

The original documents are located in Box 58, folder “Refugees - Indochina General (3)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.



Office of the Attorney General
Washington, D. C. 20530

May 2, 1975

The Honorable Philip Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

As we have discussed, although the Attorney General is out of town, he would like the President to be informed of his views on the admission to the United States of Vietnamese refugees for whom parole has not already been authorized. He does not share the view expressed by the Immigration and Naturalization Service in Commissioner Chapman's May 1, 1975 memorandum, although it should be recognized that the INS view is probably concurred in by many members of the Congress. The Attorney General's views are as follows:

1. The United States should not refuse to admit all of those refugees who were not evacuated as part of the program the United States conducted. Rather, we should now accept those who have escaped, but are not presently in any country, including the approximately 30,000 refugees now on Vietnamese naval ships. There does not appear to be a reliable estimate of the number who may ultimately fall into this category. However, a time limit could be set to discourage the continuing exodus which characterized the Cuban experience.

It is recommended that Vietnamese refugees in third countries be treated the same as similarly situated Cambodian refugees. Thus, they should be required to request asylum in the third country and, if refused, apply to the various international organizations for resettlement assistance. They



should be considered for admission to the United States in limited numbers on a case-by-case basis only if the first two steps have failed and they face imminent return to Vietnam. Congress has appropriately urged internationalization of the effort to assist the refugees. The refugees in third countries are the most likely to receive international assistance.

2. As the United States is a signatory to the United Nations Convention on the status of refugees, those refugees authorized entry to a United States territory, such as Guam, will be generally entitled to asylum, which would permit them to remain in the United States indefinitely. Therefore, the decision on the types and numbers of refugees to be accepted by the United States must be made before they are located in the United States territory. The Vietnamese naval vessels carrying approximately 30,000 people are expected to arrive in Guam in 4 to 6 days.

3. It is apparent that Congress has become increasingly reluctant to support the refugee program. This was expressed to the Department of Justice earlier this week when the Senate and House Judiciary Committees declined to concur when the Attorney General authorized the parole of an additional number of orphans. Yesterday Senator Eastland, who had previously concurred in the parole of up to 130,000 refugees without consulting the Senate Judiciary Committee, refused to express a view on whether he would personally concur in expanding the categories or numbers eligible for parole and indicated that the matter would require a full Committee hearing which could not be held before next Wednesday.

It is important that Congress address and decide the hard questions which face the President before they are academic. Congress should be con-

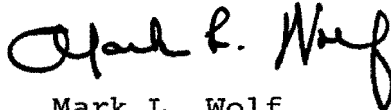


sulted now concerning the refugees who are at sea and be required to offer their advice before those refugees not presently authorized parole arrive in Guam.

In view of the mounting resistance in Congress and the limited time available for consultation, it is recommended that the President make a public appeal on behalf of the refugees and meet personally with as many members of Congress as possible in order to influence their views and obtain their advice before large additional numbers of refugees are accepted in United States territory.

We hope the foregoing information will be furnished to the President with the views of the Department of State and the Immigration and Naturalization Service. Thank you for your assistance.

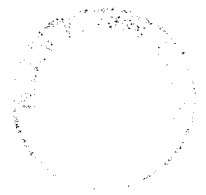
Sincerely yours,

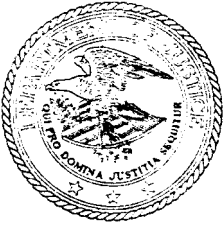


Mark L. Wolf
Special Assistant to
the Attorney General

cc. L. H. Chapman, Jr.
Commissioner
Immigration & Naturalization
Service

Ambassador L. Dean Brown





Office of the Attorney General
Washington, D. C. 20530

May 2, 1975

The Honorable Philip Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

As we have discussed, although the Attorney General is out of town, he would like the President to be informed of his views on the admission to the United States of Vietnamese refugees for whom parole has not already been authorized. He does not share the view expressed by the Immigration and Naturalization Service in Commissioner Chapman's May 1, 1975 memorandum, although it should be recognized that the INS view is probably concurred in by many members of the Congress. The Attorney General's views are as follows:

1. The United States should not refuse to admit all of those refugees who were not evacuated as part of the program the United States conducted. Rather, we should now accept those who have escaped, but are not presently in any country, including the approximately 30,000 refugees now on Vietnamese naval ships. There does not appear to be a reliable estimate of the number who may ultimately fall into this category. However, a time limit could be set to discourage the continuing exodus which characterized the Cuban experience.

It is recommended that Vietnamese refugees in third countries be treated the same as similarly situated Cambodian refugees. Thus, they should be required to request asylum in the third country and, if refused, apply to the various international organizations for resettlement assistance. They

should be considered for admission to the United States in limited numbers on a case-by-case basis only if the first two steps have failed and they face imminent return to Vietnam. Congress has appropriately urged internationalization of the effort to assist the refugees. The refugees in third countries are the most likely to receive international assistance.

2. As the United States is a signatory to the United Nations Convention on the status of refugees, those refugees authorized entry to a United States territory, such as Guam, will be generally entitled to asylum, which would permit them to remain in the United States indefinitely. Therefore, the decision on the types and numbers of refugees to be accepted by the United States must be made before they are located in the United States territory. The Vietnamese naval vessels carrying approximately 30,000 people are expected to arrive in Guam in 4 to 6 days.

3. It is apparent that Congress has become increasingly reluctant to support the refugee program. This was expressed to the Department of Justice earlier this week when the Senate and House Judiciary Committees declined to concur when the Attorney General authorized the parole of an additional number of orphans. Yesterday Senator Eastland, who had previously concurred in the parole of up to 130,000 refugees without consulting the Senate Judiciary Committee, refused to express a view on whether he would personally concur in expanding the categories or numbers eligible for parole and indicated that the matter would require a full Committee hearing which could not be held before next Wednesday.

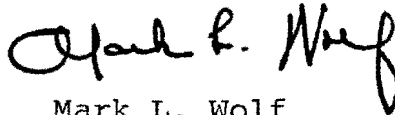
It is important that Congress address and decide the hard questions which face the President before they are academic. Congress should be con-

sulted now concerning the refugees who are at sea and be required to offer their advice before those refugees not presently authorized parole arrive in Guam.

In view of the mounting resistance in Congress and the limited time available for consultation, it is recommended that the President make a public appeal on behalf of the refugees and meet personally with as many members of Congress as possible in order to influence their views and obtain their advice before large additional numbers of refugees are accepted in United States territory.

We hope the foregoing information will be furnished to the President with the views of the Department of State and the Immigration and Naturalization Service. Thank you for your assistance.

Sincerely yours,



Mark L. Wolf
Special Assistant to
the Attorney General

cc. L. H. Chapman, Jr.
Commissioner
Immigration & Naturalization
Service

Ambassador L. Dean Brown

MAY 1, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF A LETTER TO THE SPEAKER OF THE HOUSE

April 30, 1975

Dear Mr. Speaker:

In view of the urgent need for funds to pay for humanitarian assistance and transportation of refugees from South Vietnam, I request that the House of Representatives act quickly to approve the Conference Report on H. R. 6096, the Vietnam Humanitarian Assistance and Evacuation Act of 1975. In making this request, I am aware that sections 4 through 9 of H. R. 6096 have been overtaken by events and have no further utility. Nevertheless, the enactment of the bill as recommended by the Conference Report is the most expeditious method of obtaining funds which are now desperately needed for the care and transportation of homeless refugees.

As I stated yesterday, the evacuation has been completed. The Congress may be assured that I do not intend to send the armed forces of the United States back into Vietnamese territory.

Approximately 70,000 evacuees are now located on various safe haven islands, on U.S. Navy vessels and on civilian vessels. These individuals are being cared for by agencies of the United States Government while being processed through a system established to relocate them in the United States and in other countries.

Although the specific cost of activities related to the evacuation cannot be fixed at this point, it is estimated that direct U.S. expenditures to care for and process these evacuees, and contributions to international organizations and private voluntary agencies to assist in this effort, will exceed \$400,000,000. Available funds already appropriated to provide aid to Vietnam will be reprogrammed and utilized to the maximum extent possible. But the additional authority of \$327,000,000 will be required to fully meet immediate needs.

The authority of this legislation, followed by appropriations as soon as possible, is necessary to continue this operation, to integrate the evacuees into the United States and other countries and to permit consideration of further humanitarian assistance which may be consistent with the provisions of H. R. 6096 and American policy objectives.

I urge the immediate enactment of H. R. 6096.

Sincerely,

GERALD R. FORD

#

#

#

MAY 1, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am saddened and disappointed by the action of the House of Representatives today in rejecting assistance to the refugees from South Vietnam.

This action does not reflect the values we cherish as a nation of immigrants. It is not worthy of a people which has lived by the philosophy symbolized in the Statue of Liberty. It reflects fear and misunderstanding, rather than charity and compassion.

Despite the House vote, I believe that in this tragic situation the American people want their country to be guided by the inscription on the Statue of Liberty:

"Give me your tired, your poor
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door."

After World War II, the United States offered a new life to 1,400,000 displaced persons. The generosity of the American people showed again following the Hungarian uprising of 1956 when more than 50,000 Hungarian refugees fled here for sanctuary. And we welcomed more than a half million Cubans fleeing tyranny in their country.

Now, other refugees have fled from the Communist take-over in Vietnam. These refugees chose freedom. They do not ask that we be their keepers but only, for a time, that we be their helpers.

Some members of the House of Representatives apparently voted against the legislation to assist the refugees because of a section relating to evacuation from South Vietnam. The evacuation is complete.

I urge the members of the House of Representatives and of the Senate to approve quickly new legislation providing humanitarian assistance to the South Vietnamese refugees. To do otherwise would be a repudiation of the finest principles and traditions of America.

#

#

#

THE WHITE HOUSE
WASHINGTON

Evacuation

FOR: Phil Buchen

FROM: Brent Scowcroft

APPROVED



DEPARTMENT OF STATE

Washington, D.C. 20520

~~CONFIDENTIAL~~

May 1, 1975

MEMORANDUM FOR: GENERAL SCOWCROFT

FROM: L. ~~DEAN~~ BROWN

Enclosed is a memorandum I am sending Secretary Kissinger, as well as Chapman's position.

Enclosure



DEPARTMENT OF STATE

Washington, D.C. 20530

CONFIDENTIAL

May 1, 1975

MEMORANDUM FOR: THE SECRETARY
FROM: L. DEAN BROWN
Subject: Evacuation

Look at these figures:

1. 35 VN ships with 30,000 heading for Subic
2. 8 US chartered ships with 39,000 heading for Subic
3. USN Task Force with 6,700 heading for Subic
4. 500 Vietnamese in Taiwan, half Navy, half another agency
5. 2,500 Diplomats, high risk, etc., in third countries
6. 41,000 in processing centers

All this adds up to 120,000 Vietnamese who have escaped and are looking towards us for help and refuge. In addition 7,400 Vietnamese have already entered the U.S. legally.

We have a grave political problem. With the Americans safely out of Saigon, the Congress is starting to cool off on the Vietnamese problem. Bob McCloskey is fully aware of this problem and is working already with the White House on it.

The White House staff is considering a strong Presidential statement. I have urged that it be done soonest. This will be discussed at Rumsfeld's 8:00 a.m. meeting tomorrow. I have also asked that we move forward on the Advisory Committee. I hope you'll support both and that you'll phone Rumsfeld, so saying.

CONFIDENTIAL

DECLASSIFIED
E.O. 12958 Sec. 3.6

State Department Guidelines
by KSH NARA, Date 6/29/97

You should know that INS strongly opposes any additional parole for high risk and is making this point strongly with the Attorney General. He is wavering. I attach a copy of INS's views, just given me. It's very strong.

The gut issue is this: any Vietnamese who reaches Guam is "ours;" that is to say, when someone reaches our soil, we cannot throw him out. Article 33 of the Convention and Protocol on the Status of Refugees to which we are signatories and which was Senate-ratified states "Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order." The Russian sailor Kuderka case is also pertinent.

What Chapman recommends is refusal of permission to land on Guam. This would mean that we force the Vietnamese Navy to return to the high seas with easily foreseen results: a sort of Flying Dutchman status. You can imagine the consequences of this a year from now.

To avoid this we'll need further parole authority. I've already said Congress will be cool, possibly even hostile unless public opinion is turned around.

Genuine internationalization is just not on. We'll get some but we'll never satisfy those who say other nations should take a "fair share." Of course, we'll pursue this goal, but we can't be under any illusion that it will make a real dent in the numbers.

We are running well behind the formation of public opinion and thus far have been reacting and not taking the initiative. I feel strongly that we need a sustained public campaign to generate support for carrying through on our moral commitment to these people. There is a large amount of latent support that could be made active with a strong Presidential speech - no matter how brief if on nationwide television - followed by the creation of the Advisory Committee.

Attachment

CONFIDENTIAL

1 May 1975

L. F. Chapman, Jr.
Commissioner of Immigration & Naturalization

Admission to Guam and subsequent parole of additional Vietnamese Refugees.

1. Stated below is the position of the Immigration and Naturalization Service with regard to the admission at Guam and parole of any Vietnamese beyond those for whom categories and limits have already been approved. It is requested that this position be included in presentations to the President on this subject.
2. To this point we have authorized parole of those high risk Vietnamese who were lifted out or assisted out by United States resources. This category would include the some 22,000 Vietnamese who are now understood to be on United States Navy ships enroute to Guam. We have not so far agreed to parole any who got out of Vietnam by any other means.
3. It is understood that the present proposal is to accept on United States soil (Guam) and parole those who are able to get out of Vietnam on their own to include those now understood to be on vessels and craft of the Arvn Navy number about 37,000. This proposal would also lead logically to a later move to Guam and parole of those who have managed to get out by any means to include on feet, by vehicle, by aircraft or by any other ships or craft.
4. Immigration Service opposes the proposal for the following reasons:
 - a. Once the alien lands on Guam he is entitled to apply for asylum and his right to remain must be considered under the United Nations Protocol relating to refugees.
 - b. The social, economic, and political impacts of entering into the United States of large additional numbers of Vietnamese refugees are considered to be severe.

- c. The proposal is open ended, in that it would logically lead to admitting many additional to those now on board the Arvn refugee ships and craft and would therefore trend toward the Cuban experience in which the President announced that the United States would accept any Cuban who could escape Cuba -- 675,000 did so.
3. Conclusions and Recommendations.
 - a. A limit should be set and announced as to the number of high risk and other refugees (other than relatives) that United States will admit on to U.S. soil and parole. The public announcement would be for the purpose of raising false hopes resulting in a mass exodus.
 - b. That a clear line be drawn between those the United States lifted or assisted out, on the one hand, and on the other those who managed to get out on their own or by any other means.
 - c. That the previous limit of 50,000 for high risk refugees will accommodate or nearly so those that we have lifted or assisted out. It should not be increased.
 - d. Do not permit those now on the Republic of Vietnam ships and craft to land on U.S. soil at Guam.
 - e. Do not permit all others who get out by any means to set foot on U.S. soil. Refuel the Arvn ships and craft and direct them to seek a third country port and appeal to the United Nations High Commissioner for Refugees.
 - f. Continue to urge the United Nations High Commissioner for Refugees to handle all other Refugees.

THE WHITE HOUSE
WASHINGTON

FOR: Phil Buchen

FROM: Brent Scowcroft



DEPARTMENT OF STATE

Washington, D.C. 20520

CONFIDENTIAL

May 1, 1975

MEMORANDUM FOR: GENERAL SCOWCROFT
FROM: L. ~~BEAN~~ BROWN

Enclosed is a memorandum I am sending Secretary Kissinger, as well as Chapman's position.

Enclosure



DEPARTMENT OF STATE

Washington, D.C. 20520

CONFIDENTIAL

May 1, 1975

MEMORANDUM FOR: THE SECRETARY
FROM: L. DEAN BROWN
Subject: Evacuation

Look at these figures:

1. 35 VN ships with 30,000 heading for Subic
2. 8 US chartered ships with 39,000 heading for Subic
3. USN Task Force with 6,700 heading for Subic
4. 500 Vietnamese in Taiwan, half Navy, half another agency
5. 2,500 Diplomats, high risk, etc., in third countries
6. 41,000 in processing centers

All this adds up to 120,000 Vietnamese who have escaped and are looking towards us for help and refuge. In addition 7,400 Vietnamese have already entered the U.S. legally.

We have a grave political problem. With the Americans safely out of Saigon, the Congress is starting to cool off on the Vietnamese problem. Bob McCloskey is fully aware of this problem and is working already with the White House on it.

The White House staff is considering a strong Presidential statement. I have urged that it be done soonest. This will be discussed at Rumsfeld's 8:00 a.m. meeting tomorrow. I have also asked that we move forward on the Advisory Committee. I hope you'll support both and that you'll phone Rumsfeld, so saying.

CONFIDENTIAL

DECLASSIFIED

E.O. 12958, Sec. 3.4.

MR 92-51, 724. State Apr. 7/14/93

By LCB NARA, Date 3/16/93

You should know that INS strongly opposes any additional parole for high risk and is making this point strongly with the Attorney General. He is wavering. I attach a copy of INS's views, just given me. It's very strong.

The gut issue is this: any Vietnamese who reaches Guam is "ours;" that is to say, when someone reaches our soil, we cannot throw him out. Article 33 of the Convention and Protocol on the Status of Refugees to which we are signatories and which was Senate-ratified states "Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order." The Russian sailor Kuderka case is also pertinent.

What Chapman recommends is refusal of permission to land on Guam. This would mean that we force the Vietnamese Navy to return to the high seas with easily foreseen results: a sort of Flying Dutchman status. You can imagine the consequences of this a year from now.

To avoid this we'll need further parole authority. I've already said Congress will be cool, possibly even hostile unless public opinion is turned around.

Genuine internationalization is just not on. We'll get some but we'll never satisfy those who say other nations should take a "fair share." Of course, we'll pursue this goal, but we can't be under any illusion that it will make a real dent in the numbers.

We are running well behind the formation of public opinion and thus far have been reacting and not taking the initiative. I feel strongly that we need a sustained public campaign to generate support for carrying through on our moral commitment to these people. There is a large amount of latent support that could be made active with a strong Presidential speech - no matter how brief if on nationwide television - followed by the creation of the Advisory Committee.

Attachment

Dean Brown, Director of the Special
Interagency Task Force

L. F. Chapman, Jr.
Commissioner of Immigration & Naturalization

Admission to Guam and subsequent parole of additional Vietnamese Refugees.

1. Stated below is the position of the Immigration and Naturalization Service with regard to the admission at Guam and parole of any Vietnamese beyond those for whom categories and limits have already been approved. It is requested that this position be included in presentations to the President on this subject.
2. To this point we have authorized parole of those high risk Vietnamese who were lifted out or assisted out by United States resources. This category would include the some 22,000 Vietnamese who are now understood to be on United States Navy ships enroute to Guam. We have not so far agreed to parole any who got out of Vietnam by any other means.
3. It is understood that the present proposal is to accept on United States soil (Guam) and parole those who are able to get out of Vietnam on their own to include those now understood to be on vessels and craft of the Arvn Navy number about 37,000. This proposal would also lead logically to a later move to Guam and parole of those who have managed to get out by any means to include on feet, by vehicle, by aircraft or by any other ships or craft.
4. Immigration Service opposes the proposal for the following reasons:
 - a. Once the alien lands on Guam he is entitled to apply for asylum and his right to remain must be considered under the United Nations Protocol relating to refugees.
 - b. The social, economic, and political impacts of entering into the United States of large additional numbers of Vietnamese refugees are considered to be severe.

- c. The proposal is open ended, in that it would logically lead to admitting many additional to those now on board the Arvn refugee ships and craft and would therefore trend toward the Cuban experience in which the President announced that the United States would accept any Cuban who could escape Cuba -- 675,000 did so.

3. Conclusions and Recommendations.

- a. A limit should be set and announced as to the number of high risk and other refugees (other than relatives) that United States will admit on to U.S. soil and parole. The public announcement would be for the purpose of raising false hopes resulting in a mass exodus.
- b. That a clear line be drawn between those the United States lifted or assisted out, on the one hand, and on the other those who managed to get out on their own or by any other means.
- c. That the previous limit of 50,000 for high risk refugees will accommodate or nearly so those that we have lifted or assisted out. It should not be increased.
- d. Do not permit those now on the Republic of Vietnam ships and craft to land on U.S. soil at Guam.
- e. Do not permit all others who get out by any means to set foot on U.S. soil. Refuel the Arvn ships and craft and direct them to seek a third country port and appeal to the United Nations High Commissioner for Refugees.
- f. Continue to urge the United Nations High Commissioner for Refugees to handle all other Refugees.

**Sam Brown, Director of the Special
Intelligence Task Force**

1 May 1975

**L. F. Chapman, Jr.
Commissioner of Immigration & Naturalization**

**Admission to Guam and subsequent parole of additional Vietnamese
Refugees.**

1. Stated below is the position of the Immigration and Naturalization Service with regard to the admission at Guam and parole of any Vietnamese beyond those for whom categories and limits have already been approved. It is requested that this position be included in presentations to the President on this subject.
2. To this point we have authorized parole of those high risk Vietnamese who were lifted out or assisted out by United States resources. This category would include the Guam 32,000 Vietnamese who are now understood to be on United States Navy ships enroute to Guam. We have not as yet agreed to parole any who got out of Vietnam by any other means.
3. It is understood that the present proposal is to accept on United States soil (Guam) and parole those who are able to get out of Vietnam on their own to include those now understood to be on vessels and craft of the Arva Navy number about 37,000. This proposal would also lead logically to a later move to Guam and parole of those who have managed to get out by any means to include on foot, by vehicle, by aircraft or by any other ships or craft.
4. Immigration Service opposes the proposal for the following reasons:
 - a. Once the alien lands on Guam he is entitled to apply for asylum and his right to remain must be considered under the United Nations Protocol relating to refugees.
 - b. The social, economic, and political impacts of entering into the United States of large additional numbers of Vietnamese refugees are considered to be severe.

- c. The proposal is open ended, in that it would logically lead to admitting many additional to those now on board the Arva refugee ships and craft and would therefore trend toward the Cuban experience in which the President announced that the United States would accept any Cuban who could escape Cuba --- 675,000 did so.

3. Conclusions and Recommendations.

- a. A limit should be set and announced as to the number of high risk and other refugees (other than relatives) that United States will admit on to U.S. soil and parole. The public announcement would be for the purpose of raising false hopes resulting in a mass exodus.
- b. That a clear line be drawn between those the United States lifted or assisted out, on the one hand, and on the other those who managed to get out on their own or by any other means.
- c. That the previous limit of 50,000 for high risk refugees will accommodate or nearly so those that we have lifted or assisted out. It should not be increased.
- d. Do not permit those now on the Republic of Vietnam ships and craft to land on U.S. soil at Guam.
- e. Do not permit all others who get out by any means to set foot on U.S. soil. Refusal the Arva ships and craft and direct them to seek a third country port and appeal to the United Nations High Commissioner for Refugees.
- f. Continue to urge the United Nations High Commissioner for Refugees to handle all other refugees.

FACT SHEET

[May 1975?]

Evacuation and Resettlement
of Indo Chinese Refugees

Evacuation

- 86,000 U.S. citizens and South Vietnamese have been evacuated by air and sea by U.S. military.
- All American citizens who wanted to leave South Vietnam did get out.
- An estimated 41,000 more South Vietnamese have fled their country on boats, by ship or over land.
- Only \$98 million is available under existing authority for the evacuation program. To date, DOD has incurred over \$70 million in costs for the evacuation. Without additional funds, the U.S. Government will be able to continue resettlement efforts only one more week.

Restaging Sites

- All refugees are being processed through Guam and Wake Islands where they are receiving housing, food, Immigration and Naturalization Service screening, and rigorous health care.
- An appeal internationally by U.S. to offer opportunities for resettlement in third countries, has resulted in the active participation of the UNHCR and ICEM, ICRC on Guam. Representatives are on site assisting in such resettlement.

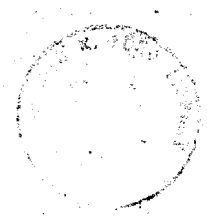


- The health condition is very good, and no unusual health problems exist.
- Less than 100 people out of 30,000 on Guam have been hospitalized, most of which were for maternity care, pneumonia, mild diarrhea - but no serious disease.
- INS is processing through those refugees whose documents are in order and are eligible for entry into U.S.
- PHS Center for Disease Control has established a surveillance system to identify and treat illness.

Reception Centers Stateside

- The three centers are Camp Pendleton, Calif.; Fort Chaffee, Ark.; Eglin Air Force Base.
- American voluntary agencies which have enabled the resettlement of millions of displaced persons who have been war victims are working closely with USG to resettle those refugees who enter the U.S.
- The major agencies are:

(see next page)



U.S. Catholic Conference
Migration and Refugee Services
1312 Massachusetts Avenue, N.W.
Washington, D.C.
659-6631

American Fund for Czechoslovak Refugees
1709 Broadway, Room 1316
New York, N.Y. 10019

Church World Service
Immigration & Refugee Program
475 Riverside Drive
New York, N.Y. 10027

Lutheran Immigration & Refugee Service
315 Park Avenue South
New York, N.Y. 10010

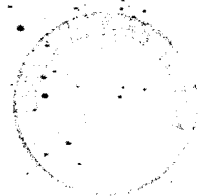
United Hias Service, Inc.
200 Park Avenue South
New York, N.Y. 10003

Tolstoy Foundation, Inc.
250 West 57th Street
New York, N.Y. 10019

International Rescue Committee
386 Park Avenue South
New York, N.Y. 10016

American Council for Nationalities Service
20 West 40th Street
New York, N.Y.
212/279-2715

Traveler's Aid-International Social Services
345 East 46th Street
New York, N.Y.
212/687-5958



The last three agencies have entered into a cooperative arrangement to process resettlement cases but wish to be listed separately as agencies engaged in resettlement.

- In addition, the Red Cross, Travelers Aid International have provided extraordinary assistance.

- The private sector has come forward with major expressions of assistance, including United Airlines which is providing transportation from reception centers to final destinations throughout the country.

- By the time each refugee leaves a reception site he will have a local sponsor identified by a voluntary resettlement agency, a rigorous health screening, and all children 1 - 5 will receive immunizations for measles, rubella, polio, diphtheria, pertussis, and tetanus.

- The voluntary agencies will assume responsibility for finding housing, enrolling children in schools, assisting in employment opportunities for heads of households, assistance in language skills, etc.

Resettlement

- Every effort will be made to ensure that resettlement to the extent possible will not be concentrated in a few enclaves in the country and will not result in economic or social service hardship.

- The Department of HEW, subject to Congressional action on the Administration's bill, will provide full reimbursement to State and local social service and health agencies for costs they may incur in providing income assistance, health maintenance, social services and educational services to refugees who are in need of such assistance.

Previous Refugee Emigrations

Displaced Persons	1945-1952	450,000
Eastern Europeans	1953-1956	189,000
Hungarians	1956-1957	30,701
Cubans	1959-Present	675,000
	TOTAL	1,344,701



2 May 1975

Preliminary Estimates of
Transport, Temporary Care,
and Resettlement Costs
(150,000 Evacuees in Staging
Areas, of which 130,000 to
be resettled in U.S. and
20,000 in Third Countries)

1.	<u>Daily Maintenance</u>	\$	185,000,000
	\$15 per person per day for 30 days (150,000 people) at staging areas, \$15 per person per day for 60 days (130,000 people) at processing centers. Includes food, utilities, medical care, etc.		
2.	<u>Airlift</u>		99,000,000
	\$530 per person (130,000 people) from staging areas to processing centers, plus air supply of materials estimated at \$30 million.		
3.	<u>Resettlement Costs</u>		78,000,000
	Estimated at \$600 per person to be provided to voluntary agencies which will transport and administer resettle- ment, 130,000 people in U.S.		
4.	<u>Subsequent Welfare and Medical (HEW)</u>		125,000,000
	Welfare and Social Services	\$50,000,000	
	Medicaid	30,000,000	
	Bilingual and Vocational Training	30,000,000	
	Public Health	15,000,000	
5.	<u>Movement of Added 20,000 Refugees to Third Countries for Resettlement (State/ORM)</u>		20,000,000
	Estimated at \$1,000 each to cover transport and program administration.		

NEW APPROPRIATION NEEDED

\$ 507,000,000



2 May 1975

Preliminary Estimates of
Evacuation Costs
(150,000 Evacuees from
South Vietnam to Staging
Areas)

1. <u>Sealift</u>	
Contract shipping for evacuation	\$ 30,000,000
2. <u>Airlift</u>	
\$300 per person to staging areas (110,000 people)	33,000,000
3. <u>Facilities</u>	
\$.20 million for establishment of staging areas, \$15 million to open processing centers.	35,000,000

Total Requirement \$ 98,000,000

Less Amount Provided from
IPR Funds under Presidential
Determination (614[a] Waiver) \$ 98,000,000

APPROPRIATION NEEDED

-- 0 --

ANALYSIS OF THE DRAFT
MIGRATION AND REFUGEE ASSISTANCE ACT OF 1975

The draft bill provides an express statutory authorization for a temporary program of relief and resettlement for refugees from Cambodia and Vietnam. This program, extending no longer than the end of the fiscal year 1977, would be carried out under the authorities contained in the Migration and Refugee Assistance Act of 1962, as amended. However, because it does not constitute permanent authority, the proposed legislation is in the form of a separate law, rather than an amendment to the 1962 Act.

Title. Section 1 identifies this Act as the "Migration and Refugee Assistance Act of 1975". This title associates the legislation with the Migration and Refugee Assistance Act of 1962, while also emphasizing it is a separate Act for a temporary program.

Authorization. Section 2(a) authorizes the appropriation of funds for assistance to Cambodian and Vietnamese refugees. The assistance would be provided under the Migration and Refugee Assistance Act of 1962, as amended, utilizing established procedures and administrative machinery with which the voluntary agencies and state and local governments are familiar.

During the next fourteen months, it is estimated that appropriations in the amount of \$507,000,000 will be required to carry out a program of temporary relief, transportation, and resettlement in the United States and third countries for 150,000 refugees. Additional costs for assistance to or in behalf of refugees in the United States will be incurred in fiscal year 1977. Because this program spans slightly more than two fiscal years, section 2(a) authorizes the appropriations to remain available until expended. However, the authorization is subject to the provisions of section 2(b) which limits the duration of the program to June 30, 1976, except for the functions within the United States, with respect to which the authorization continues through fiscal year 1977. In the event of a need for funds for resettlement in third countries or other overseas activities after June 30, 1976, they would be requested in the

normal authorization and appropriation process under the Migration and Refugee Assistance Act of 1962, as amended.

Definition of Refugee. Section 3 extends to refugees who have fled from Cambodia and Vietnam the authorities in the Migration and Refugee Assistance Act which are applicable to refugees in the United States from within the Western Hemisphere. These authorities include assistance to state and local public agencies, transportation of refugees to other areas within the United States, and training for employment. Programs under the authority of this section will be available only to those refugees who meet the requirements of financial need applicable to other refugees assisted under the 1962 Act and will terminate no later than the end of the fiscal year 1977, upon the expiration of the authorization contained in section 2.

A BILL

To enable the United States to render assistance to or in behalf of certain migrants and refugees.

1 Be it enacted by the Senate and House of
2 Representatives of the United States of America
3 in Congress assembled, That this Act may be
4 cited as, ^{the} "Migration and Refugee Assistance Act
5 of 1975".

6 SEC. 2. (a) Subject to the provisions of
7 subsection (b), there are hereby authorized to
8 be appropriated, in addition to amounts other-
9 wise available for such purposes, such sums as
10 may be necessary for the performance of functions
11 ^{set forth in} ~~under the~~ Migration and Refugee Assistance Act of
12 1962, as amended, ^(76 Stat. -) with respect to aliens who
13 have fled from Cambodia or Vietnam, ~~such sums to~~
14 ~~remain available until expended.~~

15 (b) None of the funds authorized
16 to be appropriated by this Act shall be available
17 for the performance of functions after June 30,
18 1976, other than carrying out the provisions of
19 clauses (3), (4), (5) and (6) of section 2(b)
20 of the Migration and Refugee Assistance Act of
21 1962, as amended. ^(76 Stat. -) None of such funds shall be
22 available for obligation for any purpose after
23 September 30, 1977.



1 SEC. 3. In carrying out functions
2 utilizing the funds made available under this
3 Act, the term "refugee" as defined in 7
4 section 2(b)(3) of the Migration and Refugee
5 Assistance Act of 1962, as amended, shall be
6 deemed to include aliens who (A) because of
7 persecution ^{or fear of persecution} on account of race, religion, or
8 political opinion, fled from Cambodia or
9 Vietnam; (B) cannot return there because of
10 fear of persecution on account of race,
11 religion, or political opinion; and (C) are in
12 urgent need of assistance for the essentials
13 of life.



The Federal Diary

Thousands to Aid Viet Refugees



By
**Mike
Causey**

Thousands of federal workers will be pulled off their present assignments dealing with domestic welfare, health and em-

passed in the early 1960s to help the influx of Cubans who came to this country. Officials expect this will be a tougher program to handle, because the Vietnamese face significantly more problems of race, language, culture, customs and even climate than did the Cubans. Many of the Cubans came over in the relative calm of regular flights worked out between the American and Castro governments, and had relatives here to help them.

Budget for the new refugee

The Federal Diary

Thousands to Aid Viet Refugees



By
**Mike
Causey**

Thousands of federal workers will be pulled off their present assignments dealing with domestic welfare, health and employment problems to help with the U.S. part of the Vietnamese refugee resettlement program.

passed in the early 1960s to help the influx of Cubans who came to this country. Officials expect this will be a tougher program to handle, because the Vietnamese face significantly more problems of race, language, culture, customs and even climate than did the Cubans. Many of the Cubans came over in the relative calm of regular flights worked out between the American and Castro governments, and had relatives here to help them.

Budget for the new refugee program currently is estimated at \$83 million (with many agencies to be tapped for "detail"

THE WHITE HOUSE

WASHINGTON
April 23, 1975

MEMORANDUM FOR:

ROLAND ELLIOTT

FROM:

PHILIP W. BUCHEN *J.W.B.*

The Counsel recommends that the donations which have been received by the White House for relief in Indochina be endorsed to the "Treasurer of the United States", forwarded to the Administrator, Agency for International Development, and acknowledged by the Administrator on behalf of the President under authority of 22 U.S.C. § 2395.

Attached hereto is the AID memo which you forwarded to this office.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 21, 1975

FOR: JAY FRENCH

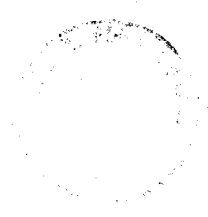
FROM: ROLAND L. ELLIOTT 

I am forwarding herewith a memorandum from the Agency for International Development responding to our inquiries about the handling of public donations coming to the White House for South Vietnam/Cambodian assistance.

To date, we have received approximately seventy donations ranging from ten cents to a check for fifty thousand dollars (of questionable validity). Most of the checks and money orders are made payable to "The President" or to "Gerald R. Ford."

I would appreciate, as soon as possible, your guidance and recommendations on how we might best proceed.

Attachment



DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D. C. 20523

OFFICE OF
THE ADMINISTRATOR

APR 18 1975

MEMORANDUM FOR MR. ROLAND L. ELLIOTT
Director of Correspondence
The White House

SUBJECT: Private Citizen Donations for Indochina Relief

Mr. William R. Dalton of the Emergency Indochina Humanitarian Relief Committee has been in contact with Mr. James Holmes of the White House staff with regard to private citizen donations for humanitarian purposes in Vietnam. He went over the matter with our lawyers and other staff concerned with the receipt of such monies into an appropriate A.I.D. account.

It was the consensus that returning the money might cause an adverse reaction on the part of the donor. Quite apart from the fact that we most likely would not again see the donation, it could cause a degree of frustration and provide a basis for more complaints of Washington red tape.

We, therefore, propose, as the preferred Agency option, that the donations be acknowledged using a form letter (Tab A), and that the checks be endorsed "Pay to the Treasurer of the United States" and bundled over here for the necessary completion of the financial transaction.

There is a more complex method that could be used by White House financial managers if they wanted to carry the deposit process further, which would identify the specific account and station symbol using Standard Form 1044 and Form 1 "Certificate of Deposit" with which they are undoubtedly familiar. If they wish to pursue that course, I would suggest they call Mr. John Finn of our Controller's Office on 632-0066. The account to which funds would be deposited has been established for some time. It is officially titled

"Gifts and Donations" and was specifically created in connection with Section 635(d) of the Foreign Assistance Act of 1961, as amended, a copy of which is attached (Tab B).

If this general approach meets with your satisfaction, I propose a standard response (Tab A) to be used in those situations where A.I.D., on behalf of the President, would accept donations pursuant to its authority under 635(d).

On the other hand, if it is decided to continue the White House policy of returning all checks of this sort made out to the President or the Government of the United States, enclosed is an alternative standard response (Tab C). The plan supporting this alternative essentially is to return all checks to donors, suggesting they resubmit checks payable to the Administrator, A.I.D., for deposit to the A.I.D. Humanitarian Relief Account. This would be a sub-account within the "Gifts and Donations" account which we believe will be more acceptable to donors than the formal title.

Both of these plans have A.I.D.'s General Counsel clearance, and both are consistent with the previously referenced Section of the Foreign Assistance Act.

For your information, also enclosed as Tab D is a fact sheet which our Congressional Liaison Staff proposes to bring to the attention of appropriate Committees and selected Members of Congress to inform them of our action. It will also serve as a basis for the development of a press release.

We will, of course, await your advice before taking any action.



Donald T. Bliss
Executive Secretary

Enclosures

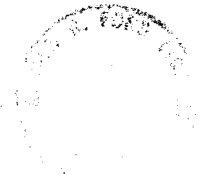
Dear Mr. _____:

On behalf of the President, we wish to thank you for your generous contribution in support of humanitarian assistance to the victims of the war in Indochina. Your heartwarming expression of concern, along with those of other Americans, is consistent with the finest American traditions of helping those in need.

The President is pleased to accept your donation under authority of Section 635(d) of the Foreign Assistance Act of 1961, as amended. Such funds are deposited in a special account of the Agency for International Development (A.I.D.) which has responsibility within the United States Government for relief programs in Indochina. Funds in that account will be used for U.S. humanitarian activities, including direct support to American voluntary agencies which have relief programs in Indochina.

Your thoughtful donation is greatly appreciated.

Sincerely,



contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.⁴⁵²

(h)⁴⁵⁴ The background documents transmitted to Congress in each fiscal year supporting requests for new authorizations and appropriations to carry out the programs under part II of this Act shall contain information concerning the proposed funding levels for military assistance and sales to South Vietnam, Thailand, and Laos.

Sec. 635.⁴⁵⁵ General Authorities.—(a) Except as otherwise specifically provided in this Act, assistance under this Act may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities) as may be determined to be best suited to the achievement of the purposes of this Act, and shall emphasize loans rather than grants wherever possible.

(b) The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States and international organizations in furtherance of the purposes and within the limitations of this Act.

(c) It is the sense of Congress that the President, in furthering the purposes of this Act, shall use to the maximum extent practicable the services and facilities of voluntary, nonprofit organizations registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid.

(d) The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(e) (1)⁴⁵⁶ Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing technical information and assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2)⁴⁵⁶ Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their places of employment abroad for purposes of training or other official duties.

(f) Alien participants in any program of furnishing technical information and assistance under this Act may be admitted to the United States if otherwise qualified as nonimmigrants under section 101(a) (15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a) (15)), for such time and under such conditions as may be

⁴⁵² Subsection (h) was added by Sec. 302(h) (2) of the FAAct of 1967.

⁴⁵³ 22 USC § 2395.

⁴⁵⁴ Sec. 302(i) (1) of the FAAct of 1967 added paragraph designation "(1)" and paragraph (2).

Dear Mr. _____:

On behalf of the President, we wish to thank you for your generous contribution in support of humanitarian assistance to the victims of the war in Indochina. Your heartwarming expression of concern is consistent with the finest American traditions of helping those in need.

Responsibility for receiving public donations of this sort has been assigned to the Agency for International Development which has established a special account for that purpose. The expenditure of such funds will be subject to standard U.S. Government financial control practices.

To facilitate acceptance of such monies, we are returning checks with the suggestion that they be resubmitted, made payable to the Administrator, Agency for International Development, for the Humanitarian Relief Account. Such checks should be addressed to: Humanitarian Relief Account, Agency for International Development, Washington, D.C. 20523. Inquiries concerning this account may be sent to the same address.

Your thoughtful donation is appreciated.

Sincerely,

FACT SHEET

A.I.D. Humanitarian Relief Account

When a major disaster occurs abroad, the American public often responds with contributions of cash and relief supplies, some of which are often received by the White House, the Department of State, and A.I.D.

In the past such cash donations were returned with suggestions that they might be given to charitable and voluntary agencies. A Humanitarian Relief Account is now being established by A.I.D. to permit the acceptance of such financial contributions and to be more responsive to the humanitarian will of the American public. The authority contained in Section 635(d) of the Foreign Assistance Act of 1961, as amended, which authorizes the President to receive such funds, has been delegated to the Administrator of the Agency for International Development. Checks should be made payable to the Administrator of A.I.D., for the Humanitarian Relief Account.

The acceptance and expenditure of such funds will be subject to standard U.S. Government financial control practices. These funds will be used for purposes of humanitarian relief activities, including support of the activities of American voluntary agencies, and will

be managed by the Agency's Office of the Foreign
Disaster Relief Coordinator, a part of A.I.D.'s
Bureau for Population and Humanitarian Assistance.

Tuesday 4/22/75

10:00 Barry Roth advises that Justice received an informal approval to bring in up to 50,000 refugees from Indo China via the use of parole as explained in item 6 of our memo.

Justice did not consult at this time about a higher figure.

cc: Rod Hills



Evans

Tuesday 4/22/75

10:00 Barry Roth advises that Justice received an informal approval to bring in up to 50,000 refugees from Indo China via the use of parole as explained in item 6 of our memo.

Justice did not consult at this time about a higher figure.

cc: Rod Hills



file 2/20/75

THE WHITE HOUSE

WASHINGTON

April 18, 1975

ADMINISTRATIVELY ~~CONFIDENTIAL~~

MEMORANDUM FOR:

✓ PHILIP BUCHEN
JOHN MARSH
GENERAL SCOWCROFT

FROM:

JERRY H. JONES 

Your memorandum to the President of April 17 regarding Section 212(d)(5) of the Immigration and Nationality Act has been reviewed and the seven actions outlined in your memo have been approved.

Please follow-up with the appropriate action.

Thank you.

cc: Don Rumsfeld



Refugees

THE WHITE HOUSE

WASHINGTON

April 17, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP BUCHEN
JOHN MARSH
GENERAL SCOWCROFT

Section 212(d)(5) of the Immigration and Nationality Act provides inter alia that "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States...."

A history of the use of this authority is provided at Tab A.

From April 3 through April 15, 1,703 orphans have been flown out of Vietnam/Cambodia. The parole process has been applied in these cases. An updated report of this action is attached at Tab B.

On April 13, authorization for movement of families accompanying U. S. citizens returning from Vietnam was given. Parole is being used in this action. It is estimated that between 3,000 and 5,000 persons are involved.

It is now essential to consider additional actions:

1. There are 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to come to the United States. The Thai Government has made it clear that it urgently desires their onward movement. State and Justice request your authorization to proceed with parole for these persons. We recommend your approval.

AGREE _____

DISAGREE _____

DECLASSIFIED
E.O. 12356, Sec. 3.4.

NR 92-48, # 21 (duplicate)

By 163H NARA, Date 5/23/95

2. There are about 100 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. INS agrees "provided that the number admitted is subtracted from the total number of parolees finally admitted." We recommend parole without caveat.

AGREE _____

DISAGREE _____

3. There are approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. State and INS recommend the use of parole to permit their processing to be completed while they are in the United States. Their status will then be converted to the appropriate INA preference as soon as feasible after their arrival here as parolees. We recommend your approval.

AGREE _____

DISAGREE _____

4. There are also Vietnamese nationals (estimated to number between 10,000 and 75,000) who are immediate relatives of American citizens and permanent residents and for whom petitions have not as yet been filed. The number of those who would and could accept an offer of parole is unknown. State and Justice both recommend parole. We recommend your approval.

AGREE _____

DISAGREE _____

5. Approximately 5,000 Cambodian diplomats and other refugees in third countries may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. State will make every effort to assist and persuade the UNHC for Refugees to arrange for the relocation of refugees throughout the world, but State also wishes the President to request the Justice

Department to authorize entry into the United States of all such persons by parole whenever State determines that the efforts of the UNHC for Refugees are not successful.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____

6. Planning is also now required for the potential evacuation of certain high risk Vietnamese. These include U. S. employees, labor leaders engaged in the free trade labor movement (particularly those who have worked with U. S. unions), governmental personnel and others along with their dependents. There is no clear indication of just how great the number will be. Every effort will be made to involve third countries, both directly and through international mechanisms such as the UNHCR and the International Committee for European Refugees. Nevertheless, it is apparent that a large number will wish to come to the United States. This will require the Attorney General's use of parole.

State and INS agree that parole should be exercised for such Vietnamese, but differ sharply as to numbers.

State believes that we should take our fair share of refugees who are unable to be settled elsewhere, and recognizes that the total number, given logistical and political limitations could be approximately 200,000. INS would limit the use of parole to 50,000 or 40% of the total number to be evacuated, whichever is less. It is their view that (1) the domestic impact on our society of admitting a large number is undesirable and (2) the Cuban experiences, wherein the President permitted 675,000 persons to enter the United States, should not be repeated. The INS also believes that it may be necessary to publicly announce this limit to prevent a mass exodus based on false hopes.

The State Department has now accepted the INS limitation based upon presently perceived political problems with the U. S. Congress.

We recommend that planning begin at once to process parole candidates from the category of "high-risk" Vietnamese but that we not attempt to set a limit now. When planning is completed and when efforts of International cooperation have gone further you will better be able to determine what is possible. Practically, it may not be possible to reach the

level of 200,000 that the State Department originally fore-
saw.

AGREE _____

DISAGREE _____

7. We recommend that you direct establishment of a small full-time task force with the necessary authority to improve your decision making data base, assume interdepartmental coordination, and advise you in this emergency. This task force should include high level representatives from the Departments of State, Justice, Labor, HEW and HUD.

AGREE _____

DISAGREE _____

16 April 1975

Point Paper for the Special Assistant to the Secretary and
Deputy Secretary of Defense

SUBJECT: Orphan Evacuation Program - Vietnam/Cambodia

MAIN THRUST OF POINT PAPER

- Provides an update on the orphan evacuation program.

DISCUSSION

- On 3 Apr 75, DOD developed procedures for orphan evacuation. State/AID wholeheartedly concurred.
 - All orphans, upon verification by US Embassy in Vietnam and Cambodia, would be airlifted on first available military or commercial contract aircraft to Clark AB.
 - At Clark AB medical evaluation would be made to determine if orphans should be hospitalized, proceed on normal airlift, or be medically evacuated.
 - Flights then proceed to San Francisco or Los Angeles with Seattle as backup where military and volunteer agency personnel would further process them.
 - From 3 through 15 April a total of 1703 orphans (52 Cambodians) have been flown out of Vietnam/Cambodia. Military Airlift Command (MAC) transported 883 through Clark AFB, Philippines, of which 43 are currently enroute. Non-DOD carriers, chartered by private arrangements, transported the balance of 820 orphans.
 - 914 orphans have been moved to San Francisco.
 - 330 orphans have been moved to Los Angeles.
 - 409 orphans have been moved to Seattle.
 - 201 orphans have been moved to Fort Benning, Ga.
- (These figures do not total 1703 due to double handling, i.e., L.A. and Benning)
- Number and location of orphans currently being processed:
 - Clark AB, Philippines - 5 hospitalized.
 - Hickam AB, Hawaii - 5 hospitalized.
 - San Francisco - 65
 - Los Angeles - 87
 - Seattle - 18
 - Fort Benning - 170 (14 hospitalized)

DECLASSIFIED

E.O. 12356, Sec. 3.4.

MR 92-53, #23 (duplicate)

By KBH, NARA, Date 5/23/95

- Enroute - 43 from Clark AB to Los Alamedas Air Station, Ca.
 - Deaths:
 - 5 April crash of C-5 - 190 (figure not final)
 - One died enroute to Clark AB - cause of death, extreme dehydration. (Infant)
 - One died at Clark AB Hospital - cause of death, sepsis (absorption of pathogenic microorganisms into blood stream). (Infant)
 - One died enroute to Los Angeles - cause of death, pneumonia, dehydration and prematurity. Reported 24 days old.
 - Prognosis - No more deaths expected.
 - Future orphan airlift requirements:
 - Known - zero - original "Reported 2000" all processed
 - Possible - 80 (Vietnam) Rumors of 500 to 5000 more. Tracking this.
 - Problems:
 - Despite the official State/AID/DOD system, certain individuals have operated as free agents making arrangements for contract flights and direct liaison with the orphanages.
 - This has caused considerable confusion and resulted in less than desirable service for the orphans.
 - News reporters covering commercial arrivals at San Francisco and Seattle (outside the State/AID/DOD system) cited health problems with orphans on these flights.
 - Current funding status (funded by State/AID):
 - Airlift \$1,156,772
 - Medical 166,938
 - Support 71,916
 - Total obligated as of 15 Apr - \$1,395,626
- Prepared by: MGEN M.F. Casey, USAF
DOD Orphan Lift Coordinator
OX 74121

THE WHITE HOUSE

WASHINGTON

April 17, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP BUCHEN
JOHN MARSH
GENERAL SCOWCROFT

Section 212(d)(5) of the Immigration and Nationality Act provides inter alia that "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States...."

A history of the use of this authority is provided at Tab A.

From April 3 through April 15, 1,703 orphans have been flown out of Vietnam/Cambodia. The parole process has been applied in these cases. An updated report of this action is attached at Tab B.

On April 13, authorization for movement of families accompanying U. S. citizens returning from Vietnam was given. Parole is being used in this action. It is estimated that between 3,000 and 5,000 persons are involved.

It is now essential to consider additional actions:

1. There are 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to come to the United States. The Thai Government has made it clear that it urgently desires their onward movement. State and Justice request your authorization to proceed with parole for these persons. We recommend your approval.

AGREE _____

DISAGREE _____

DECLASSIFIED
E.O. 12356, Sec. 3.4.

MR 92-48, #21 NSC Ltr. 4/28/95
By KBH NARA, Date 5/23/95

2. There are about 100 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. INS agrees "provided that the number admitted is subtracted from the total number of parolees finally admitted." We recommend parole without caveat.

AGREE _____

DISAGREE _____

3. There are approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. State and INS recommend the use of parole to permit their processing to be completed while they are in the United States. Their status will then be converted to the appropriate INA preference as soon as feasible after their arrival here as parolees. We recommend your approval.

AGREE _____

DISAGREE _____

4. There are also Vietnamese nationals (estimated to number between 10,000 and 75,000) who are immediate relatives of American citizens and permanent residents and for whom petitions have not as yet been filed. The number of those who would and could accept an offer of parole is unknown. State and Justice both recommend parole. We recommend your approval.

AGREE _____

DISAGREE _____

5. Approximately 5,000 Cambodian diplomats and other refugees in third countries may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. State will make every effort to assist and persuade the UNHC for Refugees to arrange for the relocation of refugees throughout the world, but State also wishes the President to request the Justice

Department to authorize entry into the United States of all such persons by parole whenever State determines that the efforts of the UNHC for Refugees are not successful.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____

6. Planning is also now required for the potential evacuation of certain high risk Vietnamese. These include U. S. employees, labor leaders engaged in the free trade labor movement (particularly those who have worked with U. S. unions), governmental personnel and others along with their dependents. There is no clear indication of just how great the number will be. Every effort will be made to involve third countries, both directly and through international mechanisms such as the UNHCR and the International Committee for European Refugees. Nevertheless, it is apparent that a large number will wish to come to the United States. This will require the Attorney General's use of parole.

State and INS agree that parole should be exercised for such Vietnamese, but differ sharply as to numbers.

State believes that we should take our fair share of refugees who are unable to be settled elsewhere, and recognizes that the total number, given logistical and political limitations could be approximately 200,000. INS would limit the use of parole to 50,000 or 40% of the total number to be evacuated, whichever is less. It is their view that (1) the domestic impact on our society of admitting a large number is undesirable and (2) the Cuban experiences, wherein the President permitted 675,000 persons to enter the United States, should not be repeated. The INS also believes that it may be necessary to publicly announce this limit to prevent a mass exodus based on false hopes.

The State Department has now accepted the INS limitation based upon presently perceived political problems with the U. S. Congress.

We recommend that planning begin at once to process parole candidates from the category of "high-risk" Vietnamese but that we not attempt to set a limit now. When planning is completed and when efforts of International cooperation have gone further you will better be able to determine what is possible. Practically, it may not be possible to reach the

level of 200,000 that the State Department originally fore-
saw.

AGREE _____

DISAGREE _____

7. We recommend that you direct establishment of a small full-time task force with the necessary authority to improve your decision making data base, assume interdepartmental coordination, and advise you in this emergency. This task force should include high level representatives from the Departments of State, Justice, Labor, HEW and HUD.

AGREE _____

DISAGREE _____

A

DECLASSIFIED

E.O. 12356, Sec. 3.4.

HISTORY OF THE USE OF PAROLE

MR 92-48 #22 NSC Mr. 4/28/95

By KDH NARA, Date 5/23/95

Parole is a device by which an inadmissible alien seeking entry is permitted to proceed into the United States, but in contemplation of law is considered to be standing at the water's edge. He is not deemed to be in the United States within the meaning of the expulsion provisions or other provisions of the Immigration and Nationality Act. Standing at the water's edge, as it were, he may be removed only in exclusion proceedings.

Parole is resorted to only in exceptional situations such as emergent medical treatment, avoiding unwarranted detention, and prosecution of criminals returned to the United States. It has also been used for refugees and orphans.

The first express statutory authorization for parole appeared in the Immigration and Nationality Act which became effective December 24, 1952. 1/ The statute provides that the Attorney General in his discretion may parole any alien seeking admission for emergent reasons or for reasons deemed strictly in the public interest.

Before 1952, parole was utilized as an administrative expedient. 2/ It's peculiar status was recognized by the Supreme Court 50 years ago in the case of Kaplan v. Tod. 3/

There has never been any question concerning the authority to parole individual aliens. However, questions have been raised by the Congress concerning authority to parole groups of aliens. For example, a question was raised after 224 Russian Orthodox Old Believers were paroled into the United States in June 1963. In the House Report on the 1965 Amendments, which established permanent Legislation for the conditional entry of refugees, the following statement was made: "The parole provisions were designed to authorize the Attorney General to act only in emergent, individual and isolated situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law." 4/

Nevertheless, under the general parole authority of the 1952 Act, large numbers of refugees have been allowed to come into the United States after, as well as before publication of the House Report. 5/ These include:

Over 30,000 refugees from the 1956 Hungarian Revolution, by direction of President Eisenhower.

Over 600,000 refugees from Cuba who began to come to the United States in an almost unbroken stream for more than a decade after the Castro takeover in 1959. (In 1965 when

he signed into law the abolition of the National Origins System, President Johnson revived the Cuban parole program despite the House report.)

15,000 Chinese refugees from Hong Kong, by direction of President Kennedy in 1962.

6,500 Czechoslovak refugees after the Soviet invasion of that country in 1968, at the urging of Congress.

Several hundred Soviet Jews and other minorities in the U.S.S.R., at the urging of Congress in 1971.

1,000 stateless Ugandan-Asians, authorized in 1972, at the urgent request of the State Department.

Following the suppression of the abortive Hungarian revolt in the Fall of 1956 over 200,000 Hungarian refugees fled the country, especially to Austria (180,000) and to Yugoslavia (20,000). Resettlement missions from many countries were eager to accept Hungarian refugees, and the asylum countries -- especially Austria -- served as staging areas. President Eisenhower and the American people in general were eager to accept a generous quota of the Hungarians. Fewer than 7,000 refugee visas remained available, however, under the Refugee Relief Act of 1953 as amended. These were quickly used for Hungarians. At this juncture the decision was made to invoke Section 212 (d) (5) of the Immigration and Nationality Act in order to parole larger numbers of Hungarian refugees into the United States.

The sympathetic 85th Congress enacted P.L. 85-559, which provides for adjustment of status of paroled Hungarians to that of permanent immigrants to the U.S. The majority of the refugees were brought in from Austria into a U.S. staging area, in Camp Kilmer, New Jersey, administered by the Department of the Army. The refugees were resettled from Camp Kilmer, primarily through the efforts of interested voluntary agencies. A total of 30,701 Hungarian refugees regularized their status in the United States under P.L. 85-559 during 1958-59. This represented the overwhelming majority of the Hungarian refugees who were paroled into this country.

The Cuban refugee situation differs from others in that the United States was the country of first asylum. From 1957-72 this country admitted 621,403 Cuban nationals who fled from Cuba. That exodus was generally divided into three distinct periods: from the advent of the Castro government in 1959 to the breaking of diplomatic relations in January 1961; from 1961 until the end of commercial travel in October, 1962; the subsequent period. While diplomatic

B

relations existed, Cubans who wanted to leave Cuba went to the consulate in Havana. They were issued B-2 (tourist visas) which documented them and enabled commercial carriers to bring them to the United States. On arrival (usually Miami) the B-2 visa was cancelled by the Immigration Service (INS) and they were paroled into the United States under the parole provisions of the Immigration Act. The B-2 visa was "pro-forma" documentation to enable travel to commence.

After the break in diplomatic relations, the United States initially avoided the use of parole for Cubans fleeing the island the resorted to the device of waiving the visa requirement on a mass basis on the theory that each case represented an unforeseen emergency because of the unavailability of consular services in Cuba. This program largely terminated at the time of the Cuban Missile Crisis of 1962 because travel out of Cuba became impossible.

In October 1962, all commercial transportation between Cuba and the U.S. ended. The Cuban refugee flow was reduced to a trickle. In December 1962 the American Red Cross began sponsoring airlifts and vessels which brought Cuban refugees to the United States, primarily relatives of Cubans already here and prisoners from the "Bay of Pigs" invasion. These people were directly paroled.

In 1965, Castro announced that certain Cubans who wanted to leave were free to do so. President Johnson responded that the U.S. would accept all. Direct parole was the method of entry. Some Cubans went to third countries (primarily Spain) as they were unable to get places on the airlifts. Those with close relatives in the U.S. were given "pre-parole" documentation (medicals, affidavit of support, security clearance) by our consulate in Madrid. When they arrived at the U.S. port of entry, they were paroled into the U.S. by INS. In October, 1973, the Attorney General agreed to a one year parole program for those without close relatives here. Documentation was prepared by the consulates as with the pre-parole program, but INS personnel interviewed and issued the actual parole document in Madrid. Cubans in the U.S. were received and processed by the Cuban Refugee Center in Miami run by HEW. The Act of November 2, 1966 enabled Cuban refugees to adjust status to permanent residents.

16 April 1975

Point Paper for the Special Assistant to the Secretary and
Deputy Secretary of Defense

SUBJECT: Orphan Evacuation Program - Vietnam/Cambodia

MAIN THRUST OF POINT PAPER

- Provides an update on the orphan evacuation program.

DISCUSSION

- On 3 Apr 75, DOD developed procedures for orphan evacuation.
State/AID wholeheartedly concurred.

-- All orphans, upon verification by US Embassy in Vietnam
and Cambodia, would be airlifted on first available
military or commercial contract aircraft to Clark AB.

-- At Clark AB medical evaluation would be made to determine if
orphans should be hospitalized, proceed on normal airlift,
or be medically evacuated.

-- Flights then proceed to San Francisco or Los Angeles with
Seattle as backup where military and volunteer agency
personnel would further process them.

- From 3 through 15 April a total of 1703 orphans (52 Cambodians)
have been flown out of Vietnam/Cambodia. Military Airlift Command
(MAC) transported 883 through Clark AFB, Philippines, of which 43
are currently enroute. Non-DOD carriers, chartered by private
arrangements, transported the balance of 820 orphans.

-- 914 orphans have been moved to San Francisco.

-- 330 orphans have been moved to Los Angeles.

-- 409 orphans have been moved to Seattle.

-- 201 orphans have been moved to Fort Benning, Ga.

(These figures do not total 1703 due to double handling, i.e.,
L.A. and Benning)

- Number and location of orphans currently being processed:

-- Clark AB, Philippines - 5 hospitalized.

Hickam AB, Hawaii - 5 hospitalized.

San Francisco - 65

Los Angeles - 87

Seattle - 18

Fort Benning - 170 (14 hospitalized)

DECLASSIFIED
E.O. 12356, Sec. 3.4.

MR 92-53, #23 (duplicate)
By KGH, NARA, Date 5/23/95

- Enroute - 43 from Clark AB to Los Alamedas Air Station, Ca.
- Deaths:
 - 5 April crash of C-5 - 190 (figure not final)
 - One died enroute to Clark AB - cause of death, extreme dehydration. (Infant)
 - One died at Clark AB Hospital - cause of death, sepsis (absorption of pathogenic microorganisms into blood stream). (Infant)
 - One died enroute to Los Angeles - cause of death, pneumonia, dehydration and prematurity. Reported 24 days old.
 - Prognosis - No more deaths expected.
- Future orphan airlift requirements:
 - Known - zero - original "Reported 2000" all processed
 - Possible - 80 (Vietnam) Rumors of 500 to 5000 more. Tracking this.
- Problems:
 - Despite the official State/AID/DOD system, certain individuals have operated as free agents making arrangements for contract flights and direct liaison with the orphanages.
 - This has caused considerable confusion and resulted in less than desirable service for the orphans.
 - News reporters covering commercial arrivals at San Francisco and Seattle (outside the State/AID/DOD system) cited health problems with orphans on these flights.
- Current funding status (funded by State/AID):
 - Airlift \$1,156,772
 - Medical 166,938
 - Support 71,916
 - Total obligated as of 15 Apr - \$1,395,626

Prepared by: MGEN M.F. Casey, USAF
 DOD Orphan Lift Coordinator
 OX 74121

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

April 17, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP BUCHEN
JOHN MARSH
GENERAL SCOWCROFT

Section 212(d) (5) of the Immigration and Nationality Act provides inter alia that "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States...."

A history of the use of this authority is provided at Tab A.

From April 3 through April 15, 1,703 orphans have been flown out of Vietnam/Cambodia. The parole process has been applied in these cases. An updated report of this action is attached at Tab B.

On April 13, authorization for movement of families accompanying U. S. citizens returning from Vietnam was given. Parole is being used in this action. It is estimated that between 3,000 and 5,000 persons are involved.

It is now essential to consider additional actions:

1. There are 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to come to the United States. The Thai Government has made it clear that it urgently desires their onward movement. State and Justice request your authorization to proceed with parole for these persons. We recommend your approval.

AGREE _____

DISAGREE _____

DECLASSIFIED
E.O. 12356, Sec. 3.4.

NR 92-48, #21 NSC Mr. 4/23/95

By KS/H NARA, Date 5/23/95

~~SECRET~~

SECRET

2. There are about 100 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. INS agrees "provided that the number admitted is subtracted from the total number of parolees finally admitted." We recommend parole without caveat.

AGREE _____

DISAGREE _____

3. There are approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. State and INS recommend the use of parole to permit their processing to be completed while they are in the United States. Their status will then be converted to the appropriate INA preference as soon as feasible after their arrival here as parolees. We recommend your approval.

AGREE _____

DISAGREE _____

4. There are also Vietnamese nationals (estimated to number between 10,000 and 75,000) who are immediate relatives of American citizens and permanent residents and for whom petitions have not as yet been filed. The number of those who would and could accept an offer of parole is unknown. State and Justice both recommend parole. We recommend your approval.

AGREE _____

DISAGREE _____

5. Approximately 5,000 Cambodian diplomats and other refugees in third countries may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. State will make every effort to assist and persuade the UNHC for Refugees to arrange for the relocation of refugees throughout the world, but State also wishes the President to request the Justice

SECRET

~~SECRET~~

Department to authorize entry into the United States of all such persons by parole whenever State determines that the efforts of the UNHC for Refugees, are not successful.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____

6. Planning is also now required for the potential evacuation of certain high risk Vietnamese. These include U. S. employees, labor leaders engaged in the free trade labor movement (particularly those who have worked with U. S. unions), governmental personnel and others along with their dependents. There is no clear indication of just how great the number will be. Every effort will be made to involve third countries, both directly and through international mechanisms such as the UNHCR and the International Committee for European Refugees. Nevertheless, it is apparent that a large number will wish to come to the United States. This will require the Attorney General's use of parole.

State and INS agree that parole should be exercised for such Vietnamese, but differ sharply as to numbers.

State believes that we should take our fair share of refugees who are unable to be settled elsewhere, and recognizes that the total number, given logistical and political limitations could be approximately 200,000. INS would limit the use of parole to 50,000 or 40% of the total number to be evacuated, whichever is less. It is their view that (1) the domestic impact on our society of admitting a large number is undesirable and (2) the Cuban experiences, wherein the President permitted 675,000 persons to enter the United States, should not be repeated. The INS also believes that it may be necessary to publicly announce this limit to prevent a mass exodus based on false hopes.

The State Department has now accepted the INS limitation based upon presently perceived political problems with the U. S. Congress.

We recommend that planning begin at once to process parole candidates from the category of "high-risk" Vietnamese but that we not attempt to set a limit now. When planning is completed and when efforts of International cooperation have gone further you will better be able to determine what is possible. Practically, it may not be possible to reach the

SECRET

level of 200,000 that the State Department originally fore-
saw.

AGREE _____

DISAGREE _____

7. We recommend that you direct establishment of a small full-time task force with the necessary authority to improve your decision making data base, assume interdepartmental coordination, and advise you in this emergency. This task force should include high level representatives from the Departments of State, Justice, Labor, HEW and HUD.

AGREE _____

DISAGREE _____

0

Di

...

...

...

...

DECLASSIFIED

E.O. 12356, Sec. 3.4.

SECRET

NR 92-48, #22 NSC Mt. 4/29/95

HISTORY OF THE USE OF PAROLE

By KSH NARA, Date 5/23/95

Parole is a device by which an inadmissible alien seeking entry is permitted to proceed into the United States, but in contemplation of law is considered to be standing at the water's edge. He is not deemed to be in the United States within the meaning of the expulsion provisions or other provisions of the Immigration and Nationality Act. Standing at the water's edge, as it were, he may be removed only in exclusion proceedings.

Parole is resorted to only in exceptional situations such as emergent medical treatment, avoiding unwarranted detention, and prosecution of criminals returned to the United States. It has also been used for refugees and orphans.

The first express statutory authorization for parole appeared in the Immigration and Nationality Act which became effective December 24, 1952. ^{1/} The statute provides that the Attorney General in his discretion may parole any alien seeking admission for emergent reasons or for reasons deemed strictly in the public interest.

Before 1952, parole was utilized as an administrative expedient. ^{2/} Its peculiar status was recognized by the Supreme Court 50 years ago in the case of Kaplan v. Tod. ^{3/}

There has never been any question concerning the authority to parole individual aliens. However, questions have been raised by the Congress concerning authority to parole groups of aliens. For example, a question was raised after 224 Russian Orthodox Old Believers were paroled into the United States in June 1963. In the House Report on the 1965 Amendments, which established permanent Legislation for the conditional entry of refugees, the following statement was made: "The parole provisions were designed to authorize the Attorney General to act only in emergent, individual and isolated situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law." ^{4/}

Nevertheless, under the general parole authority of the 1952 Act, large numbers of refugees have been allowed to come into the United States after, as well as before publication of the House Report. ^{5/} These include:

Over 30,000 refugees from the 1956 Hungarian Revolution, by direction of President Eisenhower.

Over 600,000 refugees from Cuba who began to come to the United States in an almost unbroken stream for more than a decade after the Castro takeover in 1959. (In 1965 when

he signed into law the abolition of the National Origins System. President Johnson revived the Cuban parole program despite the House report.)

15,000 Chinese refugees from Hong Kong, by direction of President Kennedy in 1962.

6,500 Czechoslovak refugees after the Soviet invasion of that country in 1968, at the urging of Congress.

Several hundred Soviet Jews and other minorities in the U.S.S.R., at the urging of Congress in 1971.

1,000 stateless Ugandan-Asians, authorized in 1972, at the urgent request of the State Department.

Following the suppression of the abortive Hungarian revolt in the Fall of 1956 over 200,000 Hungarian refugees fled the country, especially to Austria (180,000) and to Yugoslavia (20,000). Resettlement missions from many countries were eager to accept Hungarian refugees, and the asylum countries -- especially Austria -- served as staging areas. President Eisenhower and the American people in general were eager to accept a generous quota of the Hungarians. Fewer than 7,000 refugee visas remained available, however, under the Refugee Relief Act of 1953 as amended. These were quickly used for Hungarians. At this juncture the decision was made to invoke Section 212 (d) (5) of the Immigration and Nationality Act in order to parole larger numbers of Hungarian refugees into the United States.

The sympathetic 85th Congress enacted P.L. 85-559, which provides for adjustment of status of paroled Hungarians to that of permanent immigrants to the U.S. The majority of the refugees were brought in from Austria into a U.S. staging area, in Camp Kilmer, New Jersey, administered by the Department of the Army. The refugees were resettled from Camp Kilmer, primarily through the efforts of interested voluntary agencies. A total of 30,701 Hungarian refugees regularized their status in the United States under P.L. 85-559 during 1958-59. This represented the overwhelming majority of the Hungarian refugees who were paroled into this country.

The Cuban refugee situation differs from others in that the United States was the country of first asylum. From 1957-72 this country admitted 621,403 Cuban nationals who fled from Cuba. That exodus was generally divided into three distinct periods: from the advent of the Castro government in 1959 to the breaking of diplomatic relations in January 1961; from 1961 until the end of commercial travel in October, 1962; the subsequent period. While diplomatic

~~SECRET~~

relations existed, Cubans who wanted to leave Cuba went to the consulate in Havana. They were issued B-2 (tourist visas) which documented them and enabled commercial carriers to bring them to the United States. On arrival (usually Miami) the B-2 visa was cancelled by the Immigration Service (INS) and they were paroled into the United States under the parole provisions of the Immigration Act. The B-2 visa was "pro-forma" documentation to enable travel to commence.

After the break in diplomatic relations, the United States initially avoided the use of parole for Cubans fleeing the island the resorted to the device of waiving the visa requirement on a mass basis on the theory that each case represented an unforeseen emergency because of the unavailability of consular services in Cuba. This program largely terminated at the time of the Cuban Missile Crisis of 1962 because travel out of Cuba became impossible.

In October 1962, all commercial transportation between Cuba and the U.S. ended. The Cuban refugee flow was reduced to a trickle. In December 1962 the American Red Cross began sponsoring airlifts and vessels which brought Cuban refugees to the United States, primarily relatives of Cubans already here and prisoners from the "Bay of Pigs" invasion. These people were directly paroled.

In 1965, Castro announced that certain Cubans who wanted to leave were free to do so. President Johnson responded that the U.S. would accept all. Direct parole was the method of entry. Some Cubans went to third countries (primarily Spain) as they were unable to get places on the airlifts. Those with close relatives in the U.S. were given "pre-parole" documentation (medicals, affidavit of support, security clearance) by our consulate in Madrid. When they arrived at the U.S. port of entry, they were paroled into the U.S. by INS. In October, 1973, the Attorney General agreed to a one year parole program for those without close relatives here. Documentation was prepared by the consulates as with the pre-parole program, but INS personnel interviewed and issued the actual parole document in Madrid. Cubans in the U.S. were received and processed by the Cuban Refugee Center in Miami run by HEW. The Act of November 2, 1966 enabled Cuban refugees to adjust status to permanent residents.

~~SECRET~~

0

B

1

2

3

4

5

6

7

8

16 April 1975

~~SECRET~~

Point Paper for the Special Assistant to the Secretary and
Deputy Secretary of Defense

SUBJECT: Orphan Evacuation Program - Vietnam/Cambodia

MAIN THRUST OF POINT PAPER

- Provides an update on the orphan evacuation program.

DISCUSSION

- On 3 Apr 75, DOD developed procedures for orphan evacuation. State/AID wholeheartedly concurred.
 - All orphans, upon verification by US Embassy in Vietnam and Cambodia, would be airlifted on first available military or commercial contract aircraft to Clark AB.
 - At Clark AB medical evaluation would be made to determine if orphans should be hospitalized, proceed on normal airlift, or be medically evacuated.
 - Flights then proceed to San Francisco or Los Angeles with Seattle as backup where military and volunteer agency personnel would further process them.
- From 3 through 15 April a total of 1703 orphans (52 Cambodians) have been flown out of Vietnam/Cambodia. Military Airlift Command (MAC) transported 883 through Clark AFB, Philippines, of which 43 are currently enroute. Non-DOD carriers, chartered by private arrangements, transported the balance of 820 orphans.
 - 914 orphans have been moved to San Francisco.
 - 330 orphans have been moved to Los Angeles.
 - 409 orphans have been moved to Seattle.
 - 201 orphans have been moved to Fort Benning, Ga.

(These figures do not total 1703 due to double handling, i.e., L.A. and Benning)

- Number and location of orphans currently being processed:
 - Clark AB, Philippines - 5 hospitalized.
 - Hickam AB, Hawaii - 5 hospitalized.
 - San Francisco - 65
 - Los Angeles - 87
 - Seattle - 18
 - Fort Benning - 170 (14 hospitalized)

DECLASSIFIED

E.O. 12356, Sec. 3.4.

HR 92-53, #23, OASD Otr. 11/24/92

By 1034 NARA, Date 12/11/92

- Enroute - 43 from Clark AB to Los Alamedas Air Station, Ca.
 - Deaths:
 - 5 April crash of C-5 - 190 (figure not final)
 - One died enroute to Clark AB - cause of death, extreme dehydration. (Infant)
 - One died at Clark AB Hospital - cause of death, sepsis (absorption of pathogenic microorganisms into blood stream). (Infant)
 - One died enroute to Los Angeles - cause of death, pneumonia, dehydration and prematurity. Reported 24 days old.
 - Prognosis - No more deaths expected.
 - Future orphan airlift requirements:
 - Known - zero - original "Reported 2000" all processed
 - Possible - 80 (Vietnam) Rumors of 500 to 5000 more. Tracking this.
 - Problems:
 - Despite the official State/AID/DOD system, certain individuals have operated as free agents making arrangements for contract flights and direct liaison with the orphanages.
 - This has caused considerable confusion and resulted in less than desirable service for the orphans.
 - News reporters covering commercial arrivals at San Francisco and Seattle (outside the State/AID/DOD system) cited health problems with orphans on these flights.
 - Current funding status (funded by State/AID):
 - Airlift \$1,156,772
 - Medical 166,938
 - Support 71,916
 - Total obligated as of 15 Apr - \$1,395,626
- Prepared by: MGEN M.F. Casey, USAF
DOD Orphan Lift Coordinator
OX 74121

DEPARTMENT OF STATE
WASHINGTON

April 17, 1975

~~SECRET~~

MEMORANDUM FOR MR. PHILIP BUCHEN
THE WHITE HOUSE

Subject: Need to Parole Refugees from Indochina

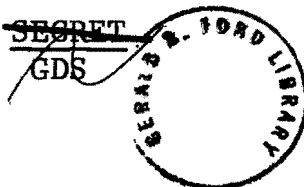
SITUATION

The State Department has recommended to the Attorney General that he exercise his parole authority under Section 212(d)(5) of the Immigration and Naturalization Act for broad categories of Cambodian and Vietnamese subjects. In view of the very large numbers involved in some of the categories, and their domestic impacts, the Attorney General requests the advice of the President with regard to those categories as indicated below.

The Department of State and the Immigration and Naturalization Service have begun consultations with the House and Senate Judiciary Subcommittees with respect to some of these categories.

It is clear that the Congressional Committees have little or no problem with the use of parole to admit small numbers of Cambodian subjects who are refugees, particularly those with close American ties. Congress would probably also have little problem with the parole of small numbers of South Vietnamese subjects who are relatives and dependents of American citizens and South Vietnamese persons who are resident aliens of the United States who

~~SECRET~~
GDS



DECLASSIFIED
E.O. 12958 Sec. 3.6

NR 92-51, #20; DOT/MLM 5/24/96

By lit, NARA, Date 8/28/96

~~SECRET~~

-2-

would ordinarily be entitled to immigrant status under the INA given the time, opportunity and desire to use ordinary procedures. On April 13, for instance, the House Subcommittee agreed to the immediate parole of approximately 3,000 Vietnamese dependents of U.S. citizens presently in Vietnam who would otherwise have refused to leave that country. This was done to reduce the American presence there in the event total evacuation became necessary.

Congressional and public controversy grows as the numbers of potential parolees increase, as they will if we propose to parole large numbers of relatives of citizens and permanent residents, or if we propose to parole large numbers of South Vietnamese, even though the people may be in a high-risk category. Therefore, assistance for the resettlement of Indochinese refugees in third countries is vital. We have already obtained the agreement of the United Nations High Commissioner (UNHCR) and the Intergovernmental Committee for European Migration (ICEM) for such assistance to Cambodians. Our Mission in Geneva is being asked to approach the UNHCR and ICEM on a confidential basis to request similar assistance to Vietnamese refugees once they are out of their own country.

Whatever action is taken, the Congress should be consulted and informed at every step, but the urgency of some of these recommendations may not permit lengthy debate or expectation of unanimous approval.

ACTION PROPOSED

Absent objection from the President, the Attorney General, as requested by the Department of State, intends to consult the appropriate Congressional committees with a view to authorizing the parole of the following:

1. The 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to

~~SECRET~~



~~SECRET~~

~~-3-~~

come to the United States. The Thai Government has made it clear that it urgently desires their onward movement.

2. The approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. Parole would permit their processing to be completed while they are in the United States and their status will be converted to the appropriate INA preference as soon as feasible after their safe arrival here as parolees.

3. There are about 250 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Some of these were unauthorized passengers on American military airlifts. It is agreed that those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. Justice concurs provided that the number admitted is subtracted from the total number of parolees finally admitted.

ADVICE REQUESTED

There are several categories of large numbers of possible candidates for parole which raise immediate questions. The advice of the President is requested regarding the following:

1. The Vietnamese nationals who are immediate relatives of American citizens and permanent residents for whom petitions have not as yet been filed. The number is estimated to be between 10,000 and 75,000. The number who would and could accept an offer of parole is unknown. Denying entry of this category is difficult once those for

~~SECRET~~



~~SECRET~~
-4-

whom petitions have been submitted are accepted. Thus, with the concurrence of the Attorney General, we now recommend that parole authority be used for this category.

2. Approximately 5,000 Cambodian diplomats and other refugees in third countries who may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. Justice does not wish to authorize entry at this time of either of these categories into the United States, in view of the responsibility of the United Nations High Commissioner for Refugees to arrange for the relocation of refugees throughout the world. State disagrees.

CONTINGENCY PLANNING

The foregoing are all the decisions required now. For the future, contingency planning is required with respect to the possible large-scale evacuation of those high-risk Vietnamese. As many as 200,000 may require resettlement. (Under certain circumstances, this figure could be much larger but there is no clear indication of just how great the number might be.) Every effort will be made to involve third countries, through international mechanisms such as the UNHCR and the Intergovernmental Committee for European Migration, and directly. Nevertheless, it is apparent that a large number will wish to come to the United States. If they are to do so, it would require the Attorney General's use of parole.

The State and Justice Departments are agreed that parole should be exercised to some extent for Vietnamese who have left their country under such programs as the President may have authorized for their safety, but differ sharply as to numbers.

~~SECRET~~



~~SECRET~~

-5-

The Justice Department would limit the use of parole to a maximum of 50,000, including families, or 40% of the total number of refugees, whichever is less. This view stems from (1) the domestic impacts on our economy and society of admitting very large numbers of aliens into the United States, and (2) the Cuban experience wherein the President offered to admit all Cubans who could exit Cuba; 675,000 did and entered the United States. The Justice Department believes a limited number should be decided upon and if this becomes necessary, at the appropriate time, it should be decided whether to publicly announce the limit in order to prevent a mass exodus based on false hopes.

The State Department is agreeable to taking 50,000 refugees or 40% whichever is less but also believes the USG should consider taking any residual refugees unable to be resettled elsewhere.

Robert H. Muller
for

Philip Habib
Assistant Secretary
Bureau of East Asian Affairs

L. F. Chapman, Jr.

L. F. Chapman, Jr.
Commissioner
Immigration and Naturalization
Service

~~SECRET~~



DEPARTMENT OF STATE
WASHINGTON

April 17, 1975

~~SECRET~~

MEMORANDUM FOR MR. PHILIP BUCHEN
THE WHITE HOUSE

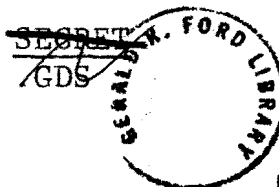
Subject: Need to Parole Refugees from Indochina

SITUATION

The State Department has recommended to the Attorney General that he exercise his parole authority under Section 212(d)(5) of the Immigration and Naturalization Act for broad categories of Cambodian and Vietnamese subjects. In view of the very large numbers involved in some of the categories, and their domestic impacts, the Attorney General requests the advice of the President with regard to those categories as indicated below.

The Department of State and the Immigration and Naturalization Service have begun consultations with the House and Senate Judiciary Subcommittees with respect to some of these categories.

It is clear that the Congressional Committees have little or no problem with the use of parole to admit small numbers of Cambodian subjects who are refugees, particularly those with close American ties. Congress would probably also have little problem with the parole of small numbers of South Vietnamese subjects who are relatives and dependents of American citizens and South Vietnamese persons who are resident aliens of the United States who



DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 92-51, #20; DoJ letter 5/24/96

By WT NARA, Date 8/29/96

~~SECRET~~
-2-

would ordinarily be entitled to immigrant status under the INA given the time, opportunity and desire to use ordinary procedures. On April 13, for instance, the House Subcommittee agreed to the immediate parole of approximately 3,000 Vietnamese dependents of U.S. citizens presently in Vietnam who would otherwise have refused to leave that country. This was done to reduce the American presence there in the event total evacuation became necessary.

Congressional and public controversy grows as the numbers of potential parolees increase, as they will if we propose to parole large numbers of relatives of citizens and permanent residents, or if we propose to parole large numbers of South Vietnamese, even though the people may be in a high-risk category. Therefore, assistance for the resettlement of Indochinese refugees in third countries is vital. We have already obtained the agreement of the United Nations High Commissioner (UNHCR) and the Intergovernmental Committee for European Migration (ICEM) for such assistance to Cambodians. Our Mission in Geneva is being asked to approach the UNHCR and ICEM on a confidential basis to request similar assistance to Vietnamese refugees once they are out of their own country.

Whatever action is taken, the Congress should be consulted and informed at every step, but the urgency of some of these recommendations may not permit lengthy debate or expectation of unanimous approval.

ACTION PROPOSED

Absent objection from the President, the Attorney General, as requested by the Department of State, intends to consult the appropriate Congressional committees with a view to authorizing the parole of the following:

1. The 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to

~~SECRET~~



~~SECRET~~

-3-

come to the United States. The Thai Government has made it clear that it urgently desires their onward movement.

2. The approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. Parole would permit their processing to be completed while they are in the United States and their status will be converted to the appropriate INA preference as soon as feasible after their safe arrival here as parolees.

3. There are about 250 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Some of these were unauthorized passengers on American military airlifts. It is agreed that those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. Justice concurs provided that the number admitted is subtracted from the total number of parolees finally admitted.

ADVICE REQUESTED

There are several categories of large numbers of possible candidates for parole which raise immediate questions. The advice of the President is requested regarding the following:

1. The Vietnamese nationals who are immediate relatives of American citizens and permanent residents for whom petitions have not as yet been filed. The number is estimated to be between 10,000 and 75,000. The number who would and could accept an offer of parole is unknown. Denying entry of this category is difficult once those for

~~SECRET~~



~~SECRET~~

-4-

whom petitions have been submitted are accepted. Thus, with the concurrence of the Attorney General, we now recommend that parole authority be used for this category.

2. Approximately 5,000 Cambodian diplomats and other refugees in third countries who may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. Justice does not wish to authorize entry at this time of either of these categories into the United States, in view of the responsibility of the United Nations High Commissioner for Refugees to arrange for the relocation of refugees throughout the world. State disagrees.

CONTINGENCY PLANNING

The foregoing are all the decisions required now. For the future, contingency planning is required with respect to the possible large-scale evacuation of those high-risk Vietnamese. As many as 200,000 may require resettlement. (Under certain circumstances, this figure could be much larger but there is no clear indication of just how great the number might be.) Every effort will be made to involve third countries, through international mechanisms such as the UNHCR and the Intergovernmental Committee for European Migration, and directly. Nevertheless, it is apparent that a large number will wish to come to the United States. If they are to do so, it would require the Attorney General's use of parole.

The State and Justice Departments are agreed that parole should be exercised to some extent for Vietnamese who have left their country under such programs as the President may have authorized for their safety, but differ sharply as to numbers.

~~SECRET~~



~~SECRET~~

-5-

The Justice Department would limit the use of parole to a maximum of 50,000, including families, or 40% of the total number of refugees, whichever is less. This view stems from (1) the domestic impacts on our economy and society of admitting very large numbers of aliens into the United States, and (2) the Cuban experience wherein the President offered to admit all Cubans who could exit Cuba; 675,000 did and entered the United States. The Justice Department believes a limited number should be decided upon and if this becomes necessary, at the appropriate time, it should be decided whether to publicly announce the limit in order to prevent a mass exodus based on false hopes.

The State Department is agreeable to taking 50,000 refugees or 40% whichever is less but also believes the USG should consider taking any residual refugees unable to be resettled elsewhere.

Robert H. Miller
for

Philip Habib
Assistant Secretary
Bureau of East Asian Affairs

L. F. Chapman, Jr.

L. F. Chapman, Jr.
Commissioner
Immigration and Naturalization
Service

~~SECRET~~



DEPARTMENT OF STATE
WASHINGTON

April 17, 1975

~~SECRET~~

MEMORANDUM FOR MR. PHILIP BUCHEN
THE WHITE HOUSE

Subject: Need to Parole Refugees from Indochina

SITUATION

The State Department has recommended to the Attorney General that he exercise his parole authority under Section 212(d)(5) of the Immigration and Naturalization Act for broad categories of Cambodian and Vietnamese subjects. In view of the very large numbers involved in some of the categories, and their domestic impacts, the Attorney General requests the advice of the President with regard to those categories as indicated below.

The Department of State and the Immigration and Naturalization Service have begun consultations with the House and Senate Judiciary Subcommittees with respect to some of these categories.

It is clear that the Congressional Committees have little or no problem with the use of parole to admit small numbers of Cambodian subjects who are refugees, particularly those with close American ties. Congress would probably also have little problem with the parole of small numbers of South Vietnamese subjects who are relatives and dependents of American citizens and South Vietnamese persons who are resident aliens of the United States who

~~SECRET~~
GDS

DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 92-51, #20; DOJ WH 5/24/96
By UK NARA, Date 8/28/96



would ordinarily be entitled to immigrant status under the INA given the time, opportunity and desire to use ordinary procedures. On April 13, for instance, the House Subcommittee agreed to the immediate parole of approximately 3,000 Vietnamese dependents of U.S. citizens presently in Vietnam who would otherwise have refused to leave that country. This was done to reduce the American presence there in the event total evacuation became necessary.

Congressional and public controversy grows as the numbers of potential parolees increase, as they will if we propose to parole large numbers of relatives of citizens and permanent residents, or if we propose to parole large numbers of South Vietnamese, even though the people may be in a high-risk category. Therefore, assistance for the resettlement of Indochinese refugees in third countries is vital. We have already obtained the agreement of the United Nations High Commissioner (UNHCR) and the Intergovernmental Committee for European Migration (ICEM) for such assistance to Cambodians. Our Mission in Geneva is being asked to approach the UNHCR and ICEM on a confidential basis to request similar assistance to Vietnamese refugees once they are out of their own country.

Whatever action is taken, the Congress should be consulted and informed at every step, but the urgency of some of these recommendations may not permit lengthy debate or expectation of unanimous approval.

ACTION PROPOSED

Absent objection from the President, the Attorney General, as requested by the Department of State, intends to consult the appropriate Congressional committees with a view to authorizing the parole of the following:

1. The 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to



~~SECRET~~
-3-

come to the United States. The Thai Government has made it clear that it urgently desires their onward movement.

2. The approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. Parole would permit their processing to be completed while they are in the United States and their status will be converted to the appropriate INA preference as soon as feasible after their safe arrival here as parolees.

3. There are about 250 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Some of these were unauthorized passengers on American military airlifts. It is agreed that those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. Justice concurs provided that the number admitted is subtracted from the total number of parolees finally admitted.

ADVICE REQUESTED

There are several categories of large numbers of possible candidates for parole which raise immediate questions. The advice of the President is requested regarding the following:

1. The Vietnamese nationals who are immediate relatives of American citizens and permanent residents for whom petitions have not as yet been filed. The number is estimated to be between 10,000 and 75,000. The number who would and could accept an offer of parole is unknown. Denying entry of this category is difficult once those for

~~SECRET~~



~~SECRET~~

-4-

whom petitions have been submitted are accepted. Thus, with the concurrence of the Attorney General, we now recommend that parole authority be used for this category.

2. Approximately 5,000 Cambodian diplomats and other refugees in third countries who may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. Justice does not wish to authorize entry at this time of either of these categories into the United States, in view of the responsibility of the United Nations High Commissioner for Refugees to arrange for the relocation of refugees throughout the world. State disagrees.

CONTINGENCY PLANNING

The foregoing are all the decisions required now. For the future, contingency planning is required with respect to the possible large-scale evacuation of those high-risk Vietnamese. As many as 200,000 may require resettlement. (Under certain circumstances, this figure could be much larger but there is no clear indication of just how great the number might be.) Every effort will be made to involve third countries, through international mechanisms such as the UNHCR and the Intergovernmental Committee for European Migration, and directly. Nevertheless, it is apparent that a large number will wish to come to the United States. If they are to do so, it would require the Attorney General's use of parole.

The State and Justice Departments are agreed that parole should be exercised to some extent for Vietnamese who have left their country under such programs as the President may have authorized for their safety, but differ sharply as to numbers.

~~SECRET~~



~~SECRET~~

-5-

The Justice Department would limit the use of parole to a maximum of 50,000, including families, or 40% of the total number of refugees, whichever is less. This view stems from (1) the domestic impacts on our economy and society of admitting very large numbers of aliens into the United States, and (2) the Cuban experience wherein the President offered to admit all Cubans who could exit Cuba; 675,000 did and entered the United States. The Justice Department believes a limited number should be decided upon and if this becomes necessary, at the appropriate time, it should be decided whether to publicly announce the limit in order to prevent a mass exodus based on false hopes.

The State Department is agreeable to taking 50,000 refugees or 40% whichever is less but also believes the USG should consider taking any residual refugees unable to be resettled elsewhere.

Robert H. Miller
for

Philip Habib
Assistant Secretary
Bureau of East Asian Affairs

L. F. Chapman, Jr.

L. F. Chapman, Jr.
Commissioner
Immigration and Naturalization
Service

~~SECRET~~



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE ATTORNEY GENERAL

Subject: Parole of Additional Numbers of
Vietnamese into the U.S.

You have now expressed your intent to exercise parole authority for 130,000 Vietnamese and Cambodians fleeing their Communist-dominated countries. The basis for this parole was to be relationship to U.S. citizens and resident aliens, plus several categories of Vietnamese and Cambodians fearful of reprisal from the Communists because of their association with us.

However, I understand that we are now faced by an entirely new dimension of the problem with approximately 69,000 Vietnamese people who have escaped by sea. I understand that of this number, some 39,000 are aboard U.S. flag vessels and some 30,000 aboard Vietnamese flag vessels. To all intents and purposes, those people are now in dire straits and constitute stateless persons. I wish to assist them.

I would therefore appreciate your considering the exercise of your parole authority, after due consultation with the appropriate Congressional bodies for an overall number of 150,000 Vietnamese and Cambodians who have fled their countries. While that figure could be exceeded, I have nevertheless asked the Secretary of State to make every effort to ask other nations to share this burden. We shall keep the Congress informed of our progress in this effort.

THE WHITE HOUSE

WASHINGTON

May 2, 1975

UNCLASSIFIED

MEMORANDUM FOR: THE PRESIDENT

FROM: Henry A. Kissinger *HK*

SUBJECT: Parole of Additional Numbers of
Vietnamese into the U.S.

On April 17, 1975, you approved parole for Vietnamese and Cambodian refugees in six different categories including up to 50,000 "high risk" refugees. The total number of refugees anticipated among the different groups was 130,000. Congress was consulted and agreement was achieved.

We now face a new and continually changing situation. In addition to those Vietnamese we assisted in leaving South Vietnam and who are now already in the U.S. or being processed at Guam and Wake (47,000), there are approximately 80,000 Vietnamese on the high seas or in third countries seeking refuge in the U.S. This figure includes some 70,000 people aboard U.S. naval and chartered vessels and a Vietnamese flotilla of assorted craft, all headed for Subic Bay. We have just learned that a U.S. merchant ship has picked up still another 3,000 from a sinking Vietnamese freighter.

As the Congress has asked, we are doing our best to internationalize the problem both by appealing to international refugee agencies and by making bilateral demarches in foreign countries, asking them to take part in the re-settlement of newly displaced Vietnamese. The responses have not been encouraging thus far, although it appears Canada will be helpful. Particularly difficult is the attitude of a number of Asian countries who have their own population problems and are now making adjustments in their relationships with the new communist regimes in Indochina. Singular in this regard are the Philippines and Thailand, who continue to press us to move the refugees from Cambodia and Viet-Nam off their soil.

UNCLASSIFIED



Altogether we now have over 120,000 Vietnamese who have fled in one way or another from South Vietnam and Cambodia. This could reach 150,000 or more over the next few weeks. We need to deal with at least 80,000 of these immediately. Many of these people will qualify only within the "high risk" category. There is of course a certain amount of resistance to all of this domestically. We have basically only one option in the manner in which we proceed, given the change in the types of people who may apply for asylum and the fact that we did not in the first instance assist many of them in their departure from Viet-Nam.

I recommend that you instruct the Attorney General to immediately authorize the parole of 150,000 Vietnamese and Cambodians into the U.S. with the understanding that we would attempt to resettle at least 20,000 of this number abroad. With an appropriate public presentation of the facts the public should accept the case. With regard to the needed legislation for funds, we suggest the dollar request be based on the assumption that 130,000 will be resettled in the U.S.; that the U.S. will pay, through international agencies, transportation costs to third countries for the remaining 20,000; but that additional funds might be needed to the extent we are unsuccessful in resettling the full 20,000 outside the U.S.

A219

R A

FLOTILLA 5-2

URGENT

1ST LD A213

BY HENRY KEYS

WASHINGTON (UPI) -- PRESIDENT FORD HAS EXTENDED PAROLE AUTHORITY TO PERMIT ABOUT 30,000 SOUTH VIETNAMESE REFUGEES NOW SAILING THE SOUTH CHINA SEA TO ENTER THE UNITED STATES, THE STATE DEPARTMENT SAID TODAY.

DEPARTMENT SPOKESMAN ROBERT L. FUNSETH ALSO ANNOUNCED THAT FORD HAS INSTRUCTED SIMILAR AUTHORITY FOR OTHER REFUGEES WHO FLED THE COMMUNIST TAKEOVER BUT HAVE NOT BEEN LOCATED.

THE ESTIMATED 30,000 REFUGEES GIVEN SPECIFIC PAROLE TODAY ARE ABOARD A FLOTILLA OF FLEEING SOUTH VIETNAMESE NAVY SHIPS BEING ESCORTED TO SAFETY IN THE PHILIPPINES BY U.S. VESSELS.

"THE ADMINISTRATION BELIEVES IT HAS A MORAL OBLIGATION TO HELP THESE REFUGEES WHO FLED FROM THE COMMUNIST TAKEOVER IN VIETNAM," FUNSETH SAID.

THE ADDITIONAL 30,000 BELIEVED TO BE ABOARD THE 26 SOUTH VIETNAMESE SHIPS BEING SHEPHERDED BY THE U.S. NAVY DESTROYER ESCORT COOK AND THE LST TUSCALOOSA PUSH TO AT LEAST 117,000 THE KNOWN NUMBER OF REFUGEES WHO HAVE FLED THE COMMUNISTS, FUNSETH SAID.

"AS THE PRESIDENT STATED YESTERDAY (THURSDAY)," SAID FUNSETH, "THESE REFUGEES CHOSE FREEDOM. THEY DO NOT ASK THAT WE BE THEIR KEEPERS BUT ONLY FOR A TIME THAT WE BE THEIR HELPERS. WE ARE CERTAIN THAT THE AMERICAN PEOPLE WILL SUPPORT THE ADMINISTRATION IN ITS EFFORTS TO HELP THESE REFUGEES."

ON ARRIVAL AT SUBIC BAY, HE SAID, THOSE ABOARD THE FLOTILLA WILL TAKEN EITHER BY SEA OR AIR TO WESTERN PACIFIC RESTAGING AREAS AT GUAM AND WAKE ISLAND.

THE PENTAGON EARLIER THAT U.S. NAVY SHIPS HAVE LEFT THE WATERS OFF VIETNAM AND ARE NO LONGER PICKING UP REFUGEES.

PICKUP 4TH PGH A213: THE SPOKESMAN

UPI 05-02 01:40 PED



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE ATTORNEY GENERAL

Subject: Parole of Additional Numbers of
Vietnamese into the U.S.

You have now expressed your intent to exercise parole authority for 130,000 Vietnamese and Cambodians fleeing their Communist-dominated countries. The basis for this parole was to be relationship to U.S. citizens and resident aliens, plus several categories of Vietnamese and Cambodians fearful of reprisal from the Communists because of their association with us.

However, I understand that we are now faced by an entirely new dimension of the problem with approximately 69,000 Vietnamese people who have escaped by sea. I understand that of this number, some 39,000 are aboard U.S. flag vessels and some 30,000 aboard Vietnamese flag vessels. To all intents and purposes, those people are now in dire straits and constitute stateless persons. I wish to assist them.

I would therefore appreciate your considering the exercise of your parole authority, after due consultation with the appropriate Congressional bodies for an overall number of 150,000 Vietnamese and Cambodians who have fled their countries. While that figure could be exceeded, I have nevertheless asked the Secretary of State to make every effort to ask other nations to share this burden. We shall keep the Congress informed of our progress in this effort.

THE WHITE HOUSE

WASHINGTON

May 2, 1975

UNCLASSIFIED

MEMORANDUM FOR: THE PRESIDENT

FROM: Henry A. Kissinger *HK*

SUBJECT: Parole of Additional Numbers of
Vietnamese into the U.S.

On April 17, 1975, you approved parole for Vietnamese and Cambodian refugees in six different categories including up to 50,000 "high risk" refugees. The total number of refugees anticipated among the different groups was 130,000. Congress was consulted and agreement was achieved.

We now face a new and continually changing situation. In addition to those Vietnamese we assisted in leaving South Vietnam and who are now already in the U.S. or being processed at Guam and Wake (47,000), there are approximately 80,000 Vietnamese on the high seas or in third countries seeking refuge in the U.S. This figure includes some 70,000 people aboard U.S. naval and chartered vessels and a Vietnamese flotilla of assorted craft, all headed for Subic Bay. We have just learned that a U.S. merchant ship has picked up still another 3,000 from a sinking Vietnamese freighter.

As the Congress has asked, we are doing our best to internationalize the problem both by appealing to international refugee agencies and by making bilateral demarches in foreign countries, asking them to take part in the resettlement of newly displaced Vietnamese. The responses have not been encouraging thus far, although it appears Canada will be helpful. Particularly difficult is the attitude of a number of Asian countries who have their own population problems and are now making adjustments in their relationships with the new communist regimes in Indochina. Singular in this regard are the Philippines and Thailand, who continue to press us to move the refugees from Cambodia and Viet-Nam off their soil.

UNCLASSIFIED



Altogether we now have over 120,000 Vietnamese who have fled in one way or another from South Vietnam and Cambodia. This could reach 150,000 or more over the next few weeks. We need to deal with at least 80,000 of these immediately. Many of these people will qualify only within the "high risk" category. There is of course a certain amount of resistance to all of this domestically. We have basically only one option in the manner in which we proceed, given the change in the types of people who may apply for asylum and the fact that we did not in the first instance assist many of them in their departure from Viet-Nam.

I recommend that you instruct the Attorney General to immediately authorize the parole of 150,000 Vietnamese and Cambodians into the U.S. with the understanding that we would attempt to resettle at least 20,000 of this number abroad. With an appropriate public presentation of the facts the public should accept the case. With regard to the needed legislation for funds, we suggest the dollar request be based on the assumption that 130,000 will be resettled in the U.S.; that the U.S. will pay, through international agencies, transportation costs to third countries for the remaining 20,000; but that additional funds might be needed to the extent we are unsuccessful in resettling the full 20,000 outside the U.S.



Office of the Attorney General
Washington, D. C. 20530

May 2, 1975

The Honorable Philip Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

As we have discussed, although the Attorney General is out of town, he would like the President to be informed of his views on the admission to the United States of Vietnamese refugees for whom parole has not already been authorized. He does not share the view expressed by the Immigration and Naturalization Service in Commissioner Chapman's May 1, 1975 memorandum, although it should be recognized that the INS view is probably concurred in by many members of the Congress. The Attorney General's views are as follows:

1. The United States should not refuse to admit all of those refugees who were not evacuated as part of the program the United States conducted. Rather, we should now accept those who have escaped, but are not presently in any country, including the approximately 30,000 refugees now on Vietnamese naval ships. There does not appear to be a reliable estimate of the number who may ultimately fall into this category. However, a time limit could be set to discourage the continuing exodus which characterized the Cuban experience.

It is recommended that Vietnamese refugees in third countries be treated the same as similarly situated Cambodian refugees. Thus, they should be required to request asylum in the third country and, if refused, apply to the various international organizations for resettlement assistance. They

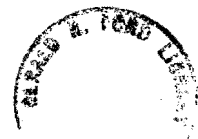


should be considered for admission to the United States in limited numbers on a case-by-case basis only if the first two steps have failed and they face imminent return to Vietnam. Congress has appropriately urged internationalization of the effort to assist the refugees. The refugees in third countries are the most likely to receive international assistance.

2. As the United States is a signatory to the United Nations Convention on the status of refugees, those refugees authorized entry to a United States territory, such as Guam, will be generally entitled to asylum, which would permit them to remain in the United States indefinitely. Therefore, the decision on the types and numbers of refugees to be accepted by the United States must be made before they are located in the United States territory. The Vietnamese naval vessels carrying approximately 30,000 people are expected to arrive in Guam in 4 to 6 days.

3. It is apparent that Congress has become increasingly reluctant to support the refugee program. This was expressed to the Department of Justice earlier this week when the Senate and House Judiciary Committees declined to concur when the Attorney General authorized the parole of an additional number of orphans. Yesterday Senator Eastland, who had previously concurred in the parole of up to 130,000 refugees without consulting the Senate Judiciary Committee, refused to express a view on whether he would personally concur in expanding the categories or numbers eligible for parole and indicated that the matter would require a full Committee hearing which could not be held before next Wednesday.

It is important that Congress address and decide the hard questions which face the President before they are academic. Congress should be con-

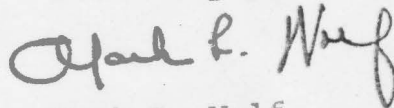


sulted now concerning the refugees who are at sea and be required to offer their advice before those refugees not presently authorized parole arrive in Guam.

In view of the mounting resistance in Congress and the limited time available for consultation, it is recommended that the President make a public appeal on behalf of the refugees and meet personally with as many members of Congress as possible in order to influence their views and obtain their advice before large additional numbers of refugees are accepted in United States territory.

We hope the foregoing information will be furnished to the President with the views of the Department of State and the Immigration and Naturalization Service. Thank you for your assistance.

Sincerely yours,



Mark L. Wolf
Special Assistant to
the Attorney General

cc. L. H. Chapman, Jr.
Commissioner
Immigration & Naturalization
Service

Ambassador L. Dean Brown



THE WHITE HOUSE
WASHINGTON

May 2, 1975

MEMORANDUM TO: JERRY JONES

FROM: JACK MARSH



It is my view that the refusal to provide the letters in question should not be based on the assurances of the President as to what the correspondence says, but on a broader ground. Personal assurances raise the risk of omission by having possibly overlooked some documents as well as differences of interpretation and opinion, as to whether they do or don't vary with public pronouncements.

For that reason I would rethrust the letter relying more heavily on the views stated in the last paragraph, page 2 and drawing on some of the arguments made by the Attorney General in his recent New York speech on confidentiality, i. e., Washington's refusal to provide Congress with correspondence and documents relating to the Jay Treaty.

I also suggest we drop term "secret agreements". Nowhere in the Stennis letter is such a term used.

