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INDOCHINA POLICY QUESTIONS: A  
STATEMENT FROM THE DEPARTMENT OF STATE

Mr. KENNEDY. Mr. President, in response to a letter of March 13, I addressed to Secretary of State Henry A. Kissinger, submitting a series of 12 recommendations contained in a study mission report submitted to the Subcommittee on Refugees, I have received the text of a point-by-point response from the Department of State.

I wish to draw the attention of Senators to the Department's reply because I believe it raises troubling questions over our Government's policy toward Indochina. It is clear from the tone and the substance of the Department's statement that this administration has allowed our Indochina diplomacy to become bogged down in a cycle of recrimination and violence—which prevents new initiatives needed to strengthen the ceasefire agreement and undermines meaningful progress toward a political settlement.

The policy of negotiation, accommodation, and détente—so notable and praiseworthy in our approach to other areas of the world—is absent today in Vietnam.

The Department of State apparently is content with the excuse that "just as it takes two to wage war, it takes two parties to make peace." With that simplistic homily as our guide, no progress toward a resolution of conflict in the Middle East would be evident today, and no further progress toward peace can be made in Indochina.

Mr. President, the 12 recommendations I submitted to the Department for comment were contained in a Refugee Subcommittee study mission report, entitled "Relief and Rehabilitation of War Victims in Indochina: 'One Year After the Ceasefire.'"

Among other things, the Department's response to the recommendation on the problem of political prisoners, the Department of State said that it "cannot agree with the study mission's assertion that 'record is clear that political prisoners exist in South Vietnam.'"

Once again the administration has solved a problem by denying that it exists. The Department's assertion that there are no political prisoners in South Vietnam defies not only the findings of the study mission in the field, but also those of responsible international humanitarian organizations. It also contradicts the Department's previous communications to the subcommittee.

Regarding the Department's response to the recommendation that a special study be made on U.S. bombing and military practices in Indochina, I am pleased that the Department "agrees in principle." I am also pleased to learn that studies on some aspects of our military activities have already been conducted by the Department of Defense. Surely, one of the most important and painful lessons we must learn from our Indochina experience relates to our military practices, especially the devastating impact of bombing. I would hope that the Department could release the studies already made, and that the administration will pursue additional studies along the lines recommended in the subcommittee report.

Mr. President, I would like to commend the Department's report on new humanitarian programs to assist orphans and other war victims in need throughout Indochina. I hope further progress will be made over the coming year, and I pledge my complete support for the relief and rehabilitation programs outlined in the Department's statement.

Mr. President, I ask unanimous consent that the letter and statement I received from the Department of State commenting on the Refugee Subcommittee's study mission recommendations, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,  
Washington, D.C., May 17, 1974.  
HON. EDWARD M. KENNEDY,  
Chairman, Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: As you will recall, Secretary Kissinger in his letter to you of March 25 stated that we would forward to

you the Department's comments on the recommendations of the Subcommittee's Study Mission to Indochina. These comments are enclosed.

If I can be of further assistance, please let me know.

Sincerely yours,  
LINWOOD HOLTON,  
Assistant Secretary for  
Congressional Relations.

Enclosure:

COMMENTS ON SUBCOMMITTEE'S STUDY  
MISSION RECOMMENDATIONS

(1) "Study on bombing.—The Secretary of State, the Secretary of Defense, and other officials in the executive branch should seriously consider a survey of American military practices in Indochina along the lines of the Strategic Bombing Survey undertaken in Europe and Asia following World War II. In light of the airwar's devastating impact upon civilians and civilian facilities, and the sharp controversy over the military effectiveness and political purposes of the airwar and other military practices, such a survey for Indochina by a broad spectrum of appropriate experts from both government and the private sector could provide a useful basis for future American military, diplomatic, and humanitarian policies and actions."

The Department of State agrees in principle that it could be useful to undertake a broad "survey" of past U.S. military operations in Indochina. The Department of Defense and the individual Services have already conducted numerous studies of particular aspects of our military activities in the countries of Indochina. Unlike the situation at the end of World War II, however, we have no access to large areas that would be critical to such a study, particularly the parts of North Viet-Nam and Laos that were bombed in the campaign to halt North Vietnamese infiltration of men and supplies into the South and to convince Hanoi it could not prevail by force. Access to parts of South Viet-Nam and Cambodia is also limited at present by continuing combat operations in those countries.

Furthermore, such studies in the past have relied heavily upon data and information, either captured during and subsequent to the conflict or provided by officials of the Government and Armed Forces of the former enemy. It is unlikely that either of these essential ingredients for a more meaningful detailed study will, for the foreseeable future, be available to historians who might conduct any such official survey.

(2) "Diplomatic Conference on Geneva Conventions.—A Diplomatic Conference on Additional Protocols to the Geneva Conventions of 1949 opens in Geneva in late February 1974. On the agenda are two draft protocols concerning prisoners of war, the protection of non-combatants, the protection and relief of war victims, weaponry and other matters. The experience of recent conflicts—especially the Indochina War, which so heavily and tragically involved the United States—makes it incumbent upon the President that he instruct the American delegation to maximize its efforts in behalf of meaningful changes in the Conventions of 1949, and to support continuing efforts by the International Committee of the Red Cross and others in pressing for restraints on "conventional" and other weaponry not covered by the agenda of the Conference. The present conflict of views on these matters between the Departments of State and Defense must be resolved for an effective American contribution at the Conference."

The United States Delegation to the Diplomatic Conference went to Geneva prepared to work for improved implementation of the existing Geneva Conventions and to establish new rules of humanitarian law,

including improved procedures for the accounting for the missing and dead in armed conflict. Unfortunately, the Conference became bogged down on procedural questions and on the issue of the applicability of the draft protocols in so-called "wars of national liberation." As a result of extended debate on these matters, little progress was made on such matters as prisoners of war, protection of civilians, accounting for the missing and other substantive issues.

The International Committee of the Red Cross plans to convene a meeting of government experts this June in Lucerne to study the question of weapons which are indiscriminate in their effects or which cause unnecessary suffering, in which an American delegation from the State and Defense Departments will participate. We are presently examining with the Department of Defense the weapons that may be involved. We shall wish to study the results of the meeting of government experts before determining the position of the United States Government.

(3) *"New policy and diplomacy toward Indochina.*—The President must finally break with the patterns and failures of the past and chart a new beginning in our relations with Indochina. We must further change the character of our involvement in the area, embark on new policies, and practice some lessons of the past. First, in line with Congressional directives in 1973, the Administration must finally shed its obsession with weapons deliveries and give top priority to humanitarian and people concerns in our allocation of aid to Indochina.

"Second, new efforts, as outlined below, are also needed on the diplomatic front. The lingering and bloody war in Cambodia deserves better of our diplomacy. The breakdown of the cease-fire agreement in Viet-Nam demands more than a threat of new bombing. The fragile peace in Laos requires our more active support, as well as more rapid changes in the character and purpose of our presence in Vientiane. And the deadlock in our relations with Hanoi must be broken."

The Department of State agrees that new policies must constantly be evolved to cope with new realities and to further the national interest of the United States, consistent with the principles which are fundamental to our society. We are aware, however, that successful policy formulation does not usually depend solely on unilateral action; the actions and policies of other parties to a particular situation must necessarily influence our own approach. In Indochina we must recognize that many of the patterns which produced our policies have not changed as substantially as we would have liked. In Viet-Nam, for example, we are forced to consider the fact that North Viet-Nam remains the aggressor. Very large North Vietnamese forces remain in the South and continue to exert heavy pressure on the South Vietnamese Government and people. Prudence and realism require us to be aware of the existence of that situation in our policy reviews. We would welcome policy shifts in Hanoi which would ease the tension and thus permit us to review policy in the light of a new situation.

The Administration does not have an "obsession" with weapons deliveries in Viet-Nam. The Administration does recognize, however, that the Government of the Republic of Viet-Nam, in the face of unrelenting attack, needs the means to protect itself. We believe that denying such assistance would not contribute to peace but would inevitably lead to the greater use of force by North Viet-Nam. We believe that the demonstration of continued South Vietnamese abilities for self-defense will eventually bring the North Vietnamese authorities to the realization that political accommodation is preferable to endless violence.

Specific programs of humanitarian assistance receive high priority in our planning for Viet-Nam. We would note, however, that the development of the South Vietnamese economy toward self-sufficiency will have a major effect in meeting humanitarian aims. Unemployment and underemployment are significant problems which affect refugees and non-refugees alike. Low wages and high costs cause hardship for the entire population. Many of our assistance programs are designed to provide the stimulus necessary to correct these large economic distortions which cause suffering for all segments of the society.

Thanks to the cessation of fighting in Laos the Administration is giving top priority to humanitarian and people concerns. From a high of \$375 million, U.S. military assistance has dropped to \$89.6 million in FY 74. For FY 75, the Administration is requesting \$90 million, a slight increase which reflects largely the rise in cost of petroleum products, increased delivery costs and some pipeline items. On the other hand, at least one-third of the aid budget is directly devoted to humanitarian and "people" concerns and the balance is devoted to stabilization, support and development activities which are a prerequisite for the well-being of the entire population. A total of \$40.6 million currently is budgeted for FY 1974 for economic assistance and \$56.0 million is requested for FY 1975. PL-480 food for Lao refugees in the estimated amounts of \$3.5 million and \$2.5 million are additive to those figures.

In Cambodia, because of the continued heavy fighting resulting from the refusal of the Khmer Communists to accept a cease-fire and enter into negotiations, the military aid program has continued at a high level of \$325 million so far for FY 74 and will have to remain at least at that level in FY 75, unless a cease-fire, which is our aim, is achieved. Refugee relief assistance for Cambodia has increased from \$1.2 million in FY 73 to \$13.4 million in FY 74, and \$20 million is being requested for FY 75. To counter the sharp drop in domestic production of rice, some 111,000mt of PL-480 rice had to be imported in FY 73, and for FY 74 the total will rise to some 265,000mt. Agency for International Development (AID) is raising the number of direct hire personnel dealing with refugees from one to six. These people will supplement the work currently being carried out by Voluntary Agencies.

The suggestion that new efforts on the diplomatic front are needed on the part of the Administration to settle the Cambodian War is one of which the Administration has always been fully conscious. Regrettably, just as it takes two to wage war, it takes two parties to make a peace. In Cambodia, the Government of the Khmer Republic has offered a unilateral cease-fire and negotiations with anyone, anywhere and at any time but has been rebuffed since the Paris Agreement of 1973. Despite those offers the Khmer Communists have increased the intensity of their attacks and have repeatedly rejected, in public and in private, all efforts by ourselves and the Khmer government to achieve a peaceful settlement. In Laos, it is recognized that the U.S. has steadfastly supported the efforts of the Prime Minister, Prince Souvanna Phouma, to achieve a lasting peace. It is now our policy to continue to support, together with all other parties, the efforts of the new Provisional Government of National Union to maintain a lasting peace, to resettle and rehabilitate the many displaced Lao and to begin the serious development of the nation.

(4) *"Internationalizing aid—International Red Cross.*—To the maximum degree practicable, our government should finally pursue the internationalization of relief and rehabilitation needs in Indochina through United Nations agencies and other channels. In this connection, our government should finally give its strong support to the Indo-

china Operational Group (IOG) of the International Red Cross. The IOG is currently the only international humanitarian agency with representatives or communication in all the war affected areas of Indochina. The IOG's demonstrated expertise and effectiveness deserves a special emergency contribution of \$10 to \$15 million for immediate humanitarian purposes in Indochina."

The U.S. Government made a \$2,000,000 grant in FY 1974 in support of the operations of the International Committee of the Red Cross in Indochina (ICRC). We plan to make an additional grant at the request of the ICRC in FY 1975 and we will seriously consider any future funding requests advanced by the ICRC. The ICRC has currently raised about half of its \$33 million target for the program in Indochina being funded by donations from both governments and National Red Cross organizations. We oppose a larger USG donation at this time for two reasons:

1. A larger USG donation to the total planned would almost certainly reduce the pressure on the ICRC to successfully pursue donations from other potential donors, thus diluting the international character of the ICRC program.

2. We question the ability of the ICRC to mount and sustain a program of the size they are planning. More specifically we are seriously concerned that the quality of the persons available to manage the program would suffer from a too rapid expansion and, hence, the quality of the program itself would suffer.

UNICEF is expanding its programs in the countries of Indochina, and we have encouraged this interest. While we have not yet received a firm proposal, we anticipate making a grant to UNICEF for activities in South Viet-Nam, Cambodia and Laos.

As indicated in an earlier response, the World Health Organization has had meaningful programs in Laos, Cambodia, and Viet-Nam which supplement and do not overlap with activities supported by the United States. We have encouraged that organization to play an even more important role, particularly in the malaria control program, and we at the same time would phase out our remaining activities in that field.

Our discussions with the Indochina countries have stressed the desirability of establishing plans and priorities for programs and projects which require assistance so that other donor countries and organizations can fit their assistance efforts into the host country requirements.

Additional information was provided the Subcommittee by Mr. Robert H. Nooter, A.I.D.'s Assistant Administrator of the Bureau for Supporting Assistance, in a statement subsequent to the Subcommittee's August 1, 1973, hearing.

(5) *"Needs of orphans and children.*—The special needs of orphans and other children disadvantaged by the war have a long record of neglect on the part of the governments in Indochina and the U.S. Mission in Saigon, Vientiane and Phnom Penh. Given this record of neglect and the documented needs among millions of children in the war-affected areas, our government should make every effort to increase the priority of concern over children—in both our assistance to the area and in our representations to the governments in Saigon, Vientiane and Phnom Penh. In the case of South Viet-Nam, the Department of State and the Agency for International Development must finally cut redtape and expeditiously implement its new program to aid the process of adoption of orphans by American citizens, and to upgrade support for child welfare and health programs. The outline of the new program was recently communicated to the Subcommittee. Meeting the urgent needs of the orphaned, the lame, and all disadvantaged children in Viet-Nam is long-overdue.

Special emphasis in the adoption process should be placed on American-fathered children. It is unconscionable to delay this effort in behalf of children in need."

Child welfare programs mounted by each of the governments of Indochina are tailored to the realities of the individual country. Accordingly, the programs supported by the U.S. Government are different in each of the three countries and are presented below as discrete undertakings, which, indeed, they are.

#### South Viet-Nam

Agency for International Development's (AID) new \$7.5 million program, previously reported to you, is progressing as designed to improve the welfare of Vietnamese children disadvantaged by the war, particularly orphans. The program provides almost \$5.5 million for the participation of U.S. voluntary agencies in assisting an estimated 160,000 disadvantaged children, including 17,000 children in orphanages. The program is making improvements in child nutrition and in the management and physical condition of orphanages and child care centers and in the processing of orphans for inter-country adoptions as well as improved health services for malnourished, diseased and handicapped children.

The priority target is being accomplished, namely, providing immediate assistance to orphans and other institutionalized children requiring food, clothing, shelter and medical care. Also, action has been initiated to provide services which strengthen the family unit by developing alternatives to child abandonment through the expansion of home nursery and day care center programs and foster home care. The program activities are:

**Orphanage support and improvement.**—Food and clothing allowances, health care, equipment, improvement of facilities and staff training. (\$1,736,000, with \$1,355,000 for voluntary agencies and \$381,000 for the Ministry of Social Welfare)

**International adoption.**—American agencies expanding and improving intercountry adoption programs and related welfare activities. (\$470,000, all for voluntary agencies)

**Pediatric clinics.**—Medical care for disadvantaged children with priority to those pre-adoption cases requiring special medical attention. (\$340,000, all for voluntary agencies)

**Day care centers.**—Equipment, food, and staff training for existing day care centers and support in the development of new centers. (\$1,428,000; with \$1,180,000 for voluntary agencies and \$248,000 for the Ministry of Social Welfare)

**Home nursery care.**—Day nursery services for infants. (\$760,000, all for voluntary agencies)

**Nutrition centers.**—Expansion of existing nutrition centers and creation of additional centers for seriously malnourished children. (\$630,000, all for voluntary agencies)

**Handicapped children.**—Improved custodial care and therapy. (\$178,000, with \$140,000 for voluntary agencies and \$38,000 for the Ministry of Social Welfare)

**Foster care.**—Foster home care services for children as an alternative to their abandonment, institutionalization or adoption. (\$570,000, all for voluntary agencies)

**Prevention of infant abandonment.** Counseling service to emotionally distraught expectant mothers who might abandon their children. (\$44,000, with \$25,000 for voluntary agencies and \$19,000 for the Ministry of Social Welfare)

**Civilian widows assistance.**—Support, vocational training and small-scale capital assistance to widowed mothers. (\$76,000, all for the Ministry of Social Welfare)

**Training.**—Pediatric and nutrition training to midwives and other medical personnel, child welfare service training to Ministry

of Social Welfare employees. (\$552,000, with \$324,000 for the Ministry of Health and \$228,000 for the Ministry of Social Welfare)

#### Laos

The Agency for International Development (AID) assistance which can be categorized as "humanitarian" contributes either directly or indirectly to the well-being of children, including orphans. The humanitarian part of the AID program is involved in the resettlement of refugees, the development of health and education facilities and the provision of food, other relief supplies and medical care.

PL-480 Title II food assistance (both direct to the Royal Lao Government and through Catholic Relief Service) is aimed at meeting a portion of the emergency food needs of refugees and disaster victims, including children.

The primary voluntary agencies operating in Laos concentrate on medical assistance (personnel, services and commodities) and provision of food assistance (CRS), with emphasis on assisting refugees and meeting other emergency needs.

Through World Vision, Inc., private donors support up to 2,000 school children each year, most of whom are orphans or children of disabled war veterans.

The Asian Christian Service (ACS) concentrates on refugee relief activities, but has expanded its work to include activities in rehabilitation, reconstruction and development as well. ACS children-oriented programs include the distribution of about 25 tons of dehydrated milk supplements (provided by Switzerland and Holland) per year.

#### Cambodia

The needs of orphans and children are being met as part of the emergency refugee relief programs being conducted with Agency for International Development (AID) grant support by the voluntary agencies (CRS, WVRO, CARE and the ICRC) in Cambodia. These programs are currently being expanded at a rapid rate and are being directed primarily toward assuring that the emergency shelter, food and medical needs of all refugees are being provided and only secondarily toward improving the care of especially vulnerable groups such as orphans and children. However, a beginning has been made by WVRO (in the establishment of a children's nutrition center near Phnom Penh) and by CRS (in the assistance now being provided two orphanages), and we anticipate that more care will be devoted to orphans and children as the emergency circumstances permit.

(6) **Refugee resettlement in South Viet-Nam.**—To help normalize civilian life and avoid a festering refugee problem, as experienced in the Middle East and elsewhere, our government should strongly encourage and support—at the highest levels of the Saigon government—the *voluntary* resettlement of refugees in *secure* areas or their "return to village" in any area of South Viet-Nam where their native village is located. The cease-fire agreement provides for "freedom of movement", including the return of refugees to hamlets and villages now controlled by the PRG. Our government should strongly discourage and withdraw any support from programs using the refugees as pawns and "trojan horses" to expand Saigon's control in contested areas of the countryside. The strategic and forced movement of people—a key element in pacification—should play no role in American policy and programs in South Viet-Nam."

The U.S. Government has supported and continues to strongly encourage and support—at the highest levels of Viet-Nam's government—the voluntary resettlement and return-to-village of South Viet-Nam's refugees. As evidence of this, the U.S. Government played a major role in helping the Gov-

ernment of Viet-Nam return nearly 355,000 refugees (most of them generated during the 1972 NVA offensive) to their home areas and resettle an additional 214,000 refugees to secure areas during 1973. These individuals receive food and housing allowances and a wide variety of community development benefits to help them restore their lives and once again become productive citizens. The U.S. Government certainly supports the principle of "freedom of movement" stated in the cease-fire agreement and has communicated this support to the Government of Viet-Nam. To our knowledge, no group of refugees has ever requested permission or assistance from the Government of Viet-Nam to move to "PRG" areas. Some, of course, may have returned to their homes in areas now controlled by the PRG. The decision is an individual one, as is the movement. The overwhelming majority of refugees displaced from areas taken over by the North Vietnamese or Viet Cong do not wish to return to those areas. Hundreds of thousands of these refugees have volunteered for resettlement programs in Government of Viet-Nam territory in preference to returning to their old lands where these are under NVA or VC control. Several different sites are ordinarily offered for resettlement, and in most cases refugee leaders have a hand in the selection or approval of a site. Self-resettlement benefits of VN\$100,000 to 150,000 are often provided to those who do not wish to accept the sites offered, and families then leave camps to live in a place of their choice. Neither the U.S. Government nor the Government of Viet-Nam condone forced relocation of people. Additional information on resettlement was provided to the Subcommittee in a letter dated July 31, 1973, from former AID Administrator, John A. Hannah.

(7) **Physical rehabilitation.**—Tens of thousands of amputees, paraplegics, blind persons, deaf persons, and others with serious physical limitations resulting from the war, languish unattended in many parts of Indochina. Virtually no physical rehabilitation programs exist in Cambodia. The situation in Laos is little better. And in South Vietnam, despite documented needs and years of good intentions on the part of the Thieu Government and the U. S. Mission in Saigon, the situation among the physically disabled remains one of appalling neglect. The continued lack of meaningful progress in providing prosthetic devices for the lame civilians of South Vietnam is fast becoming a scandal of distressing proportions—especially when measured against the expeditious American delivery of weapons and materials of war. The time is long overdue for new initiatives and a greater measure of official concern in this important area of rehabilitation."

As in the response to recommendation Number 5, the status of the physical rehabilitation programs in each of the three countries varies with the nature and gravity of the individual country circumstance. The programs supported by the USG in each of the countries accordingly are different and may be outlined as follows:

#### South Viet-Nam

While there remain a significant number of Vietnamese disabled who have not yet received definite rehabilitative care, the GVN medical rehabilitation program, with USAID assistance, has continued to expand and to improve its efficiency. Dr. Howard Rusk, of the World Rehabilitation Fund, recently said of this program: "Viet-Nam's program for the construction of Prosthetic Devices has grown to become the largest of any program of this type in the world. The pilot project initiated for the Rehabilitation of the Blind has had enormous success and is comparable to some of the best programs in the United States, using methods developed

at the Catholic Guide for all the blind in the state of Massachusetts."

In 1966, the total output of Prosthetic Devices by the National Rehabilitation Institute was 1,815, with an additional output of 691 braces and 383 repairs. In 1973, the total production of prosthetic devices was 7,756 with 2,061 braces produced and 4,679 repairs. The NRI's capability is being further expanded at the present time by the addition of ten new satellite rehabilitation units being constructed at selected province hospital sites. These units, scheduled for completion by the end of FY 1974, will more than double the present annual output of prosthetic/orthotic devices and repair services. Of equal importance, the province hospital satellite units will provide the mechanism for more effectively extending rehabilitation services to rural populations who found the previous central rehabilitation locations to be relatively inaccessible. By the end of CY 1974, when the ten additional hospital units reach full capacity, it is expected that total production of the NRI system, including prosthetic/orthotic devices and repairs, may reach 36,000 per year.

Recognizing that there still remains a backlog of disabled people requiring specialized treatment and rehabilitative care, the Mission is currently re-examining the entire GVN medical rehabilitation program to determine the feasibility of expanding USG assistance to this area still more if the overall level of funding being sought from the Congress in FY 1975 is made available.

#### Cambodia

As noted under the response to Recommendation 5, virtually the full attention of the voluntary agencies now working in Cambodia under A.I.D. grants has been devoted to assuring that the emergency shelter, food, and medical needs of refugees is being provided and little, or no, attention has been devoted to more sophisticated treatment requirements. We anticipate that physical rehabilitation programs will be evolved and put into practice by the voluntary agencies but only after other more immediate priority programs—such as intensified care for orphans and children—are attended to. This is based on two considerations: 1) The number of persons permanently disabled by war wounds to date is still relatively small; and 2) The large number of refugees must be afforded a higher priority of attention.

#### Laos

U.S. support for physical rehabilitation programs in Laos has been largely in conjunction with other bilateral and multilateral assistance. In addition to official assistance (A.I.D. and D.O.D.), many U.S. personnel have provided informal assistance in support of Lao physical rehabilitation programs. The primary institution is the Orthopedic Center in Vientiane. It has been funded and operated by the Directorate of Veterans' Affairs with assistance from UNDP (two technical advisors) and USG-DOD (USAID-R.O.), with approximately \$80,000 a year in medical supplies and commodities. It is staffed by Forces Armées Royales (military) personnel. Present capacity is 50 amputees per month, the majority being military with about ten percent being civilian.

The International Red Cross is assisting the RLG in establishing a second orthopedic center at Savannakhet. WHO has provided a training course for physiotherapists.

(8) "Defusing the bombs in the countryside.—By conservative estimate, there are some 300 million to 600 million pounds of undetonated explosives strewn today throughout the Vietnamese countryside—unexploded mines, booby-traps, and bombs. Little or no effort has been made to launch a systematic program of ordnance removal. In fact, the official view expressed to the Subcommittee is that 'the clearing of ordnance, according to preliminary reports, has so far

not been a major problem.' Yet, hospital admission statistics tell a different story, as Vietnamese civilians continue to lose life and limb to mines and booby-traps in the field. America clearly has a responsibility to help support and fund a program to defuse these mines and bombs, many of which we left behind. To date, our government has given this responsibility little thought, and even less action."

The Chief of the Army of the Republic of Viet-Nam (ARVN) Logistics submitted a report on exploded ordnance, and also our four Consulate Generals have thoroughly reviewed the situation in their areas. During 1973 there were no known incidents in Region 2 as of October 1, few if any in Region 4, and three in Region 3. In Region 1 the statistics are not available except for the most affected province of Quang Tri, which reported that eight had been killed and thirty-five wounded by unexploded ordnance between February and October 1973.

The Government of Viet-Nam (GVN) normally follows standardized ordnance clearing procedures in refugee areas, having military units conduct preliminary clearing operations before the people arrive. Such operations are thorough at housing sites and along roads, although of necessity, less so over the hundreds of thousands of hectares of farmland. Later, if farmers uncover ordnance, they report it to the local authorities, who have National Police, regional forces or popular forces dispose of it. However, if a great deal of ordnance is found or large explosive devices are involved, local authorities then contact district and province chiefs, who may request ARVN forces in the vicinity to handle the disposal.

The GVN does not maintain regular reports on the clearance of unexploded ordnance, the number uncovered and disposed of, the number of troops involved, or the number of injuries and deaths resulting from explosions. The disposal of unexploded ordnance is regarded by the GVN as one of the many normal tasks it undertakes in the return of refugees to their original village or resettlement sites and, therefore, special and separate reports are not kept. Moreover, there is often no way of knowing whether unexploded ordnance predates the January, 1973, agreements or was subsequently planted by North Vietnamese Army/Viet Cong (NVA/VC) forces. The ARVN is equipped for ordnance disposal so no United States assistance has been requested for current ordnance clearing operations and none is expected to be requested.

The continuing problems of deaths and injuries in some refugee resettlement areas arises from the present campaign of NVA/VC forces to harass these areas by planting of mines, indiscriminate mortar attacks, and the use of long-rang rockets. Recently the Republic of Viet-Nam delegation to the Two Party Joint Military Commission proposed cessation of the use of these weapons which result only in indiscriminate killing and maiming of innocent civilians and children. The proposal was immediately rejected by the Communist side. Additional information was provided the Subcommittee by Mr. Robert H. Nooter, Assistant Administrator of A.I.D.'s Bureau for Supporting Assistance subsequent to the Subcommittee's hearing on August 1, 1973, and in a letter dated February 13, 1974, from Mr. Matthew J. Harvey, A.I.D.'s Assistant Administrator for Legislative Affairs.

(9) "Prisons and political prisoners in South Viet-Nam.—The record is clear that political prisoners exist in South Viet-Nam. And the record is also clear that the Thieu government has been thwarting a resolution of the prisoners' plight. But the complicity of our own government in the abuse of justice and fairplay is also clear. And this should outrage the conscience of all Americans. Americans should yield to no one in

condemning the cruelty to civilians by the PRG and its allies. But what they do cannot relieve our responsibility to help minimize and remedy the hardship and distress of civilians, including political prisoners, in South Viet-Nam.

"(a) In line with the letter and spirit of a 1973 congressional directive, the President should rapidly phase-out all American sponsored or supported public safety oriented programs in South Viet-Nam, Laos, and Cambodia—and immediately divert unexpended funds for such purposes to meet humanitarian needs among orphans and other victims of the war.

"(b) The United States should make immediate and strong diplomatic representations to the Thieu government in behalf of the humane and just treatment of all civilians detained for political reasons. Among other things, the United States should firmly counsel the Thieu government to invite a full inspection of prison facilities under the auspices of the International Committee of the Red Cross, and to provide for the orderly due process and/or release of those detainees not covered by the repatriation and return provisions in the prisoner protocol of the cease-fire agreement.

"(c) The United States should make diplomatic representations—through various channels and in cooperation with other governments concerned over the future of South Viet-Nam—to further encourage and facilitate negotiations between the Thieu government and the PRG, as provided for in the cease-fire agreements, for the repatriation and return of those political prisoners on both sides covered by the agreement."

The Department of State cannot agree with the Study Mission's assertion that "the record is clear that political prisoners exist in South Viet-Nam."

One of the principal sources of confusion in this highly complex matter is the definition of the term "political prisoner." We interpret this term, as applied to South Viet-Nam, to refer to individuals of non-communist, non-violent persuasion who are imprisoned only for expressing their criticism of the Government. We note in this regard that the Government of Viet-Nam's (GVN) stated policy does not permit the arrest of anyone for mere political dissent. However, when an act of political dissent is coupled with actions that violate public order or threaten national security the responsible person or groups of persons are subject to detention.

We also do not agree with the Study Mission's statement that the South Vietnamese Government has blocked resolution of the civilian prisoner's plight. While progress in resolving this issue has been slow, a review of the record clearly shows that the performance of the Vietnamese Government has been markedly better than that of the Communist side. For example, we note that on the basis of the initial lists exchanged by the parties following the cease-fire, the GVN has now turned over 5,081 civilian prisoners to the "PRG" (Viet Cong) in return for only 637 of its own civilian personnel. In other words the GVN released almost eight Communist prisoners for every one of its personnel received from the Viet Cong.

The GVN's willingness to accept this unfavorable exchange ratio, in spite of the Viet Cong's continued refusal to provide an accounting for the published list of names of some 70,000 Government officials and private civilians kidnapped or otherwise detained by the Communists during the course of the war, appears to us as a compelling indication of its interest in resolving the civilian prisoner problem. We would also note, that GVN authorities have offered to release to the Viet Cong any remaining civilian prisoners identified by the Viet Cong as Communist cadre. In addition to those released to the Viet Cong, since the beginning of 1973,

the South Vietnamese Government has granted amnesty to approximately 9,100 civilian prisoners.

What has been the performance of the Viet Cong? As noted above they have consistently refused to release or give an accounting of the many thousands of South Vietnamese civilians they have abducted or otherwise detained during the war. Furthermore, unlike the GVN, the Communists have also refused to provide any information about the number or location of their civilian detention camps, the conditions of the camps or the number of prisoners held therein. Also on several occasions during the first phase of the prisoner exchanges the Viet Cong sparked demonstrations at the release sites which led to the interruption of the exchanges for several months.

In sum, it seems evident to us that the primary responsibility for the "abuse of justice and fairplay" with regard to civilian prisoners rests squarely with the Communist side. The Study Mission's contention that the U.S. is an accomplice in thwarting a resolution of the civilian prisoner issue is unfounded. Since the ceasefire the U.S. has consistently encouraged the two South Vietnamese parties towards an early resolution of this matter in accordance with Article 8(c) of the Agreement. As an outside power our ability to influence events in this sensitive area is clearly limited, but we will continue to do what we reasonably can to secure the humane treatment and prompt release of prisoners of both sides. We have on a number of occasions since the cease-fire conveyed to the GVN our great interest in the humane treatment of prisoners, civilian and military alike. In this regard we note that the International Committee of the Red Cross (ICRC) continues to conduct visits to GVN military POW camps as it has since 1966. (In notable contrast to the attitude of the GVN, the Communists have never permitted ICRC visits to their prison camps.)

We would add that the extensive evidence available to us simply does not sustain the highly publicized charges that civilian prisoners are subjected to widespread, systematic mistreatment in the jails of the Republic of Viet-Nam. No one claims that abuse of prisoners has never occurred in the GVN prison system; nor for that matter, could such a claim be made for penal institutions in the United States and many other countries. Certainly, this claim could not be made for North Vietnamese and Viet Cong penal institutions, considering the passions aroused over two decades of war in Viet-Nam it would be remarkable if some incidents did not occur. However, based on our past advisory experiences and the current observations of our Embassy in Saigon, it is clearly evident that most published reports about abuses are highly exaggerated.

With reference to the Study Mission's recommendation in subsection (a), we are presently terminating U.S. public safety programs in South Viet-Nam, Laos and Cambodia as required by recent legislation. These programs will be ended well before the legislative deadline of August 17, 1974.

We are enclosing for the Subcommittee's information a copy of a comprehensive survey of the civilian prisoner population in South Vietnamese jails prepared by the U.S. Embassy in Saigon.

(10) "Emergency Relief Needs in Cambodia.—In the absence of a ceasefire agreement for Cambodia, and in light of the massive toll of civilian casualties and refugees from continuing war, the emergency humanitarian needs of war victims must be a matter of very urgent concern to our own government and all involved. Despite belated efforts to meet these needs, conditions among war victims continue to deteriorate. Food and shelter and medicine are still in short supply. Private voluntary agencies and the Indochina Operational Group of the Red Cross provide

the most effective mechanism for additional relief efforts. It is imperative that the United States generously support, in cash and kind, the emergency relief programs of these agencies."

A number of emergency relief programs were initiated in FY 1973 to begin to cope with the problems noted in the recommendation. These are being expanded at a rapid rate utilizing the services of a number of U.S. and International Voluntary Agencies. Also the U.S. Government is strongly supporting the operations of the Resettlement and Development Foundation (RD) which is the agency designated by the GKR to manage refugee resettlement.

As an indication of the extent of the U.S. Government's concerns, when the GKR requested assistance in managing its growing refugee program, we:

1. Airshipped six and surface-shipped four Packaged Disaster Hospitals for use in the areas with the greatest numbers of refugees. (Two of these hospitals are still being held in reserve for emergency deployment.)

2. Funded grants to the Catholic Relief Services (CRS), the World Vision Relief Organization (WVRO) and the Indochina Operations group (IOG) for the establishment and operation of four of the ten hospitals.

3. Funded additional grants to CRS, WVRO, CARE, and the IOG to enable them to supply emergency food, shelter and in-camp medical care to refugees and to begin a refugee resettlement program. Including the \$1,175,000, of FY 1973 grants, we will by the end of FY 1974, have provided \$6,517,000 to the Voluntary Agencies (including the Cambodian portion of the IOG program). An additional \$8,058,000 is also being granted this FY to the RDF and to cover direct hire costs related to refugees.

4. We are requesting \$20,010,000 in FY 1975 for our refugee program of relief and resettlement.

(11) "Relief and rehabilitation in Laos.—In support of the cease fire agreement for Laos and the continuing progress anticipated in forming a government of national union, the United States should move more rapidly in changing the character, personnel and purpose of our presence in Vientiane. Moreover, in light of the enormous humanitarian and reconstruction needs among the people of Laos, the United States should strongly encourage expanding programs of relief and rehabilitation in all parts of the country, and generously contribute to these programs. In this connection, a special effort should be made to encourage and expand the work of voluntary agencies, the Indochina Operational Group of the Red Cross, UNICEF, and other appropriate international channels."

Recognizing that the rapidly evolving post-cessate-fire environment in Laos is creating a situation whose parameters are quite different from those of the wartime era, the USAID is currently redirecting its economic and humanitarian assistance efforts. Programs are being shifted from emergency wartime objectives to longer term post-war humanitarian, reconstruction and development oriented activities, some of which already have been noted favorably by the Lao Patriotic Front (LPF). With the Provisional Government of National Union (PGNU) now formed, U.S. aid will be given to and through the PGNU. The future thrust, extent and degree of country-wide coverage of U.S. aid will be determined in conjunction with officials of the PGNU.

Although the U.S. is continuing to encourage the participation of voluntary agencies in rehabilitation and relief efforts, most organizations appear to prefer to wait until sometime after the formation of the new government before making any commitments. With the formation of the PGNU,

the atmosphere for their future involvement should be greatly enhanced. Because of both budgetary and manpower limitations however, it is doubtful that voluntary agencies will assume a major share of current U.S. humanitarian activities. The Indochina Operations Group (IOG) of the International Committee of the Red Cross, of course, is currently operating in Laos as well as in the other Indochina countries, although the current program in Laos is not related entirely to refugee assistance. In Laos, the IOG has provided some medical supplies and equipment to the LPF. Although we certainly support the expansion of IOG, as well as other donors' relief and rehabilitation efforts in Laos, it is important that any expansion not outstrip their ability to maintain the quality of their operations.

(12) "Relations with Hanoi—Relief and rehabilitation in North Vietnam.—In the context of recognized understandings between Washington and Hanoi, and of continuing efforts to implement the ceasefire agreement and protocols for Vietnam, the United States should take new initiatives to break the apparent diplomatic deadlock with North Vietnam. Such activity is needed to help chart a new beginning in our relations with Indochina—and could usefully serve many ends, including the following:

(a) An accounting of Americans missing in action;

(b) An accounting of American and other journalists missing in Cambodia;

(c) A ceasefire agreement for Cambodia;

(d) A de-escalation of military conflict in South Vietnam, and a new emphasis on the political framework and objectives of the ceasefire agreement for Vietnam;

(e) A renewal of negotiations on American contributions to the reconstruction of North Vietnam—primarily humanitarian assistance for medical facilities and housing and general rehabilitation needs;

(f) A beginning toward the normalizing of relations between Washington and Hanoi, as expressed by Secretary of State Kissinger on January 24, 1973: "And therefore it is our firm intention in our relationship to the Democratic Republic of Viet-Nam to move from hostility to normalization to conciliation and cooperation. And we believe that under conditions of peace we can contribute throughout Indochina to a realization of the humane aspirations of all the people of Indochina. And we will, in that spirit, perform our traditional role of helping people realize these aspirations in peace."

U.S. relations with the Democratic Republic of Vietnam (DRV), including prospects for a U.S.-financed reconstruction program for that country, have been treated in Secretary Kissinger's letter of March 25 to Senator Kennedy. As the Secretary noted in his letter, our relations with the DRV depend to a large extent on Hanoi's observance of the January 27, 1973, Cease-fire Agreement. We have made it clear to the North Vietnamese that we stand ready to proceed with steps towards normalization of relations once Hanoi provides evidence of its intention to comply seriously with the Agreement's provisions. We have emphasized this position on a number of occasions both publicly and privately at the various levels of contact that have been uniformly rebuffed by Hanoi.

In light of the DRV's persistent failure to observe the cease-fire provisions, our options for new initiatives toward Hanoi are limited. Furthermore, it is our belief that new U.S. initiatives to remove the obstacles towards a more normal relationship with North Viet-Nam cannot be one-sided if they are to have a reasonable chance of success. They should be based on some indication that the DRV is genuinely interested in helping to establish the conditions of peace in Indochina necessary for such a relationship to develop. In this regard it is sobering to note that several Government of Viet-Nam initiatives during

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the past year, designed to break the diplomatic impasse with the communists, have been uniformly rebuffed by Hanoi.

Nonetheless we have not abandoned hope of eventually moving towards a better relationship with North Viet-Nam. Through our various channels of communication with Hanoi, we will continue to seek means for developing a more fruitful dialogue with the North Vietnamese leadership. However, we will also continue to impress upon the North Vietnamese the fundamental importance we attach to compliance with the Cease-fire Agreement as the primary condition for the normalization of relations with us.

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