

To: Senator Chris Van Hollen
From: Staff
Date: 09/15/2023
Re: Vote on Dole/Smith Amendment and McCain/Kerry Amendment

Background

Amidst the rapid transformation in Vietnam, the shifting dynamics of global politics, and the escalating influence of Russia and China, I recommend voting yea on Kerry amendment No.1263 (second degree of McCain Amendment) and nay on Smith amendment No.1266. This stance recognizes the ineffectiveness of maintaining embargoes in promoting democratization and the potential risks of punitive measures, such as hindering POW/MIA. searches. Facilitating the adoption of market mechanisms and supporting organic democratization processes in Vietnam align not only with American interests but also promote a bottom-up approach to democracy.

After the 1975 communist victory in South Vietnam, U.S.-Vietnam diplomatic and economic relations remained frozen. The Smith amendment insists on the enforcement of the 1917 enemy act, which requires lifting sanctions only after Vietnam provides a comprehensive resolution for all unaccounted U.S. personnel lost or captured in Vietnam, Laos, or Cambodia. In contrast, the Kerry/McCain amendment, aligned with the 1991 "road map" of normalization, evidence from the Senate Select Committee on POW/MIA, and attestations from U.S. officials on the ground, calls for the immediate lifting of sanctions.

This issue surfaces due to a series of actions Vietnam undertook to normalize relations, including its withdrawal from Cambodia in 1989, returning hundreds of remains between 1974-1992, hosting a U.S. office in Hanoi for POW/MIA issues in 1991, and granting U.S. investigators access to pursue "live sighting" reports in 1992. When the select committee, chaired by John Kerry and co-chaired by Bob Smith, concluded there was "no compelling evidence" of living POWs post-U.S. withdrawal, the push to normalize relations with Vietnam grew, especially considering the strengthening Sino-Vietnamese relations and potential missed business opportunities in Vietnam.

While the Kerry/McCain amendment provides a pathway for the Clinton Administration to lift the embargo, the Dole/Smith amendment features as micro-management, imposing stringent criteria for the removal of sanctions. In essence, while the former addresses practical concerns ranging from broad collaboration in the search for POW/MIA to economic considerations, the latter operates from a moral standpoint rooted in patriotism and honoring the fallen.

Given your role in the Committee of Veterans Affairs and your active participation in bills aiming to protect veterans' welfare, it's a judicious move to support the amendment fostering deeper collaboration and offering an effective approach to the POW/MIA search. Such a stance also bolsters your commitment to ASEAN's centrality, human rights advocacy, and safeguarding the sovereignty of Southeast Asian countries from PRC threats. Your past experiences in Southeast Asia highlight the challenges reformists face when extending olive branches to Western nations under communist rule.

Administration position

The evidence presented by the National League of Families suggests that the Clinton administration had committed to fully meeting the four criteria before lifting sanctions. Notably, President Clinton's past accusations of draft evasion bring added sensitivity, and he is under political pressure to not upset Veterans and POW/MIA families. From Winston Lord's visit to Vietnam to statements from military leaders like General Vessey, General Needham, and Admiral Larson, there's a clear indication that the administration is aligning with the Senator Kerry to pave the way for normalized relations with Vietnam. The McCain/Kerry amendment offers the administration more latitude, utilizing a "sense-of-the-senator" approach to pass resolutions, thereby reducing potential criticisms of the administration being overly lenient towards Vietnam.

Positions of Congressional leadership

The majority of the Democratic leadership advocates for the swift normalization of relations and opposes the Dole/Smith Amendment, except for Reid (Policy Committee Co-chair) who supports both amendments. Voting 'yea' on the McCain/Kerry amendment and 'nay' on the Dole/Smith amendment aligns with the broader party stance.

Senator Dole, the minority leader, has voiced concerns that lifting the embargo might be interpreted as acquiescing to Vietnam's political pressure. Such a viewpoint overlooks the evolving dynamics and the shifting balance between reformists favoring the free market and conservatives championing communism. Senator Specter questions if the U.S. could garner more information by easing sanctions but believes that maintaining current pressures is superior to normalization. This perspective seems to sidestep the fact that authoritarian regimes find it challenging to admit mistakes yet may be more amenable to the overtures and requests of a 'friend'. As Senator Kerry points out, the most effective avenue to propagate freedom, democracy, and Western values is by demonstrating the tangible benefits of a free-market system. Furthermore, Senator Kerry underscores the emerging influence of China, which has recently renewed its ties with Vietnam, hinting at broader geopolitical ramifications in the Pacific Asia region.

Positions of key special interests

Senator Smith has highlighted that veteran groups, including the Legion, the American Legion, the DAV, and the VFW, have all voiced opposition to the Kerry amendment. It's understandable that lifting the embargo before a full accounting might be perceived as a slight to the POW/MIA community. However, the harm to families could be even more profound if the search efforts were to halt due to deteriorated cooperation with Vietnam because of adopting the Smith/Dole amendment.

Positions of Foreign Government

Senator Robb has conveyed that Premier Vo Van Kiet personally assured him by stating, "While we can't recover everything that was lost one hundred percent, the Vietnamese Government will employ all ways and means to resolve the outstanding issues with empathy." Moreover, in an extensive dialogue with both the Premier and the Foreign Minister of Vietnam, Senator Robb confirmed that the current level of cooperation in searching for the POW/MIA remains commendable.

In conclusion, casting a 'yea' vote for the McCain/Kerry amendment and a 'nay' vote against the Dole/Smith amendment would not only expedite the full accounting process but also promote the principles of democracy and the free market that our nation holds dear.