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Refugees and US–Vietnam Relations

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Between 1975 and 1995, over 1 million Vietnamese resettled in the United States. These included 130,000 who evacuated alongside US personnel in 1975, 500,000 who emigrated directly from Vietnam to the United States through the Orderly Departure Program (ODP), and another 425,000 who fled Vietnam by sea and landed in nations of first asylum in Southeast Asia before ultimately arriving in the United States.[1] During the same twenty years, Washington and Hanoi lacked formal economic and diplomatic relations, which were not resumed until 1994 and 1995, respectively. Despite the absence of formal ties, however, US and Vietnamese officials remained in close contact and often collaborated on migration programs. Refugee politics formed a primary pillar of the US approach to US–Vietnam relations in the two decades after 1975.

The United States' bilateral ties with a unified Vietnam governed from Hanoi, the Socialist Republic of Vietnam (SRVN) – what we might call post-war relations – has interested scholars far less than the war's origins and military phase. While a handful of important works explore efforts to normalize relations during the Ford and Carter administrations,[2] there are very few treatments that examine 1975 to the mid-1990s in totality, and even these overlook the vital importance of refugee politics to US–Vietnam relations.[3] The

1 UNHCR, *State of the World's Refugees 2000: Fifty Years of Humanitarian Action* (Oxford, 2000), 99: www.unhcr.org/en-us/publications/sowr/4a4c754a9/state-worlds-refugees-2000-fifty-yearshumanitarian-action.html.

2 Cecile Menetrey-Monchau, *American–Vietnamese Relations in the Wake of War: Diplomacy after the Capture of Saigon, 1975–1979* (Jefferson, NC, 2006); T. Christopher Jespersen, "The Bitter End and the Lost Chance in Vietnam: Congress, the Ford Administration, and the Battle over Vietnam, 1975–1976," *Diplomatic History* 24 (2) (2000), 265–93; Steven Hurst, *The Carter Administration and Vietnam* (New York, 1996); T. Christopher Jespersen, "The Politics and Culture of Nonrecognition: The Carter Administration and Vietnam," *Journal of American–East Asian Relations* 4 (4) (1995), 397–412.

3 Michael J. Allen, *Until the Last Man Comes Home: POWs, MIAs, and the Unending Vietnam War* (Chapel Hill, NC, 2009); Edwin A. Martini, *Invisible Enemies: The American War on Vietnam, 1975–2000* (Amherst, MA, 2007); Lewis M. Stern, *Defense Relations between the*

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diaspora and the international responses it provoked have also been examined by scholars, but, until recently, have not been integrated with studies of US–Vietnam bilateral ties.[4] Critical refugee study, which centers the refugee experience and in so doing reveals much about the state, power, and the consequences of US war and militarism, has also taught us a great deal about the Vietnamese diaspora.[5] This chapter combines these preexisting studies with new research to demonstrate the necessity of integrating migration programs into the study of US relations with Vietnam after 1975.[6]

Migration Programs, 1975–96

Over 3 million Vietnamese, Laotians, and Cambodians left their homelands between 1975 and 1995. The scope and scale of these migrations entangled refugee issues with regional politics and international relations for decades. The diaspora prompted a series of responses, including unilateral actions, bilateral negotiations, and multilateral accords.

The 130,000 South Vietnamese who evacuated alongside US personnel in April 1975 are commonly referred to as refugees. Legally, however, these individuals and additional Vietnamese who arrived in the late 1970s were parolees. Because the United States did not have a mechanism for regular, annual resettlement of refugees until 1980, the Vietnamese who arrived in the late 1970s did so under the 1952 Immigration and Nationality Act. The law, which governed immigrant admissions, contained a loophole that US presidents used to facilitate the resettlement of large groups of refugees during the second half of the twentieth century: the parole power.[7] This provision empowered the US attorney general to admit (or "parole") an alien into the

United States and Vietnam: The Process of Normalization, 1977–2003 (Jefferson, NC, and London, 2005); Robert D. Schulzinger, *A Time for Peace: The Legacy of the Vietnam War* (New York, 2006).

4 Court Robinson, *Terms of Refugee: The Indochinese Exodus and the International Response* (London and New York, 1998); Valerie O'Connor Sutter, *The Indochinese Refugee Dilemma* (Baton Rouge and London, 1990); Sara E. Davies, *Legitimising Rejection: International Refugee Law in Southeast Asia* (Leiden and Boston, 2008); Jana K. Lipman, *In Camps: Vietnamese Refugees, Asylum Seekers, and Repatriates* (Oakland, 2020).

5 The foundational text in this field is: Yên Lê Espiritu, *Body Counts: The Vietnam War and Militarized Refuge(es)* (Berkeley, 2014). For other recent examples, see: Long T. Bui, *Returns of War: South Vietnam and the Price of Refugee Memory* (New York, 2018); Mimi Thi Nguyen, *The Gift of Freedom: War, Debt, and Other Refugee Passages* (Durham, NC, 2012).

6 Amanda C. Demmer, *After Saigon's Fall: Refugees and US–Vietnamese Relations, 1975–2000* (Cambridge, 2021).

7 Carl J. Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War* (Princeton, 2008).

country for "emergent reasons" if the admission served "the public interest."[8] Previous US administrations had used the parole power to admit Hungarians, Cubans, and others, and it was under parole authority that Vietnamese resettled in the United States in the second half of the 1970s. These resettlements, then, were unilateral decisions that stemmed from the White House. Very quickly, however, the scope and scale of the diaspora entangled US refugee policy with the nation's foreign relations more broadly.

Conditions on the ground in Vietnam after 1975 were especially dire, and for a variety of reasons large numbers began to flee by boat.[9] Over 300,000 so-called "boat people" successfully reached the shores of first-asylum nations between 1975 and 1979. Vietnamese arrived in nations belonging to the Association of Southeast Asian Nations (ASEAN), including Malaysia (over 124,000), Indonesia (over 51,000), Thailand (nearly 26,000), and the Philippines (over 12,000). An additional 80,000 arrived in Hong Kong.[10] This data, compiled by the United Nations High Commissioner for Refugees (UNHCR), includes only those who successfully reached foreign soil, omitting the estimated hundreds of thousands who died at sea. Unprepared to handle such a large influx, nations of first asylum, especially Malaysia, which hosted the majority of boat people, implemented intentionally provocative policies to attempt to provoke the international community into action.[11] Malaysia began to push arriving Vietnamese back to sea, and other nations refused to allow ships who had rescued stranded migrants to dock in their ports.

In addition to the oceanic migrants who fled Vietnam by boat, nearly 235,000 more took the overland journey across Vietnam's northern border into China.[12] Like a significant portion of the boat people, a majority of these were ethnic Chinese prompted to flee by anti-Chinese policies that Hanoi implemented in the wake of deteriorating Sino-Soviet relations. Hanoi's policies added to the souring Sino-Vietnamese relations, which by 1979 resulted in open warfare between the two communist countries.

8 www.govinfo.gov/content/pkg/STATUTE-66/pdf/STATUTE-66-Pg163.pdf.
9 Hang Thi Thu Le-Tormala, *Postwar Journeys: American and Vietnamese Transnational Peace Efforts since 1975* (Lawrence, KS, 2021), 24–30.
10 UNHCR, *State of the World's Refugees*, 98.
11 Lipman, *In Camps*, chapter 2.
12 Annex I: Background note dated July 9, 1979, prepared by the United Nations High Commissioner for Refugees for the Meeting on Refugees and Displaced Persons in South-East Asia, UN General Assembly, *Meeting on Refugees and Displaced Persons in South-East Asia, convened by the Secretary-General of the United Nations at Geneva, on 20 and 21 July 1979, and subsequent developments: Report of the Secretary-General*, November 7, 1979, A/34/627: www.refworld.org/docid/3ae68f420.html.

Contemporaries referred to the exodus of such large numbers of Vietnamese and the arrival of nearly 400,000 "land people" (including Cambodians and Laotians) in Thailand as the Indochinese refugee crisis. These massive migrations prompted a Conference on Indochinese Refugees hosted by the UNHCR in Geneva in July 1979. Sixty-five nations attended the conference, including the United States, the SRVN, and the Southeast Asian nations providing first asylum.

The conference took place amid rapidly changing regional and international conditions. Relations between Washington and Beijing thawed considerably, culminating in the resumption of diplomatic relations for the first time since 1949 in January 1979. The world also began to reckon with the genocide in Cambodia. Between 1975 and mid-1978, the Khmer Rouge killed over 2 million of the country's 7 million people.[13] Amid this intrastate violence, interstate bloodshed between communist countries also escalated, including clashes between Vietnam and China and Vietnam and Cambodia.[14] These conflicts, known collectively as the Third Indochina War, prompted additional migrant flight and helped spur a multilateral response to the diaspora.[15]

In Geneva, the international community forged a fragile but enduring consensus on the resettlement of oceanic migrants. The ASEAN nations agreed to cease pushback policies, thereby restoring the principle of first asylum. In return for providing temporary refuge, first-asylum nations were assured that most migrants would be resettled elsewhere. The international community pledged 260,000 resettlement slots and $160 million to underwrite the effort, with the United States leading in both resettlement and financial contributions.

As the international community grappled with the violence occurring in Southeast Asia, the Holocaust became a primary reference point. Nongovernmental organizations (NGOs) and leading state officials (including both US and ASEAN leaders) publicly framed recent events as akin to the Holocaust. US Vice President Walter Mondale, for instance, bookended his remarks in Geneva with Holocaust references and concluded by imploring his audience: "history will not forgive us if we fail, history will not forget us if we succeed."[16] Repeated references to the Holocaust made questions about

13 Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York, 2013), 90.
14 Odd Arne Westad and Sophie Quinn-Judge (eds.), *The Third Indochina War: Conflict between China, Vietnam, and Cambodia, 1972–79* (London, 2006).
15 Phi-Vân Nguyen, "The Politics of the Southeast Asian Refugee Emergency, 1978–1979," *Journal of Cold War Studies* (forthcoming).
16 Office of the Vice President's Press Secretary, July 21, 1979, Text of Speech Prepared for Delivery by Vice President Walter F. Mondale to the UN Conference on Indochinese Refugees: www2.mnhs.org/library/findaids/00697/pdf/UNSpeech19790721.pdf.

refugee status moot, at least for a time. Those assembled agreed that the "boat people" would receive blanket refugee status, although resettlement nations screened migrants individually to determine their eligibility for resettlement abroad.

Ultimately, just under 800,000 boat people arrived in first-asylum nations between 1975 and 1995. The United States resettled over half, approximately 425,000. Over 100,000 resettled in both Australia and in Canada, while 27,000 went to France, 19,000 to the United Kingdom, and 17,000 to Germany.[17] This sustained, multilateral effort to resettle Indochinese refugees became one of the UNHCR's largest and longest-lasting programs.[18]

The Indochinese diaspora, in addition to other factors, also prompted a change in the definition of refugee in US law. The Refugee Act of 1980 drastically altered the admission of refugees into the United States. The law provided for a regular annual admission of 50,000 refugees and codified a role for the White House and Capitol Hill in the process. The president distributed the annual allotment and could increase the total number, but only after consultations with Congress. Throughout the 1980s, Indochinese refugees received over 50 percent of the resettlement slots.

The Refugee Act also aligned the definition of refugee in the United States with the UN definition. The 1951 Refugee Convention as amended by the 1967 Protocol defined a refugee in international law as any individual "outside the country of his nationality" and unable to return due to "a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."[19] The law therefore embraced a human rights–based definition of refugee, though US legislators provided a loophole for individuals who did not meet the enumerated criteria to be admitted as "refugees" if they were deemed "of special humanitarian concern." As a result of these changes, the Refugee Act of 1980 drastically altered the landscape of refugee politics in the United States.

Although lasting into the mid-1990s, the assumptions and agreements underpinning international resettlement for Indochinese refugees changed substantively in 1989 with the Comprehensive Plan of Action (CPA). In the years immediately preceding the CPA, the number of migrants reaching first-asylum nations surged sharply, and pushback policies – or threats to

17 UNHCR, *State of the World's Refugees*, 99.
18 Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (New York, 2001), 207.
19 The full text of the 1951 Convention and Protocol Relating to the Status of Refugees and the 1967 Protocols are available at the United Nations High Commission for Refugees website, 110 *Congressional Record*, 88th Congress, 2nd session, 18136 (August 5, 1964).

implement them – were reported throughout the region. After another conference hosted by the UNHCR, the international community (including, once again, the United States, the SRVN, first-asylum nations in Southeast Asia, and major resettlement nations abroad) agreed to the CPA.[20]

The CPA altered the preexisting consensus on Indochinese migrants in important ways. Southeast Asian actors once again spearheaded what became international initiatives. This time, policies implemented by officials in Hong Kong pioneered a new approach to Vietnamese migrants that became ensconced in regional policy.[21] Under the CPA, blanket refugee status was replaced with individual screening. First-asylum nations, with guidance from the UNHCR, screened all migrants who arrived after March 14, 1989 to determine their legal status. This shift reflected growing compassion fatigue and the conviction that Vietnamese boat people were no longer genuine refugees pushed by persecution but economic migrants pulled by opportunities abroad. For those who were "screened out" under the new procedures, the CPA prescribed voluntary repatriation, or return to Vietnam, a policy that required Hanoi's cooperation. In requiring individual screenings to determine refugee status and favoring repatriation over (or, at least, alongside) resettlement, the CPA reflected and accelerated changes occurring in international refugee norms more broadly.

The CPA came to a contested close in the mid-1990s. The number of Vietnamese who claimed refugee status and ultimately received it, and therefore settled abroad, came to just under 30 percent of the total.[22] The fact that so few received refugee status made the program highly controversial, as did the endorsement of repatriation to Vietnam. The 1996 Resettlement Opportunities for Vietnamese Refugees (ROVR), a bilateral program negotiated between Washington and Hanoi, gave screened-out migrants who were repatriated to Vietnam a final chance to apply for resettlement in the United States. Nearly 10,000 ultimately emigrated to the United States through the program.

Between 1979 and 1996, there was one other major emigration route for Vietnamese that existed alongside oceanic flight and resettlement abroad: the ODP. The UNHCR signed a Memorandum of Understanding (MOU) with the SRVN underwriting the multilateral program in May 1979, on the eve of the 1979 conference. The ODP facilitated the departure of individuals

20 Davies, *Legitimising Rejection*, 189–98.
21 Lipman, *In Camps*, 127.
22 UNHCR, *State of the World's Refugees*, 85.

directly from Vietnam to resettlement countries abroad, an arrangement which obviated the dangers of clandestine flight and protracted stays in refugee camps.

Although clearly reacting to the presence of large numbers of refugees in Southeast Asia, the program provided for the emigration of individuals directly from their country of origin. Those traveling through the ODP, in other words, were still inside their "country of nationality" and therefore technically did not meet the definition of refugee codified in international law. Side-stepping this legal requirement to implement "in-country" processing for refugees was a harbinger of things to come in the post–Cold War World.[23] One qualified for the ODP – which was framed as a humanitarian program to facilitate family reunification – on an individual basis, and departures required approval by the SRVN and participant nations abroad. Ultimately, over 60,000 went to Canada, nearly 47,000 to Australia, 20,000 to France, 12,000 to Germany, 5,000 to the UK, 4,000 to Norway, and approximately 3,000 to each of Belgium, Sweden, and Denmark.[24] The vast majority – over 523,000 – resettled in the United States.[25]

That the preponderant number of emigrants who traveled through the ODP resettled in the United States reflected Washington's deep ties to the South Vietnamese people and the international community's belief that Washington harbored a special responsibility to provide resettlement opportunities to its former allies. Under the auspices of the multilateral ODP, moreover, Washington and Hanoi negotiated and implemented special bilateral programs for groups of special interest to the United States: Amerasians and former reeducation camp prisoners. Nearly 90,000 Amerasians and 167,000 reeducation camp detainees and their family members emigrated through the respective subprograms. Implementing these programs required negotiations with Hanoi and changes to US law.

The existence of children fathered by US servicemen and Asian women long preceded the Vietnam War. The 1982 Amerasian Immigration Act (AIA) provided "special treatment" for individuals who were "born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950" and who were "fathered by a United States citizen" by allowing them to bypass the restrictions codified in the 1965 Immigration and Naturalization Act and to emigrate to the

23 María Cristina García, *The Refugee Challenge in Post–Cold War America* (New York, 2017).
24 Robinson, *Terms of Refugee*, appendix 2.
25 "Refugee Admissions Programs for East Asia," 2004 Fact Sheet, Bureau of Population, Refugees and Migration, Department of State: https://2001-2009.state.gov/g/prm/rls/fs/2004/28212.htm.

United States.[26] Although the law pertained to others, the question of national responsibility or lack thereof to Vietnamese Amerasians formed the crux of the legislative and public debates about the measure. That Vietnamese Amerasians largely inspired the AIA is ironic because very few traveled through the program. The lack of formal US–Vietnam relations made the paperwork necessary for emigration prohibitively difficult, and the bill did not permit Vietnamese mothers to travel with their children, which undercut the initiative's purported humanitarian and family reunification aims.[27]

Bilateral negotiations between the United States and Vietnam in 1987 addressed the AIA's many shortcomings. In September a Resettlement Accord between Vietnamese and US officials reached multiple compromises. First, the officials agreed to treat Amerasians as a bilateral issue: although emigrants would travel through the multilateral ODP, Washington and Hanoi would negotiate the terms of the subprogram separately. Second, to complete the necessary paperwork and interviews, US officials could henceforth be stationed in Hồ Chí Minh City, as were officials from nations who had formal diplomatic relations with the SRVN. Third, Amerasians emigrating through the ODP subprogram would not have refugee status, a concession to Hanoi's long-standing position that Amerasians were not refugees, though they would be eligible for refugee benefits upon entering the United States. Finally, both sides agreed that close family members would be eligible to resettle with Amerasians, a point intended to ameliorate one of the AIA's most criticized shortcomings. Capitol Hill codified the necessary legal changes to implement these agreements in the December 1987 Amerasian Homecoming Act (AHA).[28]

Former reeducation camp detainees and their close family members also emigrated via a bilaterally negotiated subprogram of the ODP. The Humanitarian Operation of 1989, colloquially known as "the HO," provided for the emigration of individuals closely associated with the United States who had spent at least three years in a reeducation camp. "Close relatives," including spouses and unmarried children, were also permitted to resettle

26 Public Law 97-359. October 22, 1982. Amerasian Immigration Act.

27 Sabrina Thomas, "Blood Politics: Reproducing the Children of 'Others' in the 1982 Amerasian Immigration Act," *Journal of American–East Asian Relations* 26 (1) (2019), 51–84; Jana K. Lipman, "'The Face Is the Road Map': Vietnamese Amerasians in US Political and Popular Culture, 1980–1988," *Journal of Asian American Studies* 14 (1) (February 2011), 33–68; Mary Kim DeMonaco, "Disorderly Departure: An Analysis of the United States Policy toward Amerasian Immigration," *Brooklyn Journal of International Law* 15 (3) (1989), 641–709.

28 Sabrina Thomas, *Scars of War: The Politics of Paternity and Responsibility for the Amerasians of Vietnam* (Lincoln, NE, 2021), chapters 6 and 7.

with former detainees. This definition of close relatives, like the HO itself, was an exception made to US law in recognition of the exceptionality of enduring ties between the United States and Vietnamese peoples. US law limited the age of unmarried children eligible for emigration with their parents to 21 years old, a requirement suspended in the case of the HO. When officials attempted to close this loophole in the mid-1990s, Vietnamese Americans and their allies in Congress lobbied to have the original terms of the program restored, an objective that was achieved with the 1996 McCain Amendment.

Between 1975 and 1995, one of the largest migrations of the twentieth century unfolded as 3 million fled from Vietnam, Laos, and Cambodia. In a series of unilateral, multilateral, and bilateral measures, over 1 million Vietnamese resettled in the United States. Understanding why Washington implemented new programs not only in the late 1970s but for two decades thereafter requires a closer look at the various architects behind US policies.

Crafting US Policies: The Importance of Nonexecutive Actors

The US government announced new resettlement programs for Vietnamese migrants in 1975, 1976, 1977, 1978, 1979, 1982, 1984, 1987, 1989, and 1996. These programs occurred because of the United States' self-appointed role as leader of the West in the late Cold War struggle, pressure from regional and international actors, the deep and ongoing ties between the United States and Vietnamese peoples, and the power of humanitarian and human rights rhetoric and advocacy. Nonexecutive actors – US officials outside of the White House and their nonstate allies – provided much of the information, advocacy, and momentum for US responses.[29]

In 1975, as South Vietnam collapsed, the White House led the US policy response. President Gerald Ford argued that the United States had a "profound moral obligation" to its South Vietnamese allies.[30] Putting this impulse into practice ran into an array of obstacles, including logistical challenges, legal limitations, and intense pockets of domestic opposition. Ultimately, however, the administration prevailed, and 130,000 South Vietnamese evacuated alongside US personnel, including many who left prior to the helicopter phase of the evacuation (Operation Frequent Wind).

29 Demmer, *After Saigon's Fall*, 14.

30 President Gerald Ford, Address on Foreign Policy, April 10, 1075, full transcript available online at https://millercenter.org/the-presidency/presidential-speeches/april-10-1975-address-us-foreign-policy.

Nonstate advocacy proved crucial to creating and sustaining the momentum for migration programs after 1975. In the late 1970s, the Citizens Commission on Indochinese Refugees (CCIR) played a profound role in shaping the US response to what contemporaries called the Indochinese refugee crisis. The CCIR was a subcommittee formed within the International Rescue Committee (IRC), a humanitarian NGO that became internationally known in the mid-twentieth century for its refugee advocacy efforts. The CCIR's membership included leading religious figures, well-known civil rights activists, former diplomats, cultural icons, and individuals with deep governmental connections. The CCIR members were able to use their diverse backgrounds, political clout, and widespread connections to help shift the domestic political climate and, especially, prompt policymakers into action.[31]

The CCIR employed many of the methods popularized by human rights organizations in the era. CCIR members conducted fact-finding missions abroad, held press conferences, publicized policy proposals, met with government officials, and prompted letter-writing campaigns to demonstrate public support. These efforts led to tangible results. When Mondale spoke at the 1979 Geneva Conference on Indochinese Refugees, the vice president announced the implementation of proposals that the CCIR had been making for over a year. As time went on, members of the Vietnamese diaspora created some of the most vocal NGOs dedicated to advocating on behalf of boat people. Organizations like Project Ngoc, Boat People SOS, and Refugee Concern pressured state actors and the UNHCR to respect boat peoples' human rights and became especially active in the wake of the CPA's embrace of repatriation.[32]

While a variety of NGOs focused on the fates of those who fled the SRVN, other nonstate activists lobbied on behalf of groups who remained in Vietnam, including Amerasians and reeducation camp detainees. The Pearl Buck Foundation and church leaders like Father Alfred Carroll, who headed a Korean Amerasian Program at Gonzaga University, were early leaders of nonstate efforts to create emigration programs for Vietnamese Amerasians, especially the AIA. In the mid-1980s, additional nonstate actors helped fuel debates. As Hanoi permitted members of the international media to enter Hồ Chí Minh City, photographs of Amerasians began appearing in major news

31 Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door, 1945–Present* (New York and London, 1986), 130–5, 165–6.

32 Lipman, *In Camps*, 164.

outlets. Physical characteristics like height, hair color and texture, eye color, and other attributes served as powerful forms of visual evidence that helped propel nonstate advocacy on Amerasians' behalf. Students at Hunting High School in Long Island, New York, for example, were inspired by a photograph they saw on the cover of *Newsday* and created a grassroots movement to bring Amerasian Lê Văn Minh to the United States. The students collected over 27,000 signatures from twenty-seven states and three different countries, and, after partnering with their local congressman and fellow Hunting High alumnus, Robert Mzarek (D-New York), Minh arrived in the United States in 1987.[33] Mzarek and Senator John McCain (R-Arizona) traveled to Hanoi to escort Minh to the United States, a gesture that provided a symbolic start to the AHA.

Reeducation camp detainees lacked much of the publicity that accompanied boat people and Amerasians. Because oceanic migrants fled Vietnam under such dire conditions and attracted the attention of the UNHCR and nations throughout Southeast Asia, it became increasingly costly for US officials to ignore the life-and-death stakes on the high seas and in refugee camps. If Amerasians lacked the regional and international attention commanded by boat people, they nevertheless possessed a very particular form of visibility that proved difficult for many Americans to ignore once photographs of Amerasians began appearing in the early 1980s. Reeducation camp detainees were not visible in either of these senses.

Throughout much of the late 1970s, reeducation camp detainees remained overshadowed by more visible causes and were underreported owing to a lack of outside access to the camps. By the end of the decade, the surge of oceanic migrants, many of whom were former detainees, led to greater awareness of the incredibly harsh conditions within the camps. Amnesty International published reports on human rights conditions in the SRVN in the late 1970s and early 1980s, and adopted several of the religious and civilian leaders imprisoned as prisoners of conscience. Because Amnesty International required individuals to not have advocated or used violence to qualify for prisoner-of-conscience status, however, most of the detainees, who had served in the South Vietnamese military, fell outside of Amnesty's mandate.

Other human rights organizations and NGOs founded by members of the Vietnamese diaspora filled this void. Two of the most prominent were the Aurora Foundation and the Families of Vietnamese Political Prisoners Association (FVPPA). The Aurora Foundation began in 1981 under the

33 Thomas, *Scars of War*, chapter 6.

leadership of Ginetta Sagan. After surviving imprisonment and torture in her native Italy during World War II, Sagan emigrated to the United States and, in the late 1960s, founded the West Coast branch of Amnesty International at her kitchen table. Sagan disagreed with the Amnesty policy that put most reeducation camp detainees outside of the organization's purview, and created the Aurora Foundation to inform the public about political prisoners outside of Amnesty's auspices in Vietnam and, eventually, elsewhere. Based on interviews with hundreds of former detainees in the United States, Europe, and Asia, Sagan published major reports of her findings in 1983 and 1989. Both reports were received widely in policymaking circles and helped motivate the US position on the issue. While Sagan advocated on behalf of reeducation camp prisoners using a human rights framework, the FVPPA highlighted the imperatives of family reunification.

The organization that became the FVPPA began as informal meetings in the living room of Khúc Minh Thơ in Falls Church, Virginia. The women present, including Thơ, had recently resettled in the United States and were separated from loved ones who remained in Vietnam, including family members incarcerated in reeducation camps. Initially meeting as a means of emotional support and in an effort to share information, the FVPPA eventually became one of the most powerful Vietnamese American organizations in the United States. The Association used what one newspaper dubbed the "Vietnamese grapevine" to assemble information on individual detainees, which was incredibly valuable, because the Vietnamese government refused to release that information. Thơ and her associates worked tirelessly to develop and maintain incredibly close relationships with US officials like John McCain and Robert Funseth, the deputy assistant secretary of state who acted as the lead US negotiator with Hanoi on reeducation camp detainees.[34]

The FVPPA proved to be a vital link in transnational advocacy and national policymaking networks. The organization kept US officials up to date on individual detainees and provided a consistent source of advocacy and accountability on an issue that registered little among the broader

34 On the FVPPA, see Demmer, *After Saigon's Fall* and "Forging Consensus on Vietnamese Reeducation Camp Detainees: The FVPPA and US–Vietnamese Normalization," in Andy Johns and Mitch Lerner (eds.), *The Cold War at Home and Abroad: Domestic Politics and US Foreign Policy since 1945* (Lexington, KY, 2018), 195–223; Sam Vong, "'Compassion Gave Us a Special Superpower': Vietnamese Women Leaders, Reeducation Camps, and the Politics of Family Reunification, 1977–1991," *Journal of Women's History* 30 (3) (2018), 107–37; Frances P. Martin, "'Freed Vietnamese Have Her to Thank': Khuc Minh Tho, the FVPPA, and the Use of Grassroots Diplomacy in the Release, Immigration, and Resettlement of Vietnamese Re-Education Camp Prisoners, 1977–2011," Ph.D. thesis (Texas Tech University, 2015).

American public. The FVPPA also provided a vital service to Vietnamese families by publishing bilingual newsletters that contained information about official US policy, including letters of support from officials and up-to-date information about migration forms and procedures. The sustained advocacy of the FVPPA and the Aurora Foundation helped form a great deal of the momentum for the HO of 1989. Funseth gave Thơ the pen he used to sign the agreement, a gesture which symbolized the FVPPA's profound role in the policymaking process.

Members of Congress played a crucial role in crafting US policy toward Vietnam after 1975. One significant way they did so was by supporting migration programs. Early on, the members of Congress most actively involved in crafting US migration policies were those with broader ties to refugee issues, the Holocaust, and/or World War II. One example is Claiborne Pell (D-Rhode Island). Pell's father had served as the US representative on the UN War Crimes Commission in the wake of World War II. Thereafter, the younger Pell served as vice president of the International Rescue Committee in the 1950s and played a large role in advocating on behalf of Hungarian refugees. Pell was active in legislative efforts, as was Edward M. "Ted" Kennedy (D-Massachusetts). Beginning in the mid-1960s, Kennedy chaired the Senate Judiciary Subcommittee for Refugees and Escapees, a position he used to draw attention to those displaced by the American war in Vietnam by holding hearings and introducing resolutions and legislation to provide humanitarian assistance. Kennedy maintained his interest and activism in these issues after 1975 and was a key architect behind the Refugee Act of 1980. In addition to supporting parole for Indochinese in the late 1970s, Kennedy also advocated specifically on behalf both of reeducation camp detainees and Amerasians.

In the late 1970s, as events unfolding in Indochina drew repeated comparisons to the treatment of Jews during World War II, legislators with personal ties to the Holocaust spearheaded a number of initiatives on behalf of Indochinese refugees. Rudy Boschwitz's (R-Minnesota) family fled Nazi Germany when he was young, and the senator from Minnesota was the only refugee serving in Congress in the late 1970s. Boschwitz supported resettlement opportunities for Vietnamese refugees throughout his tenure in Congress. So did Stephen Solarz (D-New York). Solarz's stepmother was a refugee from Nazi Germany, and the congressman made explicit connections between this history and the events unfolding in Indochina. Boschwitz, Solarz, and Pell all served on the President's Commission on the Holocaust in 1978, alongside multiple CCIR members. The combined efforts of these nonexecutive actors had profound consequences for US policy during the late 1970s.

Figure 18.1 A man raises incense to his forehead as he pays his respects at the Vietnam War Memorial near Little Saigon in Westminster, California (April 28, 2005).
Source: David McNew / Staff / Getty Images North America / Getty Images.

Members of Congress who were also veterans, especially Vietnam War veterans, eventually joined this initial group of legislators in spearheading the creation of migration programs and in setting the scope and pace of US–Vietnam normalization more broadly. Larger transformations in public perception of the Vietnam War and the US military more broadly acted as a catalyst for this development.[35] Members of Congress used the political capital their veteran status conferred to sponsor legislation that underwrote migration initiatives, hold hearings, pass resolutions, send delegations to Vietnam, correspond with Vietnamese officials, and meet regularly with NGOs. In so doing, veterans serving in Congress stood at the forefront of US policymaking vis-à-vis Vietnam in the late 1980s and beyond.

The advocacy of John McCain serves as a useful microcosm for congressional advocacy on this issue. McCain is among the best-known of US veterans of the Vietnam War. A naval aviator who was shot down while completing a bombing run as part of Operation Rolling Thunder in 1967,

35 Andrew J. Bacevich, *The New American Militarism: How Americans Are Seduced by War*, updated ed. (Oxford and New York, 2013); David Fitzgerald, "Support the Troops: Gulf War Homecomings and a New Politics of Military Celebration," *Modern American History* 2 (2019), 1–22.

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he endured six years as a POW, an experience that included protracted stays in solitary confinement and torture. McCain entered Congress in 1982 and became a senator in 1987. The future Republican presidential nominee was very active vis-à-vis Vietnam during his tenure in Congress. In addition to escorting Lê Văn Minh to the United States in 1987 and sponsoring the McCain Amendment to reinstate the original terms of the HO in 1996, McCain had a close relationship with Khúc Minh Thơ and the FVPPA more broadly. The senator from Arizona introduced resolutions, traveled as part of congressional delegations to Vietnam, served on the POW/MIA Select Committee, made public statements, and took a host of other actions that influenced the scope and pace of US–Vietnam relations in the late 1980s and early 1990s. When Bill Clinton announced the resumption of formal diplomatic relations with Vietnam in 1995, he stood flanked on both sides by members of Congress who served in the Vietnam War, including McCain. The legislators' presence was more than symbolic or political cover: legislators and their nongovernmental allies played a profound role in crafting migration programs for Vietnamese after 1975. Migration programs were not merely simultaneous with US–Vietnam normalization: they constituted an integral part of the larger process.

Refugees and the American Approach to US–Vietnam Normalization

Normalization between Washington and Hanoi was a highly contentious, protracted process that unfolded over the two decades after 1975. The only way to understand the contradictory policies Washington implemented during these years is to acknowledge that US officials continued to treat the government in Hanoi and its Vietnamese allies as distinct entities and implemented policies to address them both. The United States approach to normalization unfolded over three parts.

Part I occurred in the four years after the fall of Saigon, and was characterized by fluidity and contention. The situation in Indochina transformed dramatically as communist governments came to power in Vietnam, Laos, and Cambodia, and as the Third Indochina War erupted. Over the same years, the diaspora began, with nearly 1 million boat and land people crossing international borders between 1975 and 1979. In addition to these regional transformations, major geopolitical realignments also prompted US officials to approach events unfolding in Southeast Asia differently, as Washington reacted to the demise of détente with Moscow by recognizing

the government in Beijing in 1979 and escalating the Cold War confrontation with the Soviet Union.

In the years immediately following the fall of Saigon, US officials extended the economic embargo that had previously pertained to only North Vietnam to the entire country and refused to have formal diplomatic relations with the SRVN. Leaders in Hanoi were initially open to pursuing ties with the United States and other Western countries as they sought to implement a massive program of national reconstruction, including socialist transformation in the South, all while balancing relations with the two communist superpowers.[36] Washington made no concrete offers, however, as questions of culpability and intense mistrust between the White House and Capitol Hill made crafting the American approach to Vietnam in 1975 and 1976 especially fraught.

Jimmy Carter entered the White House with the intent to proceed quickly with normalization. Immediately after his inauguration, the United States made various goodwill gestures toward Hanoi which culminated in official normalization talks in May. During private talks in Paris, US diplomats offered multiple times to establish formal relations without preconditions and even suggested leaving the closed deliberations to publicly announce to the press their intention to normalize relations. Vietnamese officials refused these offers, however, because reconstruction aid from the defeated US government remained symbolically and economically important to Hanoi.[37] President Richard Nixon had promised billions of dollars in a classified letter, and when SRVN officials made the letter public in the spring of 1977, Congress passed a series of resolutions preventing the United States from giving Vietnam any aid whatsoever. The Paris talks therefore ended in stalemate. In the subsequent years, however, the negotiating position of each side changed drastically.

Conditions in Vietnam quickly became dire, thanks to a combination of economic and national security threats. Throughout 1977, Vietnamese endured widespread shortages of food and consumer goods, a prolonged drought, and a ballooning trade deficit as leaders in Hanoi attempted to facilitate national reconstruction in the absence of nonrefundable aid. Amid these economic challenges, Vietnamese leaders also sought to balance relations with Beijing and Moscow, a goal that became increasingly difficult as border clashes along the Vietnamese–Cambodian border careened toward war. By mid-1978 an

36 Kosal Path, *Vietnam's Strategic Thinking during the Third Indochina War* (Madison, WI, 2020), 27–8.

37 Tuong Vu, *Vietnam's Communist Revolution: The Power and Limits of Ideology* (New York, 2017), 220, 235.

already difficult situation became intolerable. Economic conditions worsened considerably and were exacerbated further when intense flooding hit that fall. Throughout the spring and summer, Hanoi sent clear signals that its negotiating position vis-à-vis the United States had changed, and during a meeting in September formally offered to resume relations without preconditions, thereby meeting the terms Washington had set forth the previous year. These overtures, however, were met with silence from US officials. Moscow was far more responsive. In June, after determining reconciliation with Beijing was impossible, Vietnamese leaders joined the Soviet-led Council for Mutual Economic Assistance (COMECON) and, in November, announced a strategic alliance with Moscow.[38]

US officials increasingly viewed these events through a Cold War lens. After a period of détente, US–Soviet relations deteriorated in the spring of 1978. Amid intense bureaucratic infighting, the Carter administration decided that simultaneous normalization with Vietnam and China was impossible, and that the United States would temporarily table negotiations with Vietnam and pursue official ties with China, which were formally announced in January 1979. Motivated by economic woes, escalating border clashes, deteriorating Sino-Vietnamese relations, and the looming threat of the US-supported Sino-Cambodian alliance, Hanoi launched an invasion of Cambodia on Christmas Day 1978.[39] Vietnamese troops reached Phnom Penh on January 7, ousting the genocidal Khmer Rouge in the process.

While the United States and Vietnam occupied oppositional stances on most geopolitical questions, refugee issues were one area where they collaborated. This was a harbinger of things to come. Both nations attended the 1979 Conference on Indochinese Refugees, where US and SRVN officials had private bilateral meetings and discussed facilitating family reunification, among other issues.

By the turn of 1980, then, the status of US and Vietnamese positions on normalization had shifted dramatically from a few years prior. In 1977, US officials insisted that the resumption of formal economic and diplomatic relations should commence immediately without preconditions. This did not happen, because Hanoi insisted that the United States was obligated to provide reconstruction aid. In the following years, Vietnamese officials dropped this requirement and pushed for an immediate resumption of economic and diplomatic relations without preconditions. US officials rejected this offer,

38 Path, *Vietnam's Strategic Thinking*, chapter 1.
39 Ibid., chapter 2.

stating that negotiations on the status of formal relations could only commence after Hanoi satisfied two requirements: withdrawing their troops from Cambodia and providing a "full accounting" of missing American servicemen. Although a long-standing part of US–Vietnam dialogue, the issue of US servicemen listed as POWs or missing in action (MIA) was at the forefront of US rhetoric and policy after 1975.[40]

US officials described migration programs and POW/MIA accounting collectively as "humanitarian" issues and argued they should be addressed prior to "political" questions. While humanitarianism has a long history in US foreign relations, in the case of US relations vis-à-vis Vietnam after 1975, American policymakers defined humanitarian in a very specific way that privileged causes that facilitated family reunification for members of the US and former South Vietnamese militaries over other concerns. While the issues that US officials labeled as humanitarian were inherently political, Washington infused even more significance by designating the resolution of humanitarian issues (to American satisfaction) as preconditions for the resumption of bilateral ties.

Part II of US–Vietnam normalization occurred in the 1980s. On the surface, bilateral relations between Washington and Hanoi appeared increasingly adversarial, especially for the first half of the decade, and formal normalization talks remained suspended until the early 1990s. Hanoi's close alliance with Moscow and the continued presence of Vietnamese troops in Cambodia set the two on a collision course in geopolitics. Within US domestic politics, the popularity of films like *Rambo: First Blood Part II* further elevated impossible expectations for POW/MIA accounting, and contributed to a larger dehumanization and erasure of Vietnamese peoples from popular narratives of the Vietnam War.

Despite these realities, however, US and Vietnamese officials met regularly to discuss what US policymakers called "humanitarian issues": migration programs and POW/MIA accounting. Frequent consultations and, eventually, collaboration and cooperation on these programs furthered the normalization process, despite US assertions to the contrary. By the end of Reagan's first term, the administration elevated the release and emigration of reeducation camp detainees, the resettlement of Amerasians, and the return or repatriation of POW/MIAs to be primary pillars of US policy vis-à-vis Vietnam. Groups like the Aurora Foundation, the National League of POW/MIA Families, and others added moral momentum and provided information to

40 Michael J. Allen, *Until the Last Man Comes Home: POWs, MIAs, and the Unending Vietnam War* (Chapel Hill, NC, 2009); H. Bruce Franklin, *M.I.A. or Mythmaking in America: How and Why Belief in Live POWs Has Possessed a Nation* (New Brunswick, NJ, 1993).

members of Congress, who increasingly worked collaboratively with NGOs to ensure the humanitarian causes received official backing.

Establishing emigration programs of Amerasians and reeducation camp detainees, and insisting on a full accounting of missing American servicemen, also aligned with the administration's worldview. Many argued the diaspora – that so many chose to risk their lives on the high seas – and the suffering of so many who remained in Vietnam substantiated Reagan's claim that the Vietnam War had been a "noble cause," a worthwhile fight against an evil adversary. Additionally, each of the concerns US officials earmarked as "humanitarian" involved, at least in theory, reunification for families separated by the Vietnam War. This imperative aligned with the long history of family reunification in US immigration law and with the Reagan administration's "family values" rhetoric. Efforts to secure the emigration of reeducation camp detainees and Amerasians and the repatriation of POW/MIAs all had another feature in common, however: they required SRVN cooperation.

As American officials elevated Amerasians, reeducation camp detainees, and POW/MIAs on the US agenda vis-à-vis Vietnam in 1983 and 1984, Hanoi's strategic thinking shifted considerably. After years of military confrontation with Cambodia and China, reformist leaders like Foreign Minister Nguyễn Cơ Thạch advocated for a reorientation of Vietnamese foreign policy from an emphasis on military confrontation to an embrace of economic reform. In December 1986, this shift became enshrined in official policy at the 6th Congress of the Communist Party of Vietnam (CPV), which announced Đổi mới (Renovation) as the official basis of Vietnamese foreign and economic policy. While this transformation was neither immediate nor universally supported among Vietnamese elites, the changes occurring in Moscow, with Mikhail Gorbachev's *glasnost* and *perestroika* policies, bolstered and accelerated the transformations occurring within Vietnam. Changes in the Soviet Union also created space for increasing compromise between Washington and Moscow. Gorbachev and Reagan met in a series of highly publicized summits, culminating with the signing of the Intermediate-Range Nuclear Forces Treaty in December 1987. As it became increasingly clear that globalization and economic interdependence were becoming the order of the day, Hanoi announced in May 1988 that it would withdraw half of its troops from Cambodia by the end of the year and remove all troops by 1990, a decision intended to end Vietnam's international isolation.[41]

41 David W. P. Elliott, *Changing Worlds: Vietnam's Transition from Cold War to Globalization* (Oxford, 2013), chapter 2.

Amid these changes, US–Vietnam collaboration on humanitarian issues accelerated in the second half of the 1980s. Washington and Hanoi negotiated an agreement in 1987 facilitating the emigration of Amerasians, and, among other provisions involving a high degree of compromise, the accord permitted US officials to be stationed in Hồ Chí Minh City to conduct exit interviews, as did nations with whom Vietnam had full diplomatic relations. In 1988 US and Vietnamese officials had the first bilateral meeting earmarked solely for the discussion of reeducation camp detainees. Despite the hostile and combative rhetoric that often accompanied US public comments about these cohorts, then, the work of negotiating and implementing policies to address them expanded the scope of US–Vietnam dialogue and helped create personal and bureaucratic ties between the two governments.

Phase III of the US approach to normalization developed over the decade after 1989. The reverberations of the fall of the Berlin Wall and the collapse of the Soviet Union upended many of the assumptions and relationships that had sustained the Cold War. This was especially true for leaders in Hanoi, as the dissolution of their international patron prompted profound changes to Vietnamese foreign policy. After years of tense negotiations, in the fall of 1991 a diplomatic settlement brought the Cambodian conflict to an end, and Hanoi normalized relations with China. In the following years, the SRVN joined ASEAN and established closer economic and diplomatic ties with Europe. This diversification of Vietnamese foreign policy included a willingness and even eagerness to resolve issues with the United States that would permit the flow of direly needed investment funds from international bodies like the World Bank and International Monetary Fund, which would not lend to Vietnam without US acquiescence.[42]

In this moment of increasing flexibility, the United States and Vietnam expanded their collaboration on both bilateral and multilateral migration accords. As the Vietnamese diaspora surged in the late 1980s, with nearly 100,000 reaching the shores of first asylum in the first half of 1989, the nations of first asylum pushed the UNHCR to create a new response to the ongoing exodus, which led to the creation of the CPA.

Among the CPA's many innovations was its support of repatriation or return to Vietnam. While repatriation had uneven support in Washington and Hanoi, especially early on, both governments eventually supported the measure. To ease concerns that eligible individuals had been wrongfully denied refugee status and a chance to resettle abroad, the United States and

42 Ibid., chapters 3 and 4.

Vietnam negotiated the ROVR in 1996, which gave screened-out individuals who were repatriated to Vietnam one final chance to apply for resettlement in the United States. To address the more immediate concern of the growing number of migrants in camps throughout Southeast Asia, US officials drew increased attention to reeducation camp detainees. Despite assurances otherwise, Hanoi largely prohibited this cohort from emigrating through the ODP, which meant that as tens of thousands of additional individuals were released in the second half of the 1980s, they had no means to emigrate from Vietnam other than by clandestine flight.

The emigration of former reeducation camp detainees was a key point of negotiation during this period. Because so many of the detainees were former members of the South Vietnamese military with close ties to the United States, Washington and Hanoi negotiated on a bilateral basis. The SRVN's request to meet with the FVPPA at the UN in March 1989 clearly demonstrated a key shift in the Vietnamese willingness to negotiate. Commitments undertaken during negotiations for the CPA only added more momentum. In July, plenipotentiaries signed the HO, which permitted those who had been detained for three years and who were "closely associated" with the United States to emigrate under the program. Detainees were permitted to travel with "close family members."

Conclusion

As the global, regional, and domestic contexts shifted after 1989, Washington and Hanoi made a series of visible symbolic and tangible steps toward normalization. In April 1991, US officials presented Vietnam with a written Roadmap to normal relations. The Roadmap contained four phases, with US and Vietnamese obligations for each phase that culminated in the resumption of full economic and diplomatic ties. The Roadmap was not a change in policy: it emphasized a resolution to the Cambodian conflict, POW/MIA accounting, and collaboration on migration issues, including the ODP and reeducation camp prisoners. The document did, however, signal a shift in tone. Although US officials still moved cautiously and had deep reservoirs of opposition among the US public to contend with, the question was increasingly becoming when, not if, the former foes would formally reconcile. In September 1990, US Secretary of State Baker and SRVN Foreign Minister Nguyễn Cơ Thạch met in New York City, marking the highest-level talks between the two nations since the early 1970s. The next year, as the conflict in Cambodia came to a close and Hanoi normalized relations with China,

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the SRVN permitted US officials to open an office in Hanoi to help facilitate POW/MIA accounting.

The most highly publicized steps toward normalization occurred in the mid-1990s. In February 1994, the United States lifted the embargo, and the two nations announced the resumption of formal diplomatic relations in July 1995. Although major milestones in the normalization process, full normalization was still elusive: it took until 2001 for Washington to award Hanoi most-favored-nation status, and regularizing military ties was a slower process still.

Normalization between Washington and Hanoi was a protracted process that unfolded over decades after 1975. Migration issues were at the center of the US approach to normalization, and negotiating and implementing migration programs furthered the normalization process, despite US assertions otherwise. State-level normalization occurred alongside, and was accelerated by, transnational efforts of individual Americans and Vietnamese. A nuanced understanding of the normalization process, including the centrality of refugee issues, is essential to understanding the complexities and many consequences of the Vietnam War.

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