

Humanitarian Issues, Human Rights, and Ongoing Normalization

On July 11, 1995, President William J. Clinton announced “the normalization of diplomatic relations with Vietnam.”¹ At the press conference, Clinton stood flanked on both sides by men he described as “distinguished veterans of the Vietnam War,” including Senators John McCain and John Kerry, Representative Douglas Brian “Pete” Peterson, and others. Although the legislators “had different judgments about the war which divided us so deeply” the president noted proudly that “today they are of a single mind,” unanimous in their support for the resumption of formal diplomatic relations.² While the members of Congress helped give Clinton political cover, their presence was more than symbolic: congressional activism, not only in 1995 but also in the two decades prior, played a definitive role in US-SRV normalization.

The rapid steps Washington and Hanoi took toward formal relations during the Clinton years are the most studied aspects of US-Vietnamese normalization. Scholars have detailed the United States’ decisions to permit international financial institutions to lend to Vietnam in July 1993, lift the embargo in February 1994, settle financial disputes from the Vietnam War in January 1995, establish formal diplomatic relations in July 1995, open an American embassy in Hanoi in May 1997, and award Vietnam most favored nation (MFN) status in December 2001. These economic and diplomatic advancements represented major milestones. At the same time, however, the issues US policy makers deemed humanitarian – refugee migration and POW/MIA accounting – continued to define the normalization process.

As the US government enhanced formal economic and diplomatic relations with Hanoi, American officials had to reckon with difficult

questions. Because US leaders framed humanitarian issues as preconditions that had to be satisfied prior to the resumption of formal ties, there was a strong impetus to bring the related programs to a close. This process was hotly contested, as the diverse actors involved in formulating and implementing humanitarian programs clashed about how to end policies that centered on profoundly emotional questions of moral obligation and family reunification. Curtailing humanitarian programs exposed significant divisions that had been lurking under the appearance of widespread, bipartisan support. While a strong consensus underwrote POW/MIA accounting, for example, varying definitions of full accounting led to sharp disputes.

Efforts to conclude the Comprehensive Plan of Action (CPA) and Humanitarian Operation (HO) also precipitated profound disagreements. Migration programs for South Vietnamese had, since the fall of Saigon, rested on assumption that the ties between the United States and RVN were exceptional. By 1995, however, twenty years had eclipsed since South Vietnam's collapse, which meant the RVN had been a memory for as long as it had existed (from 1955 to 1975). How long would American officials continue migration programs? To put it another way, how long did the United States' "profound moral obligation" to the South Vietnamese endure, and who got to decide? US officials offered contradictory answers. On the one hand, American policy makers limited US commitments by bringing migration opportunities for South Vietnamese in line with global standards and seeking to terminate the programs, changes that especially threatened the HO, which had only been negotiated in the summer of 1989. Continuing a policy shift that began under its Republican predecessor, moreover, the Clinton administration supported the CPA's controversial endorsement of repatriation for screened-out Vietnamese migrants who failed to obtain refugee status. While the CPA's practices – including individual screening for refugee status and an emphasis on repatriation over resettlement – were increasingly defining global and American norms, not all US officials supported the shift, especially as it pertained to the South Vietnamese.

Challenges to the HO and support for repatriation prompted severe protest from nonexecutive actors. Ultimately, after hard-fought battles, the US government (re)created exceptions for South Vietnamese migrants. The 1996 Resettlement Opportunities for Vietnamese Refugees (ROVR) gave screened-out migrants who were repatriated to Vietnam under the CPA one more chance to apply for resettlement in the United States.³ Later that same year, the McCain Amendment created loopholes to permit the

original, exceptional terms of the 1989 Humanitarian Operation to remain in effect even after Washington and Hanoi had resumed formal relations. Although Clinton's July 1995 press conference signaled an important and long-awaited change in US-Vietnamese ties, other aspects of the US approach to Vietnam remained intact.

As debates erupted in Washington over the best ways to conclude humanitarian programs, a larger spectrum of human rights concerns began to rise on the US-Vietnamese agenda. In the context of US-Vietnamese normalization, American policy makers used the phrase "humanitarian" to connote a very specific set of issues, including the resettlement of "boat people"; emigration through the ODP, especially for Amerasians and reeducation camp prisoners; and POW/MIA accounting. While distinctions between human rights and humanitarianism often dissolved in practice, US officials repeatedly employed this specific definition of "humanitarian issues." These concerns were expansive and involved a significant number of individuals: more than one million South Vietnamese and 2,500 Americans. Yet, at the same time, the US definition of humanitarian was also limited insofar as it prioritized American servicemen and those South Vietnamese with employment or familial ties to the United States deriving from the Vietnam War. During the 1990s, the US government began to formally expand its scope of interest to the human rights of all Vietnamese citizens, including those who had fought against American forces during the Vietnam War and the generation that had come of age in the decades since the US evacuation of Saigon.

US law mandated this new perspective. In many ways, things came full circle. The 1970s legislation that required foreign nations to meet human rights standards before they could receive aid from the United States – the same laws that demonstrated congressional human rights activism and helped catalyze the connection between human rights and refugees during the second half of the 1970s – were suddenly relevant to US-SRV relations, thanks to the imminent resumption of formal ties. The requirement that Hanoi meet human rights criteria prior to receiving coveted most favored nation status, for instance, ensured that broader concerns about the human rights of all SRV citizens became increasingly important. Ultimately, human rights issues mattered to US policy makers seeking official economic and diplomatic relations with Hanoi, but the issues American officials had long identified as humanitarian mattered more. American officials required Hanoi to address the concerns that centered on family reunification for American military families and the South

Vietnamese before it would resume formal relations, while the human rights of the entire Vietnamese population was a subject that would be pursued thereafter.

WINDING DOWN HUMANITARIAN POLICIES

Exactly one week before Clinton took the presidential oath of office, the Congressional Select Committee on POW/MIA Affairs issued its final report.⁴ The Senate voted unanimously to establish the committee in August 1991 in an attempt to provide definitive answers to those who believed that Hanoi continued to hold live Americans in captivity and remained suspicious about a US government cover-up. The Committee's Final Report, a sprawling 1,233-page document, is best known for a single line: "There is, at this time, no compelling evidence that proves that any American remains alive in captivity in Southeast Asia."⁵ Nearly twenty years and billions of dollars later, members of Congress arrived at the same conclusion their predecessors had in December 1975: "No Americans are still being held as prisoners in Indochina" and "a total accounting . . . is not now, and never will be, possible."⁶

The Report, however, did not dispel popular belief in the myth of live POWs. In his *Mythmaking in America*, also published in 1993, historian H. Bruce Franklin argued, "the POW myth . . . has all the intensity of a religion" in the United States.⁷ Public opinion polls taken in April 1993, revealed that 67 percent of respondents believed that there were Americans "still being held in Southeast Asia."⁸ Widespread belief in the existence of live American prisoners, despite all of the evidence to the contrary, led to emotional clashes not only in the public sphere but also in the halls of Congress. The Select Committee's deliberations got so heated that at one point "[Chuck] Grassley [R-IA] insulted McCain who responded by extending his middle finger at Grassley. He [McCain] then left the room saying they could write what they wanted – he didn't care anymore."⁹ While McCain eventually rejoined the deliberations, this exchange illustrates the high tensions that accompanied even official, closed discussions about POW/MIA accounting.

If the Final Report failed to persuade many Americans, it successfully challenged an unlikely target: the National League of POW/MIA Families. As Michael Allen explains, the Select Committee's investigation "exposed the MIA movement," especially the League "as more corrupt, divided, and exiguous than previously thought."¹⁰ Perhaps most damning of all was the realization that "the MIA lobby was surpassingly small . . . with

many politicians concluding that its bark was worse than its bite.”¹¹ Taken together, these revelations undercut much of the lobby’s political clout. The League remained intact and operational, and the POW myth still had many faithful adherents, but the once-mighty League suffered “a blow from which it never fully recovered.”¹²

While a humbling of the League added momentum to ongoing US-SRV normalization, so did continued expansion of preexisting collaborations. In early January 1993, Priscilla Clapp, the Senior Deputy Assistant Secretary of the Bureau of Refugee Programs, reported that during her team’s recent visit to Vietnam, the atmosphere was “generally cooperative” and SRV officials seemed “anxious to pursue FPP [former political prisoner] processing in an expeditious manner.”¹³ Clapp explained to Families of Vietnamese Political Prisoners Association (FVPPA) President Khuc Minh Tho that the Bureau of Refugee Programs would “continue to give top priority in processing the FPP caseload” and that she hoped to “increase the number of persons admitted in FPP cases this year to as many as 25,000.”¹⁴

The SRV continued to live up to Clapp’s favorable depiction. In mid-January, Hanoi agreed to provide Washington with “all of the HO lists,” – that is, the lists of all of the former detainees who SRV officials had already approved for exit permits through the 1989 Humanitarian Operation.¹⁵ This decision marked a notable policy reversal and demonstrated a desire move the HO forward. The new practice, moreover, permitted US policy makers to determine the order of resettlement if they so desired.¹⁶ With the knowledge of those who Hanoi had pre-approved for emigration, American officials could put those they deemed most worthy – usually those who had spent the longest time, often decades, in reeducation – at the top of American lists and secure their departure almost immediately. Throughout early 1993, the FVPPA worked to ensure that the 100 longest-held detainees received expeditious processing. The Association also maintained its close contact and cooperation with US officials and collaborated with other Vietnamese American organizations to welcome new arrivals and help ease their transition to life in the United States. In fiscal year 1992, 22,629 emigrated through the HO program, 17,646 through the Amerasian program, and an additional 23,294 through immigrant visas.¹⁷

As he swore the presidential oath of office, Clinton thus had reasons to be both enthusiastic and cautious about the scope and pace of US-Vietnamese relations. Cooperation between the two governments on migration programs for South Vietnamese and POW/MIA accounting

remained high, and the American domestic political environment continued to shift, albeit slowly and unevenly, toward a more favorable position on closer bilateral ties.¹⁸ A major impetus for this tilt was the business lobby. As Edwin Martini documents, “business interests were clearly overtaking the POW/MIA lobby as the primary source of testimony” at congressional hearings and also began to drown out POW/MIA inspired calls for caution in the popular press with equally exigent demands for access to Vietnamese consumers.¹⁹ That Vietnam might serve as a counterweight to China in the post-Cold War world also added geopolitical justification to these arguments.

While each of these factors added momentum to ongoing normalization, the policy proclivities and personal history of the new president did not. While none of Clinton’s post-1975 predecessors were Vietnam War veterans, accusations that the president enrolled in the Reserve Officer Training Corps (ROTC) to avoid wartime service in Vietnam and, once he was safe from the draft with a high lottery number, reneged on his pledge to join the ROTC meant that the Commander in Chief had to tread carefully.²⁰ Clinton, moreover, began his first term focused on domestic issues like the economy and health care. In comparison to Bush, historian George Herring notes, “the former governor of Arkansas was plainly less experienced with and informed on foreign policy issues.”²¹ In this context, the nonexecutive actors who had played such a robust role in the normalization process had ample room to continue to take the initiative.

Despite the change in administration, then, many familiar faces remained leading figures in US-SRV relations. Given Clinton’s larger tendency to gravitate toward the political center, often co-opting Republican policies for his own use, it is unsurprising that the president reappointed his Republican predecessors’ personal emissary to Vietnam, General John Vessey. Vessey made his first trip to the SRV as a Clinton administration representative just two months after the inauguration. Key members of Congress also remained fixtures in the normalization process. A congressional delegation led by Kerry, McCain, and Peterson, for instance, quickly followed on the heels of Vessey’s arrival.²² By the time legislators departed in May, Hanoi repatriated twenty-one American remains, and Washington and Hanoi continued to take small steps toward more formal ties. Another Roadmap requirement was fulfilled when UN-supervised elections took place in Cambodia in May.²³

As the governmental and human ties between the United States and Vietnam increased, the Clinton administration floundered. Thanks to “a series of unforced errors” – including the “Don’t Ask, Don’t Tell” policy,

which pleased no one and angered many, and the administration's handling of the standoff in Waco, Texas – Clinton's popularity had plummeted from 64 percent in February to 37 percent by May.²⁴ That summer, as debates in Congress about the US budget reached a crescendo, Clinton gave his first speech on US-Vietnamese relations.

In a July 2, 1993, address, the president made clear that he felt obliged to emphasize POW/MIA accounting over all other concerns. He had good reasons for taking this approach. Pete Peterson, a former POW, US Congressman, and the man who became the first US Ambassador to the SRV, described the domestic political scene in the early and mid-1990s as "very difficult."²⁵ "At the time, the American public was profoundly against the idea [of normalization]," he explained, recalling "a feeling within America that nobody wanted to do anything positive related to Vietnam." The general mood, he remembered, "was not 'no' but 'hell no' are we going to have anything to do with Vietnam."²⁶ As a *Boston Globe* article reported just days before Clinton's July 1995 press conference, "Vietnam is not a dry issue of dollars and cents. The war . . . has never been fully resolved in many Americans' hearts."²⁷ Even though US-Vietnamese relations had thawed considerably during the second half of the 1980s, US policy makers still had to contend with an often openly hostile or, at least, deeply ambivalent current of emotion running through broad swaths of the American public. Moving on from the war was a nonlinear process that involved not only overcoming very real and challenging wartime legacies but also confronting deeply held beliefs, like the POW myth, that had little basis in reality.

In this context, Clinton was sure to belabor his commitment to POW/MIA accounting. Charges of wrongdoing had long plagued the US government, and Clinton began his speech by announcing "all US Government POW/MIA related documents to be declassified by Veterans Day of this year, except for that tiny fraction that could still affect our national security or invade the privacy of the families."²⁸ Declassification took away one of the conspiracy theorists' most powerful weapons: claims that US officials hid the truth of live POWs behind the smokescreen of classification. By giving POW/MIA families access to documents that would have otherwise remained unavailable for decades, the president attempted to foster trust and mend the relationship that had soured considerably by the early 1990s. Although some Americans continued to believe the POW myth no matter what the government did, Clinton's actions gave the "Rambo faction" in Congress and the American public less credible ground on which to stand.

To add weight to his first good-faith initiative, Clinton revealed that he planned to send a high-level POW/MIA delegation to the SRV (in addition to the Vessey visit) “to press for further progress and send a clear message to the Vietnamese government.”²⁹ Given that the SRV had long been receiving this message, it is likely that Clinton’s primary audience was the American people. The delegation included a variety of government officials and representatives from the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans. While Clinton invited the League to send a representative, it ultimately declined.³⁰ Although previous administrations had remained sensitive to veterans groups, Clinton’s inclusion of multiple veterans’ organizations added legitimacy to his decisions and demonstrated that the US government would no longer award the League such a privileged place in policy-making circles. That the League ultimately declined the invitation is also a testament to the extent to which relations between the White House and the League had deteriorated by the early 1990s.

Clinton’s July 2nd speech, however, is noteworthy both for what the president said and omitted. Although he belabored his commitment to full accounting, Clinton did not once mention the possibility of the return of live American POWs. For the first time since 1983, the official American definition of “tangible progress” necessary for “any further steps in relations between our two nations” did not include the return of live American prisoners.³¹ While he carried on the American practice of requiring Hanoi to make herculean and unprecedented efforts to account for missing American servicemen, Clinton also broke from previous policy by making demands that SRV could satisfy.

The final part of Clinton’s address had the greatest immediate impact. Overturning years of policy, the president announced that he “decided to end our opposition to the efforts of other nations to clear Vietnam’s arrears in the IMF [International Monetary Fund].”³² This decision had major financial consequences. Hanoi reported that it received \$500 million in foreign assistance in 1993, “up from an average of \$100 million during the late 1980s and early 1990s.”³³ At the fall 1993 IMF meeting, the SRV “received aid pledges of nearly \$2 billion.”³⁴

That Clinton could make such a move after the self-inflicted stumbles of early 1993 and, in spite of intense POW/MIA fervor, illustrates the power of nonexecutive, especially congressional, advocacy. “I believe, as do former POWs John McCain and Douglas ‘Pete’ Peterson and other veterans such as John Kerry and others in Congress,” Clinton explained during his July 2nd speech, “that such action will best serve the goal of

achieving further progress toward the fullest possible accounting.”³⁵ If the president’s name-dropping did not make the point clearly enough, the same day as his announcement, a group of twenty “Vietnam-era veterans in Congress” published a letter imploring Clinton to drop US opposition to IMF loans in order to send “a strong signal that the United States recognizes Vietnam’s efforts” and urge them to continue their cooperation.³⁶ Senators Kerry and McCain, and Congressmen Wayne T. Gilchrest (R-MD), Lee Hamilton (D-IN), and Peterson, also issued separate press releases supporting Clinton’s decision.³⁷

After years of influencing the pace and scope of US-Vietnamese normalization, legislators, especially veterans, continued to use the political capital their service conferred to take public positions supporting closer US-SRV ties. The dramatic turnaround in Americans’ confidence in their military and the esteem with which they viewed veterans is also vividly apparent in the administration’s approach to normalization. In the mid-1970s, Clinton’s history of protesting the war and avoiding service would likely have evoked a great deal of sympathy from broad swaths of the American public. By the mid-1990s, those actions were liabilities, and the president repeatedly pointed to the advice and support he received from veterans in Congress to bolster and defend his policies.

This is not to say that Congress was of a single mind on every facet of US-SRV normalization. It had never been. While the importance of POW/MIA accounting went virtually unquestioned, by the late 1980s and early 1990s, fissures erupted on Capitol Hill and throughout the US more broadly about what “full accounting” meant. These schisms are obvious in the congressional mail the White House received throughout the spring and early summer of 1993. While nearly every letter Clinton received from his congressional colleagues noted the importance of full accounting, some suggested that closer US-SRV ties would lead to greater success in this area, while others argued that any deepening of economic or political relations prior to accounting for every last American listed as POW/MIA abdicated of governmental responsibility to military families.³⁸

In this context, members of Congress, especially Vietnam War veterans, intentionally acted as the vanguards of the administration’s policy. As Peterson explained, “there weren’t many of us within Congress that were positively inclined” toward normalization, “but over time, and after about three visits to Vietnam by members of the House and of the Senate we ended up with a cadre, if you will, of individuals from Congress with like mind and we essentially began pressuring the State Department but really directly pressuring President Clinton into moving toward

reconciliation.”³⁹ While Peterson, who joined Congress in 1990, underestimated the extent to which legislators had already been exercising leadership roles in dictating the scope and pace of US-SRV ties in the previous decade, his insight highlights the formidable political obstacles that stood as a barrier to formal relations. The intense partisan atmosphere of the mid-1990s, as Americans and their representatives in Congress clashed over the “culture wars,” certainly made any forward progress on an already sensitive issue incredibly difficult.

In July 1993, Clinton’s delegation arrived in Vietnam, without a League representative. SRV officials thanked the president for demonstrating “goodwill” by consenting to an infusion of IMF funds and presented US officials with a large cache of archival material. While the delegation discussed POW/MIA issues extensively, it also visited an Amerasian Transit Center and established a rehabilitation center in southern Vietnam to treat former reeducation camp prisoners still suffering from war-related maladies.⁴⁰ As the agenda of this brief visit makes clear, US policy makers continued to require that Hanoi address the concerns American officials deemed humanitarian. By the early and mid-1990s, the United States and SRV were collaborating closely on all of these issues, thereby normalizing their relations.

Hanoi also permitted the United States to establish a State Department office on Vietnamese soil that would “assist American families in obtaining the appropriate travel documents to go to Vietnam to search for their relatives.”⁴¹ When announcing this new office, Assistant Secretary of State Winston Lord insisted, “We are *not* opening a diplomatic mission in Hanoi. We are *not* establishing a US interest section there. What we *are* doing is strengthening our efforts to try to find the answers for the families of our missing men.”⁴² Truth be told, the POW/MIA office was only the most recent American post in the SRV to address humanitarian issues. Since 1987, American officials had been stationed in Ho Chi Minh City to help facilitate ODP processing. Phyllis Oakley, the Assistant Secretary of State of the Bureau of Population, Refugees, and Migration, characterized the office as “very much like a consular section.”⁴³ Although not an embassy, a consular office – usually located outside of the capital city where one finds formal embassies – provides services to individuals and businesses and still functions as a formal diplomatic office. Oakley, a former Foreign Service Officer whose husband, Robert Oakley, met with SRV leaders in December 1978 in New York City, certainly made this comparison from a well-informed position.⁴⁴

On the one hand, semantics were important. The United States remained unwilling to call these offices embassies or consular offices

throughout the late 1980s and early 1990s, reflecting a larger American reluctance to publicly proclaim it accepted the SRV as a member of the community of nations. On the other hand, functionality remained, in other ways, equally as important. As Oakley observed, the existence of the refugee office and US-Vietnamese cooperation on migration issues reflected that Washington and Hanoi “could work things out and have orderly processes.”⁴⁵ In other words, the two sides increasingly functioned as though they had official diplomatic relations, even in the absence of those formal ties. The creation of an additional office for POW/MIA families in 1993 only added to this trend.

Clinton's response to his mandatory review of the Trading with the Enemy Act (TWEA) in September 1993 illustrates these larger tensions between legal classifications and *de facto* realities. TWEA was the legislation that perpetuated the US embargo on Vietnam and a handful of other nations. In the fall of 1993, Clinton extended TWEA restrictions on Cuba, North Korea, Cambodia, and Vietnam.⁴⁶ His presidential determination, however, made clear distinctions between the “enemy” nations. Clinton castigated Cuba and North Korea but took a much more conciliatory tone with the SRV. While the president extended the US embargo for another year to make clear “that more needs to be done” to achieve POW/MIA accounting, Clinton softened this decision by announcing “an adjustment relating to international financial institution [IFI] lending.”⁴⁷ The decision also allowed US businesses to “participate in development projects in Vietnam” underwritten with IFI funding.⁴⁸ The president went another step further in November when he announced that US companies could sign contracts in anticipation of “such time as the Vietnam embargo is modified to permit such transactions,” a move that drew praise from many of the nation's leading corporations.⁴⁹ While Clinton extended the embargo, then, he did so while simultaneously sending clear signals that the question was *when*, not *if*, his administration would ultimately remove the sanctions. As had been the case with the president's July 2nd speech, the White House received a series of letters from legislators both supporting and condemning these decisions.⁵⁰

HUMAN RIGHTS ADVOCACY AND THE RESUMPTION OF FORMAL TALKS

As the resumption of formal relations between Washington and Hanoi appeared imminent, human rights became an important, though secondary, topic of bilateral conversation. When Lord made another trip to

Vietnam in December 1993, for instance, he signed a US-Vietnamese agreement to begin bilateral discussions on human rights, which Washington and Hanoi formally announced on January 11, 1994.⁵¹ While US and SRV officials had been meeting for years to discuss what American policy makers termed humanitarian issues, the new agreement marked an important change by signaling Hanoi's willingness to discuss the full spectrum of human rights conditions in Vietnam.

Although the January 1994 announcement marked the beginning of formal human rights talks, US and Vietnamese officials had been having quiet discussions on the topic for the previous few years.⁵² Domestic and international criticism of Hanoi's human rights policies (or, according to most observers, lack thereof) spurred these discussions, a trend that only increased after 1994. The case of Dr. Nguyen Dan Que, a fifty-one-year-old human rights activist who Amnesty International adopted as a prisoner of conscience, for example, drew international attention throughout the early 1990s, especially among the United States' Virginia-area Vietnamese community, where Dr. Que's family lived.⁵³ Dr. Que, who won the Robert F. Kennedy Human Rights Award in 1995, enjoyed enough notoriety to make his individual case a repeated, if minor, topic amid increased bilateral discussions.⁵⁴ Hanoi's harsh treatment of the Unified Buddhist Church, which refused to obey a government order to disband, also made international headlines and drew repeated attention from US officials throughout Clinton's first term.⁵⁵

The State Department's "Vietnam Human Rights Practices, 1993" report offered some cautious praise, but mostly condemned Hanoi. The Report noted that the SRV adopted "a new constitution in 1992 that provides for the rule of law and respect for human rights" but that, in practice, "the Government continued to restrict individual rights on national security and other grounds."⁵⁶ Two bright spots in an overall pessimistic report included Hanoi's compliance with multilateral migration programs: the ODP and CPA. Human rights issues certainly mattered to US policy makers seeking official economic and diplomatic relations with Hanoi, but the issues American officials had long identified as humanitarian mattered more. While administration officials often mentioned the importance of human rights, US statements and actions reflected the assumption that resuming formal ties would help address human rights issues, while humanitarian issues served as preconditions.

The approach of major human rights organizations like Asia Watch added legitimacy to American policy. In August of 1993, for example, Asia Watch published a report entitled "Human Rights in US-Vietnam

Relations.”⁵⁷ “Although Vietnam’s human rights problems . . . are serious, Asia Watch is convinced that at least some sectors of the government are genuinely committed to making progress,” the report noted after spending nine pages detailing those “serious” problems.⁵⁸ “Asia Watch takes no position on normalization or the trade embargo,” the report continued, but the organization “would favor linking most favored nation status for Vietnam to specific progress on human rights, should the problems we have discussed today persist.”⁵⁹ This approach already had strong support in the US government, including the 1974 Jackson-Vanik Amendment, which required foreign nations to meet freedom of migration and human rights standards before receiving most favored nation status. Major human rights organizations thus bolstered the administration’s position that while important, human rights conditions need not be considered a precondition for official ties. This policy aligned with the administration’s larger approach, as US-Chinese relations and US unwillingness to label the events in Rwanda as genocide all highlighted the limits of the administration’s commitment to human rights.⁶⁰

With regard to US-Vietnamese relations, American policy makers emphasized humanitarian programs. For example, in January 1994, General John Vessey published a written statement on US policy toward Vietnam. “In the past six years, Vietnam has made huge leaps in the direction we wanted them to go, many of them moves that we in Washington thought would never be made,” Vessey began.⁶¹ As had been the case since the second half of the Carter administration, the General discussed SRV cooperation on migration programs and POW/MIA accounting together, enumerating the many compromises and agreements that they had reached in the previous decade, as evidence of positive steps toward normalization. “Lifting the trade embargo and moving forward in relations,” Vessey concluded, “is not rewarding a heinous communist regime for past crimes” but responding to years of cooperation on humanitarian concerns.⁶²

The Senate and a growing number of Americans agreed with Vessey. The results of a January 1994 poll “revealed that a small plurality of those questioned favored lifting the embargo (46 percent in favor versus 40 against)” while “56 percent believed that Americans were still being held prisoner in Southeast Asia.”⁶³ In other words, the American people were still buying what Hollywood and the League had been selling for years, even if US officials were not. For this reason, emphasis on POW/MIA accounting and support from veterans in Congress remained essential for Clinton to enhance US-Vietnamese ties.

On January 27, McCain and Kerry introduced a resolution calling on Clinton to lift the embargo. Other senators immediately rose to challenge their resolution, including Bob Smith and Bob Dole, who offered a counter amendment that would make “the lifting of sanctions on the Socialist Republic of Vietnam contingent upon a resolution of all cases or reports of unaccounted for United States personnel lost or captured during the war in Vietnam.”⁶⁴ While the fact that Dole was gearing up for a presidential run against Clinton likely influenced his decision to co-offer this amendment, it was also consistent with his long history of close collaboration with the League. The McCain-Kerry Amendment, which opponents lambasted as “an abrogation of our promises to the POW/MIA families,” passed by a vote of 62–38.⁶⁵ Although POW/MIA advocates in Congress, the League, and the American public remained vocal, they were also a minority.⁶⁶

One week later, on February 3, 1994, Clinton announced the end of the embargo. This decision, which Clinton framed as “the best way to resolve the fate of those who remain missing,” also involved the creation of another US office in Vietnam, “a liaison office,” which would “provide services for Americans there and help us to pursue a human rights dialogue with the Vietnamese government.”⁶⁷ By 1993, then, the United States had three permanent offices in Vietnam, despite the lack of formal diplomatic relations. As they had done in July of 1993 with the IMF decision, numerous veterans in Congress published press releases supporting the president’s decision.⁶⁸ This time, Vietnam-era commanders outside of Congress like General William Westmoreland joined the legislators in voicing their support.⁶⁹ The administration included all of these statements and letters in the information packets it provided to the press.

As US-Vietnamese normalization proceeded, legislators like McCain and US newspapers began to award increased attention to human rights issues in Vietnam.⁷⁰ Statements by SRV officials revealed that Hanoi was willing to entertain such discussions “with the goal of broadening their relationship” but also remained suspicious of US efforts to impose “its way of living and thinking on other nations.”⁷¹ This tension persisted for the rest of the 1990s.

REFUGEE CONCERNS AND NORMALIZATION

The resumption of formal economic relations, and the broader changes in the status of formal US-SRV ties that they portended, impacted preexisting migration programs for South Vietnamese in important ways.

Thereafter, the US government began transitioning the policies that facilitated emigration from Vietnam to conform to global standards and looked to curtail the programs. In April, for example, the State Department reported that the most recent list of Hanoi-approved individuals for departures, HO-44, and those previously filed, would be “the final lists” under the HO program and US officials began taking steps to “ensure a smooth conclusion to this humanitarian program.”⁷² This standardization shifted some of the financial burdens from the US government to Vietnamese applicants in mid-1994 but did not otherwise substantially alter the program.⁷³

This status quo changed dramatically in December. Theresa L. Rusch, the Migration Director of the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM), wrote Tho to inform her that after February 1, 1995, “only spouses and unmarried children who have not yet attained the age of twenty-one,” would be eligible for emigration; “Children over twenty-one,” she clarified, “will no longer be eligible.”⁷⁴ In addition to citing high incidence of fraud, which plagued both the Amerasian and reeducation programs, Rush explained the policy revision was a “continuation of US Government efforts to bring ODP processing more into line with worldwide refugee and immigrant visa processing standards.”⁷⁵ After being exceptional for so long, US-Vietnamese relations were becoming routine.

If eliminating eligibility for children of reeducation camp prisoners over twenty-one seemed intuitive to US policy makers, it was a bombshell for the FVPPA. The Association immediately wrote to its contacts in the State Department to challenge the decision, which Tho described as “a shock and cause for dismay.”⁷⁶ She requested “a review and revision of this new rule” and to “be given the opportunity to comment” before its implementation.⁷⁷

The FVPPA did not remain content to challenge the new decision within the State Department. The Association also reached out to friends in high places on the National Security Council and in Congress. Tho wrote to Eric Schwartz, the Director of Human Rights, Refugees, and Humanitarian Affairs on the NSC, and to McCain, both longtime FVPPA supporters. In nearly identical letters, the FVPPA lambasted the change, which Tho characterized as “arbitrary, illogical, unfair and contrary to the spirit of the admissions program for former political prisoners as administered since 1989.”⁷⁸ “What is the logic of excluding this group, at this stage when most of the children from the Vietnam era of the former political prisoners are over 21 years of age?” Tho lamented, “What is the

fairness in disadvantaging those families who have waited for their turn in the processing queue?”⁷⁹

Tho also rejected the State Department’s claims that the change only temporarily delayed, rather than permanently prohibited, children over twenty-one years of age from joining their parents in the United States. “Ms. Rusch also states that sons and daughters can wait for their fathers to file second preference petitions after they resettle,” Tho explained to McCain. “However, the resettled refugee cannot file a petition until after one year and then the son or daughter faces another 3–4 years of waiting until the second preference petition is current. I think further consideration will reveal that this is not a reasonable alternative.”⁸⁰ After noting that the original provisions of the Amerasian program stood throughout the program’s existence, despite the high existence of fraud, Tho argued that family reunification for the South Vietnamese people and postwar reconciliation were linked phenomena. As she put it, “If we are truly committed to moving forward with the healing process brought about because of senseless war that caused so much death, suffering and sadness, then we should be moving towards uniting those who have suffered the hardships and loss of their families and loved ones.”⁸¹ This was precisely the position that US policy makers had adopted in the preceding decade.

Both Schwartz and McCain used their positions of power to help the FVPPA challenge the policy revision. McCain wrote the head of the PRM Bureau three days after receiving Tho’s letter and noted, “Mrs. Tho raises some very important questions. . . . I would appreciate your responses.”⁸² Schwartz met with FVPPA leaders to personally hear the Association’s concerns and facilitated a meeting between the FVPPA and Phyllis Coven, Director of the Office of International Affairs at the Immigration and Naturalization Service (INS).⁸³ Coven offered “the possibility that exceptions could be made for hardship cases” but informed Tho that the decision “was not reversible.”⁸⁴ The FVPPA refused to give up, but the outlook remained bleak in early 1995.

Although the over twenty-one issue frustrated the FVPPA, the genesis of the policy change, bringing US-Vietnamese relations in line with international – that is, “normal” – relations, continued. While the end of the embargo mattered, it did not unilaterally remove all barriers to US-Vietnamese trade. Although there were many remaining legal obstacles, unresolved claims stemming from the Vietnam War constituted one of the most pressing problems.⁸⁵ On the one hand, the United States froze Vietnamese assets worth approximately \$70 million in 1975, and by the early 1990s, they had appreciated to a value of \$290 million.⁸⁶

Washington, on the other hand, argued that Hanoi assumed responsibility for the \$150 million in unpaid loans that South Vietnam had owed private Americans in 1975 and the additional \$220 million the South Vietnamese government owed to American companies.⁸⁷ Given the appreciation of these debts, Washington argued that “it was *owed* tens, if not hundreds, of millions of dollars.”⁸⁸ Despite Nixon’s 1973 secret promise to pay Hanoi “\$2.5 billion of grant aid over five years,” the actual postwar transfer of funds ran the other direction.⁸⁹ On January 28, 1995, the US and SRV signed an agreement whereby Hanoi agreed to pay over \$208 million to US nationals (and the South Vietnamese debts owed to the US were dealt with separately in a 1997 agreement).⁹⁰

In more ways than one, then, the United States continued to fight the Vietnam War through non-military means. The fact that US officials demanded and won, from the position of military defeat, \$208 million in post-war concessions without paying anything to the military victor is unheard of in the history of modern warfare. That the United States also made unprecedented demands on Hanoi to assist with accounting for missing Americans, even as hundreds of thousands of Vietnamese remained unaccounted for, vividly illustrating the extent to which the hubris and hostility that characterized the war’s military phase persisted thereafter. It is thus easy to see why Martini terms the years from 1975 to 2000 “the American war on Vietnam.”⁹¹

Incorporating the South Vietnamese people and the reverberations of the US-RVN alliance both supports and complicates this picture. Some US policy makers – though by the early 1990s a vocal minority – used South Vietnamese migration programs and POW/MIA accounting to perpetuate conflicts with Hanoi by framing the issues as instances of American beneficence and SRV oppression. Regarding the South Vietnamese as having exceptional ties to the United States – while recognizing historical realities – also perpetuated wartime divisions and implicitly cast other Vietnamese as enemies. Conversely, other US officials argued that implementing migration programs and cooperating with Hanoi paved the way forward for a new relationship between the two former adversaries. Despite these varying motivations, in practice, negotiating and implementing humanitarian programs became one of the primary means through which American policy makers moved on from the nation’s most divisive war of the twentieth century.

The contradictory meanings different US officials ascribed to migration programs are clearly visible in a debate that erupted over the Comprehensive Plan of Action (CPA). By 1995, approximately 31,000

migrants received refugee status and resettled abroad, while 72,000 screened-out migrants voluntarily returned to the SRV.⁹² The only groups remaining before the CPA could officially terminate were just over 20,000 screened-out migrants who remained in camps throughout ASEAN countries and another 20,000 in Hong Kong.⁹³

In March, the Steering Committee, the body in charge of monitoring the CPA's implementation, met to discuss the program's final phase in Geneva. Charles Sykes, the Deputy Assistant Secretary for the PRM Bureau, headed the US delegation. Reiterating the commitment that the previous administration had made five years prior, Skyes made clear that the United States' understanding of a "just and humane conclusion" to the CPA included forced repatriation, if necessary.⁹⁴ While he emphasized the United States' commitment to "voluntary return," Skyes also acknowledged "those who are not refugees should return to Vietnam and can no longer retain the false hope of resettlement directly from the camps to the United States or elsewhere."⁹⁵

This announcement reflected a broader reorientation of US refugee policy in the mid-1990s. Amid larger conversations about how to craft a refugee policy for a post-Cold War world and growing domestic discontent with high refugee admissions, US practice shifted from an emphasis on resettlement to favoring economic contributions to the UNHCR and repatriation when possible. Because the United States had resettled so many refugees in the previous decades, Garcia reports that "the Bush and Clinton administrations often clashed with the UNHCR over the US refugee resettlement program, specifically the American commitment to the UN principle of *nonrefoulement*."⁹⁶ The transition in US policy in favor of repatriation also reflected a larger effort to bring "humanitarian" programs to an end and achieve formal economic and diplomatic relations with Hanoi. Opposition to repatriation was based on the assumption that the lack of basic human rights protections in the SRV was severe enough to remove return to Vietnam as a viable, legal alternative to resettlement. As US-Vietnamese cooperation increased and the two moved closer to formal relations, however, many US officials in the State Department and Congress abandoned their previous harsh rhetoric toward the SRV and instead adopted a much more reconciliatory tone.

The evolution from favoring resettlement to supporting repatriation, however, was neither universal nor uniform. Just as the FVPPA vociferously opposed the change regarding unmarried children over twenty-one years old, many American officials, especially members of Congress, refused to support Skyes' announcement that the United States would

abide by the forced repatriation component of the CPA.⁹⁷ Reports that screening officers denied deserving individuals refugee status only exacerbated clashes about larger policy principles.⁹⁸ Even though CPA member nations agreed to the target date of June 1995 to end the program, US domestic politics postponed the program's termination for over a year.⁹⁹ The month before the CPA was set to end, the program faltered because US legislators publicly expressed reservations about endorsing forced repatriation.¹⁰⁰ US qualms became increasingly pronounced throughout May, which encouraged screened-out refugees to refuse to accept "voluntary" repatriation in hopes that a new resettlement program might materialize. As the *South China Morning Post*, an English-language newspaper based in Hong Kong, put it, "a radical move in the United States Congress could hijack the international plan on the Vietnamese boat people."¹⁰¹ This is precisely what happened.

On May 24, 1995, a raucous debate erupted in the House. The immediate reason for the passionate clashes were two competing amendments to an appropriations bill offered by Congressmen Christopher Smith (R-NJ), on the one hand, and Doug Bereuter (R-NE), Lamar Smith (R-TX), and Dave Obey (D-WI), on the other. While the former "called for all screened-out Vietnamese boat people to be allowed another chance to make their case for refugee status and resettlement in the United States," the latter called for the US to comply with the CPA's original terms.¹⁰² The subsequent debate, however, was about far more than these two amendments. The previous November, Republicans had taken control of the House and Senate, ensuring that partisanship would play a significant role. With the embargo lifted and the resumption of diplomatic relations imminent, moreover, the clashes that erupted also reflected much larger disagreements about how to bring humanitarian programs to a close, to writing what McCain and Bush had described as the Vietnam War's "final" or "last" chapter.¹⁰³

That the war remained in some ways ongoing is evident in congressional deliberations. "It is a matter of honor," Henry Hyde (R-IL) argued, "they worked for us, they fought with us. . . . We are not asking that they be repatriated [*sic*] to America. We are asking only that they not be forcibly returned to the places from which they fled."¹⁰⁴ The use of wartime rhetoric ran both ways, however. When arguing that the United States must see the CPA through to its completion, Congressmen Bereuter noted that "at least 12,000" of the screened out refugees were "North Vietnamese" who, using the logic of wartime military alliances, ostensibly had no claim to American assistance.¹⁰⁵

Still others suggested obligations stemming from the Vietnam War had expired. "Yes, we should help these people in the camps. We should look out for them. They did stand with us," Bill Roth (R-DE) conceded. "But the war was 20 years ago. How many more are we going to bring into this country? Yes, we would like to bring everybody into America, but that is not possible."¹⁰⁶ As Jim Moran (D-VA) argued, many policy makers were still "looking upon Vietnam with the blinders of the past."¹⁰⁷ Efforts to continue to use migration policies to perpetuate old hostilities, he argued, are vested "too much in the past and past bigotries" and failed to acknowledge "the enormous progress that has been made in the last few years."¹⁰⁸

While the Vietnam War cast an obvious shadow over congressional debates about the CPA, 1995 realities were also important. As Congressmen Obey argued, it would be unwise for the United States to abrogate "an international agreement which was made . . . with 78 other countries," as such a move was sure to create tension between the United States, its ASEAN allies, and the broader international community.¹⁰⁹ The fact that the SRV signed the CPA also influenced congressional thinking. "By continuing our agreement," Donald Payne (D-NJ) argued, "we encourage additional cooperation with Vietnam which will lead to increased cooperation on the POW issue" and also take a step toward the effort to "complete the normalization of relationships between our two countries."¹¹⁰

Both those who opposed and supported the CPA used concern for the lives of screened-out Vietnamese to support their disparate positions. CPA supporters argued that abandoning the agreement would create "false expectations" and make "shambles of what an orderly refugee process is supposed to be."¹¹¹ This step, Obey suggested, would create "an artificial incentive" for screened-out refugees to refuse voluntary repatriation and might also encourage additional migrants to flee Vietnam in hopes of getting a coveted resettlement slot.¹¹² Because the international community had promised ASEAN nations for years that they would not be required to permanently resettle screened-out refugees, it was safe to assume that first asylum nations would take matters into their own hands and force the migrants out. As Congressmen Bereuter argued, "the bloodshed, the tragedies that will result from this reversal of policy are just going to be extraordinary" and "the blood is going to be on our hands."¹¹³

CPA opponents agreed there would be bloodshed on American hands, but gave a different justification. Those against forced repatriation argued that human rights conditions in Vietnam remained dire enough to both qualify the migrants for refugee status and to eliminate forced repatriation

as an alternative to resettlement. Dan Burton (R-IN), for example, argued “if there is any doubt about these people being sent back to possible death, or worse, at the hands of the Vietnamese Communists, then we should err on the side of safety. That is the reasonable and humanitarian thing to do.”¹¹⁴ “I do not enjoy calling people like our State Department or the UNHCR liars,” Steve Gunderson (R-WI) said much less diplomatically, “but let us not kid ourselves,” forced repatriation, especially for those with ties to South Vietnam or the United States, would lead to “torture and in many cases eventual death.”¹¹⁵ Although the White House disputed this characterization, it was cognizant about reports of excessive force to implement repatriation, especially in Hong Kong, and emphasized the importance of “safety and dignity” in repatriation policies.¹¹⁶

Ultimately, the Smith Amendment to provide migrants with another opportunity to acquire refugee status passed in the House with 266 ayes, 156 noes, and 12 abstentions.¹¹⁷ The same day as the vote, riots erupted in camps in Hong Kong when officials arrived to forcibly repatriate screened-out migrants and UN officials blamed Congress for fanning the flames of unrealistic expectations for resettlement.¹¹⁸ While there was never any doubt that Clinton would veto the bill if it arrived on his desk, it was clear by late June that the measure would fail in the Senate.¹¹⁹ Nevertheless, this episode provides clear evidence of the influence Congress could wield in the larger US-SRV normalization process and in debates about international refugee norms. That US domestic legislation, even a bill that failed to become law, was enough to raise hopes halfway around the world and frustrate international efforts to implement a multilateral agreement illustrated that even though Congress could never dictate US policy, it certainly exercised an influential voice.

The tense, multilayered debate over the end of the CPA served as a microcosm for debates about US-Vietnamese relations. While more and more policy makers supported official ties, a vocal minority opposed reconciliation. It is difficult to ascertain whether these legislators’ opposition was born of conviction or political opportunism, although the two were by no means mutually exclusive. The fact that the United States stood on the eve of an election year almost inevitably amplified Republican criticisms, although the battle lines did not align perfectly with party allegiances. While divisions about the Vietnam War and POW/MIA rhetoric still resonated deeply with the American people, by 1995 an entire generation of Americans and Vietnamese Americans had come of age that possessed no living memory of the war. Geopolitical changes, collaboration between key legislators and the Clinton

administration, and years of US-Vietnamese cooperation on what US officials called humanitarian issues had decisively weakened the forces that opposed official diplomatic recognition.

OFFICIAL DIPLOMATIC RELATIONS AND CONTINUED NORMALIZATION

While the House almost derailed the CPA and succeeded in delaying the program, other US policy makers took great pains to ensure that the recent progress on US-Vietnamese normalization continued. As the fight over the CPA made clear, it was not an easy task. Throughout the first half of 1995, Vietnam War veterans in the Senate made increasingly explicit and public calls for normalization. Kerry argued in late June 1995, for instance, that continued US refusal to extend full diplomatic recognition to the SRV would be “crazy.”¹²⁰ “Surely,” he insisted, “we can take this country, 60 percent of whose people were born after the war, and treat it like a country and not a war.”¹²¹ McCain, whose status as a former POW let him speak on the issue in a way that few others could, argued: “We should remember that there were 8,000 missing in action in Korea, 78,000 in World War II. One of the very terrible casualties of war is that a lot of people are not always fully accounted for.”¹²² “We are down to a very small number,” McCain noted of Vietnam War POW/MIAs. “There is only a limited amount of additional work we can do in this area.”¹²³ The White House also received private letters from Vietnam veterans in Congress, like Pete Peterson, encouraging the president to pursue formal diplomatic relations with Vietnam.¹²⁴

On July 11, 1995, Clinton announced “the normalization of diplomatic relationships with the SRV.”¹²⁵ As he had throughout his time in office, the president belabored his commitment to POW/MIA accounting. “Never before in the history of warfare,” he noted proudly and without hyperbole, “has such an extensive effort been made to resolve the fate of soldiers who did not return.” Clinton also acknowledged US efforts to “develop trade with Vietnam consistent with US law.” “As you know,” the president explained, “many of these programs require certifications regarding human rights and labor rights before they can proceed. We have already begun discussing human rights issues with Vietnam, especially issues regarding religious freedom. Now we can expand and strengthen that dialogue.”¹²⁶ In other words, human rights conditions in the SRV would now become, as dictated by general American policy and the specifics of US law, an increasingly important part of bilateral relations.

Clinton also suggested that enhanced US-SRV ties would precipitate an improvement in the human rights situation in Vietnam. "I believe normalization and increased contact between Americans and Vietnamese will advance the cause of freedom in Vietnam, just as it did in Eastern Europe and the former Soviet Union," the president argued. Thus, when he announced that Secretary of State Warren Christopher would go to Vietnam in August to "discuss all of these issues," Clinton meant both lingering humanitarian concerns and the new, broad discussions of human rights.¹²⁷ Christopher delivered on the president's promise, and during his first official visit in August, he gave a human rights speech that the *South China Morning Post* remarked was sure to "rile Vietnam's Communist Party leaders."¹²⁸

Clinton ended the July 11th press conference with the hope that his announcement would help Americans "consign to the past" their Vietnam War-era divisions. The war, Clinton suggested, "has separated Americans from one another for too long now." "We can now move on to common ground," he argued. "Let this moment, in the words of the Scripture, be a time to heal and a time to build."¹²⁹ Despite Clinton's optimism, his announcement predictably sparked a backlash.¹³⁰ Opponents inside and outside of government portrayed Clinton's decision as economically driven and as jettisoning any hope for full accounting and human rights in Vietnam.¹³¹ Opponents of normalization were powerful, persistent, and often had political incentives to assume the positions they took. These critics, however, were also a minority. As the *New York Times* reported on the day of recognition, "a new CNN/USA Today/Gallup poll shows 61 percent of the public backing recognition and only 27 percent opposing it."¹³²

While the resumption of diplomatic relations in July 1995 marked a momentous change, one must look beyond 1995 to appreciate the full scope of the normalization process. As the US bureaucracy worked to bring US-Vietnamese relations into line with worldwide standards, the nonexecutive actors who worked to make migration programs a cornerstone of the US approach to Vietnam after 1975 mobilized to prevent the changes from eliminating opportunities for South Vietnamese resettlement. Throughout 1995 and 1996, the FVPPA met with INS officials, corresponded with McCain and Schwartz, and reached out to other trusted allies like Senator Ted Kennedy to aid in their quest to return the HO to "its original purpose of resettlement of the former political prisoners and their families as family units."¹³³ Despite claims that the revision of the HO program to exclude children over twenty-one years of age was irreversible, the FVPPA worked to reorient the change.

The Association was ultimately successful. In July of 1996, McCain offered Amendment No. 5064 to the Foreign Operations Appropriations bill HR 3540 – also known as the “McCain Amendment” – which proposed to reestablish the eligibility of unmarried children of former reeducation detainees over twenty-one years old. The Senate passed the bill in August, and Clinton signed the amendment into law in October.¹³⁴

Knowledgeable individuals credited the FVPPA for a large part of the McCain Amendment’s success. Shep Lowman, the man whose 1977 phone call led to the creation of the Citizens Commission on Indochinese Refugees and who was a former Deputy Assistant Secretary in the State Department Bureau of Refugee Programs, wrote to Tho to express his “congratulations on your work on the McCain Amendment.” “The McCain language,” Lowman noted with satisfaction, “was one of the last pieces needed to bring the Vietnamese refugee program to an honorable and compassionate end.”¹³⁵ “This was the most effective advocacy effort by the Vietnamese American community that I have ever seen and your efforts were the key ones,” Lowman applauded. “It was a good show, Tho, and thousands of families have been helped to reunify.”¹³⁶

The McCain Amendment signaled that the relationships between the American and South Vietnamese peoples endured far beyond the RVN’s collapse and even eclipsed the resumption of formal economic and diplomatic relations between Washington and Hanoi. Twenty years after the last American helicopters left Saigon, US policy makers still made exceptions to US law to for South Vietnamese, especially for cases that facilitated family reunification. The FVPPA, as a powerful mouthpiece for the Vietnamese diasporic community in the United States, deserves a good deal of the credit not only for the 1996 McCain Amendment but also for US reeducation camp policy more broadly. The continued agency of the South Vietnamese people warrants a prominent place in the discussion of US policy toward Hanoi after 1975.

Just as US officials made an exception for the unmarried children of reeducation detainees over twenty-one years of age, American policy makers also crafted a unique response to the Comprehensive Plan of Action. UN officials conceded they were “at a loss” with how to proceed after the unexpected events of the previous summer.¹³⁷ Lord returned to Hanoi in mid-January to try to devise a solution and US and SRV officials reached an agreement in principle in March.¹³⁸ The bilateral accord coincided with the Steering Committee’s final meeting, which set a target date of June 30 for repatriating the remaining 36,000 screened-

out Vietnamese.¹³⁹ The US-SRV agreement, formally announced in April, was called Resettlement Opportunities for Vietnamese Refugees (ROVR).¹⁴⁰ ROVR accepted the CPA's requirement that all screened-out migrants be returned to Vietnam – by force, if necessary – and the UNHCR announced that the CPA would formally come to a close in June 1996.¹⁴¹ This concession signaled that while US officials might make exceptions in specific cases, such as the South Vietnamese, individual screening for refugee status and repatriation were becoming default practices for both international and US approaches to major migrations. The ROVR, however, also gave forcibly repatriated persons one more chance to apply for resettlement in the United States.¹⁴²

While the multilateral, UNHCR-supported CPA would come to an end, Washington and Hanoi created a bilateral agreement that gave repatriates a final chance to seek refugee status and resettlement in the United States. Like the McCain Amendment, the ROVR made an exception to American policies for South Vietnamese who could establish a special claim to US assistance. With the full implementation of the ROVR program in April 1996, the *New York Times* argued, “the final chapter to the Vietnam War is quickly coming to a close.”¹⁴³

While the Vietnam War's “final chapter” had been ongoing for decades and would continue beyond 1996, it is unmistakable that the South Vietnamese and the policies that facilitated their migration to the United States were a central part of that narrative. South Vietnamese continued to arrive in the United States throughout the late 1990s. For example, in fiscal year 1996, nearly 27,000 arrived in the US through the ODP. Of these, nearly 15,000 were former reeducation camp detainees and their families.¹⁴⁴ Indeed, the FVPPA remained open until 1999 to help facilitate the emigration and resettlement of the more than 167,000 former reeducation camp prisoners and their families through the HO program.¹⁴⁵

While the FVPPA played an integral role in these developments, it was not the only NGO that helped ensure that reeducation camp prisoners remained an American priority. Ginetta Sagan's advocacy, as the Vice President of Humanitas and as the founder of the Aurora Foundation, also had lasting consequences. In September 1996, only months after the ROVR helped bring the Comprehensive Plan of Action to a successful conclusion, Clinton awarded Sagan the Presidential Medal of Freedom, the highest civilian honor in the United States. “Ginetta Sagan's name is synonymous with the fight for human rights around the world,” Clinton declared.¹⁴⁶ That same year, Amnesty International launched a new award to recognize “individual accomplishment” and serve “as a beacon of hope

to women everywhere who are fighting for human rights.” The prestigious honor, which includes a \$20,000 grant and still exists as of this writing, is called the Ginetta Sagan Award.¹⁴⁷ While Sagan received these (and many other) accolades for the global reach of her human rights advocacy, her determination to document the conditions in Vietnamese reeducation camps, even when she had to work outside of AIUSA auspices and form her own organization to do so, is a significant, if largely overlooked, component of Sagan’s lifelong human rights activism.

After awarding Ginetta Sagan the Presidential Medal of Freedom, the Clinton administration continued to further normalize US-Vietnamese relations. In May 1997, Secretary of State Madeline Albright visited Ho Chi Minh City, where she officially opened the US consulate, with Pete Peterson serving as the first US ambassador to the SRV.¹⁴⁸ In November, the Vietnamese opened a consulate in San Francisco, and in December, Clinton took another step forward in US-Vietnamese relations by beginning to waive the Jackson-Vanik Amendment.¹⁴⁹ Many in Congress, however, continued to write the White House about human rights conditions in Vietnam, conditions which they argued made awarding Hanoi MFN status impossible for the time being.¹⁵⁰ Indeed, because of Jackson-Vanik requirements, it took Washington five years after the establishment of formal diplomatic recognition to award Vietnam MFN status, making the United States the last industrialized nation to do so.¹⁵¹

The process of normalization, then, extended beyond 1995 in a number of important ways. Negotiations on migration programs for South Vietnamese continued to serve as an important point of ongoing dialogue. The same was true for POW/MIA politics. As Allen argues, “normalization of relations did not bring an end to the MIA issue or the politics of loss.”¹⁵² The black POW/MIA flag remains the only other banner besides the stars and stripes that has ever flown over the White House, and the same image still adorns bumper stickers all over the United States. If the migration and POW/MIA-related facets of normalization persisted beyond the mid-1990s, so too did the development of economic and diplomatic relations. As Robert D. Schulzinger explains, “the reality of the new relationship between the two countries proved far less glamorous” than many expected: “Much of the excitement over Vietnam’s potential to become another Asian tiger ignored the reality of the country’s traditional, agricultural way of life.”¹⁵³ Furthermore, for years after the establishment of formal economic and diplomatic relations, “the crushing burden of official red tape and corruption” slowed economic development and frustrated American and international investors.¹⁵⁴ All facets of normalization remained ongoing.

Amid these developments, Clinton visited Hanoi in 2000. He was the first sitting American president to visit the Socialist Republic of Vietnam and the first to set foot on Vietnamese soil since Nixon's 1969 visit to South Vietnam.¹⁵⁵ Ahead of Clinton's visit, the *New York Times* observed that the president "will arrive in a country that is increasingly linked to the United States by a web of migrants."¹⁵⁶ "One result" of this massive, decades-long migration, the article continued, "is that 26,000 Vietnamese a year now emigrate to the United States," a migration that in 2000 constituted "one of the half-dozen largest flow of immigrants into America from any country in the world."¹⁵⁷ In addition to the 26,000 Vietnamese per year arriving as immigrants, refugees continued to arrive on American shores. "Remarkably a quarter-century later," the *Times* explained, some migrants "are still technically refugees fleeing the distant echo of a war. At a rate of nearly 2,000 a year, these refugees include the aging survivors of Communist 're-education camps' and the grown children of American soldiers [Amerasians], as well as hundreds of participants in a little known program [the ROVR] that is still cleaning up the last lingering cases of what became a huge refugee-processing bureaucracy."¹⁵⁸

As Clinton traveled from the United States to Vietnam in 2000, then, 28,000 Vietnamese made the trip in the opposite direction that same year. Although the vast majority were immigrants, approximately 2,000 refugees per year continued to arrive on American shores through programs that nonexecutive actors labored so tirelessly to bring into existence. In many ways, the volume and character of these migrations were symbolic of larger trends; even though Washington and Hanoi continued to pursue postwar reconciliation and move beyond the war, the conflict continued to linger, with very real, human consequences. The war, as the *Times* suggested, reverberated in both "distant" and immediate ways into the early twenty-first century.

These trends and tensions characterized the Clintons' time in Vietnam as well. The president and first lady received an "extraordinarily warm welcome" and, in an "unprecedented move," Vietnamese officials permitted Clinton's address "to be carried on national television."¹⁵⁹ While Clinton's speech made the requisite references to accounting for American servicemen and congressional support for closer US-Vietnamese ties, he also discussed other humanitarian issues, with the reverberations of ongoing migration being primary among them.¹⁶⁰ "Because of the conflict," he explained, "America is now home to one million Americans of Vietnamese ancestry."¹⁶¹ As Clinton's comments implied, this major migration, and the series of

bilateral and multilateral policies that underwrote them, constituted one of the most profound consequences of the Vietnam War.

CONCLUSION

The humanitarian issues that constituted the basis of ongoing US-Vietnamese dialogue in the absence of formal relations remained of pivotal importance before, during, and after Washington and Hanoi resumed formal economic and diplomatic relations in the mid-1990s. The ongoing power of POW/MIA politics, the vociferous debates about the end of the Comprehensive Plan of Action, and the persistence of war-related refugee programs into the early twenty-first century all demonstrated the extent to which humanitarian issues defied easy resolution. Part of the reason all of these concerns lingered beyond the mid-1990s rests with the reality that although publicized by American policy makers, US officials never controlled migrants, their nongovernmental supporters, or the POW/MIA campaign.

It is unmistakable, however, that to the extent it was in their power to do so, American officials attempted to bring humanitarian programs to a close. US officials had insisted that addressing humanitarian issues served as a precondition to more formal ties. While retaining the ability to define “successful resolution” gave Washington a considerable amount of leverage in ongoing negotiations with Hanoi, it also meant that, when they finally wanted to proceed with formal relations, US policy makers had to find a way to end programs that defied easy conclusion. Debates on this point – about what full accounting actually entailed, about the feasibility of repatriation to Vietnam, and about the conformity (or lack thereof) of Indochinese refugee programs with other worldwide standards – illustrate the intense passion and high human stakes that characterized US normalization policies. The enduring power of the POW/MIA lobby, the long and cumbersome process of regularizing US-Vietnamese trade relations, ongoing US-Vietnamese dialogue about human rights, the McCain Amendment, and the ROVR program all signaled that US-Vietnamese collaboration on humanitarian issues, and normalization itself, persisted after 1995. While Clinton’s 1995 announcement was a major milestone with important ramifications, this turning point, like the fall of Saigon, did not mark an abrupt and complete departure. The ties between American and South Vietnamese people outlasted both the collapse of South Vietnam and the resumption of diplomatic relations between Washington and Hanoi.