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The Real Scandal About Vietnam

As the dispute about what happened on John Kerry's Swift boat more than 35 years ago fills the airwaves, it is distressing that no one has focused on something that actually matters: a much less-publicized war that continues to rage in Vietnam. This new war pits religious leaders, democracy advocates and independent journalists against the still-ruling Communist Party.

In announcing a new bilateral trade agreement with Vietnam in 2001, U.S. Trade Representative Robert Zoellick promised that the agreement would be "an important step forward in bringing economic freedom and opportunity to Vietnam." Just days before that announcement, however, a large number of Vietnamese policemen surrounded and stormed a church in Hue province to forcibly remove and arrest the Rev. Thaddeus Nguyen Van Ly, a Roman Catholic priest who had been a vocal advocate for religious freedom in Vietnam. Several months later a court convicted Ly after a two-hour closed trial. He was sentenced to 15 years in prison.

Ly's crime? According to the Vietnamese government, he was "undermining the national unity." In reality, his crime was informing the rest of the world, through testimony before the U.S. Commission on International Religious Freedom, about the harassment that Catholics and other religious minorities have suffered at the hands

of the Communist Party in Vietnam. The U.N. Working Group on Arbitrary Detention found that Ly is being held in violation of international law, and a bipartisan group of 106 members of Congress, led by Reps. Christopher Smith (R-N.J.) and Loretta Sanchez (D-Calif.), sponsored a resolution in Congress last May that passed on a vote of 424 to 1, calling on the government of Vietnam to release Ly. Yet the priest remains in prison.

Despite Bush administration promises that a bilateral trade agreement would bring greater openness and freedom in Vietnam, the Vietnamese government has only expanded its persecution of its own people. Over the past six months, the Vietnamese government has stepped up its campaign against the Montagnard Christians in the Central Highlands. It arrested the Rev. Nguyen Hong Quang, a human rights defender and lawyer who has defended land rights cases of impoverished farmers from the province. And having held a prominent pro-democracy activist, Nguyen Dan Que, for more than a year for distributing a statement urging greater freedom of information in Vietnam, the government recently sentenced him to 30 months in prison for "abusing democratic rights."

When Sens. John Kerry and John McCain successfully led the effort to reestablish diplomatic relations with Vietnam in 1995,

there was great hope that engagement with that country would both enable the United States to put the Vietnam War behind it and have a liberalizing effect of Vietnam's government, thereby improving the lives of its people. But the government has remained an authoritarian regime. One can only conclude that our policy of engagement with Vietnam as implemented is not working and must be tailored to acknowledge deficiencies in the performance of the Vietnamese government.

First, President Bush should communicate to Vietnam that its recent actions undermine the bilateral relationship. These actions are especially frustrating because they come in the context of the president's recently selecting Vietnam the 15th country to benefit from his \$15 billion emergency plan for HIV/AIDS. While we applaud this initiative and do not begrudge Vietnamese victims of this terrible disease the aid, provision of such help affords the opportunity—one missed by the administration this time—to insist on improved respect for human rights in Vietnam.

To this end, Secretary of State Colin Powell should designate Vietnam as a "country of particular concern" under the International Religious Freedom Act. Such a designation would not necessarily require sanctions but would require the administration to engage with the Vietnamese government

to advance the cause of religious freedom. This proposal has been endorsed by the U.S. Commission on International Religious Freedom, with wide bipartisan support from such people as Sens. Sam Brownback (R-Kan.) and Russ Feingold (D-Wis.).

Finally, the United States should signal to the Vietnamese government that it is prepared to take more aggressive actions such as suspending non-humanitarian financial assistance or reexamining the trade agreement—which must be renewed annually—unless its record on human rights improves.

The "official" Vietnam War may have ended in 1973 with the signing of the Paris peace accords, but the struggle continues for establishment of a true democracy, including freedom of speech, freedom of the press, freedom of religion and the other hallmarks of an open society in Vietnam. Rather than focusing on what happened one afternoon many years ago in a Swift boat on the Bay Hap River, we should focus on something that matters to the 83 million people of Vietnam—and should matter to us.

The writer is a Washington attorney and president of Freedom Now, an organization that seeks to secure the release of prisoners of conscience. It is currently representing the Rev. Thaddeus Nguyen Van Ly and Nguyen Dan Que.