

**TESTIMONY OF ANH “JOSEPH” CAO  
FORMER CONGRESSMAN**

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**COMMITTEE ON FOREIGN AFFAIRS**

**SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS  
AND INTERNATIONAL ORGANIZATIONS**

**CONTINUING REPRESSION BY THE VIETNAMESE GOVERNMENT**

**JUNE 4, 2013**

Mr. Chairman and esteemed members of the Subcommittee, the history of Vietnamese-Americans is a history bathed in tears, a history of unbearable suffering, but also a history with a proclamation of hope. April 30, 1975, was a day of infamy for the millions of Vietnamese whose future was dashed when their freedom was extinguished by the brutal assault on South Vietnam by Communist forces in blatant violation of the 1973 Paris Peace Accord. Having known or faced Communist cruelty, thousands of Vietnamese left their homes and family, climbing and clambering over one another to fight for a space on that last plane, on that last boat to escape imminent atrocities. What transpired in Vietnam after the Communist takeover could only be described by analogously linking the tragedy of Vietnam to such unconscionable events in human history as the Holocaust, the Killing Fields, and the Great Purge. In the aftermath of the Vietnam War, the Communist government arrested and forcibly detained hundreds of thousands of former military personnel who were loyal to the Republic of South Vietnam and threw them into Nazi-style concentration camps along with thousands of political dissidents. Viewing religion as an existential threat to Communist orthodoxy, churches and temples were shut down, and religious leaders were arrested and sent to prison like common criminals. Economic policy lacking scientific and philosophic justification were implemented with devastating effects as countless thousands were evicted from their homes and sent to the New Economic Zones where many died of malaria and other deadly diseases. Facing starvation from ill-conceived economic policies, over one million Vietnamese left their home and country and set sail for the high seas facing pirates, storms, and death to seek freedom and a new future in foreign lands. It is estimated that over 300,000 of these “Boat People” perished in the oceans of the world.

However, many successfully escaped and resettled in the United States. Through the generosity of the U.S. government and its people, hundreds of thousands of Vietnamese were able to adjust to a new culture and become productive citizens. I am one of the many thousands who benefited from this generosity. I can recall very vividly and endearingly an elderly couple in Goshen, Indiana, who I would come to call “Mamoo” and “Papoo”, driving me to school, taking me shopping, and buying for me my very first snow sled.

I, along with thousands of Vietnamese, became U.S. citizens for one simple reason—to defend the Constitution of the United States and in return be defended by the same Constitution. **Vietnamese-Americans now invoke this Constitution and respectfully request this Congress to protect them against the illegal expropriation of the land they left behind when they fled the evils of Communism.**

Mr. Chairman, to make this story short, on April 4, 1977, the Socialist Republic of Vietnam (SRV) issued an Executive Order placing the properties of Vietnamese who fled Vietnam under temporary state administration. Then in 1980, the SRV declared through its Constitution that “land belongs to the entire people with the State as the representative owner,” thereby declaring in principle its policy to nationalize all land. On December 29, 1987, the National Assembly promulgated Vietnam’s Land Law to implement this new policy, placing all land under the people’s collective ownership and the government’s administration. On July 14, 1993, the Vietnamese National Assembly passed a new Land Law declaring that the government shall not return land expropriated to its rightful owners once that land had been assigned to other entities.<sup>1</sup> This law, however, affected only Vietnamese nationals. Not until 2003 did the National Assembly pass a resolution that allowed the State to expropriate land of Vietnamese-Americans.

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<sup>1</sup> The 1993 Land Law officially effected the nationalization of land of Vietnamese in Vietnam but did not resolve the issue of land left vacant by those who had left Vietnam. Not until 2003 did the National Assembly pass Resolution to declare no return of land or homes to those living overseas.

The 2003 Land Law authorized the Vietnamese government to spurn any claim for the return of land already placed under State administration prior to July 1, 1991. This land law officially completed the process of nationalizing all land and housing under the administration of the State.

Mr. Chairman, Congress has been very clear in its intent that the United States Government shall not provide assistance to governments that have violated the rights of U.S. citizens. The Trade Act of 1974, (19 USC 2462(b)(2)), requires that a beneficiary of the Generalized System of Preferences “may not have nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration.”

22 U.S.C § 2370 is explicit in its prohibition against the granting of assistance to countries that have nationalized, expropriated or seized property of U.S. citizens, especially countries with Communist ties. The statute mandates, in pertinent parts:

*(e)(1) The President **shall** suspend assistance to the government of any country to which assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—*

*(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizens or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or association not less than 50 per centum beneficially owned by United States citizens, or ...*

*(f)(1) No assistance shall be furnished under this chapter, (except section 2174 (b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that:*

*(A) such assistance is vital to the security of the United States;*

*(B) the recipient country is not controlled by the international Communist conspiracy; **and***

(C) *such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase “Communist country” includes specifically, but is not limited to, the following countries:*

*Democratic People’s Republic of Korea,  
People’s Republic of China  
Republic of Cuba,  
Socialist Republic of Vietnam,  
Tibet,*

Mr. Chairman, the Socialist Republic of Vietnam has failed to take appropriate steps to discharge its obligations under widely accepted general principle of international law to fully compensate Vietnamese-Americans for properties unlawfully nationalized or expropriated. The Socialist Republic of Vietnam has failed to foster the establishment of a genuinely democratic system, and respect for internationally recognized human rights, including the right to own property<sup>2</sup>, right to political speech/expressions<sup>3</sup>, right to freely practice any religion or belief<sup>4</sup>, and the right to life<sup>5</sup>. Instead of improving its human rights record, Vietnam has increased its repression of democratic ideals since obtaining its entry into the World Trade Organization in 2007. Its repression and aggression has been the greatest against religious institutions.

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<sup>2</sup> Article 17 of the *Universal Declaration of Human Rights* (UDHR) stipulates that everyone has the right to own property and no one shall be arbitrarily deprived of his/her property.

<sup>3</sup> Right to speech is enshrined in Article 19 of the International Covenant on Civil and Political Rights; Article 10 of the European Convention on Human Rights; Article 13 of the American Convention on Human Rights; and Article 9 of the African Charter on Human and Peoples' Rights.

<sup>4</sup> The freedom of religion and belief is protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR); Also see, UN General Assembly resolutions: Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

<sup>5</sup> [Universal Declaration of Human Rights](#) (1948) (article 3); International Covenant on Civil and Political Rights (1966) (article 6).

As part of this wave of repression, the Socialist Republic of Vietnam has aggressively expropriated land from religious communities, including the Catholics, the Montagnard Protestants and Catholics, the Hmong Protestants, and the Khmer Krom Buddhists. The case of Con Dau Parish that the Chairman is very familiar with illustrates the Vietnamese government's policy of wiping out an entire all-Catholic parish through expropriation of farmland, cemetery plots, and residential homes of parishioners. On May 4, 2010, the authorities even prohibited the burial of a 93-year old parishioner in the parish's cemetery. To make their act even more heinous, as parishioners proceeded with the funeral, the police attacked them brutally, causing injuries to over a hundred parishioners including the elderly and children. The police arrested 62 people and tortured them for days during detention killing one detainee.

Mr. Chairman, the U.S government should not be complicit in the repression of democratic ideals in Vietnam; this government should not be complicit in the Vietnamese government's infringement of the rights of U.S. citizens. We therefore suggest this Congress to do the following: 1) demand the Administration to stop all assistance to Vietnam as required by law; 2) not ratify any trade agreements with Vietnam until Vietnam shows concrete improvements in the promotion democracy and religious freedom for its people, and adequately compensate U.S. citizens for the land that they illegally expropriated; 3) pass the Vietnam Human Rights Act, and the Vietnam Sanctions Act.