth in this opinion, we have concluded that the activities carried out in recent weeks were consistent with these sections. Thus, the "general" provisions which arguably might not be available as authorities are those contained in the Refugee and Migration Assistance Act.

In any event, however, we do not believe that the authorities contained in the two acts were meant to be mutually exclusive. We must return to the starting point: the specific-general rule is a rule of construction. It is an axiom of experience, not a binding command of law. In judicial construction, it is only invoked when statutes cannot be reconciled or interpreted harmoniously. (Sutherland, *Statutory Construction*, Sec. 51.05, 4th Ed.) The rule is applicable only as an aid in ascertaining and giving effect to the legislative intent. (73 Am. Jur. 2d Sec. 254, and cases cited therein.) In the case of the use of appropriated funds, it is legitimate to presume that a specific appropriation precludes the use of a general one for the same purpose. But this presumption should not apply when it has been known to the Congress as a whole, and to the appropriations commit-

³ Section 614(a) authorizes the President to use up to \$250,000,000 of funds made available under the FAA in furtherance of the purposes of the Act (and related legislation) without regard to the requirements of the FAA, Acts appropriating funds under the FAA, and certain other provisions not germane in the present case. To exercise this authority, the President must determine that its use is important to the security of the United States and, of course, that it is in furtherance of the purposes of the Act of related legislation. We have already established that the use of funds was in furtherance of the purposes of Section 801 of the FAA and of 38(a)(1). The determination as to the U.S. security interests is discretionary, but in any event ample justification may be found in the evacuation program's impact on the stability of other allies and on the fact that failure to evacuate Vietnamese could have jeopardized the evacuation of Americans, possibly necessitating the sustained use of U.S. armed forces.

⁴ The Migration and Refugee Assistance Act of 1962, and its legislative history make no mention that this legislation was intended to be the exclusive authority for refugee assistance. Rather the main purpose was to provide authority for four specific programs considered at that time to be inconsistent with the goals of the foreign assistance legislation. The programs of concern were the Intergovernmental Committee for European Migration (ICEM), the U.S. Escapee Program (USEP), the United Nations High Commissioner for Refugees (UNHCR), and the problem of Cuban refugees in the United States. See, H. Rep. No. 1068, August 29, 1961; S. Rep. No. 989, Sept. 12, 1961; Conf. Rep. No. 1923, June 26, 1962; and Congressional Record for debates.

fees in particular, that both the Refugee and Migration Assistance Act and the Foreign Assistance Act have repeatedly been used as vehicles to assist refugees. The Refugee Act has been used to fund Soviet refugees going to Israel and elsewhere, refugees returning to the Sudan, the relocation of Czechoslovakians, and many others.

The Foreign Assistance Act has been used to care for East Pakistan refugees in India, Palestinian refugees, Cypriot refugees, Cambodian refugees, Cambodian refugees in Vietnam, Laotian refugees and, of course, Vietnamese refugees.

The committees have repeatedly taken action on both the relevant authorization and appropriations acts with full knowledge that both acts have been used to provide for refugees, but the Congress has never acted to halt the use of funds made available under either act for these purposes. Where action is repeatedly taken on a statute and the practical interpretation of the statute is well-known, that practical interpretation should be presumed to be the correct interpretation of law. (Sutherland, *supra*, Sec. 49.09).

Furthermore, there is nothing in the legislative history of the Refugee Act to indicate that it was intended to be exclusive.⁵ As a final consideration, we would point out that the grants of authority, especially in the Foreign Assistance Act, are broad. Projects are rarely line-itemed and numerous provisions grant the President greater discretion than is normally the case with domestic legislation. The President is free to waive many provisions of law, to transfer funds, to terminate projects, to adjust program levels, etc. This latitude reflects a Congressional appreciation of the fact that events beyond our shores are rarely amenable to control and that unexpected exigencies arise which must be met if foreign policy is to be conducted in an effective manner. In this context, ritual application of dogmatic rules of construction would appear to be particularly inappropriate.

For these reasons, the practical interpretation of the Acts which went unchallenged in repeated re-enactments, the absence of legislative history indicating exclusivity, and the broad latitude given to the President in foreign affairs, we do not believe that the provisions of the Refugee Act and the FAA should be construed, as a general proposition, as mutually exclusive authorities under the specific-general canon of legislative construction.

ALLOCATION OF EVACUATION AND REFUGEE COSTS

Mr. ZABLOCKI. Mr. Chairman, before I ask the next question, can we have a breakdown of the \$507 million proposal for evacuation? I presume it is relocation and resettlement assistance. How much is intended to pay for the evacuation; how much of the \$507 million is for resettlement?

Can you supply that?

Mr. BROWN. Yes.

Mr. ZABLOCKI. Is it the intention of the administration to use any of the \$507 million requested for contributions to efforts by international or private agencies to provide humanitarian aid to war victims still remaining in Cambodia or South Vietnam?

Mr. BROWN. It is not.

Mr. ZABLOCKI. It is not?

Mr. BROWN. It is not, sir.

Mr. ZABLOCKI. If such a determination were made by the administration at a later date, will there be sufficient funds?

Mr. BROWN. No, sir. I think the funds in the \$507 million here—

Mr. ZABLOCKI. In other words, this is a tight request?

Mr. BROWN. This is a tight request. There would not be funds for that purpose.

⁵ See note 4, *supra*, and materials cited therein.

Mr. RIEGLE. Would the gentleman yield for clarification?

Mr. ZABLOCKI. Yes.

Mr. RIEGLE. When he said he would provide the split between refugee location—

Mr. ZABLOCKI. And resettlement.

Mr. RIEGLE. Can he give us some idea now because that is really a very key question. Can't you tell us this minute?

Mr. GARDINER. Yes.

These are the figures in sketch form that underline the request for \$507 million.

Sealift costs, \$30 million.

Airlift costs, \$132 million.

The establishment of facilities at staging areas—

Mr. RYAN. Would the gentleman yield?

Mr. ZABLOCKI. Yes; just so my time does not run out. I want to pursue this.

Mr. RYAN. I thank you for yielding.

These figures are funds already spent?

Mr. GARDINER. Some funds have already been spent.

Mr. RYAN. How much?

ESTIMATE OF EVACUATION AND REFUGEE COSTS

Mr. GARDINER. As of May 5—now, let me caution that these are best estimates coming from around the world in a fairly fast-moving operation. Our best estimate is that \$89,500,000 have been spent. That is as of May 5, yesterday.

Mr. RYAN. Thank you.

Mr. ZABLOCKI. Your third figure was how much?

Mr. GARDINER. Facilities in staging areas, \$35 million.

Daily maintenance of evacuees in the staging and processing centers, \$185 million.

Resettlement costs which will primarily be handled through voluntary agencies who are placed at the resettlement sites and will have primary responsibility for moving people from the staging areas in the United States into their new homes in the United States, that is \$78 million.

Subsequent welfare and medical costs associated with the transition of evacuees into the American community, that is \$125 million.

Those funds will be primarily administered by the Department of Health, Education, and Welfare.

Chairman MORGAN. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Gardiner has not finished, Mr. Chairman, and I yielded.

Mr. GARDINER. There is one other item, sir. The movement of an estimated 20,000 refugees to third countries through the facilities primarily, we believe, of the Intergovernmental Committee on Migration, that would be \$20 million.

That is a total requirement of \$605 million; \$98 million of that would be met from the funds that have already been made available to the Department of State from the Foreign Assistance Act which leaves a total new appropriation needed of \$507 million.

USE OF DOD FUNDS FOR EVACUATION

Mr. ZABLOCKI. One very brief question, Mr. Chairman.

Why couldn't the sealift and airlift be at least partially paid for from DOD training costs?

Mr. BROWN. General Casey.

**STATEMENT OF MAJ. GEN. MAURICE F. CASEY, DEPUTY DIRECTOR
FOR STRATEGIC MOBILITY, DEPARTMENT OF DEFENSE**

General CASEY. Sir, the DOD was operating on a very tight budget schedule and this in one respect has helped our training but we were flying at a reduced rate because of budget constraints and this was flying that we would not have been able to afford within our budget, necessary desired training although we did get some training from it.

Mr. ZABLOCKI. Has every effort been made to find some DOD funds laying around that we don't know about?

General CASEY. To the best of my knowledge, sir.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Winn.

Mr. WINN. I have no questions, Mr. Chairman.

Chairman MORGAN. Mr. Fascell left the room?

Mr. Hamilton.

TOTAL NUMBERS OF REFUGEES

Mr. HAMILTON. Mr. Ambassador, what is the total number of refugees now that will be coming into this country? Do you have the figure, Mr. Ambassador? Essentially in your statement you talk about some additional refugees you think will be arriving. What is your best estimate?

Mr. BROWN. What we have now in the pipeline is the most accurate figure we have. The present pipeline is about 113,340. This is in the American pipeline one way or another. This does not include the real total. We have some other categories of people that we must consider. Vietnamese in third countries who won't be able to stay there, students, businessmen traveling, people like that that we will find as they appear. We have to settle at some time the question of how we or the international community handles the Vietnamese who have arrived in large numbers by ship in other countries. We have put that aside for the present moment but we are talking about 113,000 in our own pipeline and 10,000 to 15,000 elsewhere. It may be higher.

Mr. HAMILTON. What is your best estimate as to the number who will eventually end up in this country and for whom we will have responsibility?

Mr. BROWN. We could end up with as many as 130,000.

RESPONSE FROM OTHER COUNTRIES

Mr. HAMILTON. You indicate in your statement that so far as other countries are concerned the responses have been incomplete and mixed. Do I take it from your statement that Canada is the only country that has come forward with a specific number that they are willing to take?

Mr. BROWN. No, sir. There are some small countries particularly in

French West Africa where there are large Vietnamese populations who have volunteered to take up to 100 people but the only solid offer so far that is of large scale is the Canadian one.

Mr. HAMILTON. Do you have any way of estimating the number of refugees that will be handled by foreign countries at this point, the total number.

Mr. BROWN. No, sir. I think I will not have this until we have a chance to talk to more of them on an individual basis and until the United Nations High Commissioner for Refugees has made the efforts which he has committed himself to make now. I might put it this way, sir. I think it is possible that ICEM and the United Nations High Commissioner for Refugees will deal with their member states. They will come up with larger numbers than we could come up with on a bilateral basis. We will be talking to various people who are visiting Washington this week, Mr. Whitlam and all the Latin American Foreign Ministers who are here for the OAS meeting. We will be addressing them bilaterally on this subject.

CONTRIBUTION OF ICEM

Mr. HAMILTON. I don't know that I understand the contribution that ICEM makes. You say they have a representative on Guam now. What kind of financial contribution, for example, will the U.N. and ICEM make to the resettlement problem?

Mr. BROWN. Well, ICEM is not a U.N. agency itself. It is an international organization of 32 member states. We are one of the members. The member states since World War II have been moving refugees. In recent years ICEM's principal task has been moving people from Europe to lean and hungry countries in Latin America. One of our hopes is that those countries in Latin America which have been settling large numbers of foreigners and refugees will take them. That is what ICEM does. It screens people against requirements, matches them up and then moves them on. Our contributions to ICEM are to help in the transport.

CONTRIBUTION TO VOLUNTARY AGENCIES

Mr. HAMILTON. One other question. In running down Mr. Gardiner on the figures totaling to the \$507 million you had a figure in there of \$78 million for resettlement which you said would go largely to the voluntary agencies. Now, when you say private and voluntary agencies, I think—and I think many people think—that there will be private contributions that will take care of that but this \$78 million figure is evidently a contribution by the Federal Government to the private agencies.

Mr. BROWN. Yes, sir.

Mr. HAMILTON. So we are largely financing the whole effort. Is that correct? We are largely financing the work of the private voluntary agencies in resettlement?

Mr. BROWN. Yes. What we do is on a pro rata basis. We try to work out a figure of what their costs are for movement of individuals and they have had a lot of experience and they do that. You see, they need some money for the initial resettlement. We are talking about, given a

voluntary agency, a sum still to be negotiated of about \$500 for all their costs per person.

Mr. HAMILTON. I guess what I am trying to get at is what percentage of their total cost would the Federal Government actually be paying in this resettlement effort?

Mr. BROWN. I really don't know that, sir.

Mr. HAMILTON. Are we talking about 25 percent or 90 percent, some kind of an average?

Mr. GARDINER. I am giving you my best judgment. It would be much closer to 90 percent. This is a very substantial operation and obviously very costly.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Findley.

THREE PHASES OF EVACUATION

Mr. FINDLEY. I would like to ask several questions but first I want to say that I am very proud of the evacuation program that was undertaken and carried out. I think had it been otherwise, there would have been a torrent of emotion from people of this country as well as elsewhere in the world. So I am very proud of what our Government has done in regard to this program.

The questions I ask I raise only because this afternoon a subcommittee of this committee will have hearings on the relationship of the War Powers Resolution to this evacuation. You say the evacuation occurred in three phases. The first phase was principally the work of military and contract aircraft. So U.S. military aircraft were involved throughout that period until the closing of the airport.

Mr. BROWN. Yes, sir.

SAFETY OF AMERICANS IN EVACUATION

Mr. FINDLEY. Could you say whether a consideration in the removal of the foreign nationals during that phase was the safety of Americans that you were trying to evacuate? The President alluded to this factor in his statement last night.

Mr. BROWN. In a sense, yes. I don't think it was a major factor.

Mr. FINDLEY. It was not the primary factor?

Mr. BROWN. It was not a primary factor. I think it was always our understanding that as the last people left we would be taking out those Vietnamese who were there to protect them. That was always understood but it was not a primary factor at all, sir.

PROTECTIVE AIR COVER FOR PHASE TWO

Mr. FINDLEY. In the second phase U.S. military aircraft provided protective air cover.

Mr. BROWN. Yes.

Mr. FINDLEY. Now, during each of the first two phases did our office perceive the danger of military engagement and its consequences to these operations?

Mr. BROWN. I would say in a sense that was not really our responsibility or worry. It was our responsibility of course as normal human

action and responsible bureaucrats but we were really night and day on the logistics, the techniques.

Monroe Leigh will be here this afternoon and I think he would be the best man to address on the legal questions.

Mr. FINDLEY. May I ask one further question?

Mr. BROWN. Please.

PHASE THREE MILITARY RISK

Mr. FINDLEY. During the third phase where military vessels became involved on the high seas, was there any perception of military risk at that point?

Mr. BROWN. No. We looked at this as a purely humanitarian act that is absolutely traditional among all maritime nations. When there are people in distress on the high seas, you pick them up. This is the way we looked at it.

RIGHT OF VIETNAMESE TO RETURN HOME

Mr. FINDLEY. Finally, if some of these foreign nationals who are on our territory now should elect to return to Vietnam or to a third country, are you prepared to assist them in that further effort?

Mr. BROWN. Yes, sir.

I would like to read into the record, if I could, just a paragraph from a telegram I sent to all posts very early during the evacuation.

I said:

Under no circumstances should we be involved in convincing or attempting to persuade Vietnamese to come to the United States if they do not want to come. This is not—repeat not—our policy. The country concerned can get the persons in this category back to Saigon eventually if they are so inclined. We cannot emphasize this point too strongly.

And I repeated this around.

I have instructed our people on Guam where there are 45 Vietnamese who were somehow stuck on airplanes from Thailand against their will to turn them over immediately to ICEM because that is their responsibility.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Bingham.

AUTHORITY OF PRESIDENT FOR EVACUATION

Mr. BINGHAM. Gentlemen, I want to say that a remarkable job was done. At the same time, I do feel that the precedent was established and it was not your fault or the fault of anyone in the executive branch. It was the fault of Congress in failing to decide what authority we wanted to give the President. We left it to the President to decide what authority he had and to use that authority. I feel that perhaps he exaggerated his authority under the law at that time because of the failure of the Congress to act.

I would like to know for the record, and perhaps you have it here in your statement, the authority that you consider that the President had to use military forces to evacuate Vietnamese from

Vietnam in spite of the prohibitions against the introduction of military forces that were contained in various laws enacted in 1973.

Mr. BROWN, I will have to provide that. I will get a legal opinion for the record if that will be all right.

Chairman MORGAN. All right.

[The information requested follows:]

EXECUTIVE AUTHORITY TO INTRODUCE U.S. FORCES INTO HOSTILE SITUATIONS
TO EVACUATE U.S. CITIZENS AND FOREIGN NATIONALS

THE CONSTITUTIONAL AUTHORITY OF THE PRESIDENT

From the time of Jefferson to the present, American Presidents have exercised their authority under the Constitution to use military force to protect U.S. citizens abroad. Instances where this authority has been exercised in the absence of any legislative sanction include the Boxer Rebellion in China in 1900, the landing of Marines in Nicaragua in 1926, and many others. (A partial listing of such instances is attached as an annex to this memorandum.)

The nature and basis of this authority was succinctly described by former President Taft. In 1916, after his term of office had expired, he wrote:

"He [the President] has done this [used military force to protect Americans] under his general power as Commander in Chief. It grows not out of any specific act of Congress, but out of that obligation, inferable from the Constitution, of the Government to protect the rights of an American citizen against foreign aggression . . ." (William Howard Taft, *The President and His Power*, (1907) p. 94-95 (originally published in 1916).)

This remains the position of the executive branch.

The courts also have recognized the authority of the executive branch to take military action to protect U.S. citizens abroad. In the *Slaughterhouse Cases* (83 U.S. (16 Wall.) 36, 79 (1872)) the Supreme Court said of the Government's responsibility to its citizens abroad:

"Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt nor that the right depends upon his character as a citizen of the United States."

In *Durand v. Hollins* (8 Fed. Cas. 111, 112 (1869)) a Federal Court in New York said of our duty to protect citizens abroad:

"Now, as it respects the interposition of the executive abroad, for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the President. Acts of lawless violence, or of threatened violence to the citizen or his property, cannot be anticipated and provided for; and the protection, to be effectual or of any avail, may, not unfrequently, require the most prompt and decided action. . . . The great object and duty of government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home; and any government failing in the accomplishment of the object, or the performance of the duty, is not worth preserving."

Finally, in *In re Neagle* (135 U.S. 1 (1889)) the Supreme Court suggested that the President's duty to "take care that the laws be faithfully executed" might go so far as to authorize action to enforce "rights, duties and obligations growing out of . . . our international relations," including by implications, our obligations to protect our citizens abroad. In support of this suggestion the Court recounted an incident involving one Martin Koszta, a native of Hungary who had at the time only declared his intention of becoming a U.S. citizen. According to Mr. Justice Miller:

"While in Smyrna he [Koszta] was seized by command of the Austrian consul general at that place, and carried on board the Hussar, an Austrian vessel, where he was held in close confinement. Captain Ingraham, in command of the American sloop of war St. Louis, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands

of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, Chevalier Hulsemann, the Austrian minister at Washington, which arose out of this affair and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Captain Ingraham for his conduct in the affair." (135 U.S. at 64)

Mr. Justice Miller ends his discussion of this curious incident by pointing out that Captain Ingraham's actions lacked any congressional authorization, implying that none was needed.

THE SCOPE OF THE VARIOUS "COMBAT ACTIVITIES" STATUTES

We do not believe that there is any necessary conflict between the President's constitutional authority to take military action for the limited purpose of protecting American lives and the various statutes which have been enacted since June of 1973 prohibiting the use of appropriated funds for the introduction of U.S. forces into hostilities in Indochina. The legislative history of these statutes and subsequent statements made by Members of Congress, who were instrumental in their enactment, make it clear, we believe, that the Congress did not intend by these statutes to circumscribe this constitutional authority of the President.

In discussing the meaning of the Addabbo Amendment to the Fiscal Year 1974 Continuing Resolution, one of the earliest enactments in this series of coextensive restrictions, Congressman Addabbo discussed the precise point at issue here. He said in response to questions from the former House Minority Leader:

"The gentleman from Michigan is speaking of protective action. I am speaking of direct combat action by our forces. We are not amending the Constitution here this afternoon; we are taking a congressional prerogative. The President still has, as Commander in Chief, certain war powers and if any place in this world our forces are threatened or attacked he can move for the moment. . . ."

Representative Ford then asked if it was correct that Congressman Addabbo was saying "that the President as Commander in Chief has certain constitutional military responsibilities and opportunities . . . which would go beyond the limitation in this amendment. . . ." (Emphasis added.) Congressman Addabbo responded "his rights under the Constitution as Commander in Chief, yes". (Congressional Record, June 26, 1973, page H-5365.)

On August 3, 1973—after the first of these statutes was enacted but before their effective date—Admiral Moorer, then Chairman of the Joint Chiefs of Staff, said in executive session testimony before the Senate Foreign Relations Committee:

"[T]he only time that I think I said we might . . . use retaliatory fire was in the event we were trying to rescue Americans. I think you accept that as being—I do—a world wide authority when we get into that type of crisis."

Chairman Fulbright said that he did accept the authority, though he also suggested that we should not create a situation making such action necessary. (Moorer testimony before the Senate Foreign Relations Committee, August 3, 1973, page 40.)

One might ask, if the President's authority to take military action to rescue Americans is so clear, why has the Congress been requested to enact legislation clarifying that authority? The answer is that the executive branch believes our efforts to evacuate Americans, if that becomes necessary, should, in view of the national concern about the role of the United States in Indochina, be supported by the Congress as well as the constitutional authority of the President. Our national response to such an emergency should be a united one in which the legislative and the executive branches are joined in their resolve. Possible disagreements over interpretation of the Constitution or the various statutes relating to Indochina should be set aside. In dealing with a matter as important as protecting the lives of American citizens there should be no dissension within our Government on the question of taking military action if necessary for the limited purpose of safely evacuating Americans from places of danger.

With regard to the authority of the President to employ the armed forces to evacuate foreigners from places of danger, it is clear that the various statutes restricting our involvement in hostilities in Indochina do not operate to prevent

the President from using the armed forces for the evacuation of foreigners so long as those forces do not become involved in hostilities. We acknowledge that the President may not order U.S. forces into combat in Vietnam for the purpose of evacuating Vietnamese and third-country nationals without congressional authorization, except where a limited number of foreigners can be evacuated in connection with an evacuation of Americans without materially changing the nature of such an effort. Because we believe we have a real responsibility to the many Vietnamese who have been associated with the United States for many years, and because we recognize that it might not be possible to evacuate these people to safety without some limited involvement in hostilities by U.S. forces, we are seeking authorization to take the minimum military action necessary to achieve this limited purpose should the worst come to pass.

ANNEX

INSTANCES WHERE THE ARMED FORCES OF THE UNITED STATES WERE USED TO PROTECT U.S. CITIZENS WITHOUT CONGRESSIONAL AUTHORIZATION

1. Following the burning of the American and British legations in Japan in 1863, the Commander of the USS Wyoming was instructed to use all necessary force to insure the safety of Americans residing in Japan.
2. In 1863 a detachment of Japanese troops assaulted foreign residents in Hiogo. Naval forces of the United States and other Western powers made a joint landing and adopted measures to protect the foreign settlement.
3. In 1888, U.S. naval forces in the Pacific were ordered to extend full protection and defense to American citizens and foreigners in Samoa who were threatened by civil war in that island.
4. In 1900, 2,500 U.S. troops were sent to join an international military force organized to protect the foreign legations in Peking during the "Boxer Rebellion."
5. In 1927, Nationalist soldiers in Nanking, China attacked Americans and other foreigners. On March 22 of that year, eleven men from the USS Noa were landed to protect the American Consulate. Additional forces were sent from the USS Preston to protect Americans and their property. The next month, 24 marines were landed at Hankow to protect an American business firm and in December, during a rebellion in Canton, marines were sent ashore to assist in the evacuation of Americans. By the end of 1927, the United States had 44 naval vessels in Chinese waters and 5,670 men ashore.
6. When local disturbances broke out in Nicaragua in 1926, the government of that country requested that American forces undertake to protect the lives and property of Americans and other foreigners. In May of that year, a force of marines was landed for the purpose of establishing a neutral zone. Additional neutral zones were established later in the year. The American military presence in Nicaragua continued until 1933.

For additional examples, see "Authority of the President to Repel the Attack in Korea", 23 *Department of State Bulletin*, 173 (1950); Memorandum of the Solicitor for the Department of State, October 5, 1912, "Right to Protect Citizens in Foreign Countries by Landing Forces", (2d ed., 1925); "Power of the President to Send the Armed Forces Outside the United States", Committee print prepared for the Joint Committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate, February 28, 1951, 82d Congress, 1st session.

AID TO PEOPLE IN CAMBODIA AND VIETNAM

Mr. BINGHAM. I would also like to know—and I don't know if you can tell us this, Ambassador Brown—who in the Department is now concerned with the question of possible assistance to international or private agencies that may be concerned with providing humanitarian assistance to people still in Vietnam and Cambodia?

Mr. BROWN. Yes. I will tell you very frankly that we have been so involved in this enormous task that we have been confronted with that on the task force we have not addressed this problem at all.

The Secretary has said that in view of events that he will postpone the decision on this matter. He said in a new briefing with respect to South Vietnam:

We will have to see what kind of Government emerges and indeed whether it is going to be a South Vietnam Government. We will certainly look at specific humanitarian requests that can be carried out by humanitarian agencies. We do believe that the primary responsibility should fall on those that supplied weapons for this political change.

Mr. BINGHAM. Well, I can well understand why you could not give it time, but I do think this is something that the executive branch should be having discussions on. The bill that we failed to pass after it came out of conference did provide authority for expenditures in that direction and if additional authority is needed—speaking for this member—I would like to know from the executive branch what authority is needed.

Mr. BROWN. I might tell you that I have spoken to Sir Robert Jackson several times in New York and now Dan Parker, head of AID, is in contact with him. I have moved liaison with Jackson to Dan.

Mr. BINGHAM. Thank you.

Chairman MORGAN. Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman.

THE HELICOPTER AIRLIFT

First, I would like to join in the accolades, Mr. Ambassador. I think both the Foreign Service officers and the military officers involved have done an amazing job.

General Casey, those Army helicopter pilots are really fantastic; aren't they?

General CASEY. Yes, sir.

Mr. BUCHANAN. Air Force, too.

General CASEY. We had some Air Force and some Marines. It was a shared job. I don't believe that any other nation would have the professional competency to carry out that maneuver. As the Ambassador said, we really lost no one in the actual helicopter operation. There were two men who were unfortunately lost at sea when their aircraft went down for, we believe, mechanical reasons, but not involved with the evacuation from Saigon.

Mr. BUCHANAN. Thank you, sir.

HEARING SUSPENDED FOR MARKUP

Mr. Chairman, I would like to request permission to use the balance of my time to yield to the gentleman from Minnesota so that we might take up the legislation that is before our committee today pertaining to peacekeeping forces in the Middle East.

Chairman MORGAN. The Chair wants to say to the members who came in late that in his opening statement he reminded the committee that subject to a quorum being present we would take up two bills. I see Mr. Nix has already left but Mr. Fraser is present.

If there is no objection, I would like to recognize Mr. Fraser.

The witnesses will just remain at their places. This is something we have to get on schedule next week.

[The committee thereupon considered the bill S. 818, authorizing payments to the United Nations for expenses of the United Nations peacekeeping forces in the Middle East, which it ordered favorably reported. Whereupon, the committee resumed its hearing on Vietnam.]

ANY AID FOR PEOPLE IN SOUTH VIETNAM?

Chairman MORGAN. Mr. Taylor is recognized for 5 minutes.

Mr. TAYLOR. Thank you, Mr. Chairman.

Ambassador Brown and others, we welcome you before our committee today.

You stated that the \$507 million will not be used for humanitarian aid to the people now in South Vietnam.

Mr. BROWN. That is right, sir.

Mr. TAYLOR. Will additional requests be coming this year for additional assistance for humanitarian aid for the people who were left there?

Mr. BROWN. I have no knowledge of any such request at this moment.

Mr. TAYLOR. Thank you.

REFUGEES PICKED UP BY SHIPS

Mr. Ambassador, I understood at first that we would bring out families of GI's and other American citizens who were over there, we would bring out relatives of naturalized American citizens into this country who were of Vietnam origin, we would bring out the leaders in the war who had fought with us. Now, all of these were known and I think most of our people approved of this and applauded it, but mainly people now think that our Nation went too far in suspending immigration laws and anchoring ships offshore and picking up all citizens who were able to get to those ships. By what authority was this action taken and what other comment would you have on it?

Mr. BROWN. These ships were passing in those waters. These are ships that were carrying aid and MAP cargoes back and forth to Saigon so they were there in the South China Sea. We asked the ships to stay on station in case of need. They saw on the high seas well out beyond the 3-mile limit people in distress and calling for help. Boats were sinking, people were endangered, and I think that the masters of the ships acted in accord with old maritime tradition—that is, of picking up people in distress.

The other group were those who fled on Vietnamese naval vessels. Official shipping, much of it MAP supplied, with their crews aboard and with friends, relatives and others. They started steaming towards Subic Bay. We picked them up with an escort and are moving them there. They are in a sense refugees as much as anyone who was moved by air. They have left the country because they feared for their lives. They thought that their continued presence in South Vietnam would lead to their death and in the broad humanitarian traditions of the United States we said welcome.

We have not processed the last group of people yet but I assume that large numbers of them will come under what we have been calling the threatened or the endangered categories.

MR. TAYLOR. How many individuals were picked up by the ships?
 MR. BROWN. About 60,000, sir.

SECURITY CHECKS ON REFUGEES

MR. TAYLOR. Has any effort been made to check the background records of these individuals?

MR. BROWN. On the ships, no, sir, because they are just landing. They will be checked. No person will be admitted to the United States until there has been a security check through our own system, sir. That is part of the process we are insisting on them going through.

MR. TAYLOR. I received some letters expressing worry that there might be a Communist infiltration. Nothing of that kind can happen?

MR. BROWN. Well, you know, the various Government agencies involved. The security check goes through several agencies and each one is asked "Does this individual appear anywhere?" If that individual appears, this is not the sort of person that we are going to parole into the United States.

MR. TAYLOR. And any that do not appear to pass the check will be sent back; is that right?

MR. BROWN. I don't say we can send them back because we will run into another problem, sir. We will have to dispose of them. We will try to do that through the international agencies to see if we can get someone else to take them. We always must remember—and I have to be honest about this—that we are signatories to the U.N. Convention on Refugees which says that a political refugee or other refugee of that nature who runs away or flees for fear of persecution for political or religious or other reasons cannot be thrown back to his or her country of origin. We would have to be satisfied that a third country would accept them or that they would be accepted in Vietnam.

MR. TAYLOR. Thank you, Mr. Chairman.
 Chairman MORGAN. Mr. Biester.

DISTRIBUTING REFUGEES THROUGHOUT UNITED STATES

MR. BIESTER. I am wondering if you can give us a more definite set of ideas about what your plans are for distributing the refugees throughout the United States? You have indicated that you point toward equal distribution and you point toward the problem that you are aware of certain high areas of high unemployment. I am wondering if you have any more specific or concrete plans than that?

MR. BROWN. No, we have not designed a map or anything like that. What we are doing in constant consultation with the voluntary agencies, we say: "Now watch it and keep your eye on it, make sure that there is not too much of a crowd going one place." The voluntary agencies are good and really able people. That is the way we are trying to check it.

I do want to say that in each one of the camps we have what we call a civilian coordinator. The military is providing the logistics, the housing and the care. We have a civilian coordinator whose task is

to coordinate all of the Government agencies that are represented there and to be in constant liaison with the voluntary agencies.

MONEY SPENT FOR TRANSPORTATION

Mr. BIESTER. Now, with respect to the moneys to be expended, I take it that much of that will be in the area of transportation. Am I correct in that?

Mr. BROWN. Yes, sir. As you look at those figures you realize it is expense in transportation and care and some in housing. No housing as in the American economy. It is housing at the bases, yes, sir. We have had to build tent cities within each of the centers.

Mr. BIESTER. I think the question I am trying to get at is that because we are spending more money I assume that there are some expanded activities of a variety of Federal agencies.

Mr. BROWN. Well, I think one thing, sir, as we look at this bill compared with the earlier bill, we were talking smaller numbers. We didn't really have a good handle 10 days ago.

Mr. BIESTER. No, I am sorry.

Mr. BROWN. We are not doing that.

FAVORITISM IN JOBS FOR REFUGEES?

Mr. BIESTER. I don't want to take too much time from the chairman, we don't have much time. What I am after is to what extent does the money that is called for in the proposition you have represent potential jobs for Americans or a potential infusion of some money into the general economy? Some of my constituents who have written about this program have expressed some concern that a favoritism might occur to the refugees with respect to jobs and I am concerned to know whether in fact the spending of this money might not result in jobs for Americans. Now, am I incorrect about that?

Mr. BROWN. There is a large amount of spending at bases that is going right into the local economy of the bases.

You might say the American airlines are benefiting from this as they move people around. Certainly the expenditures on the maintenance of people in the camps largely results in additions to the local economy. This was very much the experience in Camp Kilmer days and it is happening now.

Mr. BIESTER. That is my recollection at that time as well.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Harrington.

AID FOR PEOPLE INSIDE VIETNAM

Mr. HARRINGTON. Did you indicate, as I think you did, to Mr. Taylor, that there was no present contemplation of a request of any kind for humanitarian aid to be directed to people who are presently in South Vietnam?

Mr. BROWN. Not to my knowledge; no. That is not really in the framework of my task.

Mr. HARRINGTON. No. I understand it is beyond the scope of your own activity. You are not aware directly or indirectly of any contem-

plated or present proposal that would be directed toward you from the executive branch?

Mr. BROWN. No.

PLANNED AMOUNT OF AID TO VIETNAM—PRECOLLAPSE

Mr. HARRINGTON. Do you know if Mr. Gardiner would know of contemplated aid that would have been envisioned prior to the events of the past month or two? Has the Secretary explained how he viewed our commitment earlier this winter regarding the South Vietnamese, both military and economic? I think he was talking about a 3-year period during which he could envision aid being continued.

Mr. GARDINER. If I recall correctly, when we did come up with a request about a month ago at the time of the height of the fighting and the crisis, it was a request for \$722 million.

Mr. HARRINGTON. That is the President's request on an interim basis after things started to happen?

Mr. GARDINER. Yes.

Mr. HARRINGTON. I got the impression from State that 3 more years of economic and military aid were envisioned.

Mr. GARDINER. There was a substantial consideration of that possibility, sir. Now whether there had been any firm decision on the precise amounts of money involved or not, I don't know. I don't think there has been.

U.N. WOULD RETURN REFUGEES TO VIETNAM

Mr. HARRINGTON. Mr. Brown, Senator McGovern has filed legislation in the Senate which is designed to accomplish something that the executive branch now seems prepared to support, at least in principle. Refugees who may decide for a variety of reasons to go back to their country would be provided assistance from direct or indirect sources. Is that in general the position that is taken?

Mr. BROWN. I think that I would like to go back a bit on that. In that case we think that the responsibility for moving people back to Vietnam is a responsibility of the appropriate United Nations' agency, that is, the High Commissioner for Refugees.

Mr. HARRINGTON. Responsibility in an administrative sense or a fiscal sense or both?

Mr. BROWN. I would think in both, sir. Now, we are a major financier to the United Nations for new operations. We have historically been quite generous with regard to the Cyprus and Bangladesh problems as well as elsewhere.

Mr. HARRINGTON. But, in general, a return of those refugees who want to go is something you would view positively?

Mr. BROWN. I think it would be not only ridiculous but I think it would be inhumane to force into this country in any way or take to this country Vietnamese who don't want to come here and want to go back home again.

WHITE HOUSE MEETING ON VIETNAM

Mr. HARRINGTON. Permit me a couple of other questions that are outside your immediate realm but have whetted my curiosity. Were

you at a meeting at the White House a week ago where this legislation was discussed after it was apparent that South Vietnam was about to fall?

Mr. BROWN. A week ago? No, sir.

Mr. HARRINGTON. On the day preceding the actual fall.

Mr. BROWN. No, sir. The only time I met with the administration and the leadership was yesterday.

Mr. HARRINGTON. But not during the course of the last week to discuss the fate of the then conference version of the legislation?

Mr. BROWN. No, sir.

CONGRESS: NARROW OPTIONS IN VIETNAM

Mr. HARRINGTON. I will just finish by addressing Mr. Bingham's point. I think the thesis he evolved and the one that was enlarged on yesterday in the New York Times by Senator Eagleton is something I would want to take issue with. We sat through about a week of hearings with Mr. Habib which illustrated the lack of preciseness in what was contemplated for the removal program and which showed very clearly the lack of effort to find a political as distinguished from a military resolution of the problem. I think the Congress had the very, very narrow series of options that were open and I don't think it is a failure of will as much as being hit with only one point of view. We got to the point where we could begin to react and I think there was a disinclination to provide some coequal reasons, as has been characterized.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Gilman.

TOTAL NUMBER OF REFUGEES

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Brown, I commend you and your staff and the administration for this mammoth humanitarian endeavor that you have so successfully accomplished. There has been some criticism and some objections expressed in our districts about concern for employment, concern about local government's responsibility in this effort. Just so we can spell out the record a little more clearly, what is the total number of refugees that we have rescued, evacuated, and brought under our protection as of today?

Mr. BROWN. 113,000.

Mr. GILMAN. And of that number how many are heads of families or who would be employable as breadwinners?

Mr. BROWN. I can give you an estimate based on our general estimate of the size of families. Probably 35,000, sir.

Mr. GILMAN. Of that 113,000 how many have already been accepted by other countries, by third party countries?

Mr. BROWN. That have been—

Mr. GILMAN. That have been accepted or are in the process of being accepted by other nations.

Mr. BROWN. None. There are some several in the process.

Mr. GILMAN. How many are in the process?

Mr. BROWN. The only really accurate one would be that the Canadians right now are dealing with several hundred people and will move on to 3,000.

Mr. GILMAN. Approximately 3,000 that they would accept?

Mr. BROWN. Yes, sir.

TEN PERCENT OF REFUGEES PREFER THIRD COUNTRY

Mr. GILMAN. How many would you anticipate would be acceptable by other nations?

Mr. BROWN. This is a question I have addressed to both ICEM and UNHCR which are now looking at the situation on Guam. When we asked our officers in Guam to circulate a questionnaire, about 10 percent of the people said that they would like to go to a third country and in many cases, of course, this was France.

Mr. GILMAN. Would you anticipate that we could very likely place, at this time, with other countries some 10 percent?

Mr. BROWN. I would hope so. This is our problem.

Mr. GILMAN. Accordingly, the total number would boil down to about 100,000 refugees that we would have to be concerned about.

Mr. BROWN. Yes. There will be more Vietnamese in totality than there are just in our stream. There are streams of Vietnamese who have gotten out by other means, largely in the early days before the last phase of evacuations. They went out commercially to different countries who will be seeking refuge there. There are large numbers in France and Western Europe. So there is no idea of the totality because there are no real numbers available to us as to what has happened in the rest of the world.

As I mentioned earlier, sir, there are perhaps 10,000 more who have landed in different parts in the South China Sea who got out on their own and went to Singapore, Malaysia, Hong Kong, the Philippines and elsewhere.

As the numbers are quite flexible that way. It is our hope of course that we have this in the proposed legislation, that up to 20,000 can be processed and moved on elsewhere. Whether that will ever reach that or not, I don't know.

Chairman MORGAN. The gentleman's time has expired.

Mrs. Collins.

VIETNAMESE REFUGEES NEED SPONSORS

Mrs. COLLINS. Mr. Brown, I have a series of questions. You mentioned earlier that the refugees would be moved from staging areas to cities and towns. Is this only after they have sponsors and jobs?

Mr. BROWN. Not jobs, sponsors.

Mrs. COLLINS. Just sponsors?

Mr. BROWN. Sponsors, yes.

Mrs. COLLINS. If they don't have any sponsors, where will they go?

Mr. BROWN. I think they will find sponsors.

Mrs. COLLINS. That is not my question. What if they don't?

Mr. BROWN. We will have to face that later.

Mrs. COLLINS. How will you face it later? Do you intend to leave them in Guam or —

Mr. BROWN. No, they will be in one of the camps until we can place them either with a sponsor or an international agency.

EMPLOYABLE HEADS OF HOUSEHOLDS

Mrs. COLLINS. There has been some talk here today about the heads of the households. Have you figures showing how many heads of households have employable skills and what their prospects are?

Mr. BROWN. I think it is a good question. What we have done in this case, which is the first time we have tried this on a large scale movement like this, we tried to register everybody in a computer system. We are now getting on the computer job skills. The purpose of this is to take the computer runout of all of the people—we have about 45,000 already on—and hand this to the voluntary agencies and to the international agencies so that they can start matching them. This is the first time it has been tried. IBM has given us a big hand. We have linked Guam and Pendleton on the same computer. This will be a very good way of finding what the job skills are and helping in the processing of people and moving them out.

Mrs. COLLINS. How many of these Vietnamese will have to learn English? Are most of the heads of households English speaking?

Mr. BROWN. Yes. In our first survey about 70 percent of the heads of households spoke fair to good English. This may run down a bit, but English has become the second language in Vietnam. We will find quite a bit more but part of the HEW proposal would be bilingual training. HEW feels this is one of their responsibilities.

Mrs. COLLINS. You mentioned earlier that you were going to spread these people out to areas that don't have high unemployment. Isn't it true that most of the areas where they might be sent, or would have to be sent, are industrial centers and that most of these centers are located in areas that now have high unemployment?

DOCTORS AMONG REFUGEES

Mr. BROWN. No, we are getting a lot of doctors. I would hope that we get doctors sponsored by groups or churches or individuals in areas where there is a lack of medical care, for instance.

Mrs. COLLINS. What percentage of the 130,000 that you are talking about are doctors?

Mr. BROWN. I didn't have the breakdown on doctors but we will have that when we finish.

Mrs. COLLINS. It certainly won't be 10 or 15 or 25 percent?

Mr. BROWN. Oh, no.

Mrs. COLLINS. So they will be sent to areas with high levels of unemployment?

Mr. BROWN. The Lutherans have 500 families in Minnesota, and they are moving those families right now.

I think the voluntary agencies are alive to the problem, and they themselves consider whether in the end it is a parish or something like that which takes on the responsibility for these people, and it is the parishes that feel that they won't be creating too much of a problem that will be taking people. I can't answer that other than I cannot guarantee that no one will go to Detroit.

Mrs. COLLINS. Or Chicago in the Seventh Congressional District?

Mr. BROWN. I cannot guarantee that at all, and I hope that we would not try and stake out areas where people can't go, because after all,

once they have come to the United States and once they are here, there is no way we can lock them up in a special community.

Chairman MORGAN. The gentlewoman's time has expired.

Mr. LAGOMARSINO.

35,000 HEADS OF HOUSEHOLDS

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. BROWN, I would like to join my colleagues in commending your efforts and also those of the military. I think it is incredible that an operation of that magnitude could have been carried out even on a practice basis without more casualties than we had. I think the civilian and military services should be commended and I join in the commendations.

Mr. BROWN. Thank you.

Mr. LAGOMARSINO. We talked about heads of households and you indicate there are probably something like 35,000. I guess it is true also that any of those that would go to other countries would be deducted from that total, whatever it is, so this is the gross total.

Mr. BROWN. It is my best estimate.

Mr. LAGOMARSINO. To the extent that other nations join us, that total will be reduced?

Mr. BROWN. Yes.

NORMAL ANNUAL IMMIGRATION TO UNITED STATES

Mr. LAGOMARSINO. To put this in some kind of perspective, could you give us any idea of how many immigrants we take into this country every year?

Mr. BROWN. Yes. I asked General Chapman—I am sorry he is not here—and he told me 400,000.

Mr. LAGOMARSINO. 400,000?

Mr. BROWN. Yes.

Mr. LAGOMARSINO. How many heads of households would be included in that figure?

Mr. BROWN. I think you could divide it out again and you come to 50,000 or 70,000 or 80,000.

Mr. LAGOMARSINO. Or possibly more.

Mr. BROWN. 100,000.

Mr. LAGOMARSINO. It might be smaller?

Mr. BROWN. Considering smaller families.

Mr. LAGOMARSINO. I understand that Vietnamese families are quite large compared to European families.

VIETNAMESE SCHOOL AID?

I am from California and we expect that no matter how the refugees are distributed that many of them will end up there because we have large Asian communities; we have many people who because of their connection with the Vietnam operation and so on have ties with them. So I expect that we will receive more than the share would be if you were able to distribute them equitably, either right away or over a period of years. One of the concerns we have is the cost of education. Will part of these funds go to help school districts?

Mr. BROWN. Directly in the school district, no, sir. I mean the HEW programs for the added expenses to the States and local districts of medicaid and bilingual education, welfare, and public health which if the legislation passes HEW would finance 100 percent.

Chairman MORGAN. Would the gentleman yield on that question?

Mr. LAGOMARSINO. Yes.

SUBSIDY FOR CUBAN SCHOOLING

Chairman MORGAN. I think under the Cuban refugee program there is a subsidy for pupils in some of the school districts.

Mr. LAGOMARSINO. And there is, as you might know, legislation that has been introduced, as you might imagine, by California Congressmen that would add people from Vietnam to the law that we passed in 1962 for the Cubans. Would it be your impression, without pinning you down of course, that there would be general support for that type of legislation?

Mr. BROWN. Yes, I think that is basically a domestic consideration at this time.

Chairman MORGAN. It is the Chair's intention, if you will yield, to recess after the gentleman from California is through and continue this hearing tomorrow. Those Members who were here but not called on today, will be called upon first tomorrow, under the Findley rule, providing they are here at 11 o'clock.

WOULD REFUGEES BE BETTER OFF AT HOME?

Mr. LAGOMARSINO. Mr. Chairman, I have just one more question.

Chairman MORGAN. Proceed, please.

Mr. LAGOMARSINO. Reference was made to Senator McGovern's legislation asking for a return of those Vietnamese who want to go back. He also made the statement, or at least he is alleged to have made the statement, that he thinks that 90 percent of the refugees would be better off in South Vietnam.

Have you found any evidence that they think they would be better off in South Vietnam?

Mr. BROWN. Other than those 45 that we found on Guam, We have had no signs. On the contrary, what we get and what the President gets is dozens of letters from those people on Guam thanking him for saving their lives and for offering the protection of the United States at a time they thought they were desperately endangered.

Mr. LAGOMARSINO. And it is your statement also that people who are now on Guam or in the Philippines who want to go back would certainly not be brought here?

Mr. BROWN. That is right, sir, absolutely.

ADJOURNMENT

Chairman MORGAN. The committee stands adjourned until 11 o'clock tomorrow morning.

Thank you, gentlemen.

Mr. BROWN. Thank you, Mr. Chairman.

[Whereupon, at 12:20 p.m., the committee recessed, to reconvene at 11 a.m., Thursday, May 8, 1975.]

VIETNAM EVACUATION AND HUMANITARIAN ASSISTANCE

THURSDAY, MAY 8, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The committee met at 11:06 a.m. in room 2172, Rayburn House Office Building, Hon. Thomas E. Morgan (chairman of the committee) presiding.

Chairman MORGAN. The committee will please come to order.

Today we are resuming our hearings concerning the evacuation from South Vietnam. The witnesses from the executive branch are Mr. James Wilson, Deputy Director of the Interagency Task Force, Mr. Arthur Z. Gardiner, Jr., Assistant Administrator, Bureau for East Asia, Agency for International Development; and Maj. Gen. Maurice F. Casey, Director of Strategic Mobility.

When we recessed yesterday the Chair stated that we would continue the proceedings today under the 5-minute rule. Many members didn't get a chance to use their time yesterday and the Chair would like to start with those members who were here yesterday but who did not have a chance to ask questions. Therefore, the Chair is going to call on Mr. Ryan first.

RESPONSIBILITY FOR REFUGEES: STATE OR FEDERAL?

Mr. RYAN. Thank you, Mr. Chairman.

I would like to get to a couple of matters depending on how much time I have. The first one has to do with the assumptions that are apparently being made in regard to these refugees and who will be responsible. My concern is the concern of a good many public officials in California, and that is, what happens to these refugees. I don't think that the attitude of many public officials is as antihumanitarian, as antirefugee as has been implied by the President, but it is more a matter of concern about who is going to pay the bill. It is one thing to be very generous if it is somebody else's money.

We were told yesterday by Ambassador Brown, if I am correct, in response to a question by Mrs. Collins, that they would be kept on Federal property and supported by the Federal Government until such time as they had either found a sponsor or responsibility for them had been assumed by some international organization. Am I correct in that?

(187)

STATEMENT OF JAMES M. WILSON, DEPUTY DIRECTOR OF THE
INTERAGENCY TASK FORCE, DEPARTMENT OF STATE

Mr. WILSON. You are correct in that, Mr. Ryan.

MEANING OF REFUGEE "SPONSORSHIP"

Mr. RYAN. Let's talk about the word "sponsorship." What does that include?

Mr. WILSON. Sponsorship, Mr. Ryan, is a recognized arrangement under our Immigration and Naturalization Act by which an individual or an organization can undertake to look after the parolee who is to be put in his charge. This means that the individual signs a statement indicating that he is willing to take on the responsibility for that refugee and that he is, himself, financially able to do so.

Mr. RYAN. How long does that responsibility last?

Mr. WILSON. That is a responsibility which lasts indefinitely as I understand it, Mr. Ryan. Until such time as the individual is able to change his status from that of parolee to some other category of, for example, permanent resident, alien, or in some cases citizenship.

Mr. RYAN. The reason I ask the question is because I wonder if the sponsorship is on a somewhat casual basis and can be broken at any time by any of those who are involved, and subsequently you would have the refugees become a welfare problem for a particular county. Now, I don't suppose this is going to affect too many areas; but in the bay area where there is a substantial population already, where there is a high unemployment rate already, and where economic problems already exist, it is understandable, I think, that there is some concern about the cost to the local government of the people who are involved. Is there any kind of program, any kind of contingency plan within the budget that you have of the \$507 million, to allow the Federal Government to pick up the tab in case there is some kind of hitch in the process?

DISTRIBUTING REFUGEES THROUGHOUT THE UNITED STATES

Mr. WILSON. May I take this in three parts, please, Mr. Ryan.

First of all, with respect to concentrations in any one particular area, I am sure that Ambassador Brown said yesterday in his description of the process that one of the primary objectives we are seeking to achieve is the wide dispersal of these refugees throughout the United States so that no one area will be overburdened with them.

Second, with respect to the statement of support by the sponsor, the Immigration and Naturalization Service has advised us that this is a document which constitutes more of a moral obligation than a legal obligation in view of a series of court holdings. On the other hand, there is a strong obligation on the part of the sponsor to see that the person does not become a public charge.

Mr. RYAN. Moral obligation?

Mr. WILSON. Moral obligation, yes.

Mr. RYAN. In the event that a local government finds itself saddled or burdened with what become public charges, is there any way for the

local government to have its costs reimbursed by the Federal Government in the program that you are not submitting to the Congress?

Mr. WILSON. This is the third part of your question, sir.

Mr. RYAN. Thank you.

FEDERAL REIMBURSEMENT OF STATES

Mr. WILSON. I would like to turn it over to Mr. Ford from the Department of Health, Education, and Welfare to explain specifically what it is that we intend to do with the \$125 million which is being requested as part of the authorization request.

STATEMENT OF DAVID A. FORD, OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. FORD. Thank you.

Let me just address your question with respect to welfare costs and this will hold true of the other services that we intend to provide.

For our part of the budget of the \$507 million we intend to reimburse the State governments 100 percent for those services that they provide to the refugees for the duration of the legislation.

Mr. RYAN. I would point out to you that it is my intention to take the transcript of this particular dialog and send it verbatim to the cities and counties in California so they have some idea of what access they have to assistance in case it is needed.

Mr. FORD. That will be fine. Ambassador Brown has already endeavored to inform all of the Governors of the States that we intend to reimburse on this basis.

Mr. RYAN. All right. Is there any more you have to say in regard to what the program is?

Mr. FORD. In terms of welfare?

Mr. RYAN. Welfare or school costs.

Mr. FORD. Yes, sir. We have planned in our budget cost for educational service and cost for health service as well.

Mr. RYAN. So it is possible then for a city or a school board under whatever guidelines you have or will develop to apply to the Federal Government for reimbursement where there are costs that come within the framework that you have prepared?

Mr. FORD. Yes, sir, that is correct.

Mr. RYAN. All right. I might add then at this point that I have a great deal less antagonism toward your proposed legislation than before, not on any humanitarian basis but simply on a matter of cost and who is going to pay for it.

REFUGEES VERSUS ILLEGAL ALIENS

May I get into one other area which is perplexing me and is a little more general in whatever time I have left. We have talked a great deal about the humanitarian dimensions about this bill and what it can do and what it should do and so on and the responsibility we have to take

in these refugees. I concur that we do have a responsibility to take in refugees but I wonder if there is any official guideline or comment or limitation which the Federal Government is either working on or already has that makes a distinction between those who flee from Mexico because of hunger where there is a great deal of unemployment right now and who come here as we have already discovered in the Government Operations Committee as illegal aliens, and therefore are hunted and hounded. I find that a bit of a problem for me anyway to find one arm of the Government busy day in and day out hunting these people as you would jack rabbits and on the other hand bringing in others who are equally in need, I suppose, but for whom there is a very different kind of policy. It is hard for me to explain this when I go home.

I wonder what we should offer, for example, to the political prisoners in Chile and other places in the world where there is some kind of heavy repression and if we have not been perhaps too lax in being interested in rescuing those prisoners who are seeking some way out.

I think that the position of the Federal Government today in bringing in these Indochinese refugees on the one hand would be inspiring in a sense and keeping up with what is an American tradition and on the other hand to be very confusing and somewhat disillusioning to others in other countries who find themselves the victims of American policies that are very much against their own lives and safety. Could you comment on what is being done in the State Department about that?

Mr. WILSON. Yes, Mr. Ryan.

BULK OF REFUGEES: RELATIVES OF U.S. CITIZENS OR HIGH-RISK

Let me first say that the large bulk of the refugees who we anticipate will end up in the United States will fall into two categories. The first of those is relatives of American citizens. They are dependents of American citizens or relatives of permanent alien residents of the United States who under normal circumstances would be eligible for entry into the United States under the terms of existing law. The parole authority which has been granted by the Attorney General after consultation with the Congress has served in this case simply to speed the process of their entry into the United States. This would not be the case obviously in the case of other refugees to which you were referring a moment ago.

The second major category is those refugees who are in actual danger or feel that they are in actual danger of losing their lives by virtue of their close association with the United States in South Vietnam. This is the condition which has motivated the Government to press for relief for this category of individuals, and we think again that this distinguishes it from other situations.

You did mention the refugee from Chile, however, who might be considered to be somewhat comparable to this. Here we do have ways and means of taking care of that individual, through the protocol having to do with international refugees to which the United States is signatory, and he would be admissible under the terms of our own legislation.

DISTRIBUTING REFUGEES THROUGH COUNTRY

Chairman MORGAN. The time of the gentleman has expired.

Mr. BURKE.

Mr. BURKE. Thank you.

I wonder if you could tell me just how you intend to distribute these refugees throughout the country.

Mr. WILSON. Mr. Burke, for this task we are depending primarily upon the so-called voluntary agencies. The voluntary agencies have been at work in similar crises in the past.

Mr. BURKE. In Florida the Cubans are supposed to be distributed, too, but most of them ended up in Miami.

TRY TO AVOID REPEAT OF CUBAN IMMIGRATION

Mr. WILSON. Yes, sir. You are quite correct. We are conscious of that problem, and we are trying by every means possible to avoid a repetition of that situation in this case.

Mr. BURKE. How are you trying to avoid it?

Mr. WILSON. We are working in the camps—with the voluntary agencies, Mr. Burke, to assure that the destinations to which they are sending these refugees are not all in one place. We are sitting down with them to make sure that dispersal is in fact taking place. I might ask Mr. Frank Wisner if he would want to give you some indication of what has been done thus far on these lines.

Mr. BURKE. I would like to ask him a question there. Since you have been working there I am sure you are able to tell this committee where you are going to put them and where you can expect them and in what numbers.

Mr. WILSON. I cannot tell you with any certitude at all, but let me give you an example of how this thing would work. The Church World Services, which is an affiliate of the World Council of Churches and works with a number of church organizations throughout the country, is appealing now to the various congregations with whom it works in various parts of the United States asking if particular parishes—would particular families, would particular organizations—would be willing to sponsor an individual or be willing to sponsor a family; if so, how many? It is then their responsibility to make sure that—

Mr. BURKE. I can appreciate that but you are then transferring your responsibility to another agency. What is your responsibility in this?

Mr. WILSON. Our responsibility in this instance is in working with the central organization of an agency such as the Church World Council to make sure that in fact the distribution takes place. We reimburse a certain amount of the cost of the voluntary agencies in the case of each refugee, and these are conditions which are written into the terms of our contract with the voluntary organization.

DURATION AND COST OF REFUGEE PROGRAMS

Mr. BURKE. How long will the American people be expected to make contributions in taxpayers' dollars for this particular program?

Mr. WILSON. In the bill which was submitted yesterday by the President we have recommended—

Mr. BURKE. Yes; I know but you can come back for more. I am asking you how long the American taxpayers will be expected to pay for this?

Mr. WILSON. We proposed a cutoff specifically at June 30, 1976, for everything except the Health, Education, and Welfare program, which would be cut off at the end of fiscal year 1977.

Mr. BURKE. Then is it my understanding you will not come back for more?

Mr. WILSON. That is the intention. Yes, sir.

Mr. BURKE. I have no further questions.

Chairman MORGAN. Mr. Riegle.

NOT SATISFIED WITH VIETNAM EVACUATION

Mr. RIEGLE. Thank you, Mr. Chairman.

I have a lot of things I want to say today so I will try to space them out in my 5 minutes the best I can.

It is difficult when there is an interruption in the discussion back and forth between the witnesses and the committee as has happened yesterday to today because we lost some of the continuity of the comments that were made yesterday. Of course, also our lead witness is tied up today and has not been able to come back.

I want to address some things that were raised both yesterday and I think ought to be raised today as a backdrop to this refugee question. I want to make it very clear from my vantage point that I am not at all satisfied with the evacuation effort that we carried out in Vietnam. I think it was far more dangerous than it needed to be. I think it was far more expensive than it needed to be. I think we got involved in a very chaotic last-minute selection of refugees which is a problem which will plague us forever more. I believe American nationals that were still in Vietnam were used as hostages to withdraw South Vietnamese.

I think the President and the Secretary of State very badly misjudged the situation. I think the behavior of the American Ambassador in Vietnam was disgraceful. In fact, I have to look a long way to find another performance in Government that I feel as upset about as I do his behavior in the final days in Saigon—and I can only assume that there were other problems, whether they were health problems or emotional problems or other things, that made him behave as erratically as he did.

CONGRATULATIONS TO U.S. MILITARY

Now, I want to congratulate the military for what I think was a superb job under extremely difficult circumstances in carrying out an 11th hour evacuation, and had it been done earlier and differently I think it would have been much less hazardous for everyone. I think it was appalling that it had to take place under the circumstances that it did and I think the military's ability to respond under those conditions bring great credit to that branch of the Government.

Now, I want to say to the witnesses if by chance any of you have a chance to talk to the President any time soon that I deeply resent the inference of the administration and of the President and the Sec-

retary of State and others in the foreign policy area that the Congress neither appreciates nor understands nor has feeling about the refugee problem because clearly we do. I think if there is a humanitarian impulse that has been around for more than just the last few weeks in terms of the people in Southeast Asia it has been in the Congress and not in the White House.

DOUBLE STANDARD ABOUT DISPLACED

I think the Congress is prepared to do what we now have to do to meet the legitimate basic living standard needs of the refugees, but I will tell you what bothers me and I would like this passed back if any of you get the chance to do it. What I resent is the double standard, and the double standard that I speak about is the one where we have an awful lot of refugees in this country who are not South Vietnamese. We have a lot of American refugees. I have them in my district and they exist in every district across the United States. We have got millions of people in the United States today that are no better off than the South Vietnamese refugees that are arriving now—Americans whose prospects are just as bleak and just as hopeless; who don't have jobs, who don't have places to live, who are not eating properly and I don't hear one word from the White House about that problem. And that double standard bothers me.

I am all for doing what has to be done now with respect to the minimum logical and necessary requirements of the refugees but not unless we are prepared to do the same thing for Americans, in equivalent circumstances. When I say equivalent circumstances, some may raise a racial question, if so, they make a great error because that has absolutely nothing to do with it. It has to do with the question of equity and fairness.

When I see the administration, that is a continuation of prior administrations, that for years was able to carry out a military policy in South Vietnam where we killed people left and right totaling up in the hundreds of thousands now expressing this great humanitarian concern and when I don't see that same humanitarian concern expressed for Americans in equivalent circumstances it really makes me quite sick to my stomach because I think it is quite phony and quite hollow.

ADMINISTRATION SHOULD VISIT WELFARE OFFICES

There are lots of refugees in the United States that people in the administration ought to visit and I would be quite happy to accompany them to ones that are in my district in welfare offices where people in their forties and fifties and many that fought in World War II and the Korean war stand in welfare lines not because they want to but because they have to, but I don't hear any concern about that. I don't see any \$507 million to take care of American refugees.

I think it is absolutely disgraceful that this administration can even purport to point a finger at the Congress and try to shame us for our logical and rational questions in this area when they are totally blind, in my judgment, to the problems of an equivalent situation that exists in this country of ours.

I am going to try to amend this bill—we don't have a bill before us today. I am going to try to do it in the committee if I can within the parliamentary situation and on the floor to provide that any assistance of this kind that is made available be made available to all people in the United States in equivalent circumstances. Yes, we are going to have to help the refugees, both American refugees and South Vietnamese refugees. If the administration really had a deep feeling about these humanitarian difficulties, in my judgment they would be drafting a bill not just to take care of one class of citizens, who happen to be displaced foreign nationals, but to take care of all the citizens that happen to be within the confines of the United States or under our responsibility with equivalent problems. I would hope you would have the good sense to go back and come back in with that kind of a request.

Now, I don't expect to see this happen. I don't expect to see it happen because the administration is only looking at this problem with one eye, they cannot see or hear or feel the cries of pain from the American people. I am prepared to help both groups but I am not prepared to help one group at the expense of the other because that to me is not fair and it is not honorable and it is not decent, it is not right. If nobody else can understand this problem, then it needs to be discussed a good deal more.

Chairman MORGAN. The time of the gentleman from Michigan has expired.

Mr. Guyer.

Mr. GUYER. Thank you, Mr. Chairman.

THIRD COUNTRY REFUGEE RESPONSE

This morning we had an opportunity to meet with the Ambassador from Australia and I directed a question to him that I would like to direct to you, sir. As of right now, how many countries have offered to help take in some refugees? Do you have an account of any other countries besides the United States?

Mr. WILSON. The answer to that is affirmative, Mr. Guyer. Let me refer to Mr. Frank Wisner for a more detailed response.

STATEMENT OF FRANK WISNER, DIRECTOR, OFFICE OF PLANS AND MANAGEMENT, BUREAU OF PUBLIC AFFAIRS, DEPARTMENT OF STATE

Mr. WISNER. We have discussed with a number of other countries the resettlement of refugees. The offers do not begin to equal the number the United States intends to resettle. These include principally France and Western Europe, though we have approached other nations worldwide at a very high level and their replies to date are not encouraging. The British have announced a commitment to receive a very small number of refugees. In Canada and Australia we have commitments to take care not only of Vietnamese citizens who have connections with those two countries, but a certain number beyond that. The Canadians have announced an initial figure of 3,000, and the Australians are somewhat under that.

OFFERS FROM FRENCH-SPEAKING AFRICA

In the Third World in Francophone Africa, we have two firm offers. These could go up. We have announcements of commitments to consider the issue and go beyond, and there are positive indications in Latin America, but again none have been confirmed. We should not have a confirmation until we are able to put before potential recipient states the exact composition of the refugee population. Some nations, for example, are interested in certain categories of people, skilled or unskilled, and that we will have to do when we have all the refugees in camp and can sort them out.

I would be happy to submit for the committee's consideration a recent prepared document submitted yesterday to the Senate, a wrap-up of everything that has taken place to date. I would not, however, want to leave the impression that this effort is going to substantially reduce the burden that the United States is going to have to carry. We cannot expect more than about 10 or 15 percent of the entire refugee population to be resettled in third countries. We are going to work toward that goal. We have approached it at the highest levels, multilaterally and bilaterally, and we hope to make some progress. I think 10 to 15 percent is a fair estimate given the data we have at this point.

[The information supplied appears in the appendix, p. 217.]

UNITED STATES SHOULD APPEAL TO UNITED NATIONS

Mr. GUYER. Thank you. The reason for my interest in this is that I introduced a resolution in the past several days imploring the President to appeal to the United Nations in this regard and it is my judgment that with more than 148-some countries and 70 possessions and colonial subdivisions in the world that this is an ideal time now for some of the other nations to show a partnership in this program because it should not be unilaterally ours entirely.

Also by the same token it is a two-way street because if I read correctly the type of people that we have—and I have not seen a breakdown of that—many of these people are professional people with skills, with expertise, with technical backgrounds and well could be used particularly in some of the developing countries. My resolution shall specify that none shall go to Communist controlled areas. I would like to see that message worked through your organization, if you will. I am writing a letter to the Secretary General of the United Nations and also to the President in that regard and I don't expect any action on the resolution here but I would like to see some there if we could get it.

Mr. WISNER. Sir, I will submit with the same report that I referred to above a copy of our instructions to our missions abroad which I think meet the points on a bilateral basis that you just raised. [See appendix, p. 223, for copy of instructions to the missions.]

Second, the Secretary of State has approached on a number of occasions the General Secretary of the United Nations directly. The Department of State has also approached the United Nations High Commissioner for Refugees (UNHCR) who has finally taken an official position, and a copy of the position is also included in the record. [see appendix, pp. 217-218.]

Mr. GUYER. Thank you. I would like to have a copy of that transcript.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Bonker.

AMOUNT OF FUNDS REPROGRAMMED

Mr. BONKER. Ambassador Brown said yesterday the expenditures to date came to somewhere between \$80 million and \$85 million. Do you have that figure at hand?

Mr. WILSON. The figure is \$89 million which the Ambassador gave you yesterday.

Mr. BONKER. \$89 million?

Mr. WILSON. That is right. Yes, sir.

Mr. BONKER. That is as of—

Mr. WILSON. That is as of May 5, however, and the costs have gone up since that time.

Mr. BONKER. Congress didn't act expeditiously on the administration's request for evacuation and humanitarian aid. I would like to ask you where that amount of money came from, out of what category?

Mr. WILSON. May I refer that question to Mr. Arthur Gardiner from AID since all of this money came from AID.

STATEMENT OF HON. ARTHUR Z. GARDINER, JR., ASSISTANT ADMINISTRATOR FOR EAST ASIA, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. GARDINER. AID has made available for this operation under section 632(a) of the Foreign Assistance Act a total of \$98 million. Those funds came from the Cambodia and Vietnam economic assistance programs.

Mr. BONKER. Were those amounts legally expended or did you have to use extra legal authority?

Mr. GARDINER. They were legally expended; we have submitted for the record of this hearing an opinion of our general counsel indicating the legal basis for this action.

ADDITIONAL FUNDS REQUESTED OF CONGRESS

Mr. BONKER. The amount that is authorized in the request that is before the Judiciary Committee, does that reimburse or compensate AID for the money expended thus far?

Mr. GARDINER. No, sir.

Mr. BONKER. It is in addition?

Mr. GARDINER. Yes, sir, that is correct.

Mr. BONKER. The administration estimates that \$500 million is necessary to relocate the Vietnamese nationals in the United States. If there are approximately 120,000 affected, that comes to approximately \$4,000 per refugee. Is that correct?

Mr. GARDINER. I have not done the arithmetic. I think that is right.

VIETNAM REFUGEES WITH U.S. RELATIVES

Mr. BONKER. Many of those refugees are spouses or dependents of American nationals and should not have to undergo that expense. Do

you have a breakdown as to how many we are going to be totally responsible for and how many will be absorbed in families who have already helped with expenses?

Mr. WILSON. We do not have a breakdown on that as yet, Mr. Bonker, and the reason for it is that we are still in the process of counting noses. As of today we have, for example, still afloat in the Western Pacific almost 17,000 refugees; and we will not be able to sort them out and to begin to get an idea of what their skills are, what their problems are, what their family situations are until we are able to bring them ashore to the processing centers in Guam or in Wake.

The indications thus far are, of course, that a large number of the refugees who have come into the processing centers have, as you indicate, been dependents or relatives of U.S. citizens or permanent alien residents. This does not necessarily mean, however, that those citizens or alien residents are able to defray the cost of bringing these relatives to the United States.

EXTENDED FAMILY CONCEPT AMONG VIETNAMESE

We are dealing here with a situation in which you are talking about an extended family, in the Southeast Asian sense, where members of a family may go up as high as 10 or a dozen to each family. If you consider paying the cost of transportation even from the west coast of the United States to the east coast, for example, this runs into a very considerable sum of money. The figures which are included in the administration's request are necessarily estimates at this point in time. We are not even sure now of the total number of refugees that we are talking about. The figures which we have put in however, are on the basis of an estimate of 150,000 refugees, 20,000 of whom we would hope to move internationally and 130,000 of whom we would hope to take care of here in the United States by dispersing them throughout the States.

Mr. BONKER. No further questions.

Chairman MORGAN. Mr. Buchanan.

FUNDS FOR REFUGEES: FRACTION OF U.S. BUDGET

Mr. BUCHANAN. Thank you, Mr. Chairman.

I have been a little shocked as to some of the reactions to the Vietnamese refugees. For example, on the budget item in Birmingham, Ala., \$504 million is a lot of money. On the other hand, if I understand it right, our budget is going to be about \$350 billion; and if my arithmetic is correct, that is one-seven-hundredths of that budget. Unless I am again in error, the majority of the money in that \$350 billion budget is going in some way to benefit American citizens.

So it would appear to me that while this is a lot of money from the point of view of an average citizen from my hometown, it is a very tiny percentage of the budget, much of which will be spent directly to benefit disadvantaged Americans. Would you say that is a fair appraisal?

Mr. WILSON. I think that is a very fair appraisal, sir.

Mr. BUCHANAN. Also I am interested in whether or not this vocal reaction to the refugees in light of our history and in light of the 500,000 Cubans that went into one localized area primarily, who doubtless

created problems, but were nevertheless accepted of course, there were many more of them and in one small area. You said these Vietnamese are to be dispersed throughout the United States. I wonder if this is as wide a reaction as it may appear to be because of the degree to which it is vocal. For example, we had a meeting here last week. I was at a luncheon meeting with some religious leaders from Baptist groups on this continent—Southern Baptists, American Baptists, Baptist World Alliance, North American Alliance and so forth—and there were many people there who were very interested in becoming involved in this refugee problem and helping to work with it and solve it. I believe they have been in touch with the appropriate people in the State Department and are in fact making motions in that direction. Has there been a good deal of that kind of response?

HEARTENING RESPONSE IN UNITED STATES TO REFUGEES

Mr. WILSON. There has been a very large, a very heartening response to this, Mr. Buchanan, one which is growing both in terms of the response of individuals and in terms of the response from organizations. Church organizations, charitable organizations and business organizations have been very active in this.

Mr. BUCHANAN. Are you pretty confident that that response would be strong enough to indicate that this is a problem that is solvable without causing severe distress in this country in its various localities where these people will be located?

Mr. WILSON. We certainly believe that this is the case. In the first place, we are talking, as I said earlier, in terms of extended families so that the actual numbers of wage earners throughout the country will be relatively small. I believe the President estimated between 30,000 and 35,000 wage earners out of this entire group. If you take this number and disperse them throughout the country, it should not cause any sort of a permanent economic disadvantage, it seems to us, if we use our heads and do this job properly now.

Mr. BUCHANAN. These people came here in peril of their lives, fleeing for life and for freedom. In light of our traditions and history, I just want to commend you not only on the job you have done in these initial stages but in keeping faith with everything this country stands for. We are all immigrants here except for the Indians and we are all foreigners. I rather think we have done pretty well together and I think we can do the same with the new group that has arrived.

Chairman MORGAN. The time of the gentleman has expired.

[The committee then considered the bill H.R. 5884, relating to the Council on International Economic Policy, which it subsequently ordered favorably reported. Whereupon, the committee resumed the hearing.]

RESUMPTION OF EVACUATION HEARING

Chairman MORGAN. Mr. Fascell.

Mr. FASCELL. Gentlemen, how much of the cost for the evacuation can be attributed to the Department of Defense and how will DOD be reimbursed?

Mr. WILSON. Let me say initially, Mr. Fascell, that of the \$89 million that we spoke of a moment ago, approximately \$80 million represents expenses which have been incurred or are being incurred by the Depart-

ment of Defense. In addition, we have felt it necessary to set aside from that some State Department funds in the amount of almost \$8 million as an unobligated reserve against expenditures being made by the Department of Defense. For the details of this I would like to call on General Casey. But I should say before doing so that we are talking here about a two-way transfer in the sense that the funds started in the Foreign Assistance Act, have been transferred under section 632 of that act to the Office of Refugee and Migration Affairs in State and are now being reimbursed by the Office of Refugee and Migration Affairs in State to the Department of Defense as the Department of Defense is making these expenditures.

DOD COSTS IN EVACUATION

Mr. FASCELL. Well, that is all right and I don't want to burden the General or the record with the details. All I want to have is somewhere in the record the total cost charged by DOD and how it is to be reimbursed. You can do that later for the record. I don't need to have it right now.

Mr. WILSON. Very well.

[The information requested follows:]

ESTIMATED EXPENSES FOR EVACUATION MAINTENANCE AND RESETTLEMENT OF INDOCHINA AND CAMBOJAN REFUGEES

	As of May 5, 1975	As of May 8, 1975
Total amount provided for IPR funded to date under Presidential determination (614(a) waiver).....	\$98,000,000	\$98,000,000
Contract shipping for evacuation.....	18,000,000	115,600,000
Airlift—DOD—\$300 per person to staging area. \$530 per person from staging areas to processing centers plus air supply of materials.....	34,000,000	139,500,000
Facilities—DOD—Open staging areas and processing centers.....	27,000,000	138,320,000
Daily maintenance—DOD—including food, utilities, medical care, etc.....	7,900,000	10
Unobligated reserve for DOD operation.....	1,200,000	1,637,000
Immigration services—Processing of refugees.....	1,400,000	2,400,000
Voluntary agencies—ICEM and high commissioner, International Red Cross \$500 per person provided to voluntary agencies to administer resettlement program.....	40,000	40,000
Customs—Processing of refugees.....	50,000	50,000
National Advisory Committee on Indochinese Refugees.....	0	102,000
State.....	0	325,000
AID.....	0	26,000
USIA.....	0	
	<u>89,590,000</u>	<u>98,000,000</u>
Amount available 1.....	\$2,610,000	0

¹ DOD, as of May 8, 1975 equals \$93,420,000.

² Estimated rate of expenditure at present time is \$2,700,000 per day.

Mr. FASCELL. I have some other prepared questions which I would like to submit and have included in the record.

One of the suggestions that has been raised with respect to DOD costs is that it be paid out of the Military Assistance Service Fund account and I want to know whether any of that has been charged to that account and if so to what extent that account can be used if it can.

THE AIRCRAFT IN THAILAND

Also I would like to know what about the 100 aircraft flown out of South Vietnam to Thailand and whether we take the position that

these are U.S. airplanes; and what their relationship is to the military assistance program; what their value is; whether we are going to trade them off; and whether that transaction can be used as part of the defrayal of cost for DOD charges.

Finally, what happens to funds that were appropriated for military assistance in South Vietnam?

I have the questions here. If you will submit responses for the record we would appreciate that very much.

[The information requested follows:]

INFORMATION IN RESPONSE TO QUESTIONS FROM HON. DANTE B. FASCELL

Question 1. What is the overall cost of the evacuation from South Vietnam? How much of this cost can be attributed to the activities of the Department of Defense?

Answer 1. The overall cost of the evacuation from Indochina and the support of the evacuees is \$605 million. Activities of the Department of Defense account for \$382 million of the total estimate.

Question 2. How will the cost incurred by the Department of Defense be paid?

Answer 2. The costs of the Department of Defense will be billed to and reimbursed by the Department of State from the \$93 million in funds currently available to State and from the requested appropriation of \$507 million.

Question 3. It is my understanding that well over 100 aircraft were flown out of South Vietnam to Thailand and that these planes belong to the United States because they were furnished to South Vietnam as part of the Military Assistance Program. What is the value of the aircraft and has any thought been given to using them for military assistance purposes in other countries thus freeing additional funds to help pay the Department of Defense for the costs of the evacuation?

Answer 3. Our count of the number of aircraft flown out of South Vietnam is incomplete. Reports are still coming in. Until the types, numbers and condition of these aircraft are determined, their value cannot be assessed with any degree of accuracy. Whether these aircraft could be used under the Military Assistance Program to free funds for transfer to State/AID to help pay the Department of Defense for the costs of the evacuation will depend upon (1) the status of procurement contracts and the termination costs that would be required, (2) whether the aircraft recovered from SVN would be satisfactory substitutes for the aircraft under procurement in their present condition, (3) the costs to MAP to repair, rehabilitate, and/or modify such recovered aircraft to meet those funded MAP requirements, and (4) whether such recovered aircraft were excess to the Approved Force Acquisition Objective of all DoD components and hence excess, and if so, whether they can be granted under the \$100 million EDA ceiling this year without additional cost to MAP.

Question 4. What will happen to any funds which were appropriated for military assistance for South Vietnam but not used?

Answer 4. Any Defense Assistance, Vietnam funds not obligated for that purpose, and not transferred under statutory authority for other authorized purposes must revert to the U.S. Treasury at the close of the current fiscal year.

Question 5. There have been suggestions that some, if not all, of the Department of Defense costs be paid out of the Military Assistance Service Funded Account. How much is in this account and to what extent can these funds be used to defray the costs incurred by the Department of Defense?

Answer 5. The fiscal year 1975 appropriation for military assistance to South Vietnamese forces is referred to as Defense Assistance, Vietnam (DAV). Section 36(d) of the Foreign Assistance Act of 1974 specifically authorizes that funds made available for Defense Assistance, Vietnam may be transferred to, and consolidated with, any funds made available for South Vietnamese refugee relief. Virtually all of the \$700 million appropriated by Congress for DAV has been

obligated, the military departments have been asked to take expeditious action to determine the availability of any DAV funds which may be available for de-obligation. Because of the large variety of material in various modes of transit to South Vietnam, equipment frustrated at forward ports and unbudgeted, increased costs incident to the collapse of South Vietnam, an accurate accounting of the DAV program will not be available for some time.

THE EVACUATION IS ENDED

Mr. FASCELL. Mr. Chairman, I would like to get to some other questions.

Is evacuation still taking place out of Cambodia and South Vietnam through Thailand or any other country?

Mr. WILSON. The answer is negative, sir.

Mr. FASCELL. So that any allegations in the press or otherwise with respect to a freedom operation out of Thailand is totally without basis?

Mr. WILSON. That is correct.

May I have a moment to consult?

Mr. WISNER. There is a very small number of Cambodians who remained in Thailand, sir, that are being moved. These were Cambodians who came in in the "Eagle Pull" operation.

Mr. FASCELL. They are not still flowing? That is the point.

Mr. WISNER. No, sir.

Mr. FASCELL. That border has been closed by the Government, has it not? The Cambodian Government has closed their border?

Mr. WISNER. That is correct except, of course, as you saw in the news reports this morning, the foreign nationals who came out of the French Embassy compound. There are still some Cambodians trickling through into Thailand, but they are not presently being considered for entry into the American-sponsored refugee system. In addition, merchant shipping is spotting a certain number of small craft off the Vietnamese and Cambodian coasts, but we are engaged in no official evacuation program of any sort at the moment.

Mr. FASCELL. Are we picking up people?

Mr. WISNER. No American naval vessels are picking up people. There are commercial craft that find ships in distress, but that is on a very ad hoc basis and is not planned.

Mr. FASCELL. The 20,000 people that entered Subic Bay, were they on a Vietnamese war vessels?

Mr. WILSON. A variety of vessels—U.S. Navy vessels, some ships run by the Vietnamese, Sealift Command.

MEANING OF "PROCESSING CENTERS FOR REFUGEES"

Mr. FASCELL. I want to get this language straight so I will know what I am listening to. You use the words "processing center for refugees." Now, what does that mean and where are they located?

Mr. WILSON. We have, sir, three processing centers in the United States.

Mr. FASCELL. I thought they were classified as reception centers.

Mr. WILSON. Reception centers is the proper name for them, Mr. FASCELL.

Mr. FASCELL. That is State Department language?

Mr. WILSON. That is correct.

Mr. FASCELL. It has a different meaning.

Mr. WILSON. We have, technically, staging centers in the Pacific and reception centers in the continental United States.

Mr. FASCELL. Let's stick with staging centers first and then we will come back.

Mr. WILSON. The staging centers are located at Guam and at Wake Islands.

CLARK FIELD: STOPOVER POINT

Mr. FASCELL. What is Clark Field classified as?

Mr. WILSON. Clark Field is used simply as a stopover point for the most part for transshipment of people coming through. Now, we do have from time to time quite an accumulation of people who are being transhipped both at Clark and at Subic. This is, however, at the present time limited almost entirely to the naval transfers which have been taking place through Subic Bay where people are simply taken off one vessel and put on another or put on an airplane and shipped out.

Mr. FASCELL. Transshipping points at Clark and Subic?

Mr. WILSON. Yes.

Mr. FASCELL. The only ones?

Mr. WILSON. That is correct.

Mr. FASCELL. The only staging areas or processing areas are Guam and Wake?

Mr. WILSON. The staging areas are Guam and Wake.

RECEPTION CENTERS IN UNITED STATES

Mr. FASCELL. And the reception centers in the United States are—

Mr. WILSON. Camp Pendleton, Calif.; Fort Chaffee, Ark., and Eglin Air Force Base in Florida.

Mr. FASCELL. I assume that, heretofore, you have already put in the record the number of people who are afloat, the number of people at Clark, the number of people at Subic, the number of people at Guam and Wake and the three reception centers?

Mr. WILSON. Yes, sir. That number changes daily as you recognize. I would be very happy to provide that number as of 5 o'clock this morning for the record today.

[The information requested follows:]

NUMBER OF REFUGEES Afloat OR AT RECEPTION AREAS

The following numbers of persons afloat or at reception areas are as of 0500 EDT 08 May 1975:

Afloat	16, 678
Clark	237
Subic	13, 635
Guam	42, 044
Wake	3, 340
Chaffee	7, 803
Pendleton	15, 482
Eglin	619

These figures are for the record today.

DOD RESPONSIBILITY FOR REFUGEES

Mr. FASCELL. You gave us that total.

Mr. WILSON. The total as of today, including those who have already been processed through the system is 113,847.

Mr. FASCELL. At what point in this whole process does the DOD responsibility terminate? Where and when exactly?

Mr. WILSON. The DOD responsibility in terms of transportation—

Mr. FASCELL. Operation and cost.

Mr. WILSON. In terms of transportation ceases when they are delivered to the resettlement center.

Mr. FASCELL. That is a new word. Now, you have me.

Mr. WILSON. I am sorry. To the reception center.

Mr. FASCELL. DOD then has—

Mr. WILSON. For transportation only, Mr. Fascell.

Mr. FASCELL. Yes. That is operational responsibility and cost.

Mr. WILSON. Yes, sir.

Mr. FASCELL. To the reception center. This is DOD's baby.

Mr. WILSON. That is correct.

Mr. FASCELL. All right.

Mr. WILSON. They do continue to have responsibility at the reception center.

Mr. FASCELL. For housing and servicing.

Mr. WILSON. For housing and feeding of the refugees so long as they are there.

Mr. FASCELL. So DOD costs are ongoing costs until everybody is moved out of the reception center?

Mr. WILSON. That is correct, sir, except that the voluntary agencies and others are also accumulating costs beginning at the reception center.

Mr. FASCELL. But they are not going to reimburse DOD?

Mr. WILSON. Not a bit.

Mr. FASCELL. That is all we are trying to get at right now. Other costs will come under the judiciary bill, and I have not seen that and I assume it is a no year limitation, it just sets up a program. Am I correct, Mr. Ford?

Mr. FORD. The bill that is being considered by the Judiciary Committee if enacted will expire at the end of fiscal year 1977, will terminate.

LEGAL STATUS OF VIETNAMESE: PAROLEE

Mr. FASCELL. Well, now that raises an interesting question and I will have to get back to that. What is the legal status of a Vietnamese when he arrives at a reception center? What is his present legal status?

Mr. WILSON. He is a refugee who is being admitted for purposes of processing to determine his status as a parolee.

Mr. FASCELL. Let's start from the beginning again. Has anybody decided that any Vietnamese is a parolee at this point?

Mr. WILSON. Yes, sir, I think this has been done in a number of cases, particularly those early arrivals who are dependents of American citizens.

Mr. FASCELL. You mean the Attorney General on a case-by-case basis has determined parolees?

Mr. WILSON. No, sir, this is the end result of the processing which takes place at the reception center by representatives of the Immigration and Naturalization Service.

Mr. FASCELL. In other words, the Attorney General has made a blanket determination?

Mr. WILSON. No, sir, it is done on a case-by-case individual basis.

Mr. FASCELL. That is what I just asked you. I am not being argumentative, I am just trying to find out what is going on.

Mr. WILSON. Perhaps it would help if you rephrased your question, Mr. Fascell.

Mr. FASCELL. Just tell me what is going on. When does an individual become a parolee?

Mr. WILSON. An individual becomes a parolee as I understand it, sir, when this status is officially given to him by the representatives of the Immigration and Naturalization Service. It is done on an individual basis in each case.

Chairman MORGAN. The time of the gentleman has expired.

Mr. Whalen?

HUMANITARIAN AID IN SOUTH VIETNAM

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. Wilson, I had an opportunity to query Ambassador Brown yesterday so I have only one question and maybe this is outside of your jurisdiction—I am sure it is. The \$507 million authorization passed last evening by the Judiciary Subcommittee provides funds only for evacuation and resettlement; is that correct? It does not authorize funds for humanitarian assistance in South Vietnam?

Mr. WILSON. That is absolutely correct, sir.

Mr. WHALEN. Can you give us any idea as to what the administration's views are regarding that? Is it being contemplated that at some later date the administration will request funds for such purpose to be administered—as the bill which we considered the past couple of weeks—through the U.N., other international organizations and private agencies?

Mr. WILSON. As of this point in time, Mr. Whalen, there are no plans in that regard.

Mr. WHALEN. Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Nix.

AUTHORITY FOR REFUGEE FUNDS

Mr. NIX. Will the administration have sufficient funds and authority other than those included in the refugee bill if it decides to make a contribution to efforts by international or private agencies to provide humanitarian aid to the victims in Cambodia or South Vietnam?

Mr. WILSON. May I refer that to Mr. Gardiner, please?

Mr. GARDINER. Congressman Nix, the answer is that, to the best of my knowledge, the only possible source of funds for that purpose would be the Foreign Assistance Act. We have, as we have indicated, allocated \$98 million of the Foreign Assistance Act funds to this

evacuation program and we are right now at the bottom of the barrel in terms of our funding availability. So the answer to your question, sir, is essentially "No." We have between \$2 million and \$5 million that at maximum would be available to us at this point.

Mr. Nix. My next question is you indicated yesterday that if refugees want to return to South Vietnam or Cambodia either because they were evacuated by mistake or because they have changed their minds about leaving their country, they can do so. Do you have authority in your proposed legislation to carry out such a program?

Mr. WILSON. The answer is "Yes," sir.

Mr. Nix. Have you requested any funds for this purpose or would you be able to shift funds from other accounts to carry out such a program?

Mr. WILSON. It would be possible, Mr. Nix, to utilize some of the funds marked for the international movement of refugees, particularly if this is accomplished through one of the international agencies whom we are supporting.

REFUGEES: CAN THEY CHOOSE HOME?

Mr. Nix. Will the refugees have any choice about where they end up or do you merely plan to keep a certain number of arbitrarily selected refugees at Guam or other staging areas outside of the continental United States until they are processed for immigration to a third country? If so, how will their costs be paid?

Mr. WILSON. If you are referring here, Mr. Nix, to those refugees who would be in the international system, we would hope in the first instance that it might be possible to move some of those from Guam to third countries. We do have at the present time representatives of the U.N. High Commissioner for Refugees and ICEM, the Inter-Governmental Committee for European Migration, who are consulting with the authorities there to see what arrangements can be made along these lines. It will still be possible, we hope, to bring refugees out of the system, here in the United States ourselves and, through the international organizations, refugees already located in third countries and send them to the countries in which they would like to settle through the medium of the international organizations that are concerned.

Mr. Nix. Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

U.S. MILITARY AND EVACUATION

Mr. Wilson, there is no other organization other than our military that could have accomplished the evacuation that was accomplished; is that not true?

Mr. WILSON. Yes, sir.

Mr. WINN. AID and some of the other agencies are not setup, they are not prepared, they don't have the equipment to cause an evacuation or to help in an evacuation?

Mr. WILSON. That is absolutely correct, sir.

REFUGEES TO WASHINGTON, D.C.

Mr. WINN. Now, in the morning paper we were led to believe that there were hundreds or maybe thousands of South Vietnamese evacuees coming to the Washington area. In any of the information that you presented to the members of the committee, I can't read any of that into here.

Mr. WILSON. I do not know the origin of that story in the paper.

Mr. WINN. Are you aware of it? Did you see it?

Mr. WILSON. I am aware of it, yes, sir, but it is completely contrary to what we have been doing and what we have been saying our intentions are.

ACTION OF JUDICIARY COMMITTEE

Mr. WINN. Now, it is my understanding, too, that the Judiciary Committee last night did not vote the \$507 million as an actual fund, that they only gave the authorization and that the same thing will come to the full Judiciary Committee this afternoon sometime or today sometime.

Mr. WILSON. That is correct, yes, sir.

Mr. WINN. Which committee or which subcommittee is it that is actually supposed to set or ascertain the amount of money?

Mr. WILSON. At this moment Ambassador Brown, who was here yesterday, is meeting with the subcommittee of the House Appropriations Committee in justification of the President's request for \$507 million. You are correct. There is no ceiling on the amount which was included in the bill approved by the subcommittee of the Judiciary Committee yesterday evening.

STATEMENT OF AUSTRALIAN PRIME MINISTER

Mr. WINN. This morning the Prime Minister of Australia met with the committee in an off-the-record meeting and said—this is no great secret, I am sure—they would be amenable to helping with some of the refugees and even said about half of what the Canadians had said they would take, and only by newspaper reports again, they have said they would take at least 3,000 and maybe more. Are you aware the Australians have said they would take any?

Mr. WILSON. Frankly, sir, this is the first word that I have had of this offer from the Australians and we are very gratified by it.

Mr. WINN. I am glad to bring good news off the record.

That is all, Mr. Chairman.

SCREENING OF REFUGEES

Chairman MORGAN. Mr. Rosenthal.

Mr. ROSENTHAL. How many were screened as to their background and their relation to the Saigon Government and things like that? Can you elaborate on that at all?

Mr. WILSON. There is a double process which each refugee must go through, Mr. Rosenthal. He is screened in preliminary fashion when he first arrives in Guam or in Wake and is then processed on for

complete screening in the reception center in the United States. That screening is taken care of by teams from the Immigration and Naturalization Service and from the Department of Health, Education, and Welfare.

Mr. ROSENTHAL. What kind of things are they looking for and what kinds of standards are they setting?

Mr. WILSON. With regard to Immigration and Naturalization, they will give the refugee the same type of screening that any alien entering the United States would go through; that is to say, they ask him the usual questions about his background, about his family situation. There are also security procedures which must be followed in keeping with the regulation of the Immigration and Naturalization Service.

REFUGEES: ANY REJECTED?

Mr. ROSENTHAL. How many people have been rejected as undesirable?

Mr. WILSON. I would have to check that for the record, sir. I believe that the preliminary screening in Guam thus far has resulted in the ineligibility of just under 2,000. That was done, however, on the basis of an earlier parole authority issued by the Attorney General and this is now having to be reviewed because of the fact that we have changed some of our definitions within the parole authority.

Mr. ROSENTHAL. I still don't understand.

Mr. WILSON. Well, for example—

Mr. ROSENTHAL. 2,000 people were rejected at some point in the system.

Mr. WILSON. They are still in Guam by virtue of that.

Mr. ROSENTHAL. And if the rejection is sustained, what will happen to them physically?

Mr. WILSON. This is a decision which we will have to make a little further down the line, sir.

PAROLE: MADE ON RELATIONSHIP BASIS

If I may explain a little further. The first parole authorization which was granted by the Attorney General was done on the basis of the definition of immediate relationship which has been used as a standard matter by the Immigration and Naturalization Service.

Mr. ROSENTHAL. You mean the relationship?

Mr. WILSON. This would mean a brother or a sister or a mother or a father as defined in the act.

Now, it was determined that this was having the effect of breaking up these extended family groups where perhaps an aunt and an uncle is considered in the Vietnamese sense also to be a member of the family.

Mr. ROSENTHAL. Because of the time problem, if you could extend this a little. What about the people who did not—

Mr. WILSON. If I could finish my point. All I am saying is that we have extended that definition now which may make people eligible for parole who were not originally eligible for parole and thus reduce the number.

Mr. ROSENTHAL. In what way have you extended it? You mean by family categories, aunts, et cetera?

Mr. WILSON. Yes.

Mr. ROSENTHAL. Supposing there were people that didn't fit into any family category, what would be some of the other interesting categories?

REFUGEES: HIGH RISK CATEGORY

Mr. WILSON. Well, the second major category—

Mr. ROSENTHAL. Take Marshal Ky, for example; what is his category?

Mr. WILSON. His category is in that of a person whose life would be endangered by remaining further in South Vietnam.

Mr. ROSENTHAL. What evidence do you have to submit to sustain that allegation?

Mr. WILSON. This is a matter of judgment which has got to be made of course on the spot by the Immigration and Naturalization Service.

Mr. ROSENTHAL. Are there written documents that we can eventually examine in every case?

Mr. WILSON. I would have to check that with the Immigration and Naturalization Service, sir. I don't know if there are any restrictions in terms of privacy on that.

Mr. ROSENTHAL. Let me just finish that. How many cases were there of individuals admitted because their health and safety were threatened?

Mr. WILSON. I don't think we have a breakdown on that as yet.

Do we, Frank?

Mr. WISNER. No, sir.

Mr. ROSENTHAL. When are you going to have that? Isn't that a relevant figure?

Mr. WILSON. The answer, I am told, is that General Chapman testified yesterday that we had nobody in that category thus far.

Mr. ROSENTHAL. Well, Marshal Ky is in that category.

Mr. WILSON. In the category of health, sir.

Mr. ROSENTHAL. I meant their own health.

In terms of where their physical security was threatened, how many people were in that category?

Mr. WILSON. We have no figures on that, sir.

REFUGEES: VIETNAM VERSUS HUNGARY

Mr. ROSENTHAL. Mr. Wilson, I am interested in the history of this situation. Is this the first time where people unilaterally declared themselves for admission into this country? I am not familiar with the Hungarian situation. Did people then have to process themselves through the American Embassy or American Consulates?

Mr. WILSON. In the Hungarian situation, if my recollection is correct, Mr. Rosenthal, we went through the equivalent of our Guam's and Wake's in third countries overseas. It was a matter of our taking them in from processing centers that had been established overseas or on their application to be admitted to the United States as refugees.

REFUGEES: THE CUBAN SITUATION

Mr. ROSENTHAL. And in the Cuban situation I don't recall that either clearly. Did they have to be processed through an American or a cooperating embassy?

Mr. WILSON. That was a process of self-evacuation. In some cases they were processed through American Embassies or third country embassies. For example, those Cubans who went to Spain by and large were self-evacuated and went through the same screening process that any other entering alien would undergo.

IMMIGRATION QUOTAS

Mr. ROSENTHAL. Usually admission to the United States is a very severe and strict process, particularly in the cases where we have quotas. I assume there was something in the law, that there was no quota for Vietnam; is that correct?

Mr. WISNER. Congressman, there is the normal immigration quotas for all countries. That quota could obviously not handle the number of Vietnamese who were seeking to flee their country at the time of the fall of Saigon and before that. The individuals who are arriving in this country on a parole basis will not be able to become permanent resident aliens in the United States unless one of two things happens; first, that the President—as he has done in previous situations—gives a blanket coverage and converts them to permanent alien status or, second, that the individuals apply for normal immigration quota processing and are entered as permanent resident aliens in the United States under the same system any other alien would be.

Mr. ROSENTHAL. I am sure the Judiciary Committee is more keenly interested in this subject but I would like to at some point examine some of the INS documents as to the nature and extent of their interviews and investigations and background collaboration and things like that because you suggest that there are about 2,000 potential undesirables that have been processed so far.

Mr. WILSON. No, sir. I said that there were 2,000 that had not qualified for entry under the then existing parole process.

Mr. ROSENTHAL. Have you found anybody undesirable at all so far? Nobody?

MR. EUGENE KRIZEK IDENTIFIED

We have one unidentified witness. I wonder if for the record we can have his identity?

Mr. WILSON. I am advised, Mr. Rosenthal, that General Chapman testified yesterday that none had been found.

Mr. ROSENTHAL. Could you tell us who the gentleman is who was nodding his head and then conveyed that information to you?

Mr. WILSON. This is Mr. Eugene Krizek of the Congressional Relations Office in the Department of State.

Mr. ROSENTHAL. I would like to pursue this line of questioning further but I do think we have a problem on a vote, Mr. Chairman.

Mr. FRASER [presiding]. Would you like to come back?

Mr. ROSENTHAL. If you would like to come back.

Mr. FRASER. We could probably continue for another 3 or 4 minutes.

Mr. ROSENTHAL. I didn't hear the response that General Chapman presumably stated yesterday based on Mr. Krizek's memory.

Mr. WILSON. The answer was no, there had been none rejected.

Mr. ROSENTHAL. How many people have been processed altogether so far?

Mr. WILSON. The figures as of today is 13,362.

Mr. ROSENTHAL. And of the 13,362 there has been not one undesirable so far?

Mr. WILSON. So I understand, sir, I am laboring under the same disadvantage you are, Mr. Rosenthal; I was not here yesterday. I was testifying before another committee.

Mr. ROSENTHAL. Let's assume that that is correct. Does that strike you as being somewhat incredible? Out of 13,000 self-styled applicants not one is rejected for being undesirable?

ALREADY PROCESSED REFUGEES: RELATED TO CITIZENS

Mr. WILSON. No, sir, it does not, because by and large this group which has come through is a group composed of people who would be eligible for entry into the United States anyway.

Mr. ROSENTHAL. You mean their applications had been previously processed at normal legitimate Embassy inquiries?

Mr. WILSON. They are the families of American citizens or permanent residents of the United States.

Mr. ROSENTHAL. So they had been previously processed?

Mr. WILSON. No, sir. They were processed through the centers in the Continental United States.

Am I taking myself clear?

SCREENING FOR UNDESIRABLE ALIENS

Mr. ROSENTHAL. I am just curious at what point in this inquiry is someone going to find somebody who is undesirable. Out of 113,000 I would think it is incredible that someone has not turned up with a police record or something like that.

Mr. WILSON. Well, I did not mean to imply that all of the 2,000 who are being held in Guam are going to receive a completely clean bill of health. I do not know how many of those the Immigration and Naturalization Service may decide have difficulties.

Mr. ROSENTHAL. Could the Department prepare for me a short memorandum of what the processes were both in the Cuban and Hungarian situations so I can compare them with Vietnam?

Mr. WILSON. Yes, I would be glad to do that.

[The information requested follows:]

SECURITY SCREENING—CUBAN REFUGEES

The following steps were used in security screening of Cuban Refugees:

(1) Prior to departure from Cuba to the United States, identity of refugee was checked by INS on information furnished by Health, Education and Welfare against the Caribbean Index. The State Department conducted a similar check of visa office records. Lists of approved refugees were set up

and furnished to Cuba. Cuba then selected those who would be released. INS officers flew to Havana each day on airlift to identify the individual Cubans on the list.

(2) At "Freedom Gate" at Miami International Airport, refugees were fingerprinted and photographed and detailed biographical data taken. Security checks were again made thru Caribbean Index, prior to refugees release to sponsor.

(3) Those Cubans who arrived by small boat or entered the United States surreptitiously had security checks conducted on them after arrival.

SECURITY CLEARANCES FOR HUNGARIAN REFUGEES

Overseas, Hungarians were checked against indices of Austrian police, the consular records of the American legation in Budapest and the CIC in Stuttgart. In Camp Kilmer security checks were made with the FBI, CIA and Military Intelligence. Service officers preliminarily screened the refugees overseas and interviewed them in depth at Camp Kilmer.

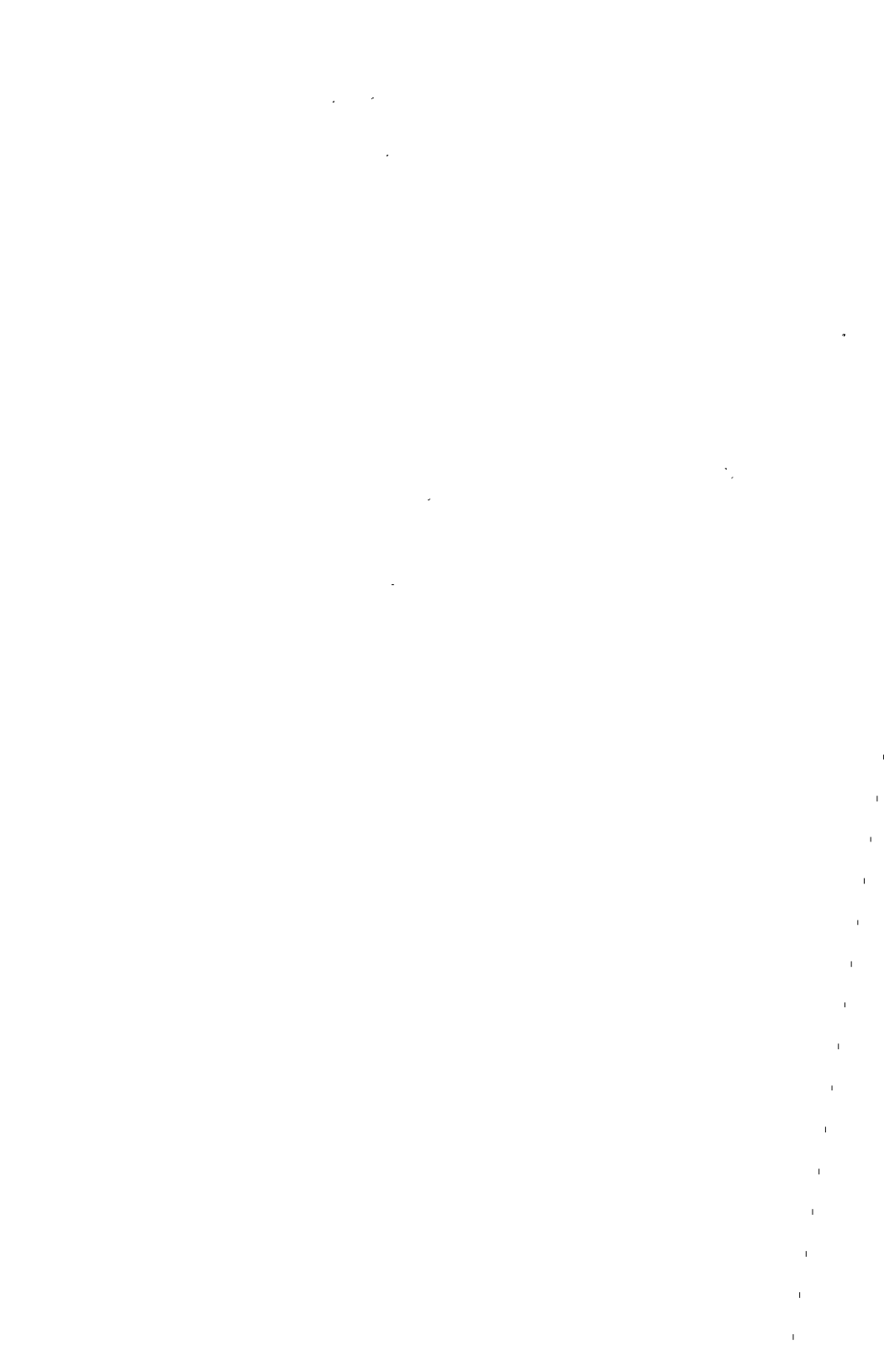
ADJOURNMENT

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. FRASER. There being no further questions, I want to thank all of the witnesses very much.

With this we will adjourn the hearing.

[Whereupon, at 12:20 p.m., the committee adjourned.]



APPENDIX 1

TEXT OF BILLS TO PROVIDE FUNDS FOR EVACUATION AND HUMANITARIAN ASSISTANCE FOR INDOCHINA

[H.R. 5960, 94th Cong., 1st sess.]

A BILL To clarify restrictions on the availability of funds for the use of United States Armed Forces in Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in section 839 of Public Law 93-437, section 741 of Public Law 93-238, section 30 of Public Law 93-189, section 806 of Public Law 93-155, section 13 of Public Law 93-126, section 108 of Public Law 93-52, section 307 of Public Law 93-50, or any other comparable provision of law shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States to aid, assist, and carry out humanitarian evacuation, if ordered by the President.

[H.R. 5961, 94th Cong., 1st Sess.]

A BILL To authorize additional economic assistance for South Vietnam, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to amounts otherwise authorized for such purposes, there is authorized to be appropriated to the President not to exceed \$73,000,000 to carry out the purposes of part V of the Foreign Assistance Act of 1961, as amended, for South Vietnam for the fiscal year 1975. Funds made available for economic and humanitarian assistance for Indochina shall be available after the date of enactment of this Act for obligation without regard to the limitations contained in sections 36 and 38 of the Foreign Assistance Act of 1974, Public Law 93-559, approved December 30, 1974 (88 Stat. 1795).

APPENDIX 2

STATEMENT OF HON. HENRY A. KISSINGER, SECRETARY OF STATE BEFORE THE SENATE COMMITTEE ON APPROPRIATIONS, APRIL 15, 1975

Mr. Chairman, Gentlemen: The long and agonizing conflict in Indochina has reached a tragic stage. The events of the past month have been discussed at great length before the Congress, and require little additional elaboration. In Viet-Nam President Thieu ordered a strategic withdrawal from a number of areas he regarded as militarily untenable. However, the withdrawal took place in great haste, without adequate advance planning, and with insufficient coordination. It was further complicated by a massive flow of civilian refugees seeking to escape the advancing North Vietnamese Army. Disorganization engendered confusion; fear led to panic. The results, as we all know, were tragic losses—of territory, of population, of material, and of morale.

But to fully understand what has happened, it is necessary to have an appreciation of all that went before. The North Vietnamese offensive, and the South Vietnamese response, did not come about by chance—although chance is always an element in warfare. The origins of these events are complex, and I believe it would be useful to review them briefly.

Since January 1973, Hanoi has violated—continuously, systematically and energetically—the most fundamental provisions of the Paris Agreement. It steadily increased the numbers of its troops in the South. It improved and expanded its logistics system in the South. It increased the armaments and ammunition of its forces in the South. And as you know, it blocked all efforts to account for personnel missing-in-action. These are facts, and they are indisputable. All of these actions were of course in total violation of the Agreement. Parallel to these efforts, Hanoi attempted—with considerable success—to immobilize the various mechanisms established by the Agreement to monitor and curtail violations of the ceasefire. Thus, it assiduously prepared the way for further military actions.

South Viet-Nam's record of adherence to the Agreement has not been perfect. It is, however, qualitatively and quantitatively far better than Hanoi's. South Viet-Nam did not build up its armed forces. It undertook no major offensive actions—although it traded thrusts and probes with the communists. It cooperated fully in establishing and supporting the ceasefire control mechanisms provided for in the Agreement. And it sought, as did the United States, full implementation of those provisions of the Agreement calling for an accounting of soldiers missing-in-action.

But perhaps more relevant to an understanding of recent events, are the following factors.

While North Viet-Nam had available several reserve divisions which it could commit to battle at times and places of its choosing, the South had no strategic reserves. Its forces were stretched thin defending lines of communication and population centers throughout the country.

While North Viet-Nam, by early this year, had accumulated in South Viet-Nam enough ammunition for two years of intensive combat, South Vietnamese commanders had to ration ammunition as their stocks declined and were not replenished.

While North Viet-Nam had enough fuel in the South to operate its tanks and armored vehicles for at least 18 months, South Viet-Nam faced stringent shortages.

In sum, while Hanoi was strengthening its arm in the South, the combat effectiveness of South Viet-Nam's army gradually grew weaker. While Hanoi built up its reserve divisions, and accumulated ammunition, fuel and other military supplies, U.S. aid levels to Viet-Nam were cut—first by half in 1973 and then by another third in 1974. This coincided with a world-wide inflation and a fourfold increase in fuel prices. As a result almost all of our military aid had to

be devoted to ammunition and fuel. Very little was available for spare parts and none for new equipment.

These imbalances became painfully evident when the offensive broke full force, and they contributed to the tragedy which unfolded. Moreover, the steady diminution in the resources available to the army of South Viet-Nam unquestionably affected the morale of its officers and men. South Vietnamese units in the northern and central provinces knew full well that they faced an enemy superior both in numbers and in firepower. They knew that reinforcements and resupply would not be forthcoming. When the fighting began they also knew, as they had begun to suspect, that the United States would not respond. I would suggest that all of these factors added significantly to the sense of helplessness, despair, and eventually panic which we witnessed in late March and early April.

I would add that it is both inaccurate and unfair to hold South Viet-Nam responsible for blocking progress toward a political solution to the conflict. Saigon's proposals in its conversations with PRG representatives in Paris were in general constructive and conciliatory. There was no progress toward a compromise political settlement because Hanoi intended that there should not be. Instead, North Viet-Nam's strategy was to lay the groundwork for an eventual military offensive—one which would either bring outright victory, or at least allow Hanoi to dictate the terms of a political solution.

Neither the United States nor South Viet-Nam entered into the Paris Agreement with the expectation that Hanoi would abide by it in every respect. We did believe, however, that the Agreement was sufficiently equitable to both sides that its major provisions could be accepted and acted upon by Hanoi and that the contest could be shifted thereby from a military to a political track. However, our two governments also recognized that, since the Agreement manifestly was not self-enforcing, Hanoi's adherence depended heavily on maintaining a military parity in South Viet-Nam. So long as North Viet-Nam confronted a strong South Vietnamese army, and so long as the possibility existed of United States intervention to offset the strategic advantages of the North, Hanoi could be expected to forego major military action. Both of those essential conditions were dissipated over the past two years. Hanoi attained a clear military superiority, and it became increasingly convinced that United States intervention could be ruled out. It therefore returned to a military course, with the results we have seen.

The present situation in Viet-Nam is ominous. North Viet-Nam's combat forces far outnumber those of the South, and they are better armed. Perhaps more important, they enjoy a psychological momentum which can be as decisive as armaments in battle. South Viet-Nam must reorganize and re-equip its forces, and it must restore the morale of its army and its people. These tasks will be difficult, and they can be performed only by the South Vietnamese. However, a successful defense will also require resources—arms, fuel, ammunition and medical supplies—and these can come only from the United States.

Large quantities of equipment and supplies, totalling perhaps \$800 million, were lost in South Viet-Nam's precipitous retreat from the northern and central areas. Much of this should not have been lost, and we regret that it happened. But South Viet-Nam is now faced with a different strategic and tactical situation, and different military requirements. Although the amount of military assistance the President has requested is of the same general magnitude as the value of the equipment lost, we are not attempting simply to replace those losses. The President's request, based on General Weyand's assessment, represents our best judgment as to what is needed now, in this new situation, to defend what is left of South Viet-Nam. Weapons, ammunition and supplies to re-equip four divisions, to form a number of ranger groups into divisional units, and to upgrade some territorial forces into infantry regiments will require some \$326 million. The balance of our request is for ammunition, fuel, spare parts and medical supplies to sustain up to 60 days of intensive combat, and to pay for the cost of transporting those items. These are minimum requirements, and they are needed urgently.

The human tragedy of Viet-Nam has never been more acute than it now is. Hundreds of thousands of South Vietnamese have sought to flee communist control and are homeless refugees. They have our compassion, and they must also have our help. Despite commendable efforts by the South Vietnamese government, the burden of caring for these innocent victims is beyond its capacity. The United States has already done much to assist these people, but many remain without adequate food, shelter or medical care. The President has asked

that additional efforts and additional resources be devoted to this humanitarian effort. I ask that the Congress respond generously and quickly.

The objectives of the United States in this immensely difficult situation remain as they were when the Paris Agreement was signed—to end the military conflict and establish conditions which will allow a fair political solution to be achieved. We believe that despite the tragic experience to date, the Paris Agreement remains a valid framework within which to proceed toward such a solution. However, today, as in 1973, battlefield conditions will affect political perceptions and the outcome of negotiations. We therefore believe that in order for a political settlement to be reached which preserves any degree of self-determination for the people of South Viet-Nam, the present military situation must be stabilized. It is for these reasons that the President has asked Congress to appropriate urgently additional funds for military assistance for Viet-Nam.

I am acutely aware of the emotions aroused in this country by our long and difficult involvement in Viet-Nam. I understand what the cost has been for this nation, and why frustration and anger continue to dominate our national debate. Many will argue that we have done more than enough for the government and the people of South Vietnam. I do not agree with that proposition, however, nor do I believe that to review endlessly the wisdom of our original involvement serves a useful purpose now. For despite the agony of this nation's experience in Indochina, and the substantial reappraisal which has taken place concerning our proper role there, few would deny that we are still involved, or that what we do—or fail to do—will still weigh heavily in the outcome. We cannot by our actions alone insure the survival of South Viet-Nam. But we can, alone, by our inaction assure its demise.

The United States has no legal obligation to the Government and the people of South Viet-Nam of which the Congress is not aware. But we do have a deep moral obligation—rooted in the history of our involvement and sustained by the continuing efforts of our friends. We cannot easily set it aside. In addition to the obvious consequences for the people of Viet-Nam, our failure to act in accordance with that obligation would inevitably influence other nations' perceptions of our constancy and our determination. American credibility would not collapse, and American honor would not be destroyed. But both would be weakened, to the detriment of this nation and of the peaceful world order we have sought to build.

Mr. Chairman, as our Ambassador in Phnom Penh was about to be evacuated last week he received a letter from a long-time friend of the United States who has been publicly marked for execution. Let me share that letter with you.

“Dear Excellency and Friend,

“I thank you very sincerely for your letter and for your offer to transport me towards freedom. I cannot, alas, leave in such a cowardly fashion. As for you, and in particular for your great country, I never believed for a moment that you would have this sentiment of abandoning a people which has chosen liberty. You have refused us your protection, and we can do nothing about it.

“You leave, and my wish is that you and your country will find happiness under this sky. But, mark it well, that if I shall die here on the spot and in my country that I love, it is too bad, because we all are born and must die one day.”

Mr. Chairman, Ladies and Gentlemen, I suspect that neither Ambassador Dean nor I will ever be able to forget that letter, or the brave man who wrote it. Let us now, as Americans, act together to assure that we receive no more letters of this kind.

APPENDIX 3

INFORMATION ON EFFORTS TO INVOLVE INTERNATIONAL AGENCIES AND WORLD COMMUNITY

LETTER TO HON. JOHN L. MCCLELLAN, U.S. SENATOR, PROVIDING APPRAISAL OF
EFFORTS TO INVOLVE INTERNATIONAL AGENCIES AND THE WORLD COMMUNITY

DEAR SENATOR MCCLELLAN: This letter provides a current appraisal of our efforts to involve the international agencies and the world community with the refugees who have fled Indochina. I would preface my comments by noting that the situation changes from day to day as the results of our efforts to bring the plight of these refugees to the attention of the nations of the world become known.

With respect to the international agencies, the United Nations High Commissioner for Refugees (UNHCR) moved slowly in the initial phase. We have pressed this issue at high levels and I expect some concrete results in the near future. I am attaching a report on our communications with the UNHCR and the Intergovernmental Committee for European Migration (ICEM) which is being sent to Senator Mathias in accordance with his request and provides background to this matter (Attachment A). This does not include our most recent efforts to bring our urgent concerns to the attention of the Secretary General. In this connection, I would like to mention briefly what we would like the UNHCR to do. Most importantly, we want the UNHCR to consult with other governments in order to obtain their support in the resettlement of some of these refugees. Secondly, we would like the UNHCR to take responsibility for the protection of Vietnamese and Cambodian refugees who are within his mandate or good offices. We believe these are legitimate and humanitarian concerns in the present tragic situation. I am enclosing a communique released by the UNHCR on May 6 which indicates that this organization is beginning to move on this problem. (Attachment B).

With regard to other agencies, I would like to note particularly that ICEM has responded positively and quickly to the emergency. It has sent teams to Thailand and Guam which are especially well equipped to screen and transport refugees to third countries, and the Director, Mr. John Thomas is presently traveling personally to Guam and other centers. Finally, the International Committee of the Red Cross (ICRC) is sending a representative to Guam to issue International Red Cross travel documents to facilitate the movement of refugees to third countries.

We have also moved bilaterally. I am enclosing a copy of the instructions (Attachment C) which we sent to about 100 Embassies asking them to approach host governments at a high level to obtain their help in accepting Indochina refugees for resettlement. We are not in a position to give a box score at this point on how many might be accepted by third countries since most governments are still considering our request. We estimate that 10% could be accepted by the world community. I also enclose a summary of the responses to date from the world community (Attachment D).

In conclusion, I believe we have made an energetic effort to bring our concern on the tragic circumstances surrounding the refugees from Indochina to the attention of the world. Our guiding principle throughout this effort has been that we will accept our full responsibilities and obligations, which is in keeping with our past involvement in Indochina and our own traditions of being a nation

of immigrants. At the same time, we have made it clear we believe the world community must recognize the enormity of this tragedy and respond to this human need it has generated.

Sincerely,

L. DEAN BROWN,
Director, Interagency Task Force,
Department of State.

Attachments:

- (A) Letter to Senator Mathias.
- (B) Communique of May 6.
- (C) Department of State Instructions, April 27, 1975.
- (D) Summary of Responses.

A LETTER TO HON. CHARLES MCC. MATHIAS, U.S. SENATOR, REPORTING ON
COMMUNICATIONS WITH UNHCR AND ICEM

DEAR SENATOR MATHIAS: During his appearance before the Subcommittee on Refugees and Escapees on April 30, Assistant Secretary Philip Habib agreed to provide for your records the communications between the United States Government and the UNHCR and ICEM with regard to the resettlement of refugees from Viet Nam and Cambodia. The following is the principal correspondence between the Department of State and these international organizations.

1. On April 12, 1975, we sent to our mission in Geneva an instruction which stated:

"We believe that the Cambodian refugee problem is not one for U.S. alone to handle. UNHCR and Intergovernmental Committee for European Migration (ICEM) as well as private voluntary agencies are in a position to assist in a resettlement effort. Although we recognize that the Cambodians in Thailand may have to be moved before UNHCR and/or ICEM can swing into action, both organizations can be useful in the resettlement in countries other than U.S. of Cambodian refugees who surface in third countries.

"Mission Geneva should approach promptly on a confidential basis both UNHCR and ICEM at highest possible level. Situation should be explained to both organizations: that we wish solicit UNHCR and ICEM assistance in the resettlement of Cambodians outside of Cambodia who now appear to qualify as refugees within the mandate of the UNHCR. Department would appreciate ASAP an indication of the types of assistance that both UNHCR and ICEM are prepared to render in this immediate situation. U.S. is prepared to cooperate fully in any international effort or appeal by UNHCR and ICEM."

2. On April 13, our mission replied:

"Both UNHCR and ICEM gave assurance their maximum cooperation and assistance in facilitating most rapid resettlement these refugees whether from Thailand or Third Countries. Jaeger acknowledged that Cambodians in question are prima facie eligible for refugee status under UNHCR Mandate. Thus, he indicated UNHCR's willingness to provide protection, care and maintenance, and resettlement assistance as necessary.

"UNHCR will take immediate steps to make their reps in Bangkok (Kadry and Basanyagam) assess problem in Thailand and report on urgent basis. This regard need indicated for Amembassy Bangkok to coordinate with local UNHCR reps for purpose developing action proposals which might involve UNHCR and ICEM. ICEM will be prepared to send resettlement expert(s) to Bangkok at short notice if necessary.

"Respect resettlement UNHCR and ICEM reps pointed up need to know wishes of refugees in order develop suitable immigration possibilities. While recognizing that bulk of refugees in question may choose to go to USA, they indicated willingness to approach other traditional refugee receiving countries to open their doors to Cambodian refugees from Thailand or Third Countries.

"Mission will maintain close contact this matter with UNHCR and ICEM and report any significant developments."

3. On April 16, the Department of State sent a second request for information on the status of UNHCR and ICEM participation in dealing with the problem of Cambodian refugees in Thailand.

4. Our mission in Geneva replied the same day:

"On April 16 Missoff met again with reps UNHCR and ICEM (Messrs. Mace, Jaeger, and Gobius of UNHCR and Messrs. Maselli and Jarrell of ICEM) to re-

view situation of Cambodian evacuees and refugees in Thailand. Missoff stressed urgent nature of problem and need for prompt resettlement action.

"Unfortunately UNHCR had not yet received report on subject problem from their reps in Bangkok despite fact they had requested urgent report April 13 following our meeting reported refelt B. UNHCR attempting reach their Bangkok reps by telephone today to press for urgent detailed report. Upon receipt such report UNHCR will consider what action appropriate for UNHCR.

"ICEM also requires more information about problem in order undertake meaningful action. At Missoff's urging ICEM exploring possibility dispatching to Bangkok almost immediately experienced resettlement staff to study problem and if possible develop movement program."

5. Geneva reported on April 23 ICEM anticipated no difficulty in obtaining its Executive Committee's agreement to join in Cambodian refugee resettlement. Agreement was obtained by April 29.

6. On April 17 we asked Geneva to extend the focus of its conversation with UNHCR and ICEM to include their planning for as many as 200,000 Vietnamese refugees. Geneva replied the same day:

"With respect nationals of Cambodia and Vietnam who find themselves outside their homelands either at present or in future and fear return, UNHCR confirmed its willingness to deal with individuals or groups depending their locations and circumstances and make determination their eligibility for refugee status under UNHCR mandate. UNHCR gave assurance that mandate refugees would receive UNHCR's protection as well as material and resettlement assistance providing of course funds and resettlement opportunities available.

"In event some not considered eligible for refugee status UNHCR indicated its willingness to also consider assisting them on "good offices" basis providing funds and resettlement opportunities available.

"Mission made separate approach to ICEM Director Thomas who assures ICEM's readiness to provide resettlement assistance to individuals or groups as deemed necessary. Mission will report in Septel on ICEM's plans to dispatch resettlement experts to Bangkok."

7. The Department cabled Geneva on April 22:

"In discussions with Congressional Committees on Assistance to Indochinese Refugees, including possible resettlement in the U.S., there is strong agreement that: (A) refugee assistance be spearheaded by an International Organization preferably UNHCR; (B) other governments do their share in providing resettlement opportunities for Indochinese refugees. U.S. would be prepared to lend substantial financial support UNHCR for international resettlement effort.

"You should follow-up therefore with UNHCR at highest levels to determine the specific types of assistance that UNHCR is prepared to provide:

"(a) Can the UNHCR approach perspective countries in the area to determine whether they could receive refugees for onward processing? FYI: We have approached on a bilateral basis a number of countries in the area: Singapore, Thailand, Philippines, Malaysia, Republic of China, Indonesia, and Korea. End FYI.

"(b) Can UNHCR assume overall leadership and responsibility for a resettlement effort? USG personnel would be available as requested by UNHCR to provide necessary assistance.

"(c) What are the conditions under which UNHCR can help?

"(d) How much UNHCR propose to mount an international appeal for resettlement of Cambodia and Vietnam refugees?

"(e) Also inform UNHCR that a number of Cambodians (primarily diplomats) are requesting U.S. financial assistance in Third Countries. We are referring them to UNHCR, ICEM or VOLAGS for help. FYI: If all these sources provide unproductive, we will provide some subsistence funds. End FYI: U.S. is exploring role it will play in taking its fair share of these refugees.

"In discussing these matters with UNHCR, stress need for complete confidentiality. You should also stress our very strong views and those of the Congress that assisting Indochinese refugees is not simply a U.S. matter but one for the International community as a whole.

"A similar approach should be made to ICEM."

8. On April 27 the Department reported to Geneva:

"Kellogg saw UNHCR in New York yesterday afternoon to urge his full and immediate participation in Indochinese refugee resettlement effort. High Commissioner said he had discussed matter at length with SYG and was prepared

to carry out fully the mandate given him by UN for refugees and was studying how best to be of assistance. He was, however, less than fully forthcoming.

"Regarding Cambodians in Third Countries, High Commissioner felt there should be no problem in providing UNHCR assistance. He was familiar with Indian problem and Australian offer. He is also prepared consider Cambodians in Utapao who do not go to U.S. and is willing to assist other Cambodian refugees in Thailand filtering across border.

"High Commissioner appeared less sure about Vietnamese but said he had no difficulty with those falling clearly within his mandate. Definition latter class unclear, and he appears to harbor considerable misgivings about refugees evacuated to Guam, although Kellogg assured him their presence there did not mean they were being admitted to US for immigration purposes. High Commissioner felt that of those taken to Guam by US maximum number should go to US but said he would try to take care of those who could not go to US and those located outside Guam.

"High Commissioner said he would take up question of approaching Third Countries immediately and would give urgent consideration to sending UNHCR representative to Guam. He said countries willing to receive "high risk" category Vietnamese refugees would probably want to know in advance what kind of refugees they were being asked to resettle. For example para-military, "Phoenix" or intelligence-connected personnel may not be acceptable.

"High Commissioner left New York last night for Geneva. You should get with him as soon as possible on Monday, as follow up to his New York conversations, stressing urgency of situation and need to move forward rapidly to contact Third Countries who may be candidates for resettlement and to establish necessary supporting mechanisms particularly UNHCR representative or team on Guam."

9. ICEM informed us on April 28 that it was sending the chief of ICEM's Department of Operations and Transport together with a Movement Officer to Guam on April 29.

10. On April 29 Geneva cabled:

"Counselor RMRC Carlin and ORM Director Wiesner saw Prince Sadruddin, UNHCR, this morning. Also present were Deputy UNHCR Mace and Gobins. After recalling his conversations with Ambassador Brown and Frank Kellogg and the UNSYG's meeting with the Secretary, Prince Sadruddin said that the UNHCR will certainly help. He presented a previously prepared and carefully worded statement, substantive points of which are as follows:

Quote: A. In accordance with General Assembly resolutions, the High Commissioner is always anxious to help promote speedy solutions to problems of refugees and displaced persons, wherever they might be.

B. The High Commissioner has, in accordance with the Secretary General's policy of helping "all sides" (Paris Statement), channeled assistance to uprooted persons in Indochina.

C. With regard to individuals finding themselves outside their country of origin or habitual residence, the office traditionally responds to requests from Governments of the countries where the refugees find themselves. Each problem is examined in the light of the circumstances of the case.

D. The High Commissioner has followed recent developments with concern and is obtaining facts from his representatives in the field.

E. UNHCR will, as in the past, seek ways to encourage, as needed, voluntary repatriation, integration in countries of first asylum, or resettlement of individuals of concern to him, in a strictly humanitarian and non-political manner. *End Quote.*

"The Prince will send a representative to Guam within a few days.

"The High Commissioner believes that he will be able to be most effective in settling those who have evacuated themselves from Vietnam to other countries in the area. He recognizes that the East Asian countries are in a difficult position to keep many of these refugees because of the changed political relationships in the region. Parenthetically Mace and Gobius said that none of the Khmer diplomats anywhere in the world has as yet approached UNHCR representatives for help.

"Even though, as Wiesner and Carlin explained, those who are in Guam have not been lawfully entered into the US, the High Commissioner thought that it would be difficult for other countries to consider these people as anything other than a US responsibility. He said that the situation was analogous to that of Uganda Asians who were evacuated to Britain a couple of years ago. The UK at

that time tried to internationalize the resettlement of the 27,000 Ugandans but was unsuccessful. Prince Sadruddin appreciated the reluctance of the US Congress and of considerable numbers of US citizens to accept a large number of Vietnamese refugees at this time because of unemployment and recession in the U.S. However, he pointed out that other countries also are in recession and have considerable unemployment. Wiesner mentioned that Canada had issued visa letters to about 1,800 individuals and family heads and requested US evacuation of them and their families. The Prince acknowledged that Canada would undoubtedly take these.

"The High Commissioner will appeal to other countries to take Vietnamese for resettlement."

11. To address the UNHCR's concerns we cabled on April 30:

"We recognize that UNHCR could have problems in resettling certain 'high risk' categories such as police or intelligence connected personnel. However, there are many of the 'high risk' categories who may get to Guam who do not pose the type of problem envisioned by UNHCR. In any event, it is USG policy to parole into the US up to 50,000 'high risk' Vietnamese and we can handle individuals UNHCR considers sensitive under our program. Therefore, you can reassure High Commissioner this regard. Further, there are now and will arrive on Guam other Vietnamese, not of high risk categories who are not encompassed by US parole authorizations. These people will need UNHCR/ICEM help.

"HC Rep Dayal informs US that those Vietnamese who leave on their own and who are not considered sensitive are included in instructions cabled UNHCR field personnel today. Dayal requested information para 1 above be transmitted to mission for April 29 meeting with HC. Dayal reports HC is further along on formulating his plan of action since his New York meetings."

12. We received the next day from Geneva the following message:

"Carlin and Wiesner met with ICEM Director Thomas and Senior Members ICEM staff April 30 to discuss ICEM role in resettling refugees from Indochina. Refugee groups from Cambodia and Vietnam were discussed separately.

"With reference to Khmer refugees, Thomas referred to ICEM in Thailand and said that if necessary they could operate in both Bangkok and at Utapao. Thomas said he understood that Amembassy Bangkok was taking steps to sort out refugees, have them medically examined and assigning them to voluntary agencies. Some smaller agencies such as the American Fund for Czechoslovak Refugees and Tolstoy Foundation have difficulty in handling large families. ICEM, therefore, recommends that couples or unattached individuals be assigned to these agencies leaving larger refugee family units to other VOLAGS. Mission concurs and recommends that Amembassy Bangkok coordinate with local ICEM team on the assignment of cases to VOLAGS.

"Washington decision needed urgently as to whether these movements will be on loan or grant basis. Task Force will recall that VOLAGS unanimously favor grants. ICEM is endeavoring to arrange first charter flight to Pendleton May 3 and second flight May 4 (Reffel B refers).

"ICEM understand from VOLAGS that if ICEM representatives in Thailand can provide advance information about each individual including occupational information, these refugees might be moved direct to final destinations rather than through staging area. We suggest that Department check this out with VOLAGS and inform Bangkok and Geneva accordingly. This regard ICEM reports that commercial airline space available from Bangkok and Geneva accordingly. This regard ICEM reports that commercial airline space available from Bangkok to Hong Kong and that ICEM can obtain special 50 percent refugee rate from Hong Kong to USA.

"We explained limits of US responsibility pointing out that USG does not rpt not accept responsibility for those Khmers who came across border on own steam or by means other than US airlift. It was agreed, subject to Washington confirmation, that USG would pay ICEM for transport to France and other countries of those refugee category who had been evacuated by the US. If the RTG requests ICEM help in moving other than US evacuees, RTG would be expected to make major contribution and any US contribution would probably represent no more than amount we might contribute to other ICEM sponsored refugee movements elsewhere in world.

"Respect Vietnamese refugees, we stressed USG's interest in having ICEM take all possible measures to develop permanent resettlement opportunities for maximum number in countries other than USA. We informed ICEM of our similar request to UNHCR, and that US Ambassadors around world were instructed to

make approaches this regard bilaterally. Thomas agreed in principle to be responsive but explained that such action would be contingent on lack of substantial objections by Executive Committee member governments to ICEM's involvement in this effort. As previously reported, ICEM has sent formal notification to EXECCOMM members and is awaiting replies. Thomas will coordinate with UNHCR connection any approaches to governments. Thomas mentioned *inter alia* possibility of approaching Latin American governments to ascertain their willingness to accept those Indo-Chinese refugees meeting criteria of ICEM's selective migration program. Moreover, ICEM agreed to pursue those governments which react positively to USG's bilateral approaches. Mission keeping ICEM and UNHCR aware of reactions to these approaches.

"We informed ICEM of Canada's indicated willingness to accept 1,800 Vietnamese (plus family members) who have received Canadian visa letters and urged ICEM to explore possibility of facilitating the resettlement of this group to Canada. ICEM readily agreed and requests that ICEM Guam team be given list of these cases. We understand that this group could involve up to 10,000 persons suggest that names these cases be made known to ICEM Guam ASAP.

"Thomas stated willingness to gear up ICEM Operation Guam in order assist as possible in resettlement of persons destined to countries other than USA, and to assist as well as with sorting of refugee categories.

"Thomas indicated willingness to come to Washington if and when his visit might be useful."

13. On April 30 UNHCR informed us it was sending George Gordan-Lennox (Canada) to represent it on Guam. UNHCR asked that its presence on Guam be handled discreetly so as to avoid the impression that the UNHCR was acting under American pressure.

In view of the confidential and privileged nature of these communications, the Department of State would appreciate your treating them with the greatest care.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary
for Congressional Relations,
[Department of State].

B. COMMUNIQUE PHONED TO MR. FRANK KELLOGG (S/R) BY MR. DAYAL, UNHCR OFFICE, NEW YORK—RELEASED MAY 6, 1975, IN NEW YORK AND GENEVA

Subject: UNHCR assessing situation of the Vietnamese outside their country.

A number of governments have drawn the attention of the UNHCR to the recent arrival in various countries of large numbers of Vietnamese, as well as groups of Cambodians, who left their country during the recent events and who now need assistance.

The High Commissioner has expressed concern about the substantial number of people who clearly require urgent solutions to their situation. The Office will place emphasis, according to needs, on resettlement in countries willing to accept them, or durable asylum in countries where they have arrived.

The High Commissioner is contacting a number of governments of countries of potential resettlement. In addition, UNHCR will assist in facilitating voluntary repatriation wherever possible, if this is the preferred choice of some of the uprooted, and the reunion of split families, thereby alleviating the tragic consequences of separation.

According to information available, at this stage, the groups have arrived in significant numbers in Guam, Hong Kong, Malaysia, Philippines, Singapore, and Thailand, though smaller numbers find themselves in a number of other countries including some outside the area.

The High Commissioner representatives are assessing the situation in these countries in order to provide the data required for appropriate action.

As part of this comprehensive assessment two UNHCR officials arrived in Guam today.

The High Commissioner, Prince Sadruddin Aga Khan, stated "my Office has always helped promote speedy solutions to problems of refugees and displaced persons wherever they might be. UNHCR will, as in the past, seek ways to en-

courage, as needed, voluntary repatriation, integration in countries of first asylum, the resettlement of individuals of concern to us, in a strict humanitarian and non-political manner."

C. DEPARTMENT OF STATE INSTRUCTIONS TO EMBASSIES

For Chiefs of Mission from Ambassador L. Dean Brown

Subject: Resettlement of Vietnamese refugees.

1. *Background:* The sudden collapse in Viet-Nam has led to a situation of tragic proportions. Many Vietnamese are fleeing the country through their own means. Others are leaving under our auspices. We cannot estimate at this point what the dimensions of the problem may eventually be.

The United States is making a major effort to act constructively to deal with this problem. Aside from transportation of certain Vietnamese out of that country, we have established staging areas in Gnam and Wake. The Attorney General has extended parole to certain categories of Vietnamese, principally those who fall in the high risk area or have a relationship to American citizens or permanent aliens. The number who could be admitted under this program could reach 130,000 persons. Moreover, we are launching a major resettlement program in the United States which will involve federal, state, and local governments and voluntary agencies. We fully intend to continue playing a major role in alleviating the suffering of these refugees and resettling them in the days and months ahead.

The response of the World Community to this tragedy so far has been minimal. Some countries have been receptive but the reaction of most has been either indifferent or even negative.

We have decided therefore, while the world is still focused on this tragedy, to launch a vigorous diplomatic campaign to bring our concerns to the World Community.

Each mission is instructed, unless strong objections are perceived, to make the following oral demarche at the earliest opportunity to highest possible level and report results of approach immediately. End background.

1. As a result of the sudden collapse in Viet-Nam, thousands of Vietnamese are fleeing the country. Some are leaving through their own means, others through our facilities. At this point, we do not know how many Vietnamese will leave Viet-Nam. The United States believes strongly that the plight of these refugees deserves the sympathy and help of the World Community. This is a tragedy of enormous human proportions which simply cannot be ignored or overlooked.

2. The United States is responding vigorously and constructively to meet this human problem. We have launched a major resettlement program in this country and are prepared to receive thousands of these refugees in keeping with our traditions and the United States' own involvement with Viet-Nam and its people. We are more than fully prepared to take on the major burden of this problem.

3. The United States has been in contact with the major international agencies (UNHCR, ICEM and the ICRC) on this humanitarian issue. We expect they will approach a number of countries and that they will play a major role in all phases of the resettlement effort as they have done in other refugee movements.

4. In face of the enormity of the problem the United States believes more is required. Specifically, we urge all countries to share the burden by accepting a certain number of refugees into their own countries. We realize the specific number will depend on the circumstances of each country, but each should be able to accept some.

We would hope for a minimum of 100 per country and much more from others. We recognize the economic situation in some LDC's does not permit acceptance of poor refugees, but they may be able to take Vietnamese with professional qualifications. There are a smaller number of Cambodian refugees who will be seeking homes. We would also appreciate receiving possible resettlement prospects for these refugees from host governments.

5. For those countries who have diplomatic or other representatives of the GVN, we would urge they are treated humanely and be allowed to remain, if they wish. We also expect countries to work with the international agencies for the resettlement of those Vietnamese who arrive by their own means.

6. In conclusion, the United States wishes to emphasize that it is our firm intention to honor our obligations to the Vietnamese refugees. We hope others will also recognize and respond in good conscience to this immense tragedy.

D. SUMMARY OF RESPONSES TO BILATERAL APPROACH

AFRICA

Morocco and Gabon have responded favorably and we have asked the international agencies to get in direct touch with them. We are awaiting further replies from some of the French-speaking countries of Africa, many of whom have an association with Indochina such as the Ivory Coast and Central African Republic.

While there is some possibility for resettlement in other parts of Africa, the above group offers the most promise.

NEAR EAST AND SOUTH ASIA

We see few prospects in these countries, though they may be able to help financially. We have not had word from the Iranians.

EAST ASIA

Australia has publicly agreed to take some refugees in certain categories. We will be discussing this further with PM Whitlam during this week. We hope Australia will send a team to Guam to assist in the processing effort. Korea, New Zealand, Philippines, Singapore and Taiwan are taking refugees with whom they have been associated.

LATIN AMERICA

We will be discussing this issue with the Latin Americans during the FM's meeting scheduled this week. Bolivia, Brazil, Venezuela and Argentina may offer opportunities, though we are waiting for official responses to our approach. Other countries in the Caribbean, Ecuador, Costa Rica, Nicaragua, Bolivia and Paraguay have indicated they could accept limited numbers having special skills. We are asking the international agencies to follow through with these countries.

EUROPE AND NORTH AMERICA

Canada has publicly declared its willingness to accept 3,000 above those who already have papers to enter Canada. They have already sent teams to Gnam and Pendleton to assist in the processing, which should speed up the flow to Canada. We expect the UK will be able to help on a more limited scale. We are waiting for firm replies from Austria, W. Germany, Denmark, Italy and Switzerland. We believe they offer the best prospects for accepting some of the refugees in Western Europe.

France is in a special position in view of her long association with Indochina. They are already receiving a certain number of refugees who have ties to that country. We are comparing notes with the French on this problem.

NOTE. We are passing information on the results of our approach to the international agencies who will be responsible for follow-up action with the interested countries.

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