

# ANNUAL REFUGEE CONSULTATION

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**HEARING**  
BEFORE THE  
**SUBCOMMITTEE ON**  
**IMMIGRATION AND REFUGEE POLICY**  
OF THE  
**COMMITTEE ON THE JUDICIARY**  
**UNITED STATES SENATE**  
**NINETY-EIGHTH CONGRESS**  
**FIRST SESSION**

ON

**OVERSIGHT HEARING TO REVIEW THE PROGRESS OF THIS YEAR'S REFUGEE RESETTLEMENT PROGRAM, FOCUSING ON THE CONSULTATION PROCESS IN PROVIDING ASYLUM TO PERSONS FLEEING POLITICAL PERSECUTION**

SEPTMBER 26, 1983

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# ANNUAL REFUGEE CONSULTATION

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MONDAY, SEPTEMBER 26, 1983

U.S. SENATE,  
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee) presiding.

Present: Senators Thurmond and Grassley.

Staff present: Richard Day, chief counsel; Jerry Tinker, minority counsel; Elizabeth Greenwood, counsel; Arnold Leibowitz, special counsel; Carl Hampe, research assistant; Tina Jones, research assistant.

## OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING, CHAIRMAN, SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Senator SIMPSON. We have our refugee consultation here. Certainly in a very real sense, the United States demonstrates its commitment to freedom and the inherent dignity of the individual through a most generous refugee program providing a haven to those people who are singled out for persecution by their own governments. The traditional generosity of the American people, I think, is richly illustrated by the leadership role this Nation has assumed, both in the resettlement in the United States of victims of persecution, and certainly by providing humanitarian assistance for refugees throughout the world.

As chairman of this Subcommittee on Immigration and Refugee Policy, I want to reaffirm that commitment to assist those refugees who are of special humanitarian concern to the United States.

But obviously, we cannot accept for permanent resettlement all of those persons fleeing from governments whose standards of freedom do not match our own. But we can and should continue to do our fair share in addressing the plight of the world's refugees. And I think we can most effectively render assistance by providing care and maintenance funds, and services to countries of first asylum until the refugees can return to their homes, and by directing our foreign policy initiatives to both address and avoid the root causes of refugee situations.

So, I mention briefly those foreign policy initiatives to highlight the importance of the State Department in our refugee program. That importance is reflected in the proportion of the State Depart-

ment budget, an average of more than 18 percent of the total over the past 3 years, devoted to refugee programs.

All of that refugee assistance is channeled through the State Department. And they're responsible for the initial reception and placement of all refugees resettled. No one plays a greater part in it, and yet the State Department does not participate in this fully as they should, in my mind.

In my 3 years here, the Secretary of State has not had the opportunity to participate in the annual consultations. That concerns me. I think it is unwarranted. That is not a reflection upon the Secretary of State personally, I assure you, because he is one of the most extraordinary of the public figures here; but I think it is a criticism, obviously, of his staff in recommending what he should do in the participation when you have a budget of 18 percent directed to refugees and do not turn the attention to it that I think is fully warranted.

And all of this despite the fact that the legislation simply requires cabinet level representatives of the President. I am aware that the consultations are often scheduled in conflict in the latter part of September with the U.N. General Assembly in New York. That does occur.

The Secretary and I have discussed it, and he personally realizes the deep importance of the State Department's involvement. But this personal involvement in these consultations is extremely important in my view, and it's my intention to schedule that consultation in early September, of next year, in order to insure that the Secretary of State will be here to participate.

Let me hasten to add that the President's representative who has participated in all of these consultations, Attorney General William French Smith, is particularly welcome, and also especially important to these proceedings. No one could have assisted me more in this administration in refugee and immigration issues. The Justice Department—through the INS—is involved in the admission of each and every refugee resettled in the United States. Your participation, Mr. Attorney General, as always, is deeply appreciated, and I only hope and trust that you will continue to actively participate in these consultations.

Well, with that tidy little sweeping, our first witness is Mark Hatfield, the senior Senator from Oregon, and a fine friend, a most thoughtful, persuasive, and respected man. And I say this with certainly concurrence of many of my peers and his. An exceedingly effective Senator from Oregon who has followed these refugee issues very closely, particularly in his own State, and particularly in regard to Southeast Asian refugees, and you have indeed paid vital attention to that. I know you have recently returned from East Asia, Mark, and I look forward to your testimony this morning.

If you would please proceed. Thank you.

**STATEMENT OF HON. MARK HATFIELD, A U.S. SENATOR FROM  
THE STATE OF OREGON**

Senator HATFIELD. Thank you, Mr. Chairman.

First of all, I wish to thank you for this opportunity to come before you and I would ask that my full statement be placed in the record, as I will attempt to highlight it.

I know that whenever important issues are brought before this committee that those issues are always given very competent and fair treatment.

As you know, a great deal of my time and that of many others has been expended addressing the refugee problem in Southeast Asia. Through the efforts of many people, the culmination of that effort was in the National Security Decision Directive 93, as well as in the subsequently issued guidelines now in effect in Southeast Asia.

And I would like to take this occasion to publicly express my deep appreciation to Attorney General William French Smith, to Commissioner Nelson, to Ambassador Douglas, and to Mr. Purcell, because I believe they can stand proudly in light of the new guidelines, a product representing the culmination of many people's efforts and much discussion. They can now stand with great pride for what they have produced.

Mr. Chairman, our entire exercise during the past 7 months is, I believe, a shining example of how this government can identify a problem and how it can solve a problem.

#### IMPORTANCE OF CONSULTATION PROCESS

I have never been more pleased with the state or our processing efforts in Southeast Asia than at this very moment. Permit me to underscore, though, what other witnesses at this hearing will later state on the importance of the consultation process, and I am delighted to hear your own comments relating to it.

I wholeheartedly support the consultation process because I believe it is through this deliberative process that we can balance foreign policy interests and domestic interests, humanitarian interests with resource limitations, and out of all this we can forge a humane, rational refugee policy that reflects these delicately struck balances.

It is through the consultation process that the United States can examine its long held commitment to providing hope and support for the millions of unfortunate human beings in this world who have been swept into flight by political persecution.

Mr. Chairman, as you probably know better than anyone else in the Senate, there is no political advantage whatsoever that can be gained from advocating a continuation of traditionally generous refugee and or immigration policies. You have been on that firing line.

We hear so often that compassion fatigue has set in across this land and that we need to slam shut the door of entrance to the United States. Irresponsible reporting and irresponsible politicians together have blurred the distinctions between persons seeking asylum and persons fleeing distressed economic conditions and persons seeking to come to the United States to be reunited with their families.

When the important fundamental distinctions between these groups are lost in the haze of demagoguery, the compelling reasons

for why the United States accepts an identified number of human beings as refugees is lost as well.

In 1983, the United States will accept for resettlement approximately 60,000 refugees. This compares with the 1983 admission levels of 420,000 for legal immigrants and at least 600,000 for illegal immigrants.

In other words, Mr. Chairman, of the approximately 1.1 million individuals entering the United States in 1983, only about 5 percent of those entering will enter as refugees.

And who makes up that 60,000? These 60,000 are persons from all over the world who are fleeing certain suffering and quite often, certain death; whether from the Far East, the Middle East, Asia or Africa, these human beings who are seeking asylum have one unifying trait. They're afraid for their lives, and in many instances they have good reason to be afraid for their lives.

This consultation process focuses on the appropriate U.S. level in providing asylum to persons fleeing political persecution. There is no magic formula, and there is no way to quantify humanitarianism and balance it with the competing interests inherent in immigration and refugee policy decisionmaking.

I do not pretend to have the magic number that will represent the perfect balance. However, without hesitation, I will state that the United States role in providing hope for those fleeing tyranny, in providing assistance to the countries of first asylum who bear the immediate brunt of refugee migration, and in providing shelter for our appropriate share for the refugee population, must not decline.

This does not mean that the United States should admit every one fleeing war or the threat of war. It means simply that refugee policy must not be the whipping boy for our country's inability to control illegal immigration. And it means that if we abandon our responsibility to uphold freedom by providing hope to those who are not free, then we have failed history and we have failed ourselves.

#### DANGER OF REDUCTION IN ADMISSION

Mr. Chairman, permit me to make three specific observations. First, the administration proposal to set the refugee ceiling at 72,000 is a continuation of the annual reductions that have occurred since the consultation process first began. Last year, the ceiling was 90,000, and we admitted about 60,000. Most of this shortfall was due to our performance in Southeast Asia where only 37,000 of the 64,000 ceiling were admitted. What can the international community expect to be the actual number admitted in 1984? If the ceiling is set at 72,000, will the actual admission be, say, 48,000?

Now, speaking from my experience on the Southeast Asian politics and on my familiarity with the Royal Thai Government, we can expect drastic involuntary repatriation efforts if our commitment to refugees in the region is perceived as wavering. The new guidance and representations by our Government officials concerning the residual population have kept the Thai military authorities in check despite our low 1983 departure rates. If we send a signal



to them that our commitment toward resettlement will diminish again in 1984, then I believe the predictable consequences of lost lives and strained relations with Thailand will occur. Already, the Thai Government is moving people out of the camps and back to the Cambodian border, and without a clear signal from Washington that we wish to maintain first asylum, more such movements can be expected.

Second, the administration has expressed its intention to drastically reduce the refugee ceiling number by 1986. In effect, the administration intends to have 2 years of processing at current levels and then to find some way to deal with the 100,000 plus residual population left in the camps. What about our promise that there would be no residual left in Thailand and Malaysia? For those who suggest that voluntary repatriation will be a viable alternative by 1986, I suggest to them that they are hopelessly naive in their understanding of Vietnam's intentions in Cambodia.

The border would not be packed with hundreds of thousands of starving Khmer citizens if Vietnam's presence in Cambodia were anything other than a colonization effort.

Finally, Mr. Chairman, let me share with my colleagues on the committee some observations from my recent trip to Bataan. Three days before I arrived in Bataan, Philippines, I was informed that a boatload of refugees from Vietnam had just landed on the shores of the Philippines after 51 days at sea with little food and without a compass.

I saw them. I visited with them. They were very lucky even though they were emaciated and were literally skin and bones, for many had died. They escaped the pirates and they escaped the rough seas. And they had arrived.

Now, there is no need to reiterate the reasons why these people, like tens of thousands before them, had fled Vietnam. But by establishing a sufficient ceiling in Indochina—and I believe, say, 50,000 is the very minimum we can establish—then the expected expansion of the orderly departure program hopefully will deter Vietnamese from risking their lives on the high seas, and instead, will motivate them to pursue the safer channels of ODP.

I want to thank the chairman again and this committee for its compassion and sensitivity in handling not only this particular issue, but the immigration bill that was so masterfully crafted by the chairman and handled and managed on the floor. It was, indeed, one of the highlights of my legislative experience here and I want to take this occasion to thank you personally again for that fine leadership.

Senator SIMPSON. Thank you, very much, Mark. You're very generous.

Your entire statement will be printed in the record.

[The material referred to follows:]

## PREPARED STATEMENT OF SENATOR MARK O. HATFIELD

MR. CHAIRMAN,

LET ME FIRST THANK YOU FOR THE OPPORTUNITY TO DISCUSS THE UNITED STATES' REFUGEE POLICY IN THE CONTEXT OF THE CONSULTATION HEARINGS NOW UNDERWAY. WHENEVER THERE IS AN IMPORTANT ISSUE WITHIN THE JURISDICTION OF YOUR COMMITTEE, MR. CHAIRMAN, I CAN REST EASY KNOWING THAT IT WILL BE DEALT WITH IN A COMPETENT AND FAIR MANNER.

AS YOU KNOW, A GREAT DEAL OF MY TIME THIS PAST YEAR HAS BEEN SPENT CONCENTRATING ON THIS COUNTRY'S REFUGEE POLICY, PARTICULARLY AS IT PERTAINS TO SOUTHEAST ASIA. MUCH OF THAT WORK CULMINATED IN NATIONAL SECURITY DECISION DIRECTIVE 93, AS WELL AS IN THE SUBSEQUENTLY ISSUED GUIDELINES NOW IN EFFECT IN SOUTHEAST ASIA. ATTORNEY GENERAL SMITH, COMMISSIONER NELSON, AMBASSADOR DOUGLAS, AND MR. PURCELL CAN STAND PROUDLY BY THEIR FORMIDABLE PRODUCT. OUR ENTIRE EXERCISE DURING THE PAST SEVEN MONTHS IS A SHINING EXAMPLE OF HOW GOVERNMENT CAN IDENTIFY A PROBLEM AND SOLVE A PROBLEM. I HAVE NEVER BEEN MORE PLEASED WITH THE STATE OF OUR PROCESSING EFFORTS IN SOUTHEAST ASIA THAN AT THIS MOMENT. MR. CHAIRMAN, PERMIT ME TO UNDERScore WHAT OTHER WITNESSES AT THIS HEARING WILL LATER STATE ON THE IMPORTANCE OF THE CONSULTATION PROCESS. I WHOLEHEARTEDLY SUPPORT THE CONSULTATION

PROCESS. IT IS THROUGH THIS DELIBERATIVE PROCESS THAT WE CAN BALANCE FOREIGN POLICY INTERESTS WITH DOMESTIC INTERESTS, HUMANITARIAN INTERESTS WITH RESOURCE LIMITATIONS, AND CAN FORGE A HUMANE, RATIONAL REFUGEE POLICY THAT REFLECTS THESE DELICATELY STRUCK BALANCES. IT IS THROUGH THE CONSULTATION PROCESS THAT THE UNITED STATES CAN REEXAMINE ITS LONG-HELD COMMITMENT TO PROVIDING HOPE AND SUPPORT FOR THE MILLIONS OF UNFORTUNATE HUMAN BEINGS IN THIS WORLD WHO HAVE BEEN SWEEPED INTO FLIGHT BY POLITICAL PERSECUTION.

MR. CHAIRMAN, AS YOU KNOW PROBABLY BETTER THAN ANYONE ELSE IN THE SENATE, THERE IS NO POLITICAL ADVANTAGE WHATSOEVER TO BE GAINED FROM ADVOCATING A CONTINUATION OF TRADITIONALLY GENEROUS REFUGEE AND IMMIGRATION POLICIES. WE HEAR SO OFTEN THAT "COMPASSION FATIGUE" HAS SET IN ACROSS THIS LAND, AND THAT WE NEED TO SLAM SHUT THE DOOR OF ENTRANCE TO THE UNITED STATES.

IRRESPONSIBLE REPORTING AND IRRESPONSIBLE POLITICIANS HAVE BLURRED THE DISTINCTIONS BETWEEN PERSONS SEEKING ASYLUM, AND PERSONS FLEEING DISTRESSED ECONOMIC CONDITIONS, AND PERSONS SEEKING TO COME TO THE U.S. TO BE REUNITED WITH THEIR FAMILIES.

WHEN THE IMPORTANT, FUNDAMENTAL DISTINCTIONS BETWEEN THESE GROUPS ARE LOST IN THE HAZE OF DEMAGOGUERY, THE COMPELLING REASONS FOR WHY THE UNITED STATES ACCEPTS AN IDENTIFIED NUMBER OF HUMAN

BEINGS AS REFUGEES IS LOST AS WELL. IN 1983, THE UNITED STATES WILL ACCEPT FOR RESETTLEMENT APPROXIMATELY 60,000 REFUGEES. THIS COMPARES WITH THE 1983 ADMISSION LEVELS OF 420,000 FOR LEGAL IMMIGRANTS AND AT LEAST 600,000 FOR ILLEGAL IMMIGRANTS.

IN OTHER WORDS, MR. CHAIRMAN, OF THE APPROXIMATELY 1.1 MILLION INDIVIDUALS ENTERING THE UNITED STATES IN 1983, ONLY ABOUT FIVE PERCENT ARE ENTERING AS REFUGEES. AND WHO MAKES UP THIS 60,000? THESE 60,000 ARE PERSONS FROM ALL OVER THE WORLD WHO ARE FLEEING CERTAIN SUFFERING, AND QUITE OFTEN, CERTAIN DEATH. WHETHER FROM THE NEAR EAST OR THE MIDDLE EAST, AFRICA OR ASIA, THESE HUMAN BEINGS WHO ARE SEEKING ASYLUM HAVE ONE UNIFYING TRAIT: THEY ARE AFRAID FOR THEIR LIVES, AND THEY HAVE GOOD REASON TO BE AFRAID FOR THEIR LIVES.

THIS CONSULTATION PROCESS FOCUSES ON THE APPROPRIATE U.S. LEVEL IN PROVIDING ASYLUM TO PERSONS FLEEING POLITICAL PERSECUTION. THERE IS NO MAGIC FORMULA, AND THERE IS NO WAY TO QUANTIFY HUMANITARIANISM AND BALANCE IT WITH THE COMPETING INTERESTS INHERENT IN IMMIGRATION AND REFUGEE POLICY DECISION-MAKING. I DO NOT PRETEND TO HAVE THE MAGIC NUMBER THAT WILL REPRESENT THE "PERFECT BALANCE". HOWEVER, WITHOUT HESITATION I WILL STATE THAT THE UNITED STATES' ROLE IN PROVIDING HOPE FOR THOSE FLEEING TYRANNY, IN PROVIDING ASSISTANCE TO THE COUNTRIES OF FIRST ASYLUM

WHO BEAR THE IMMEDIATE BRUNT OF REFUGEE MIGRATION, AND IN PROVIDING SHELTER FOR OUR APPROPRIATE SHARE OF THE REFUGEE POPULATION, MUST NOT DECLINE.

THIS DOES NOT MEAN THAT THE UNITED STATES SHOULD ADMIT EVERYONE FLEEING WAR OR THE THREAT OF WAR. IT MEANS SIMPLY THAT REFUGEE POLICY MUST NOT BE THE "WHIPPING BOY" FOR OUR COUNTRY'S INABILITY TO CONTROL ILLEGAL IMMIGRATION. AND IT MEANS THAT IF WE ABANDON OUR RESPONSIBILITY TO UPHOLD FREEDOM BY PROVIDING HOPE TO THOSE WHO ARE NOT FREE, THEN WE HAVE FAILED HISTORY AND FAILED OURSELVES.

MR. CHAIRMAN, PERMIT ME TO MAKE THREE SPECIFIC OBSERVATIONS. FIRST, THE ADMINISTRATION PROPOSAL TO SET THE REFUGEE CEILING AT 72,000 IS A CONTINUATION OF THE ANNUAL REDUCTIONS THAT HAVE OCCURRED SINCE THE CONSULTATION PROCESS FIRST BEGAN. LAST YEAR THE CEILING WAS 90,000, AND WE ADMITTED ABOUT 60,000. MOST OF THIS SHORTFALL WAS DUE TO OUR PERFORMANCE IN SOUTHEAST ASIA WHERE ONLY 37,500 OF THE 64,000 CEILING WERE ADMITTED. WHAT CAN THE INTERNATIONAL COMMUNITY EXPECT TO BE THE ACTUAL NUMBER ADMITTED IN 1983 IF THE CEILING IS SET AT 72,000? 48,000?

MR. CHAIRMAN, SPEAKING FROM MY EXPERTISE ON SOUTHEAST ASIAN POLITICS AND ON MY FAMILIARITY WITH THE ROYAL THAI GOVERNMENT, WE

CAN EXPECT DRASTIC INVOLUNTARY REPATRIATION EFFORTS IF OUR COMMITMENT TO REFUGEES IN THE REGION IS PERCEIVED AS WAVERING. THE NEW GUIDANCE AND REPRESENTATIONS BY OUR GOVERNMENT OFFICIALS CONCERNING THE RESIDUAL POPULATION HAVE KEPT THE THAI MILITARY AUTHORITIES IN CHECK DESPITE OUR LOW 1983 DEPARTURE RATES. IF WE SEND A SIGNAL TO THEM THAT OUR COMMITMENT TOWARD RESETTLEMENT WILL DIMINISH AGAIN IN 1984, THEN THE PREDICTABLE CONSEQUENCE OF LOST LIVES AND STRAINED RELATIONS WITH THAILAND WILL OCCUR. ALREADY THE THAI GOVERNMENT IS MOVING PEOPLE OUT OF THE CAMPS AND BACK TO THE CAMBODIAN BORDER, AND WITHOUT A CLEAR SIGNAL FROM WASHINGTON THAT WE WISH TO MAINTAIN FIRST ASYLUM, MORE SUCH MOVEMENTS CAN BE EXPECTED.

SECOND, THE ADMINISTRATION HAS EXPRESSED ITS INTENTION TO DRASTICALLY REDUCE THE REFUGEE CEILING NUMBER IN 1986. IN EFFECT, THE ADMINISTRATION INTENDS TO HAVE TWO YEARS OF PROCESSING AT CURRENT LEVELS AND THEN TO FIND SOME WAY TO DEAL WITH THE 100,000-PLUS-RESIDUAL POPULATION LEFT IN THE CAMPS. WHAT ABOUT OUR PROMISES THAT THERE WOULD BE NO RESIDUAL LEFT IN THAILAND AND MALAYASIA? FOR THOSE WHO SUGGEST THAT VOLUNTARY REPATRIATION WILL BE A VIABLE ALTERNATIVE BY 1986, I SUGGEST TO THEM THAT THEY ARE HOPELESSLY NAIVE IN THEIR UNDERSTANDING OF VIETNAM'S INTENTIONS IN CAMBODIA. THE BORDER WOULD NOT BE PACKED

WITH HUNDREDS OF THOUSANDS OF STARVING KHMER CITIZENS IF VIETNAM'S PRESENCE IN CAMBODIA WERE ANYTHING OTHER THAN A COLONIALIZATION EFFORT.

FINALLY, MR. CHAIRMAN, LET ME SHARE WITH MY COLLEAGUES ON THE COMMITTEE SOME OBSERVATIONS FROM MY RECENT TRIP TO BATAAN IN THE PHILIPPINES. THREE DAYS BEFORE I ARRIVED, A BOATLOAD OF REFUGEES FROM VIETNAM, EMACIATED FROM 51 DAYS AT SEA WITH LITTLE FOOD AND WITHOUT EVEN A COMPASS, LANDED ON THE SHORES OF THE PHILIPPINES. THEY WERE VERY LUCKY. THEY DID NOT DIE ALONG THE WAY DUE TO PIRATE ATTACKS OR ROUGH SEAS. THERE IS NO NEED TO ITERATE THE REASONS WHY THESE PEOPLE, LIKE THE TENS OF THOUSANDS BEFORE THEM, FLED VIETNAM. BY ESTABLISHING A SUFFICIENT CEILING IN INDOCHINA -- AND I BELIEVE 50,000 IS THE VERY MINIMUM WE CAN ESTABLISH -- THEN THE EXPECTED EXPANSION OF THE ORDERLY DEPARTURE PROGRAM HOPEFULLY WILL DETER VIETNAMESE FROM RISKING THEIR LIVES ON THE HIGH SEAS AND INSTEAD WILL MOTIVATE THEM TO PURSUE THE SAFER CHANNELS OF ODP.

MR. CHAIRMAN, I AM PREPARED TO ANSWER ANY QUESTIONS THE MEMBERS OF THE COMMITTEE MAY HAVE.