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Vietnamizing South Vietnam

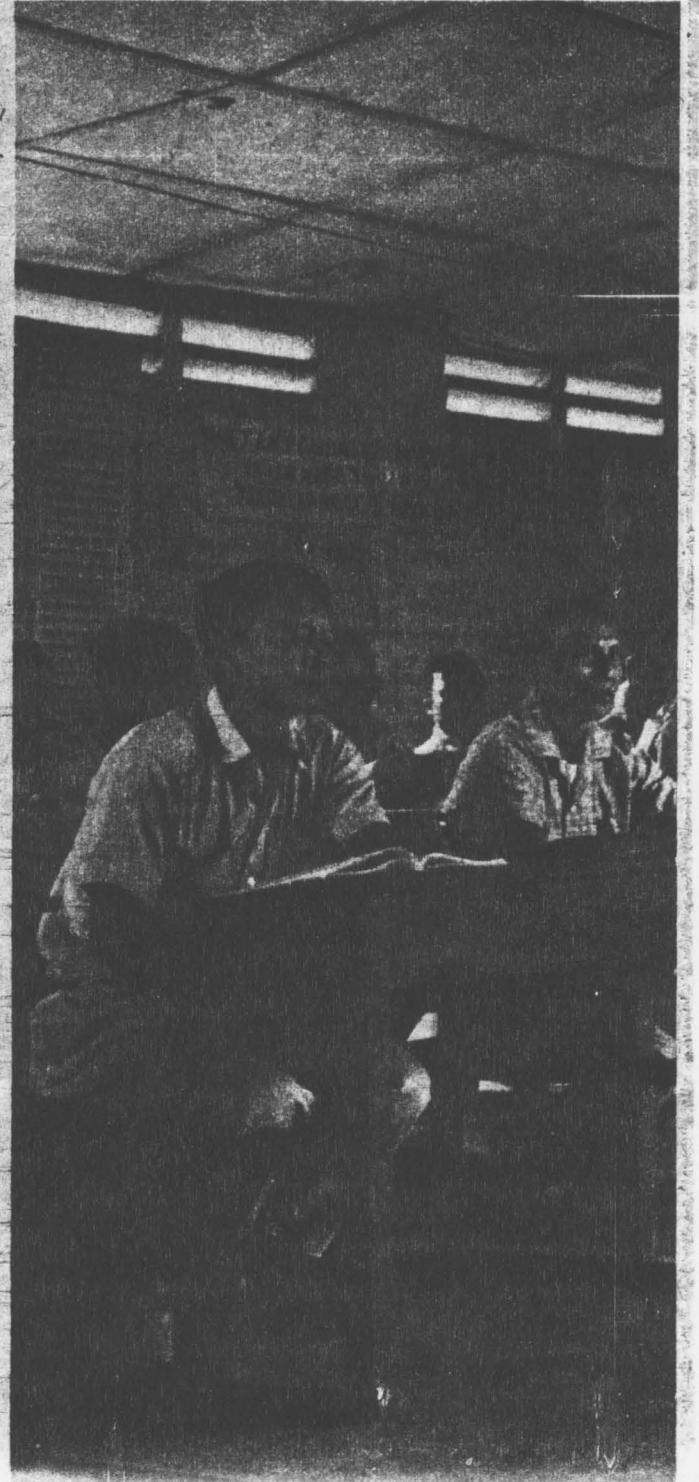
Former army officers being 're-educated' . . . five million displaced city dwellers moving back to the farms . . . the new Communist rulers soft-pedaling the revolution as they seek to return to native ways.

By Max Austerlitz

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The old bookshops have closed, but, thanks to the initiative of some enterprising merchants, literature for all tastes may be found spread neatly on the sidewalks—back copies of Playboy next to U.S. News & World Report, "The Gulag Archipelago" next to the Encyclopaedia Britannica, and a fair sampling of practically every book on Vietnam, in English or French, published over the past 30 years. The new bookshops that have been opened by the Provisional Revolutionary Government (P.R.G.) display the writings of Ho Chi Minh, Marx, Engels and Lenin, as well as traditional Vietnamese literature and Saigon's new crop of newspapers. These include a paper published by the Saigon Revolutionary Committee;

Max Austerlitz is a longtime observer of Asian affairs who recently spent several months in Vietnam.

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This mélange of old and new is the result of deliberate choice. "All problems are important," explained one of the new leaders of South Vietnam, "but some are immediate and others can wait." The Vietnamese Communists made a distinction between "the essential and the nonessential" after coming to power in the South, and, since April 30, 1975, Saigon has been undergoing a step-by-step process in which the revolution has been soft-pedaled.

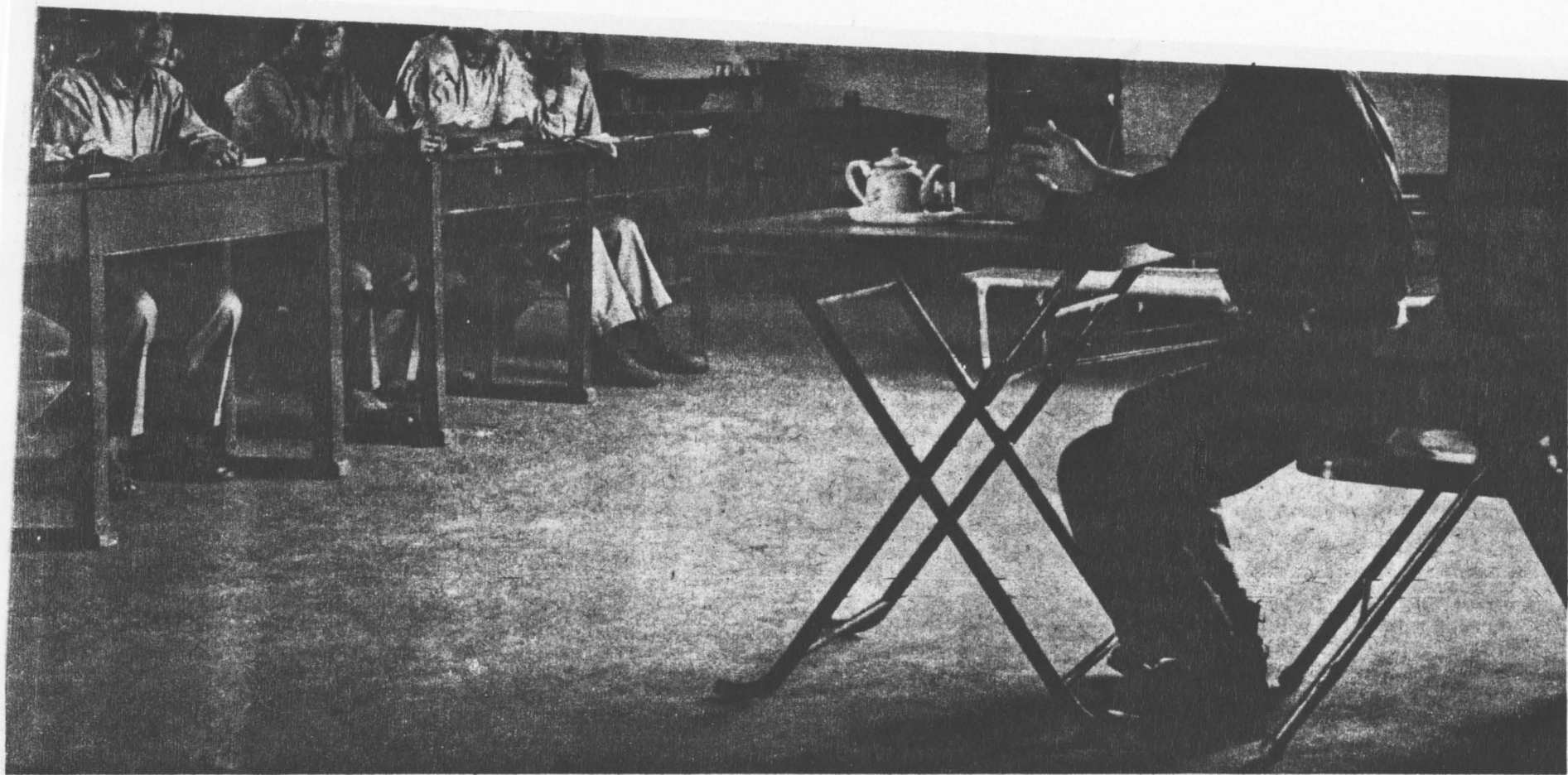
In the first few weeks after the entry of Communist forces, Saigon lived in a state that sometimes bordered on chaos. North Vietnamese soldiers set up billets; P.R.G. cadres were in the process of identifying each other; Northern officials sent hastily from Hanoi were getting oriented, and the "304" was the scourge of the town. This—deriving from the numerals 30/4, for April 30—was



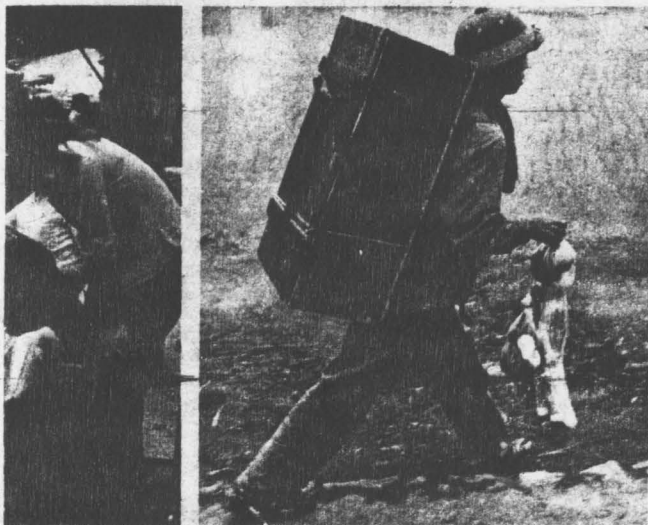
One year later: Former South Vietnamese generals



The Saigon thieves' market is still in business.



being "re-educated" at a camp in Quang Trung. Top left, a Saigon street scene. These pictures were taken recently by the French photographer Marc Riboud.



A North Vietnamese soldier goes home.

the name the Saigoneses had given to the "instant Communists" who emerged after the change of regime. They included a good number of petty crooks, whose favorite trick was to don black pajamas and go from house to house confiscating radios and TV sets in the name of "Socialist morality." For a while it was not easy for the population to tell the real cadres from the impostors. A few well-publicized executions of looters soon appeared to bring the problem under control. Another problem was the vast amount of guns, hand grenades and other weapons that flooded Saigon and other cities as the Saigon army disintegrated before the Communist advance. The authorities appear to have averted the potential danger to security by a collection drive in which weapons were turned in with no questions asked.

Next came the registration of all former Government officials and military personnel, most of whom had returned to their homes in the cities and villages, although a handful had taken to

the jungle, where they resorted to minor banditry. Many of them hesitated to comply at first; those who did were given identity cards and advised not to change their domiciles. All but about 200,000 of the estimated 1.5 million persons affected were registered by June, and the "re-education" process began.

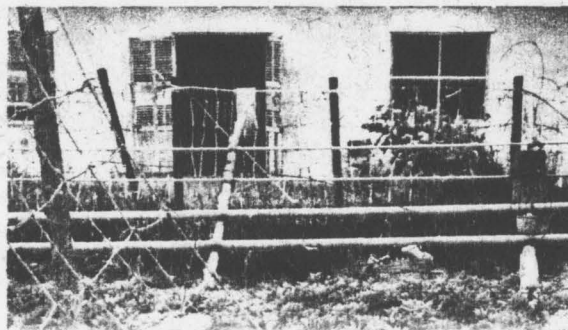
For privates and most noncoms, this consisted of three days of lectures. For former officers, it entailed much more. Some 70,000 of them were sent to camps in the countryside, for a lengthy course of lectures and discussion meetings. In Saigon, the rumor was that the officers in the re-education camps would have their eyes gouged out or would be made to die of beriberi. (When the North Vietnamese were in the outskirts of Saigon, the rumor was that they would chop off the fingers of all women with long nails. Twelve hours later, there wasn't a damsel with long nails left in the city. Since then, the nails have grown back to their former elegance.) The



A Saigon family arrive at their new village home in Lai Ke, 40 miles to the north. They are among the 1.5 million displaced persons to be moved out of Saigon.

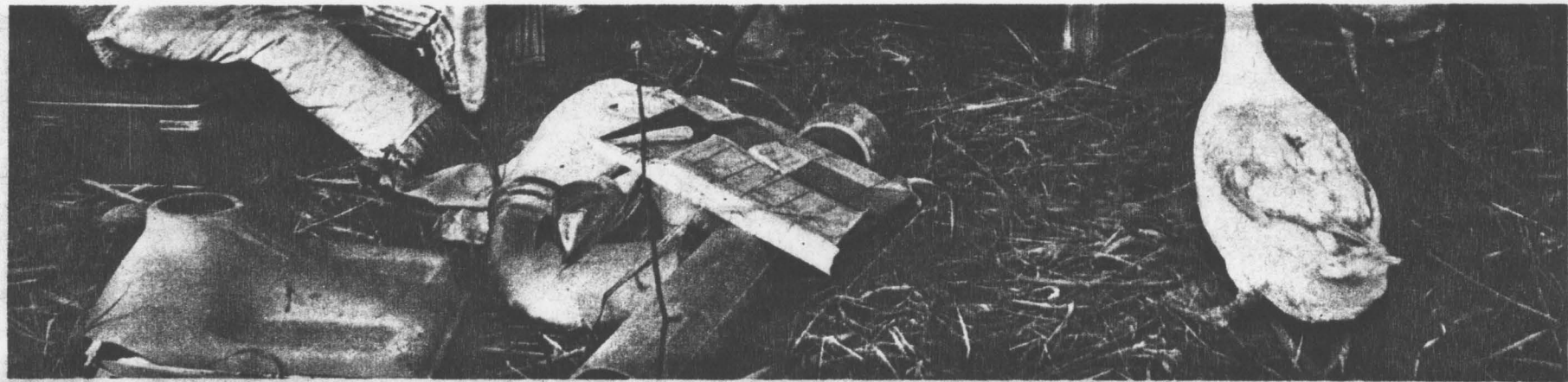
rumors of bodily harm in store for the officers have been squelched, but the re-education process has taken longer than had been generally expected. A few officers have returned, but the majority are still in the camps.

In 1954, Saigon's population stood at 500,000. By 1974, it had increased to more than three million, and the city had become unmanageable. On April 30, 1975, the economy of South Vietnam collapsed—and with it the legal



ing large urban centers. Cadres had to be rushed in from the North. Some of them were Southerners, former Vietminh members who had moved North after the 1954 Geneva Agreements and who now rediscovered a Saigon they hardly recognized.

"I arrived in Saigon two days after liberation," said one of them, "and the first thing I did was to go and visit members of my family whom I had not seen for 20 years. I found them all, 18 of them, in the house of an uncle of mine, clustered in one room and shaking with fright. I asked them what was wrong. 'We know the



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To govern the country, the Communists set up Military Management Committees in all the provinces, and a separate one for the Saigon area. In the provinces, control was turned over to civilians after a few months; Saigon, however, was a festering sore. Its swollen refugee population; the long years of unnatural dependence on imported raw materials; the warped market economy in which hoarding and the creation of artificial shortages by some businessmen had been the rule; the tens of thousands of orphans, cripples and prostitutes—all this made for a situation that was to tax the new authorities to the utmost. The Saigon Military Management Committee—actually, seven of its 11 members were civilians—remained in place as a precaution against potential disturbances and as a handle for the superlative administrative system of the North Vietnamese Army.

The intervention of the N.V.A. in the city government seems to have been dictated by necessity. The Southern-based P.R.G. was well-entrenched in the countryside, but it had only a skeleton organization in Saigon and no experience in manag-



A former general tends a vegetable patch at a "re-education" camp near Saigon.

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"For 10 days," the official added, "they were in a state of bliss. Today, all they do is complain. Not enough gas, the shops are running out of soda water, they no longer get the latest French fashion magazines. . . ."

The Saigon city government is now staffed by a mixture of P.R.G. cadres, Southern "returnees" from the North, Northerners of the Hanoi mold, and a sprinkling of former Saigon technical personnel trained in American methods. The combination has worked surprisingly well. At the Saigon airport, for instance, the former ground personnel and meteorological staff are back at work under the direction of North Vietnamese supervisors, and the lumbering C-130's, on which the Saigon emblem has been replaced by the North Vietnamese star, are given their landing instructions by the same American-trained air-traffic controllers who operated the control tower during the days of President Thieu.

A good way to understand how the Saigon city government goes about (Continued on Page 98)

its task is by studying the organization of one of the 11 districts into which the greater Saigon area has been divided. The Son My Tay district lies in the outskirts of Saigon. It has a score of industrial plants, including four cotton mills, a sugar refinery, a producer of native drugs and an ice-making factory, and some small—mostly family-run—food stores, carpenter shops, repair shops and the like. There were at most 100,000 inhabitants in Son My Tay in 1965; by the late 60's the number reached 200,000.

Son My Tay is administered by its own Revolutionary Committee, under the guidance of the overall city management group. The committee oversees the work of nine departments, in such areas as the economy, education, information and culture, public security, health and welfare and other concerns. Apart from that, the district is divided into subdistricts of 10,000 to 20,000 people, which are subdivided into sectors of up to 5,000 people, which are further subdivided into "solidarity units" of about 20 families apiece. Overlapping these subdivisions are any number of associations of teachers, intellectuals, shopkeepers, young people, women, workers, religious groups and so on. Within this system, the individual becomes part of a web of mutual responsibilities. For instance, at the simplest level, sanitation in Saigon's back streets is now the responsibility of the "solidarity units," operating through the local workers', young people's and women's associations.

The chief problems in Son My Tay were economic. The unemployment rate in the months after "liberation" reached 70 percent—a reflection of a situation on the national level in which more than three million people, including about one million military, became jobless overnight a year ago. Economic recovery in Son My Tay has been facilitated by the absence of large industries dependent on imported raw materials. Except for one plant, all the industries in the district were privately owned under the former regime, and still are. "Our policy," said

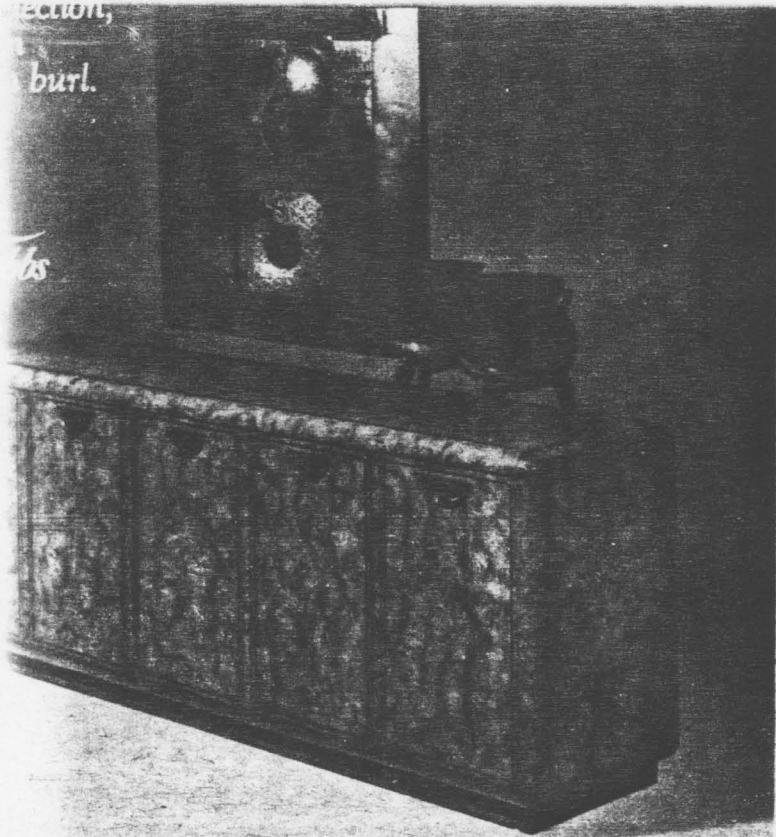
of the Son My Tay Revolutionary Committee, "consists, first, of normalizing life within our district, and, second, of assisting those who were displaced by the war and had to move to the city to return to their homes in the countryside."

"Return to the countryside"—everything in the new leaders' plans hinges on that. Between 1965 and 1975, approximately 10 million South Vietnamese—more than half the population of the country—were displaced from their village homes. The rural population decreased from 85 percent of the total to 47 percent. While some of the villagers moved from one rural area to another, the major displacement was from the countryside to the cities. More than five million of the refugees are today crowded in the cities—Saigon, Danang, Nha Trang, Hue, My Tho, Vung Tau—where they are partly or totally out of work. The new Government is faced with the problem of not having enough farmers to till the land, and too many urban residents who are out of work or who have skills of little use to the economy.




Rural resettlement, an operation of staggering proportions, is being implemented along two lines. One is called



An orphanage in Saigon: One



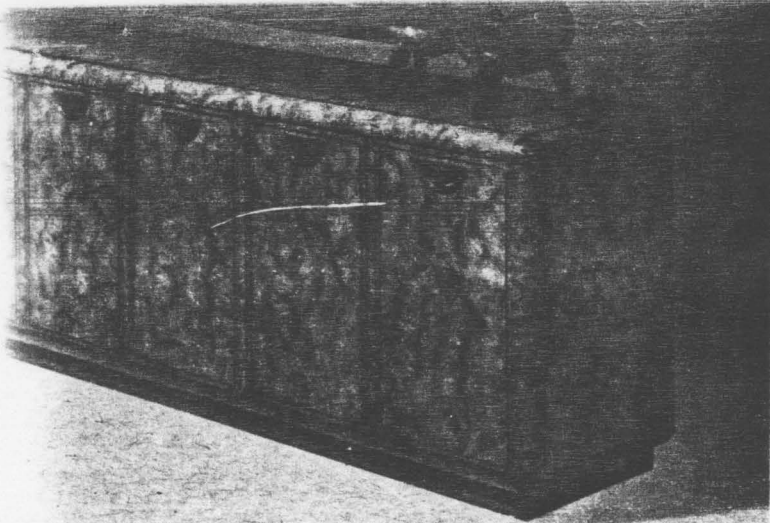
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"return to the village of origin." This will affect those displaced persons who have maintained roots — family, some property—in their birthplaces. While the Government is providing some help, this program does not require a major effort, as people will be returning to areas where they already have some economic foundation.

However, in many cases the original village has been totally destroyed, together with the ancestral tombs, and the land has lain untended, with the result that the displaced persons have lost their attachment to the place. In other cases, the village does not have enough arable land to support the returnees with their enlarged families. So a twin program is the establishment of rural "areas of new economy," where displaced persons who don't want to go back to their old villages can be resettled and rehabilitated, and where new opportunities can be offered for young volunteers.

Across the map of South Vietnam, "areas of new economy" have been drawn up in a leopard-spot pattern. Generally, they are areas that either had been or had become underpopulated. For example, the district of Cu Chi near Saigon had 36,000 inhabitants in the early 60's. By 1973 the population was down to 600. Plans now call for the resettlement and rehabilitation of 48,000 displaced persons in Cu Chi within the next two to five years—half

of them people who were from the district originally. Some of the villages were totally destroyed, and will be rebuilt on their former sites.

In Vietnam, a village usually consists of a cluster of hamlets covering an area of up to 25,000 acres and housing about 1,000 families, or 5,000 to 8,000 inhabitants. About 500 villages are to be rebuilt. A displaced person is given a choice of returning to his village, whether inside or outside an area of new economy, or moving to a new location inside such an area.

A lot must be done before such a zone is ready to receive the refugees. First, the mines and unexploded ordnance must be disposed of and the bomb craters must be filled. Then, a start must be made on reclaiming the land, restoring the wells, laying new roads and building the houses, medical centers and other facilities. Only then will the displaced persons begin to arrive—and to assist in the subsequent work of reconstruction.

Each family that moves in receives a basic kit of farming and cooking utensils, mosquito netting and other rural necessities, as well as enough food to last it until the first harvest. Each family is also given 10,000 square meters (about 2.5 acres) of land. The family will have deeds to the land, but any part of the crop it wishes to sell must be sold to the state at fixed prices. In addition, however, each family will be

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of which it will be allowed to sell at free prices on the free market.

The program, which began to be implemented at the end of 1975, calls for resettling and rehabilitating five million people over the next three to five years. Of these, it is expected that three million will move to areas of new economy and two million will return to their villages outside those zones. In every city district, the local Revolutionary Committee has a "rehabilitation and resettlement" department that fosters the return to the countryside. In Son My Tay, for instance, more than 8,000 people have already moved out. For Saigon as a whole, plans call for resettling 1.5 million inhabitants by the end of 1976.

The question could naturally arise as to whether there is an element of coercion in the resettlement policy. The answer could perhaps be best stated as follows:

All available statistics indicate that the great bulk of the displaced persons who moved to the cities during the war were farmers. It is obvious to anybody who has spent any time in South Vietnam that the great majority of these refugees, who have been living in urban slums, are eager to go back to their accustomed environment—the countryside — and resume their lives as farmers. Indeed, all the evidence on the spot indicates that so far, at least, more people have applied to go back to the countryside than the new regime has been able to process. It would, therefore, appear unlikely that, at least at this stage, the Government would want to coerce people into moving to the countryside while there are long lists of volunteers waiting to go.

As to what might happen in the future, speculation at this point appears premature. But certainly, from its gradualistic approach and the form it seems to have taken thus far, the South Vietnamese resettlement program is markedly different from the more radical process that is reported to have taken place in Cambodia—as the origins, nature and history of the Vietnamese revolution have been markedly different from those of the Khmer Rouge.

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economy and two million will return to their villages outside those zones. In every city district, the local Revolutionary Committee has a "rehabilitation and resettlement" department that fosters the return to the countryside. In Son My Tay, for instance, more than 8,000 people have already moved out. For Saigon as a whole, plans call for resettling 1.5 million inhabitants by the end of 1976.

The question could naturally arise as to whether there is an element of coercion in the resettlement policy. The answer could perhaps be best stated as follows:

All available statistics indicate that the great bulk of the displaced persons who moved to the cities during the war were farmers. It is obvious to anybody who has spent any time in South Vietnam that the great majority of these refugees, who have been living in urban slums, are eager to go back to their accustomed environment—the countryside — and resume their lives as farmers. Indeed, all the evidence on the spot indicates that so far, at least, more people have applied to go back to the countryside than the new regime has been able to process. It would, therefore, appear unlikely that, at least at this stage, the Government would want to coerce people into moving to the countryside while there are long lists of volunteers waiting to go.

As to what might happen in the future, speculation at this point appears premature. But certainly, from its gradualistic approach and the form it seems to have taken thus far, the South Vietnamese resettlement program is markedly different from the more radical process that is reported to have taken place in Cambodia—as the origins, nature and history of the Vietnamese revolution have been markedly different from those of the Khmer Rouge.

Another question that could legitimately arise is whether, after all the years of bitter fighting, there is any retribution under way against the

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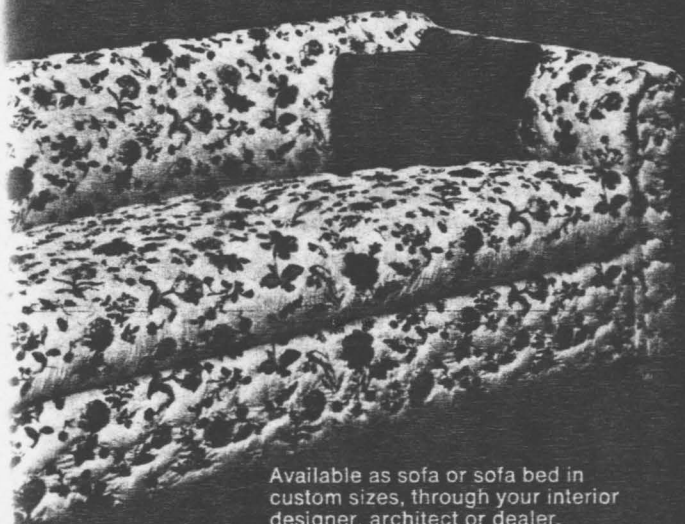
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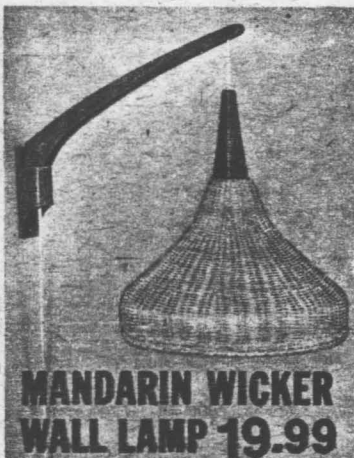
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defeated side. All that can be said with any degree of certainty by a Western observer who has spent a comparatively limited span of time in the country is that there is no sign of any major retribution and no rumors to that effect. At the same time, it is obviously impossible for any outside observer to see the whole country. And while this limitation applies equally well to many other nations, caution was and remains a requisite in reporting on Vietnam.

Vietnamese, North and South, go to the polls today to elect a National Assembly for all of Vietnam. It is the first formal step toward reunification of the two parts of a country that was divided by the 1954 Geneva Agreements into what were to have been two "temporary zones" pending national elections in 1956. From the standpoint of the Vietnamese Communists, they are now implementing a process they feel was aborted 20 years ago. As Mr. Hieu, of the Son My Tay Revolutionary Committee, put it, "You must understand that for us, since 1945, the Vietnamese revolution was one. We are all Vietnamese and we all fought for the same ideal. So what does it matter if one of us was born in one Vietnamese province rather than in another?"

Thus far, all the provinces

of the country, from the Camau Peninsula in the extreme south to Lang Son in the far north, have been redesigned, bringing the combined total down from 62 to 34. The two provinces on either side of the 17th parallel have been joined, symbolically, into one. Probably some time this year, the two Vietnams will be joined by proclamation of the newly elected National Assembly, and unification on the state level will be completed. But the succeeding phases of social and economic unification will proceed, step by step, for an unspecified length of time. The reasons are pragmatic.

Throughout the war years, inflation was endemic in the South, and currency was printed with little regard to the economic situation. The South Vietnamese piasters, which had been oscillating at around 700 to the American dollar, plummeted in the months before the fall of the Thieu regime to a black market rate of 5,000. By May 1975, the currency's backing had dissolved to nothing. To prevent the South's inflation from being exported to the North, the two halves of the country had to be sealed from each other, in terms of financial transactions.

In September, the Provisional Revolutionary Government announced that the Saigon piaster would be replaced by a new currency. Everyone

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would be permitted to exchange up to 10,000 old piasters into new piasters at a rate of 500 to 1; any old piasters in excess of that amount would be blocked in a special bank account until their origin could be established. Not surprisingly, news of the impending reform leaked, and wealthy Saigoneses started devising ways of circumventing the operation.

One of the most original was to register at the French-run Hôpital Grall. Patients in the first-class wards were required to make an advance deposit for a 15-day stay; on checking out, the unused portion was refunded. On the day before the currency exchange, a good number of well-to-do Saigoneses suddenly fell sick and were admitted to the hospital. Once the exchange was in train, they were all miraculously healed and claimed the unused part of their deposit in the new currency. By the third day of the exchange, the first counterfeit bills appeared.

On the whole, however, the currency exchange went off fairly smoothly, and the officials chose to turn a blind eye to the relatively few instances of petty cheating, which occurred mainly in Saigon. This may have been because there will be a second currency exchange after the formal reunification of the country, and it also seems to be part of a policy of avoiding exacerbating fears or suspicions, so that the transition can proceed with a minimum amount of friction. This attitude can be felt in small things as well as large.

For instance, while most of Saigon's streets have been renamed, the new street signs give the old names in smaller characters under the new ones, so as to avoid confusion. On a more important level, the new officials seem to recognize that the farmers who go back to their villages are not the same simple country folk who came to the cities years ago. "Many of the displaced persons," said a high-ranking official in Hanoi, "picked up new habits. Some of the habits were bad and contrary to our traditions. Others were socially less significant. They got used to

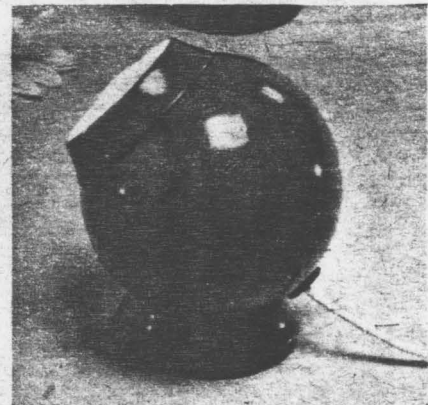
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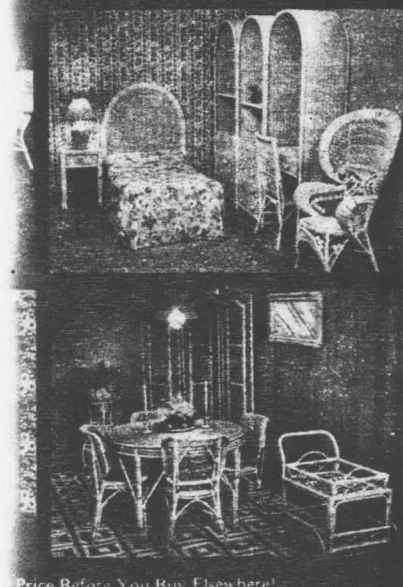
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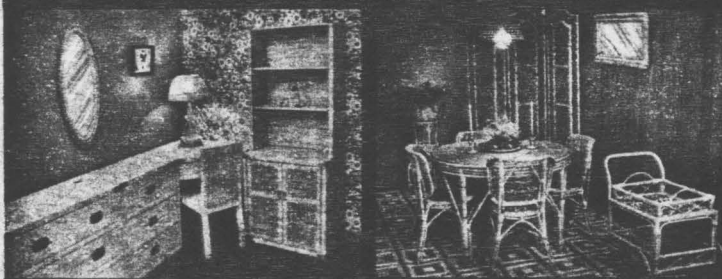
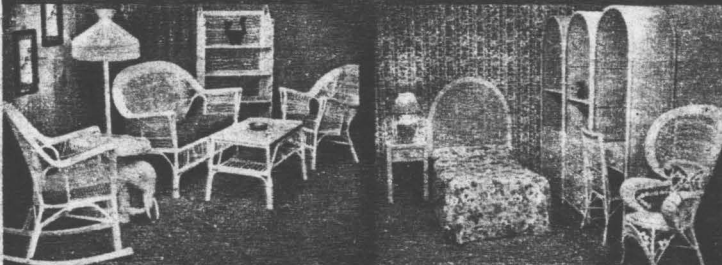
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This touches on what appears to be a rather sensitive issue in Vietnam these days.

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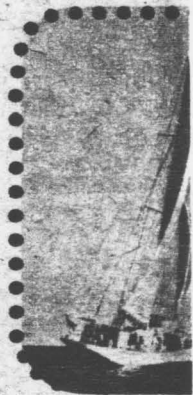
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Leisure time for former generals at the Quang Trung "re-education" camp, a former Saigon army training center.

During the war, the North suffered considerably more than the South in terms of material destruction, but it emerged with its social structure intact and its wealth—whatever there is of it—divided equitably. In the South, there are many more consumer goods than in the North, but they are unevenly distributed and their cost in terms of social disruption has been tremendous. It is therefore hardly surprising that many of the revolutionary cadres who have returned to Saigon after an absence of more than 20 years have been profoundly disturbed by what they perceive as the cultural prostitution of their native city.

It would be a mistake to regard this reaction as essentially xenophobic. Many of these cadres are French-educated, and schooled in the subtleties of French literature. Yet, while they have had no difficulty in assimilating French culture to their Vietnamese upbringing, the superficial but glaring Western influence that has pervaded many of the everyday aspects of life in Saigon leaves them repelled. This feeling is echoed in the Communist press, which constantly refers to the former regime's alleged uninterest in the fostering of Vietnamese literature, art and traditions.

Thus, if there is a term that can be used to describe what South Vietnam is undergoing, it is Vietnamization. Apart from any political or ideological considerations,

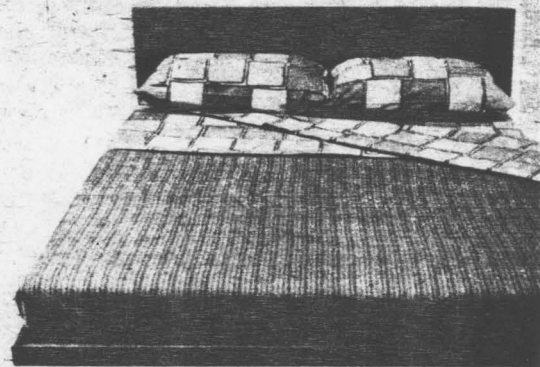
resources. Fifteen years ago, mats were made from reeds. These were then replaced by imported plastic strips. Today, mats in South Vietnam are again being made from reeds.

On the national level, North and South face a series of fundamental choices. The North has a state or cooperative economy; the South, for all practical purposes, has a market economy; how will the two economies be fused? The North has one of the best educational systems in Asia; the schools in the South have just reopened; how will the young people of the two zones be raised to a common outlook? The North has an extensive health service; the South is facing a shortage of medical drugs, and is hampered by the urban focus of its medical facilities; how will a reunified nation aspire to uniformity in health care? In the North, the major energy source is coal, of which there is an ample supply. In the South, the major source is oil, which has to be imported. While there is a good chance that oil might be found in the South, will the Vietnam of tomorrow be dependent on coal, on oil or on both? On that question alone, the choices to be made will necessarily entail the involvement of foreign expertise.

On June 27, 1975, the first foreign aircraft landed in the reopened Saigon airport. It was a plane of the United Nations High Commission for Refugees

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Orphans in Limbo

Many of the Vietnamese "orphans" gathered up in the last days of the war and shipped to the United States now want to go home—to their parents.

by Betty Jean Lifton

History moves quickly, today's hysterical headlines becoming tomorrow's stale news. It has been a year now since the controversial Operation Baby-lift brought more than 2,000 Vietnamese children to American adoptive homes—and the glow of either virtue or outrage to American hearts. For those who favored the program, something noble had finally come out of this ignoble war; for those opposed, removing children from their homeland and their heritage was the most ignoble act of all.

Since quite a few of the children have turned out not to be bona fide orphans—gathered up as they were in the last chaotic days of the war—the question of their eligibility for entry into this country, as well as for adoption, has yet to be legally answered. A court case has, in fact, been in process on this very issue for the past year.

The case originated when Muoi McConnell, a Vietnamese volunteer receiv-

ing the children on arrival in California, heard some of them pleading to be returned to their parents. Shocked by this, and frustrated over the government's reluctance to investigate the situation, she managed—with the help of some California lawyers and a group called the Center for Constitutional Rights in New York—to file a class action on behalf of the non-orphans. The defendants are an unlikely combination: Secretary of State Henry Kissinger, former Secretary of Defense James Schlesinger, Attorney General Edward Levi, et al.—as well as the seven adoption agencies that processed the children.

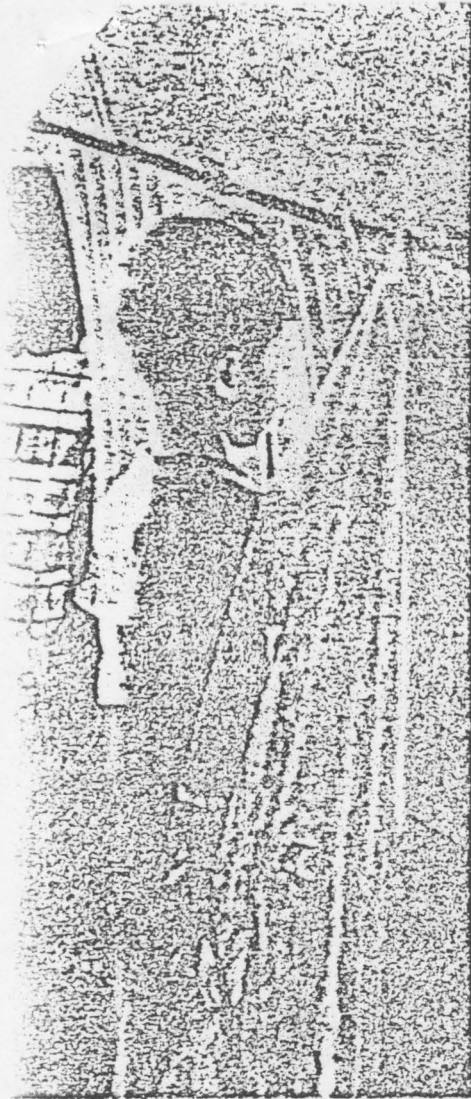
In the federal courthouse in San Francisco, just down the corridor from where the Patty Hearst trial has come and gone with its own brand of hysteria, the case has been proceeding at a snail's pace in front of Judge Spencer Williams—in spite of the plaintiffs' plea that the best interests of the children would be served by fast and decisive action.

Judge Williams, a Nixon appointee, did order that the adoption files be turned over to the Immigration and Naturalization Service for inspection by the plaintiffs and court-appointed masters. He also ordered that the adoptive parents be notified to wait before finalizing adoptions, and that the older children be interviewed about their wishes. However, all of this has been imperfectly carried out. The plaintiffs contend that only a few children have been interviewed, that INS is instructing adoptive parents to try to get adoptions legalized in their state courts in spite of improper documentation, and that they have been given too brief a time in which to inspect the files.

On February 23 Judge Williams declared the case no longer a class ac-

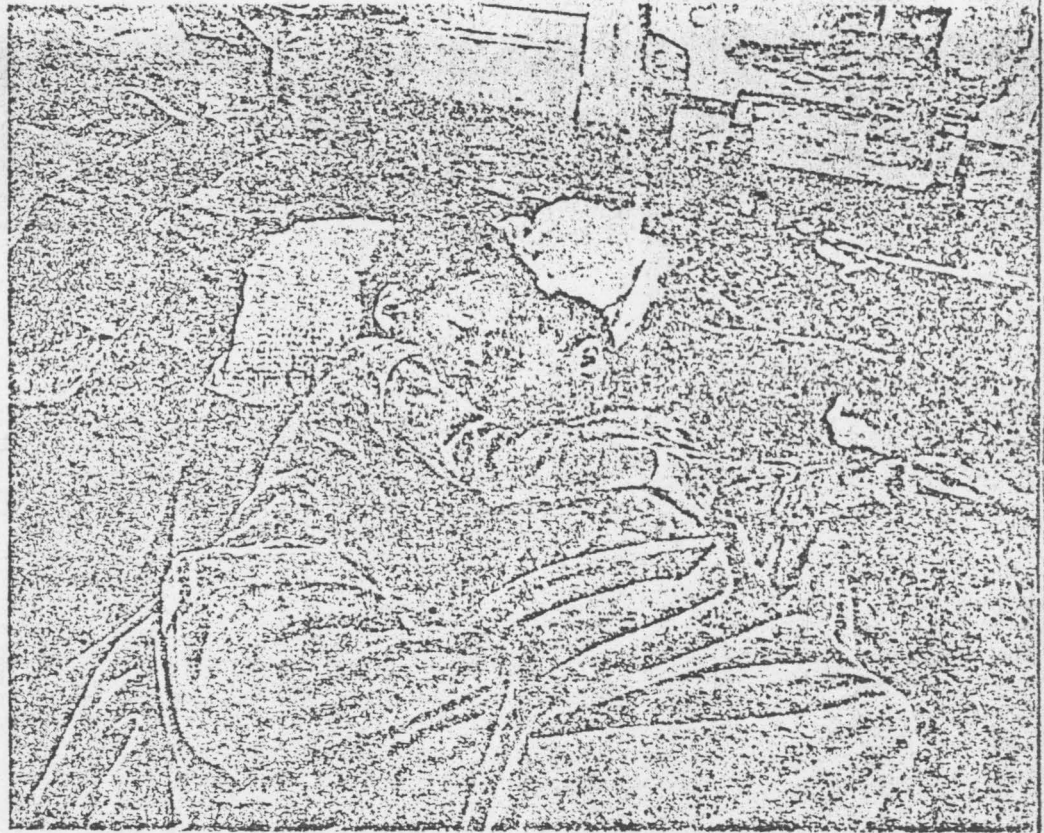
Suppose, though, the message that there is life on Mars. If so, it will be vital to examine it further, however simple a form of life





En route to a new homeland—"The question of their eligibility for entry into this country has yet to be legally answered."

Photographs: Wide World



tion. In other words, the plaintiffs must now file suit for each individual child—a situation that is clearly in the best interests of the adoption agencies and of prospective adoptive parents who would like their children considered separately, if they are to be considered at all.

It would take a King Solomon to unravel the bureaucratic red tape that has accumulated. The seemingly simple operation of sending possibly a few hundred non-orphans back to their families has become entangled in the emotional snarl of adoption politics in this country. Judge Williams has already declared that he is not running an adoption court, and that he does not want to get involved with an international situation over which he does not have jurisdiction. No wonder he has allowed months to pass between hearings, and in mid-February took a vacation from the briefs, counter-briefs, appeals, affidavits, and telegrams from all sides.

The question—reminiscent of the clas-

sic one posed to King Solomon—is this: who is the real mother—the one who gave birth to the child, or the one who has taken care of the child for the past year as the psychological parent? Since these two mothers are, for the most part, at opposite ends of the world, it is left to the lawyers for the plaintiffs and defendants to do the tugging for their clients' rights.

CONSIDER the plaintiffs' position. It holds that the Babylift was as immoral as the war itself—violating, as it did, the Geneva Convention, which explicitly states that children separated from their families in times of conflict may be moved only to a neutral country, and preferably placed with guardians of their own nationality, language, and religion. According to Tom Miller, one of the lawyers, over half of the files already checked do not have adequate documentation to establish that these children have actually been orphaned, abandoned, or legally

released for adoption. Furthermore, those children with known parents or relatives who managed to get here as refugees are being kept from reunion with them by the families in whose homes they were placed for adoption. Miller maintains that the government could have acted independently of this court case but is deliberately stalling as a way of avoiding political embarrassment.

Consider, on the other hand, the government's position. The government claims to have acted in good faith in bringing the children here, believing that the adoption agencies had their papers in order. It fears that if it tries to do any tracing of parents in Vietnam, the present government might produce "fake parents" in order to get the children back. And the lives of those real parents might be endangered if their identities are revealed. John F. Cooney, Jr., assistant U.S. attorney of California, admits that the government could have acted

"Who is the real mother—the one who gave birth to the child, or the one who has taken care of the child for the past year as the psychological parent?"

without waiting for the court case, but insists that if it has proven that a mistake has been made, nothing will be done to stop the children from going back.

Consider, too, the adoption agencies' position. They have little in common but this case, and one of them has already admitted to having changed the names of some children to those of dead ones in order to get them out of Vietnam at the last minute. The agencies share the danger that they could be sued by adoptive parents if the children are taken away, and possibly lose their state licenses. John Adams, executive director of Holt International Children's Services, which has been bringing children out of Korea since the Fifties, is quick to differentiate his operation from the "inexperienced" agencies. "Our children were processed long before the emergency," he says, "but

there were opportunists around during that last spasm of our involvement in Vietnam trying to get children quickly and easily. It will put a bad smell on inter-country adoption if this thing is not cleared up." Adams hopes that any child having improper credentials and with a parent found in Vietnam will be returned, but he also hopes it will not be one of his 406 children.

Consider the prospective adoptive parents' point of view. Some of them sincerely believed that they were rescuing an orphan from either homelessness or communism. Others who had found it impossible to adopt a baby here were eager to get one from abroad. All of them have grown attached to these children in the past year, and many have declared they will not give them up without a court fight. There are exceptions: Nebraska Sen. John DeCamp voluntarily returned his two charges to their mother, who was located in a refugee camp, and Washington attorney Lisa Brodyaga is hoping to find her six-year-old child's mother back in Vietnam.

Then there is the position of the natural parents and relatives who managed to make it to this country. There are at least six cases pending in Judge Williams's court in which Vietnamese mothers claim to have acted under duress in the last days of the war, but now want their children returned. Only one has succeeded—San Shie, herself an adoptive mother, who managed to get her two-year-old adopted daughter back after going through a California state court at the expense of \$5,000, to say nothing of the emotional cost.

It is difficult to consider the position of the parents and relatives in Vietnam, since there has been virtually no contact with them. It is known that there are daily advertisements for lost children in the Saigon papers, but how can those betrayed parents know if their children are among those here?

THIS BRINGS UP the thorny issue of tracing, over which there has been so much bickering. Last June the International Committee of the Red Cross offered the government the services of its Central Tracing Agency to help with family re-

unification. No official sanction has been given to the ICRC office in Saigon as yet, but the plaintiffs wanted it to trace the parents actively and to notify them of their children's whereabouts.

However, the defendants have not wanted the names of the children in the files revealed publicly, contending that anyone with a missing child must come forward with documentation to the ICRC office. In March, Judge Williams ruled in the defendants' favor against notifying the parents, stating that it might stimulate their "guilt" over giving up their children and prompt an "illusory desire" for their return.

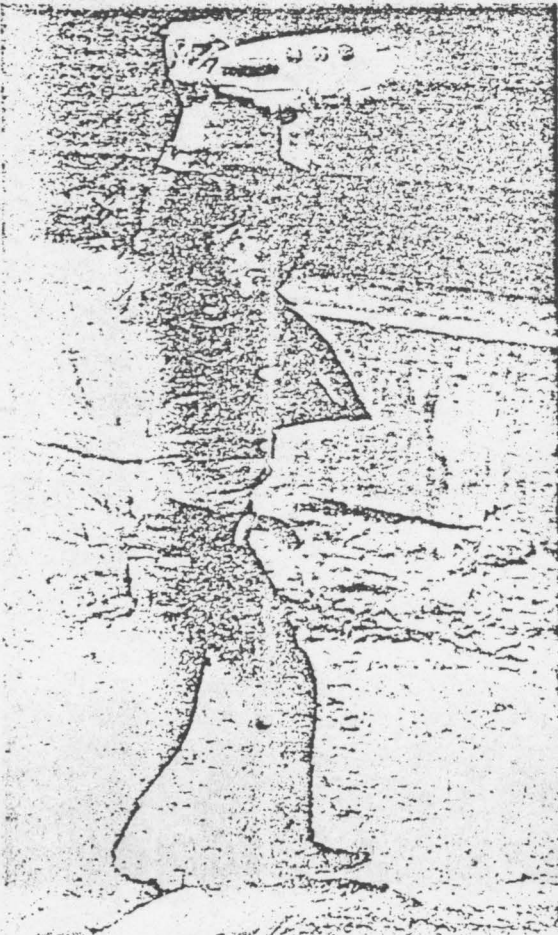
Frank Sieverts of the State Department concedes that it has not been worked out just how the ICRC can reach the parents' attention, especially those in remote areas. In fact, no one seems to have a clear idea how the South Vietnamese government feels about all this, although the Provisional Revolutionary Government did claim at the time that the children were being kidnapped. But even if some Vietnamese parents should come forward, they would be informed that they must press their claims in a custody suit in American state courts.

"We will demand due process for those children in this country," says Kate Freeland, a lawyer for Holt and for Friends for All Children. "It has not yet been proven who has jurisdiction over these children—an international court, a federal court, or a state court. The fact is that the children are here and the courts have the duty to protect them."

Protect them from whom—their own parents?

PERHAPS the real question is, How can parents in Vietnam possibly have the means to appeal in our state courts? Also, are we not confusing the rights of Vietnamese mothers who have become separated from their children with the legal controversy over the rights of unwed mothers here who give up their children and change their minds before the adoption is finalized? Can the best interests of the Babylift children be served by denying them the right to return to living parents—especially to those mothers who are in this country pleading for them?

Until these questions are answered by a court of law or by an international commission acting officially on behalf of the two countries involved, the children remain the hapless victims of the conflict, as surely as they were of the war itself. □



Recalling the big flight—Was it a noble act or the most ignoble of all?



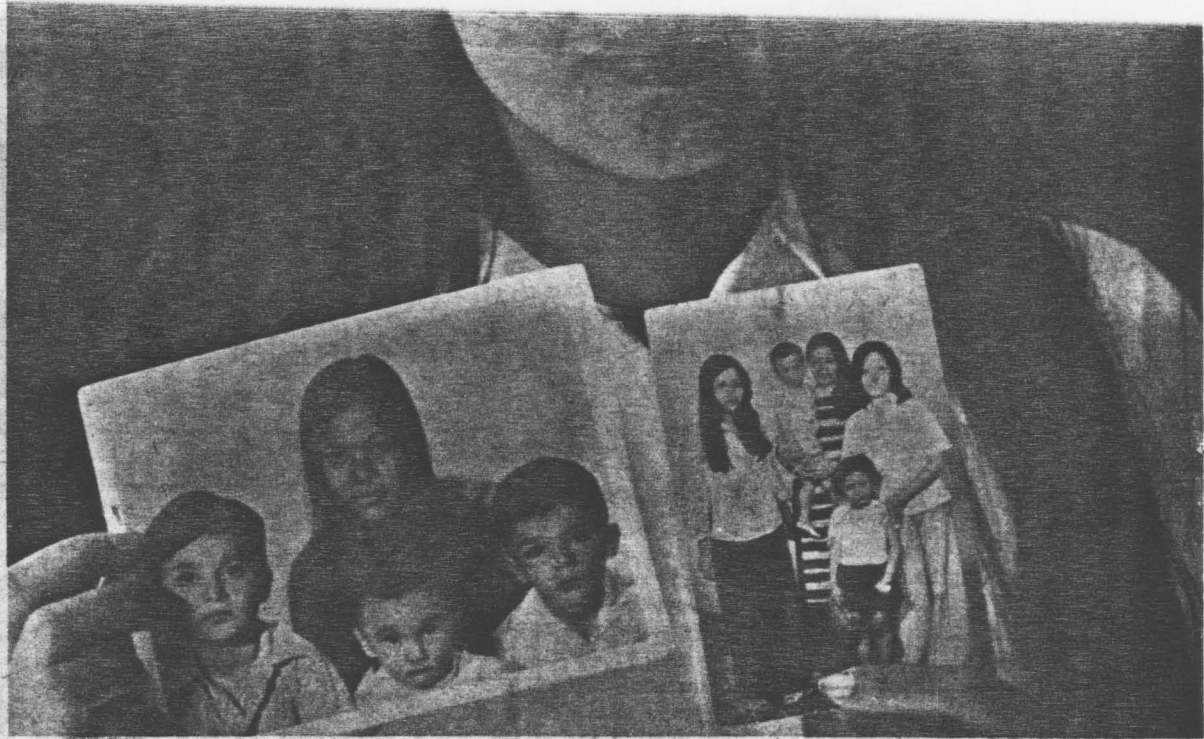
The torment: Lon, who is seeking to regain her three sons (lower right) from adoptive families.

Torment over the Viet non-orphans

By Tracy Johnston

It seemed simple at the time. As outlined by American A.I.D. officials, at a meeting in Washington on April 2, 1975, it seemed the only humanitarian thing to do. It would be "Operation Babylift." Immigration authorities agreed. They would permit

until the second Babylift plane actually landed in San Francisco on April 5 was it clear that what seemed to be a final humanitarian gesture might turn into a final irony of the American involvement in Vietnam. Before the exhausted, frightened children, some of them badly wounded survivors of the crash the day before, were allowed to disembark, there was a two-hour delay—officials, it



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It seemed simple at the time. As outlined by American A.I.D. officials, at a meeting in Washington on April 2, 1975, it seemed the only humanitarian thing to do. It would be "Operation Babylift." Immigration authorities agreed. They would permit an estimated 2,000 Vietnamese orphans to enter the United States, and A.I.D. would allocate \$2 million for their transportation. That same day in Vietnam, as the Saigon Government crumbled, the Vietnamese Minister of Social Services sent a letter to the Prime Minister, asking that a mass release be given for the orphans, many of whom had once been rescued from Vietnamese orphanages where they had been dying of malnutrition and had been living in cardboard boxes or chicken-wire cages. In 24 hours, Operation Babylift was ready to roll.

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The first plane crashed shortly after takeoff and 78 of the children aboard were killed. But not

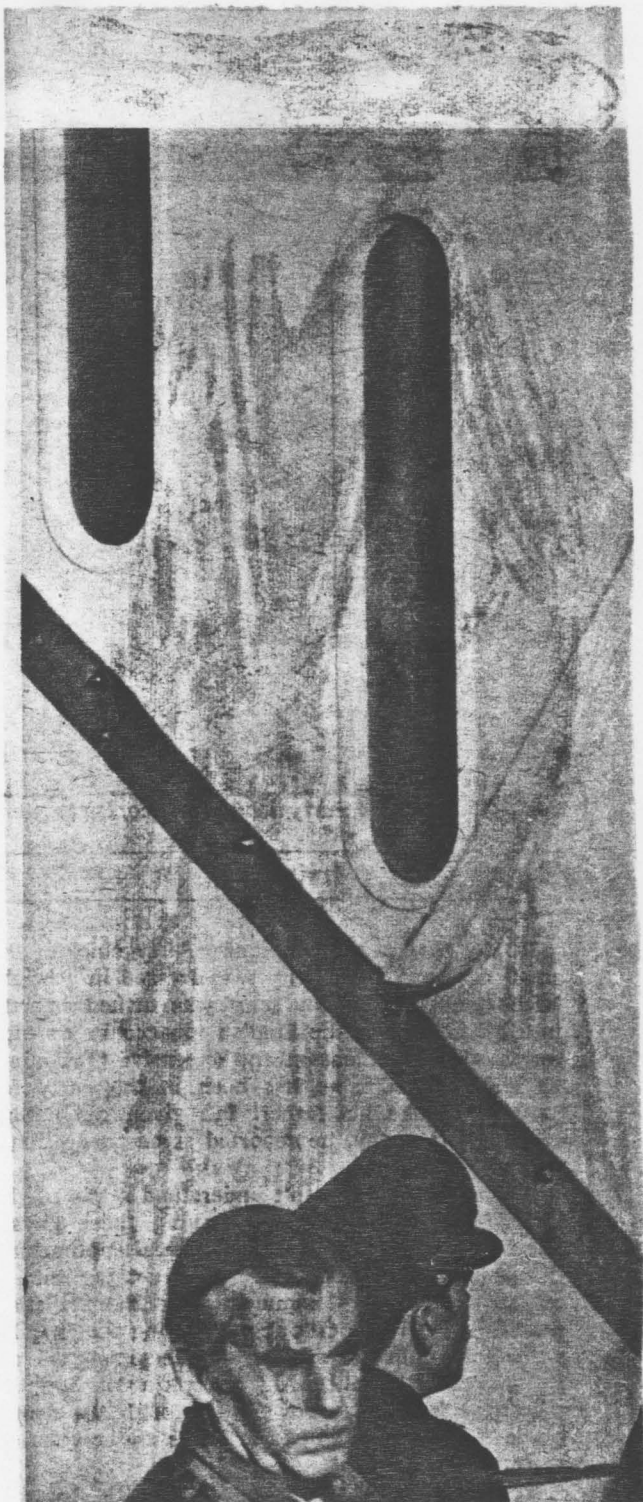
Tracy Johnston is a freelance writer living in Berkeley.

until the second Babylift plane actually landed in San Francisco on April 5 was it clear that what seemed to be a final humanitarian gesture might turn into a final irony of the American involvement in Vietnam. Before the exhausted, frightened children, some of them badly wounded survivors of the crash the day before, were allowed to disembark, there was a two-hour delay—officials, it turned out, were waiting for the ceremonial arrival of President Ford—and, then, people who had gone to the airport to meet the youngsters learned that many of them were not orphans at all.

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Many were middle-class kids who had parents or relatives in Saigon. Many were given to American agencies in Vietnam during the final days of the war by mothers who believed they would be killed in the predicted bloodbath. Some said they had been living in orphanages because their families were too poor to care for them, but they didn't think their mothers would ever have signed releases for them to be carried off to a foreign land.

No one knows for certain how many of these 2,000 children were not, indeed, orphans. But the



The politics: President Ford cradles a Vietnamese

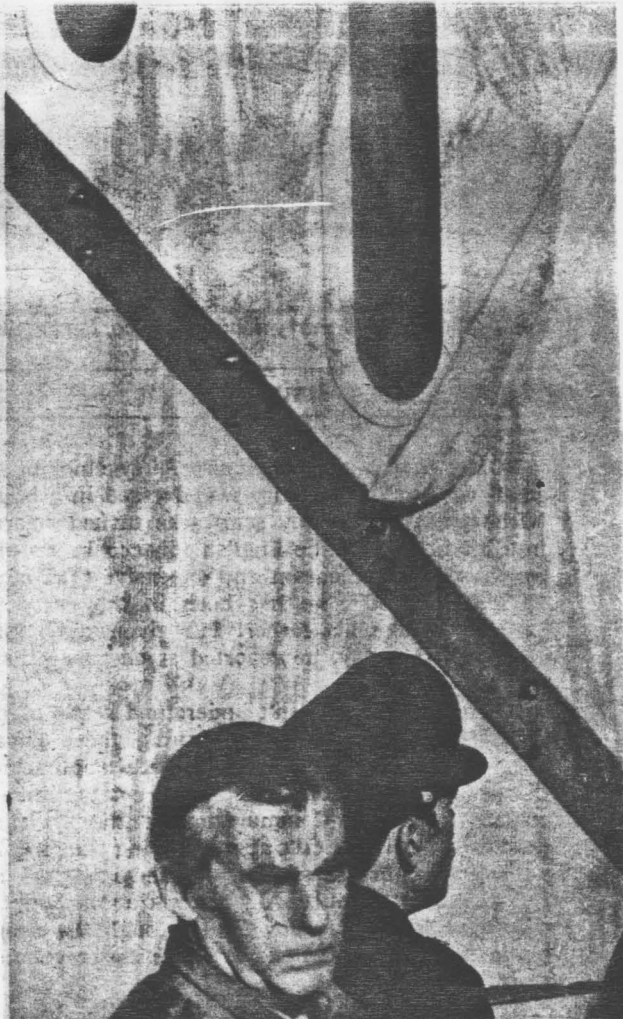
estimates of the number who were never officially abandoned range from some 250 to 1,500. Mothers who fled Vietnam themselves and also made it to this country have since got about two dozen of these children back; others are now fighting bitter court custody battles with the adoptive American parents. And back on April 29, as the last refugee plane and fishing boat left Vietnam in frenzy and the North Vietnamese tanks rolled into Saigon with virtually no bloodshed, three public-interest



child during the height of Operation Babylift.

interventions in the case by adoption agencies and adoptive parents, the lawsuit has succeeded only in debilitating and upsetting almost everyone connected with it.

When asked about the suit, parents burst into tears. State Department officials slam down the phone cursing the case. The public-interest lawyers go into tirades about Government, court and adoption-agency delaying tactics. Meanwhile, the adoptive parents have no idea what is going to



The politics: President Ford cradles a Vietnamese



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estimates of the number who were never officially abandoned range from some 250 to 1,500. Mothers who fled Vietnam themselves and also made it to this country have since got about two dozen of these children back; others are now fighting bitter court custody battles with the adoptive American parents. And back on April 29, as the last refugee plane and fishing boat left Vietnam in frenzy and the North Vietnamese tanks rolled into Saigon with virtually no bloodshed, three public-interest lawyers in San Francisco, acting on their own, filed a class-action lawsuit against "Henry Kissinger et al." on behalf of parents in Vietnam to reunite them with these non-orphans as quickly as possible.

The class-action complaint cited the constitutional rights of the children to due process, liberty and freedom from illegal seizure. It cited the Paris Peace Agreement ("The United States will not intervene in the internal affairs of South Vietnam") and the Geneva Convention ("Persons evacuated shall be transferred back to their homes as soon as hostilities have ceased"). It did not cite Jarndyce & Jarndyce of Dickens's "Bleak House" but it might well have, because, now, a year later, after endless court proceedings, appeals and

interventions in the case by adoption agencies and adoptive parents, the lawsuit has succeeded only in debilitating and upsetting almost everyone connected with it.

When asked about the suit, parents burst into tears. State Department officials slam down the phone cursing the case. The public-interest lawyers go into tirades about Government, court and adoption-agency delaying tactics. Meanwhile, the adoptive parents have no idea what is going to happen to the children. And not a single child has been returned to Vietnam.

□

Jerry and Marcy Clausen of Windsor, Calif., 50 miles north of San Francisco, are typical of that special breed known as adoptive parents—salt-of-the-earth types who believe in families and are proud of their ability to give children happy, loving homes. They take vacations in Disney land for the kids; they go camping and bike riding and play lots of ball games. The Clausens have two adopted Vietnamese children, two adopted Caucasian children and two biological children.

His, their Babylift child, was the fifth "orphan" they had arranged to adopt through Friends of

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The pleasure: The Clausens with their children, two of whom are adopted Vietnamese.

An adoptive American family says: 'Thank God she turned out O.K. Now we just hope we can keep her.'

A natural mother from Vietnam says: 'They say mother mean *nothing*. I want my son!'

the Children of Vietnam (F.C.V.N.) of Boulder, Colo., which operated child-care facilities in Saigon. That they didn't get three of the five indicates some of the confusion that surrounded the adoption process in Vietnam; especially with F.C.V.N., the agency that seems to have taken the most last-minute children and made the most mistakes.

The first child the Clausens didn't get was Vinh. They met him a year and a half ago when they went to Saigon to visit the agency and told him

her American grandparents turned up and the Clausens, heartbroken, went to the airport to fly Minh off to Michigan. It was a sad occasion. An hour later, a plane carrying Hien arrived.

"And was *that* tough," Marcy says.

Hien, a 6-year-old with a temperature of 103, threw up on them in the airport and all the way home. She was hyperactive, aggressive and struck out at anyone who tried to be affectionate. The Clausens figured she had been a "street kid" be-



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The first child the Clausens didn't get was Vinh. They met him a year and a half ago when they went to Saigon to visit the agency and told him then that they were going to be his mother and father. Four months later he landed in Georgia and went off to another family. The second child they didn't get was still in a province north of Saigon when the city fell. The third was Minh, whom they got but couldn't keep. They picked her out while they were spending three nights at the Presidio in San Francisco, helping with Baby-lift arrivals.

25
"She was timid and lovely," Marcy says, "like a little china doll. She wore a tag saying 'Grandmother?'" But the F.C.V.N. agency said they didn't have any records of a grandmother and the Clausens could go ahead and take her home. The whole family fell in love with Minh. Two weeks later

her American grandparents turned up and the Clausens, heartbroken, went to the airport to fly Minh off to Michigan. It was a sad occasion. An hour later, a plane carrying Hien arrived.

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"The one thing we asked the F.C.V.N.," says Marcy, "was that we could keep the child they sent us. We didn't care about anything else. And four months after we got Hien, we hear the agency has no papers on her—not one. No birth certificate, no release from an orphanage, nothing. We couldn't believe it." Hien, of course, would be one of the children affected by the lawsuit.

19
She rushes into the living room of the Clausen home wearing a Superman cape. She is small and thin, with brown curly hair, Oriental eyes, light skin, and a Negroid nose and mouth. When Marcy tells her I want to talk to (Continued on Page 76)

Non-orphans

Continued from Page 15

her about Vietnam, she makes a startled noise and runs off, scarlet cape flying.

"It was hard on us at first," says Marcy. "She wasn't a very lovable child and all the kids kept saying they liked Minh better. Also the social worker kept suggesting that perhaps we couldn't handle her and that made us mad. Thank God she turned out O.K. Now, we just hope we can keep her."

□
Joan Thompson, who is organizing adoptive parents to fight the class-action lawsuit, says her feeling about sending her Vietnamese child back to Vietnam would depend on how "adamant" she would be "against Communism."

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"If there were requests from Vietnamese gals, that they really wanted their kids back, that hard. But you know most of us have had our hysterectomies and all and we can't have any children of our own. The Vietnamese have so many kids—8, 10, 13—and we don't have any. We want them. We think this is the best country possible—the kids have so much better chance to grow here, be what they want. In Vietnam they would be a fisherman or dirt farmer."

6
Wilfred Antonsen has a 9-year-old Babylift son named Clay, given to Christian-oriented Holt Adoption Agency in Saigon by his grandmother one month before the Babylift.

"I'm sure the grandmother loved him," he says. "It's clear he has been raised in a home with discipline and love."

26
"What if you found out the grandmother was alive and able to support Clay and wanted him returned?" I ask.

"Well, I don't make any human plans for the future."

"You don't?"

the real one and the Immigration Service should simply place the Babylift child in the custody of its Vietnamese mother if she comes to the United States asking for it and if the child is here illegally. Immigration, the agencies and the adoptive parents all say that such cases can only be handled by individual custody battles in court; that adoptive parents have rights, too. In addition to those refugees who have had their children returned voluntarily and to the two mothers who had to go to court to get them, there are perhaps a dozen more mothers, grandmothers and aunts who are at the moment preparing to go into custody battles soon. Hao Thi Vo is one.

26-27
Lon (her nickname) has three half-American sons whom she sent to America on the Babylift just before the fall of Saigon. Her sons lived with her all their lives, she says, but when refugees started flooding to Saigon from the North and told stories about seeing Communist soldiers shooting mixed-blood children, she became afraid for their lives.

When she arrived in the States she wasn't at all sure things were going to work out. All she had was the card of a Flying Tiger Airline pilot she met in Saigon, who had said to call if she made it to the States. Well, she did just that and right there in the telephone booth at Travis Air Force Base she heard Bill Popp say, "Come on down." So Lon, Lon's friend Kim, and Kim's daughter all took the bus down to his house in Newbury Park, 60 miles north of Los Angeles, where they still are living. Last December they located Lon's sister in Michigan. She had made it out of Vietnam with a group from an orphanage, and is

from agencies and social workers and the parents. I feel bad, too, that I didn't promise to give her the financial support she needed to get lawyers and prove she can support the kids and all that until about six weeks ago."

Lon wants to drive me around Newbury Park in her big American car; it is a new, upper-middle class town full of \$50,000 tract homes. We wind up in a suburban shopping center inside a combination bar and pizza parlor that is hardly distinguishable on the outside from the dime stores and laundromats that surround it. This is where Lon works, waiting on tables and making pizza for \$2 an hour plus tips. Everyone clearly likes her there. She has a big, disarming smile and is young—24—and so frail—she weighs 92 pounds—that one feels protective.

Her looks are deceiving, however. One thing that has impressed me about the Vietnamese women I've spoken to is the strength they must possess to have survived their struggles. Lon cannot remember a time when she was not in fear of "bad people." First, it was the French, then the Vietcong. She was born close to Da Nang and lived with her mother and father, sister and two brothers on a small farm where they raised cows, rice and water buffalo. She says there is a long, tragic and political story that she doesn't want me to tell because her family in Vietnam might somehow be hurt by it; but by the time she was 9 or 9 her mother was tortured and was forced to flee to the North; her father had been imprisoned and she had brought him food three times a day for a year. She then went to Saigon, where she lived with her uncle and his family behind a small store and she cooked food to sell in the streets. At 12, she returned to her village. She saw her father one last time.

27
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"What if you found out the grandmother was alive and able to support Clay and wanted him returned?" I ask.

"Well, I don't make any human plans for the future."

"You don't?"

"No, I trust our lives to the Lord Jesus. Whatever He decided, we would do."

"How would you know?"

"He would speak to us through the Bible . . . Over there Clay would probably be Buddhist."

□
Another biblical authority might be King Solomon, who also had to decide who was a proper mother. The class-action lawyers say the natural parent in this case is

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Bill Popp and Lon were married recently, and they have decided to spend whatever money they have to fight for Lon's children.

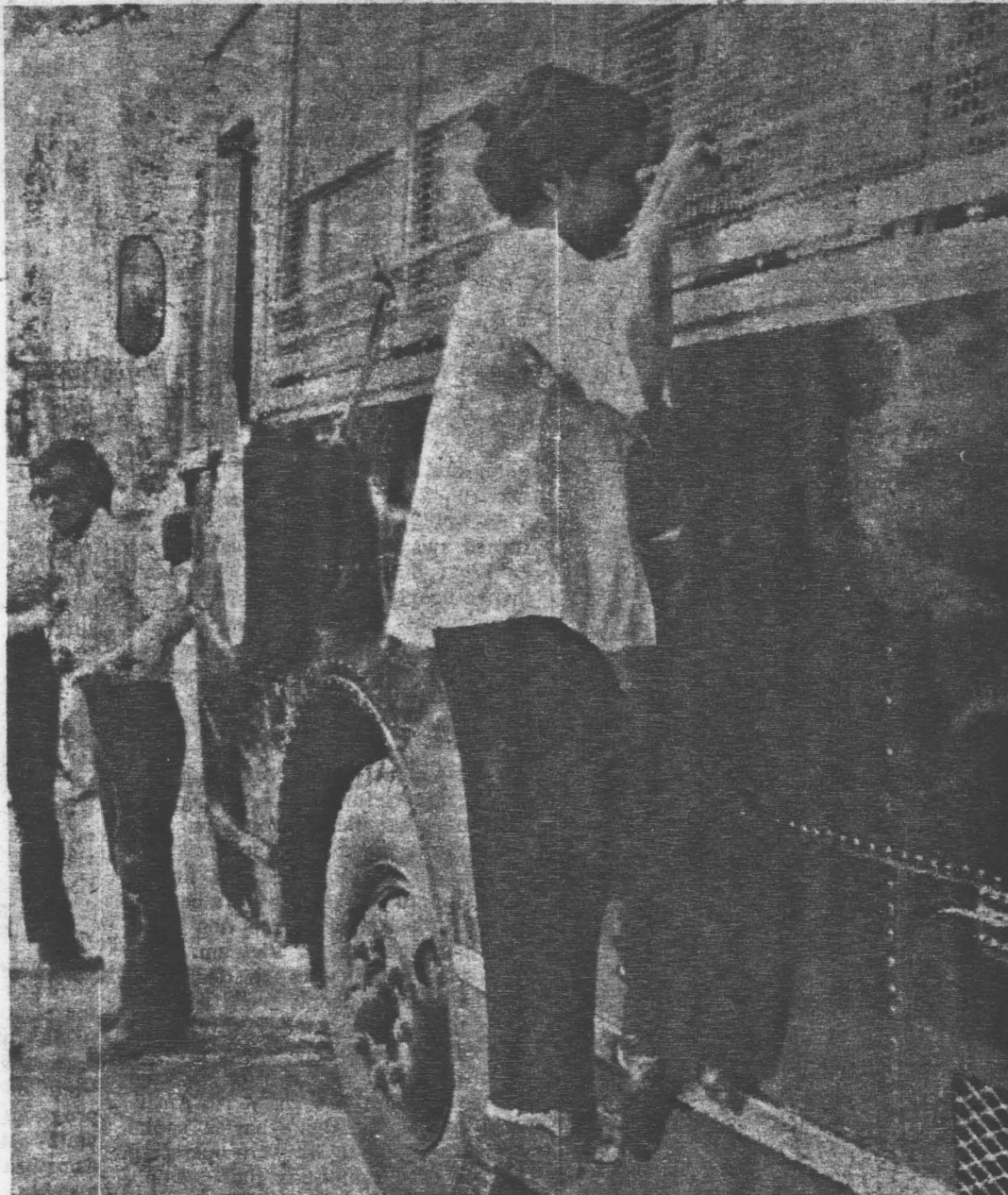
"It's driving her crazy," Popp said. "No one believes it for some reason, but she loves her sons and wants them returned. I feel sorry for her, getting such a runaround

ping center inside a combination bar and pizza parlor that is hardly distinguishable on the outside from the dime stores and laundromats that surround it. This is where Lon works, waiting on tables and making pizza for \$2 an hour plus tips. Everyone clearly likes her there. She has a big, disarming smile and is young—24—and so frail—she weighs 92 pounds—that one feels protective.

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"By luck, the same day I walk and walk to get to my village, my father get out of jail. He look very sick but so happy. When I see him I so happy I can't say anything—I can't say words. We just look and cry. He ask me if I go to school and I say 'yes.' But it isn't true."

In Saigon, her uncle's house was always crowded with relatives, driven to the city by the war; people slept two and three to a bed. At 15, she conceived her first child. The stories about the fathers of her three sons



Bitter parting: In Saigon a year ago, a sobbing Vietnamese woman clings to a bus loaded with children about to be airlifted to the United States for adoption.

change. She seems to have been an unofficial "wife" of two Americans. The one fact that remains the same is that Lon and a cousin supported a family of 13.

In February 1975, Lon began making arrangements to send her sons to the United States in case the Saigon Government collapsed. In mid-April, she gave her two oldest sons, then 7 and 5, to an American named Dick Lucas and she put her youngest,

get many Vietnamese children and refugees out of Saigon (Lon's younger sister was one) but at the last minute a friend of Lon's got worried that he wouldn't be able to and took Lon's son to the Friends of the Children of Vietnam Adoption Agency and signed a release for him pretending she was his mother. The F.C.V.N. accepted the child, brought him to America and put him immediately into an adoptive home.

when the F.C.V.N. arranged a meeting with Lon and Dick, Joan and a social worker, the boy didn't recognize his mother. Dick and Joan say they will not give him up because he has no relationship to this strange Vietnamese woman. He is loved and secure in his American home and it would be destructive to take him from the only parents he now knows.

Lon is very angry about that meeting:

it's clear she has decided Lon is not a good mother. "Take a hypothetical example. Would you stand in line for two days to get yourself out of a country when you don't know where your children are?"

Bill Popp has begun to write vitriolic, accusatory letters to both adoptive parents who have Lon's children.

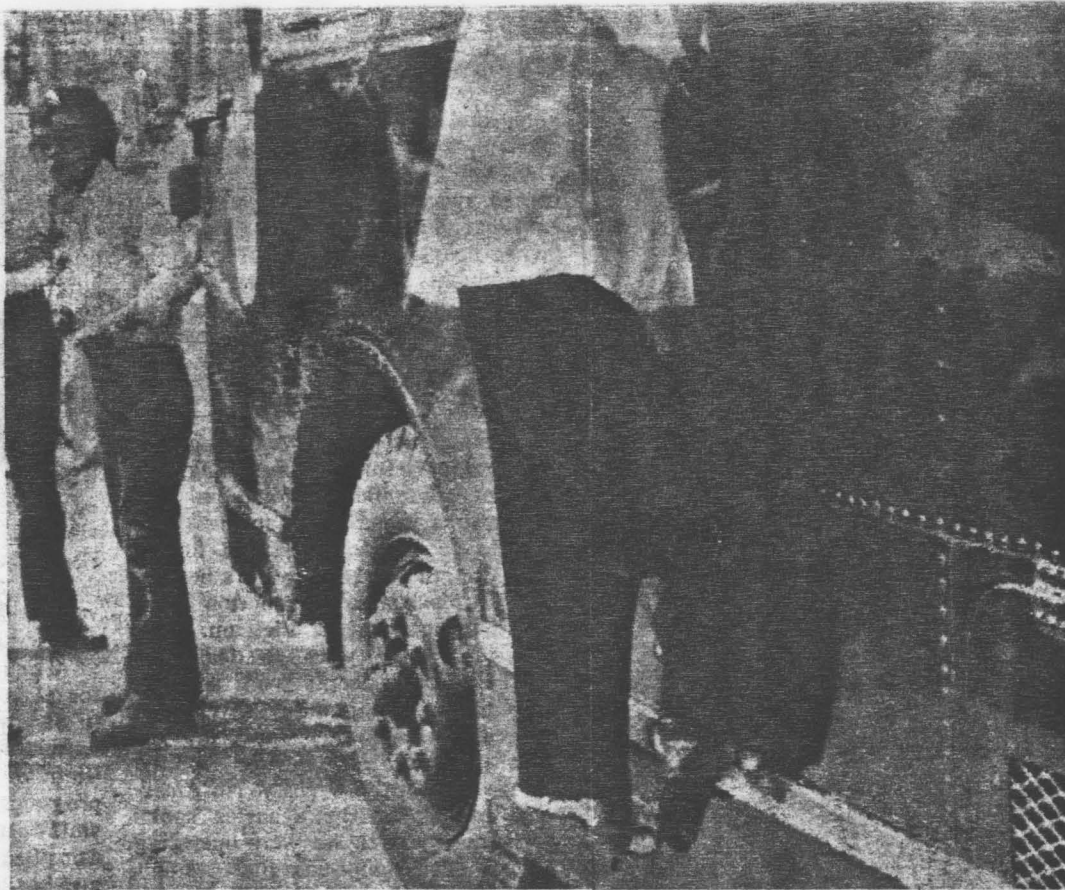
"I know I'm getting harsh," he says, "but listening to a woman trying to cry herself to sleep at night for a year now is rather harsh, too."

On March 12 in San Francisco, at the Federal Building—teeming with excitement as the Patty Hearst trial goes to the jury—Wende Grant and Sheryll Markson walk grimly through a crowd of reporters and cameramen to see their lawyers. The women represent the two adoption agencies that brought almost one-half of all the Babyift orphans out of Vietnam. They feel responsible for the fate of children in danger of being torn from homes for what the women regard as essentially political reasons. Sheryll Markson bursts into tears a few minutes after I meet her. Her best friend and colleague in the F.C.V.N. agency died of a heart attack a few days ago at 37. She had seven adopted children and Sheryll couldn't even attend her funeral because of a hearing on the lawsuit.

"It's been a hard week," she says, pulling herself together. She looks in her 30's, has loose, long straight hair, and wears her skirt unfashionably short.

"It's been a hard year," she sniffs, and then excuses herself to call her 16-year-old adopted son at home in Boulder and remind him to put in the roast. (The Marksons have seven children, five adopted.)

Spike Eklund, lawyer for the F.C.V.N., says: "This is the saddest case I've ever been involved in. The agencies have been accused of kidnapping, being in the business for money—you have to



Bitter parting: In Saigon a year ago, a sobbing Vietnamese woman clings to a bus loaded with children about to be airlifted to the United States for adoption.

change: She seems to have been an unofficial "wife" of two Americans. The one fact that remains the same is that Lon and a cousin supported a family of 13.

In February 1975, Lon began making arrangements to send her sons to the United States in case the Saigon Government collapsed. In mid-April, she gave her two oldest sons, then 7 and 5, to an American named Dick Lucas and she put her youngest, then 2, into the orphanage of a Catholic priest who promised to send him to America. On April 19, Lon's friend Kim came to her and said that an American boyfriend would get Lon and Kim and Kim's child out of Saigon as his wife and daughters. They did not have time to say goodbye to their families or gather any belongings. They ran to the airport where they stood in line for two days, to get their plane "to freedom."

The priest did manage to

get many Vietnamese children and refugees out of Saigon (Lon's younger sister was one) but at the last minute a friend of Lon's got worried that he wouldn't be able to and took Lon's son to the Friends of the Children of Vietnam Adoption Agency and signed a release for him pretending she was his mother. The F.C.V.N. accepted the child, brought him to America and put him immediately into an adoptive home.

Lon and Popp have been trying to get her youngest son since they found out where he was in December, but with no success. The release on him is fraudulent and has the wrong date on it. The priest and the woman who gave him to F.C.V.N. are in the United States and say they will testify that Lon is his real mother. Bill Popp can't see what will stop them.

Dick and Joan may stop them. They have had Vo Huy Tung now for a year and

when the F.C.V.N. arranged a meeting with Lon and Dick, Joan and a social worker, the boy didn't recognize his mother. Dick and Joan say they will not give him up because he has no relationship to this strange Vietnamese woman. He is loved and secure in his American home and it would be destructive to take him from the only parents he now knows.

Lon is very angry about that meeting:

"They say mother mean nothing. Nothing. I want my son! They try to make me crazy. They say I don't have husband; they say why don't I come for son sooner, but I don't know F.C.V.N. has him. I have no money. What will my son think of mother who give him up?"

Wende Grant of the Friends For All Children agency, also based in Boulder, Colo., took Lon's older two sons out for Dick Lucas. She does not want to comment on Lon, but

to sleep at night for a year now is rather harsh, too."

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When I interview Wende Grant, her eyes also fill with tears. She takes the Baby-

lift plane crash personally. She is a middle-aged woman with eight adopted children, three of them handicapped.

"We consider them our children," she says. "We lived with them in the nurseries in Vietnam and cared for them night and day. No one ever questioned us about all the kids we had to bury in graves marked anonymous—without papers or releases. Where were the public-interest lawyers then?"

"We took it for granted that children should be with their mothers," Wende says. "Everyone in child care knows that."

"At our nursery," Sheryll says, "there were scenes where mothers would push their children over the gates and our guard would get them and run around and give them back. This would go round and round; we turned away hundreds of children."

"What do you say," I ask them, "when people suggest that Communist Governments put child welfare high on their list of priorities—that the children whom you rescued from orphanages might have been placed in Vietnamese homes under the new regime?"

"I tell them," says Wende angrily, "that social reform is one thing, but most of our children would be dead by the time it actually happened."

Eddie De Chandenèdes, a former F.F.A.C. staff worker, says it's hard to criticize the American adoption agencies that operated in Vietnam. "The Americans there were so dedicated. I've never seen people work so hard in my life—18 hours a day, seven days a week. On the other hand, it's important to realize just how isolated we all were in the country. No Americans in any of the agencies spoke Vietnamese and so we were operating on lots of assumptions that weren't true. We all thought the Vietnamese didn't adopt kids. But they did. There are no orphanages in North Vietnam and they were introduced in the South by the French. We all thought there was no day care in Vietnam and then I discovered there was an immense network of Buddhist day-care centers attached to the temples that everyone knew about but us. We all thought mixed-blood children would not be accepted by the Vietnamese, but when I started looking around I saw hundreds of them integrated into families. (A.I.D. estimates there were 10,000 to 15,000 children with American fathers in Vietnam and only 935 in orphanages.)

"What I learned is that it's just too difficult to go mucking about a for-

□
Cases like Lon and Bill Popp's should be open-and-shut, the three class-action lawyers say. Refugee mothers whose children were not legally released should not have to go to court to prove they are good mothers. A bigger problem for the lawyers is trying to represent mothers in Vietnam who cannot be seen or heard.

"We represent absent emotion," says Mort Cohen, one of the lawyers, "and it's not popular. But I tell you, if the United States were under siege and I gave up my children because everyone told me they would be killed in the bloodbath, and then the bloodbath never came, I would want someone to see that I could get my children back." Aside from the humanitarian view, these lawyers believe they are right morally and politically—in that the proper way for a nation to behave after a war is to offer to return any children it has gotten as a result of confusion and panic.

Cohen teaches law in two San Francisco Bay area law schools and has a long history as a "gadfly," working on antitrust and civil-rights cases. His most recent are Attica and Wounded Knee. He and his wife have three children, one an adopted Chicano son. He works without pay on the case.

Tom Miller's background includes volunteering in the Peace Corps, practicing corporate law and teaching in Africa. He once established a center for plastic and reconstructive surgery in Saigon and he and his Vietnamese wife, Neu, spent some time in South Vietnam trying to set up foster-care programs. He is at present a part-time staff attorney for the Center For Constitutional Rights in New York, and has been paid a total of \$800 from the center for his work on the Babylift case, to which he has given most of his time for almost a year. He and Neu live with his parents in their large, beautiful Berkeley home and use Neu's unemployment insurance for spending money. They have an adopted Vietnamese son.

Nancy Stearns has been a staff attorney for the Center For Constitutional Rights for seven years and has carried on a variety of constitutional litigation, including challenging the unconstitutionality of restrictive abortion laws and defending Vietnam Veterans Against the War. Her salary at the Center is \$800 a month. She is single and lives in Greenwich Village.

"We are the only people who have some interest in representing chil-

"there were scenes where mothers would push their children over the gates and our guard would get them and run around and give them back. This would go round and round; we turned away hundreds of children."

"What do you say," I ask them, "when people suggest that Communist Governments put child welfare high on their list of priorities—that the children whom you rescued from orphanages might have been placed in Vietnamese homes under the new regime?"

"I tell them," says Wende angrily, "that social reform is one thing, but most of our children would be dead by the time it actually happened."

Eddie De Chandenedes, a former F.F.A.C. staff worker, says it's hard to criticize the American adoption agencies that operated in Vietnam. "The Americans there were so dedicated. I've never seen people work so hard in my life—18 hours a day, seven days a week. On the other hand, it's important to realize just how isolated we all were in the country. No Americans in any of the agencies spoke Vietnamese and so we were operating on lots of assumptions that weren't true. We all thought the Vietnamese didn't adopt kids. But they did. There are no orphanages in North Vietnam and they were introduced in the South by the French. We all thought there was no day care in Vietnam and then I discovered there was an immense network of Buddhist day-care centers attached to the temples that everyone knew about but us. We all thought mixed-blood children would not be accepted by the Vietnamese, but when I started looking around I saw hundreds of them integrated into families. (A.I.D. estimates there were 10,000 to 15,000 children with American fathers in Vietnam and only 935 in orphanages.)

"What I learned is that it's just too difficult to go mucking about a foreign country you know nothing about and take out its children. The problem is that when you're there you really do feel that if you don't adopt them they will die."

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"We are the only people who have shown any interest in reuniting children who were brought here illegally with parents in Vietnam who may want them back," says Stearns. Cohen continues: "It's (Continued on Page 83)

'It's just too difficult to go mucking about a foreign country you know nothing about and take out its children . . . but you feel if you don't adopt them, they will die.'

Continued from Page 78

very, very simple. If somebody doesn't sign a legal relinquishment, or signs it under duress, he is entitled to have his child. That's it." But, if you're an adoptive parent, he said, you can say, "Well, we want the kids, so how are we going to keep them from returning?" The best answer for that is to say they are better off here; their parents weren't good parents anyway; they've already adjusted; returning them is too big a problem for us to figure out how to do. And all of this legitimizes something that I find to be inhumane. That is that, at the end of a war, one of the things that is up for bargain is the orphans. That's exactly what's happened here. And we rationalize it away so that we can have our children. That's uncivilized."

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So far, the class-action lawyers have been making their points, but losing their case. Judge Spencer Williams spent a year hearing testimony by psychiatrists about early childhood trauma and transracial adoption. He read affidavits from the State Department and from individuals who stayed in Saigon through the change in Governments, advising him about conditions in Vietnam; he requested that an official of the International Red Cross Tracing Bureau in Geneva come to California to advise him about methods of finding mothers and reuniting families; he decided to order a direct tracing plan of parents in Vietnam and then changed his mind. Finally, in late March after watching his court fill up with angry adoptive parents, refugee mothers, asking for their children, and a dozen or so lawyers, he denied the class action, saying that it was beyond the abilities of his court to handle what are, in effect, 2,000 individual cases. Cohen, Miller and Stearns appealed.

The main point of disagreement has become access

to the Immigration Service. The agencies will try and match up information from these mothers with their own files and then hold a hearing to decide where the child should be placed.

"The agencies," argues Mort Cohen, "are playing God. They think they know that the mothers meant to give up their children, but what about the ones who made it over here and are fighting desperately to get them back? We've seen the files—we had to get a court order to do it—and they are a mess. First, an affidavit saying, 'This child is named such and such and was released by such and such an orphanage and is x years old.' Then a second affidavit saying, 'No, that's wrong. The child's name is . . . They don't want anyone to see their mistakes.'"

The arguments for and against the notion of going out and finding Vietnamese mothers are passionate and endless and they get more heated as time passes and the children become more and more happy in their American homes. At this stage, however, all the arguing is a bit academic—Vietnam's Provisional Revolutionary Government (P.R.G.) doesn't seem to want the children back.

The P.R.G. did initially protest the Babylift and asked the United Nations High Commissioner for Refugees to assist in the children's repatriation. But it has never followed up on the matter, and is not now making any apparent effort to facilitate the children's return. Denmark, which received a similar group through the efforts of a West German journalist, announced that it wanted to return the children, but so far none have been accepted back.

Frank Sieverts of the U.S. State Department said that at first he thought the class-action lawyers had a good point, but then he learned

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The main point of disagreement has become access to the Immigration Service and adoption agency files. The three lawyers want the International Red Cross to collect all the information about the children they can get so they can actively look for parents and relatives. They say the files have names of towns and addresses of relatives in them. The agencies say it would be inhumane to knock on a mother's door and ask her to make the decision to give up her child all over again. Their proposal is to have the Vietnamese Govern-

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Frank Sieverts of the U.S. State Department said that at first he thought the class-action lawyers had a good point, but then he learned that Vietnam didn't seem to be co-operating in any plan to receive the children. "If Vietnam wanted to lift one finger—make a statement through organizations they're in contact with all over the world—they could do so. . . . The fact is, the P.R.G. has other things on its mind."

Miller, Cohen and Stearns say Vietnam will cooperate in the venture if it is convinced of American good faith. They feel it is up to the United States to make the gesture of giving the

(Continued on Page 86)

THE FAMILY PICNIC IS SHARED BY, FROM LEFT, JOHANNAN BALL, three-month-old Mexican-American child and his father, Gary Ball; Carrie Ball, nine-month-old Thai baby and her mother, Carol Ball; and Natalie Schwalenberg, 11-month-old Thai toddler asleep in the arms of her mother Dorothy Schwalenberg.

PICNIC IN MANNING PARK

Refugees mark anniversary

Vietnamese refugees living in the Santa Barbara area and their adoptive families held an unusual picnic yesterday in Manning Park.

The gathering was sponsored by local members of Aid to Adoption of Special Kids (AASK) and an organization of adopting parents, Open Door Society of Santa Barbara.

The day was also the first anniversary of the "baby lift" plane crash at Saigon airport during the U.S. pullout from South Vietnam. And it — or the arrival of the second plane in San Francisco a year ago Wednesday — is observed as a birthday for several of the infants who survived the crash and others now subjects of a court federal battle over adoption rights.

Among guests were a number of the 100 or so Vietnamese refugees living in the area and many families who have completed other earlier interracial adoptions.

But the principle reason for celebration — a late March ruling in U.S. district court that a suit to prevent adoption of over 1,900 children flown from Vietnam last spring is not acceptable as a class action — was tinged with anxiety for families such as the Lewis Barnetts, the James Shieldses, the Edward Damrons, the David Selzers, the Harold Schwalenbergs, the Frank Ellises.

These families, many of whom had initiated proceedings to adopt long before the "baby lift" days, foresee months of waiting for a decision on the appeal and perhaps years of expensive litigation in individual cases if the ruling is upheld.

"What seems forgotten is that our babies are human and we are human and our lives are interwoven," said Diane Barnett, Southern California co-ordinator for AASK. "We could understand a suit brought by a natural mother, but a suit brought on the chance that a natural mother might now be



SKATEBOARD COACHING SESSIONS are part of everyday life now for Chi Long, 15, left, who came to the United States a year ago from South Vietnam. His life in the Lewis Barnett household is shared with, among others, Jason Barnett, 4, on skateboard. At right is Jeff Damron, a friend.

—News-Press photos

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"What seems forgotten is that our babies are human and we are human and our lives are interwoven," said Diane Barnett, Southern California co-ordinator for AASK. "We could understand a suit brought by a natural mother, but a suit brought on the chance that a natural mother might now be able to take care of a child and wish to do so seems only opportunistic politics to us."

Meanwhile, all the local families ("and we are not wealthy people," said Mrs. Barnett) can do is try to help raise the several thousand dollars in court costs needed to continue the court defense. And, of course, try not to worry too much.

—Jenny Perry



SKATEBOARD COACHING SESSIONS are part of everyday life now for Chi Long, 15, left, who came to the United States a year ago from South Vietnam. His life in the Lewis Barnett household is shared with, among others, Jason Barnett, 4, on skateboard. At right is Jeff Damron, a friend.

—News-Press photos

My Hang and her adoptive mother: "People will s

Six months later, a Babylift child

I first applied to adopt a child with Friends of Children of Viet Nam in July of 1974. I applied to this agency because I had heard that they were placing children with single parents, and normally, because of the scarcity of children for adoption in this country, it's fairly difficult for a single parent to adopt a child.

I originally applied to adopt a child who was moderately physically handicapped and racially mixed, in the belief that such a child could profit from being brought to the United States and given the benefits of medical care and what-have-you that would be available here.

After going through the preliminary process, the agency approved me as an adoptive parent in about January of this year. Under normal procedures, which would have taken about a year, I would have been sent a child's picture and story in advance and I would have had the option at that point of accepting the child or not. Instead, what happened was that one morning in early April I received a call from the agency's adoption supervisor who told me that they had a little girl about 6 years old who was in good health, and that if I wanted her, they could get her to me that day.

Now this was a little sudden for me, so I asked if I could call back in ten minutes, which I did, saying that I did want the child. I asked what her name was and what they knew about her. I was told that her name was Van Thi Ha and that they would send her documents along in about a week, but that they were too busy to summarize her story for me then.

That evening I went out to Friendship

Airport to pick her up.

From the beginning she was completely unresponsive to her name, so I sought the help of an interpreter and we learned that her name was My Hang.

We learned also that she had a family—including a mother, a father, a grandmother, a great-grandmother, and a little sister.

Now My Hang has been here for about six months and certain things are rather obvious to me. First, there is no doubt that she is *not* an orphan. Second, it seems that her mother agreed to give her up only on account of the general hysteria about the Communists coming to power; everything suggests that the Americans were playing on this hysteria. Third, there is nothing to indicate that anybody over here—either the agency or the government—has any knowledge of who this child is or what her background is. And finally, all of their actions with respect to this case indicate to me that they don't care, and that they have no interest whatever in locating My Hang's mother.

My Hang told us that she had been living at an orphanage near Bien Hoa for, as far as we can tell, about a year, before coming to America. However, she made it very clear to us that she saw her mother, who she says worked at the orphanage, constantly, and had a very close, normal relationship with her, as she did with her baby sister.

Incidentally, she told us that her sister was sent to the U.S. also, but we have been unable to find any trace of her.

My Hang described to us being taken by an American doctor in an American car to an American house, where she and her mother had a tearful farewell. Her mother apparently told her that she would not be able to come back to Vietnam soon, if at all, because "there wasn't enough money" to send her back.

Now all this was upsetting to me, to say the least. I had, of course, expected—like the others who applied, I'm sure—to receive a child who was a bona fide orphan or who had been abandoned by her family, and abandoned some time ago—not a child who had a family until the moment she was released for adoption. Furthermore, I don't think we can say that My Hang was abandoned at all. I think her status would be questionable both morally and legally, even if we had a signed release for her. It seems that Americans were involved in spreading the belief that children of mixed parentage—and we don't know whether My Hang's natural father was an American or not—would be killed by the

Loose ends persist from the Vietnamese Orphan Babylift operation of last April in which a great many of the air-lifted children apparently weren't legitimate orphans at all. (And there is the possibility that many of the children have been given falsified documents.) Testifying before a Congressional committee on Oct. 8, Leonard Chapman, Commissioner of the Immigration and Naturalization Service reported that of the 2,212 children flown here, 1,444 have been found eligible for adoption while 233 have been found ineligible, and 545 investigations are pending.

Lisa Brodyaga is one adoptive parent who has been trying unsuccessfully to sort out her child's true identity and situation. Ms. Brodyaga, 35, is an attorney who lives in Washington, D.C. She spoke with Walter Miale about the frustrations of the last six months.

y, 'Oh, how touching!' but nothing will happen.

still hangs between two worlds

Communists.

Anyway, my anxiety increased as days went by and I received no documents from the agency.

After a while I tried calling Friends of Children of Viet Nam but the phones at that point were being answered in the homes of volunteers so that it was impossible to get through to anyone in a position of responsibility or anyone who had any access to information. The volunteers were all very sympathetic, and each time I called they assured me that someone would call me back in the very near future, but no one ever did. Finally, I put it all in writing and sent them a letter. Again I received no response.

And so it went.

Finally, after about six weeks I got through to a responsible official of the agency and I was assured that they did have a signed release for My Hang and I was assured that her name was in fact Van Thi Ha, that My Hang was undoubtedly a second name which she had been given in the orphanage, and that it was common for children to have two names.

(This question of her identity has never been cleared up and subsequent developments have only confused it still further. Months later I received an affidavit which stated that My Hang and Van Thi Ha were "one and the same child," and shortly after that the executive director of the agency told me that another one of the children brought over was named Van Thi Ha and that the correct interpretation of the statement in the affidavit was that My Hang was *not* Van Thi Ha. On top of this, a couple of weeks ago My Hang told me that her name was Van Thi Ha after all, but since then she has been inconsistent on this and I just don't know what to make of it.)

Anyway, again I was assured that I would be getting all the necessary documents in another week or ten days. And again, nothing happened.

At about this point I made contact with the people in California who were involved in a suit to force the Department of Immigration to investigate the children to determine how many of them were not here legally, and to make an effort, on behalf of those who were not, to locate their families and to send them home. This suit was brought as a result of the discovery that many of these children were not orphans. One aim of the suit was to try to get immediate action for those children who would have to be sent back, but the suit itself was proceeding with all the speed of a rather groggy snail.

The point at which I became involved with it was at a hearing where we brought evidence that any children who would have to be sent back would be irreparably injured, psychologically and culturally, if they were kept here longer than six months. And of course the six months have now elapsed and there are still no prospects whatever of repatriating them.

Meanwhile, the children are forgetting their native language, they are forgetting who they are and where they came from. They are cut off from their natural mothers in the most important years of development, and when they are repatriated they will face the shock of another separation, a separation from their adoptive parents. And it's not going to be easy for them to reunite with their families. I think their identities are going to be pretty well fragmented, like Humpty-Dumpty.

In My Hang's case I am making a deliberate effort to maintain her native language and her awareness of her mother and family as far as possible, so as to keep a sense of continuity in her life.

I've also taken my own steps to try to contact My Hang's family in Vietnam. I filed an application with the United Nations Commission on Refugees and I have also made efforts to make contact with the Provisional Revolutionary Government of Vietnam through their embassy in Paris. We sent My Hang's picture and a fact sheet, and I hope that they will be distributed through the women's union over there around the area near Bien Hoa. So far, though, I haven't heard anything from anybody.

Sometimes I get the feeling that I'm sitting on a desert island with an inexhaustible supply of bottles and paper and that I'm just writing distress messages and sending them out, and I have the feeling that people who read them will say, "Oh, how touching!" but that nothing will happen.

I feel that My Hang's mother has a right to say what she feels is best for her child, that at the very least the mother has to be given the opportunity to make that decision.

My Hang asks regularly when she's going back. Is she going this week, is she going next week? I've seen her go to the telephone and dial a number at random to call her mother.

It's such a frustrating feeling. It seems like nobody is doing anything and she's been here six months. It's just cruel to keep her here and then send her back, and the longer she's kept here, the more cruel it becomes. □

Children outside name tags

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The Bitter Legacy of the Babylift

"When am I going home?" asked twelve-year-old Ya Hinh, just eight weeks after arriving in the suburban New York home of Janet and Louis Marchese. Hinh, called Keith by the Marcheses, was one of some 2,000 Vietnamese children airlifted to the U.S. in Operation Babylift as Saigon fell to the Communists in the spring of 1975. He had learned to say "mother," "father" and a few other English words quite quickly. But Mrs. Marchese, wife of a New York City policeman, was torn between her desire to adopt the boy officially and her awareness that his real mother might want him back. "Keith loves it here, but he misses his parents," she explains. "He has lots of nightmares. I think about how it would be if he were

or starvation. Operation Babylift was created out of humanitarian motives on all sides. Yet it has left a legacy of uncertainty, considerable bitterness—and a legal situation as tangled as the emotions that swirled around the war itself.

In the rush to get the children out of Viet Nam, there was often no great concern about technicalities like proper identification or release forms from parents. Recalls Bobby Nofflet, who worked with the U.S. AID agency in Saigon in those hectic days: "Three, six, nine babies would be left in front of the agency, mothers begging us to take them. There were large sheaves of papers and batches of babies. Who knew which belonged to which?" Children also were dying of malnutrition in the orphanages

decisions, is asking for a case-by-case review of each child's background. A district court in San Francisco, however, has ruled that no class litigation for all the children is lawful; if individual reviews are requested, they must be granted by the appropriate local courts. This ruling is being appealed. The ambiguity hurts all parties.

Very Bad. Ha Thi Vo, a Vietnamese mother who gave up three sons during the babylift, is now living in California, where she is fighting to regain them. She found her youngest child, Tung, 3, at an adoption agency. But since he did not immediately recognize her, agency officials said she could not take him. "They call me a liar," she says. "They make me feel very bad."

In Forest City, Iowa, Johnny and Bonnie Nelson feel they have the right to resist the claim of Doan Thi Hoang Anh, who lives in Great Falls, Mont.; she insists she is the mother of the four-



LISA BRODYAGA WITH ADOPTED DAUGHTER MY HANG IN SAN JOSE, CALIF.

Out of humanitarian motives, a legal situation almost as tangled as the emotions that swirled around the war itself.



HA THI VO WITH PHOTO OF SONS

my child, and I break into a cold sweat."

Unlike many of the Americans who have taken in Vietnamese children, Mrs. Marchese is earnestly trying to find Keith's parents. "She has spent some \$500 on telephone calls to the Red Cross, the Immigration and Naturalization Service and many refugee camps, with no success. "It's very cruel to keep a child if his parents are looking for him," she feels. Similarly futile attempts to find the parents of My Hang, 7, have been made by Lisa Brodyaga, 35, a lawyer in San Jose, Calif., who has adopted the girl. She contends that adoption agencies show little interest in helping. My Hang arrived in the U.S. with no identification papers at all.

Batches of Babies. The anguish of Viet Nam lingers—for the American families seeking to adopt the children they have come to love, and for an unknown number of Vietnamese parents now seeking to regain custody of children they sent to the U.S. as "orphans" to spare them from a possible bloodbath

at the time. "When you see that, you don't care what goes on; you just want to get those little kids out," explains Anna Forder, a St. Louis lawyer who, as a social worker in Viet Nam, was familiar with the orphanages.

The result is chaos, as the U.S. Immigration and Naturalization Service and local U.S. courts try to determine whether specific Vietnamese children are legally eligible for adoption by the Americans who have taken them in. So far, the service has declared 1,671 children eligible, based either on signed releases from a parent or on affidavits from Vietnamese swearing that the parents are dead or the children have been abandoned. Another 353 children have been ruled ineligible.

The New York-based Center for Constitutional Rights, meanwhile, has filed a class-action suit on behalf of all the children who may not in fact be orphans, including those who have been ruled eligible for adoption. The center, challenging the validity of the service's

year-old Vietnamese child they call Ben. Says Mrs. Nelson: "At first I was trying to look at it as if I were in her shoes. But we couldn't just give him away to someone claiming to be his mother without any proof." When both sides went into court over Ben, Mrs. Nelson decided, "If he reacted to her in a loving way, if he knew her and ran to her, we would know she was someone whom he could accept and love. But Ben was in court with us the entire day, and when she walked in and called his name, he looked up, then went right back to his coloring." Nonetheless, a district court in Iowa has ruled that the Nelsons must give the boy up; they are appealing.

Le Thi Sang, 32, a Vietnamese woman now working as a hotel cleaning worker in Ohio, is seeking her son, Le Tuan Anh, 7, who lives with a California family. Says Sang: "I telephoned, but the other lady says she doesn't want me to talk with him. She says I must speak English, and I do and she answers for him. I cry. I cry."

I am 'babylift' just that *aftermath*

Other faces court battle to claim son

RASA GUSTAITIS

SAN FRANCISCO (PNS) — Thi Vo searched for months through bureaucratic mazes before she learned that her three-year-old son was in the care of one of the "orphan Babylift" agencies. But when she found out she was told she could not claim him; he might be better off with his new American parents.

This is one of more than a dozen cases in this country known as "babylift" seeking return of children adopted here in the panic of the closing days of the war. She is one of the many who must face court action if she expects to be permitted a reunion.

Like many other Vietnamese mothers with half-American children, Vo feared for the lives of her three sons when the Saigon regime was collapsing and sent them to the United States for their safety. Through a friend, she said, she met an American named Dick who offered to take her oldest son, Huy Khanh, 7, and Vo Anh, 5, if she signed a release form. She did.

The neighbor bound for the United States agreed to take Vo Huy Khanh, then 2, as her own son, and an assumed name. For Vo signed nothing, she said. She herself managed to fly out of Saigon thereafter. From Travis Air Force Base she called Bill Popp, a Flying Tiger pilot she'd met in Saigon. He had offered to take her if she managed to get to this country. Popp decided to sponsor her 20-year-old sister, a nurse, and the cousin's six-year-old boy. All came to live in a home near Los Angeles, where Popp and, together, put a down payment on a house. (In an interview, Popp said, Vo had been a member of household for an extended family of 13.)

With Popp's help, Vo sought reunions. After many expensive long-distance phone calls, Popp said they learned through the International Red Cross where her oldest boys were and arranged that the youngest, with Friends of Children of Vietnam (FCVN). The neighbor

who had brought him, Vo said, had given him to the agency, expecting that he'd be cared for until his mother could claim him. But the agency, armed with a release paper Vo never signed, had placed the youngster in a home for adoption.

A LETTER AND A VISIT. Through FCVN, a letter arrived for Vo from "Bob and Joan," who had had her child for 10 months. It told Vo that her son was not Vo Huy Tung now but Bruce Donovan, that he loved going fishing with his "daddy," that his good behavior "still gives us great pride," that "he can count to nine, he knows all the basic colors."

"We think you should see Bruce," the couple wrote. "That way we both could see his feelings. If by chance he does not remember you, we think it would do him great harm to leave us. We can't help but feel that he would think we had rejected him. Then, on the other hand, if he did remember you, we feel it would be wrong for us to keep him from you even though it would hurt greatly."

Vo flew to Denver and was taken to a room where five strange adults faced her with her child. After a few minutes in a highly tense situation, the authorities now in charge of the boy decided he did not recognize his mother.

"They don't give him to me," Vo said in an interview. "I ask, give me a chance to see the boy. A few minutes. To play with him. They say, maybe the kid get hurt. I say, I don't hurt the boy."

She was not permitted to hold him, she said. "They say, he has good home now, good mother, good father. I have good home, good mother. Not father. That I don't have," Vo said. "They say, birthmother mean nothing."

"I ask, 'When they tell the boy that he has a mother?' They didn't answer."

Vo said she was shown a paper saying the boy was declared an orphan April 16. She said she then showed the FCVN officials a photograph of her holding her son April 19.

continued on page 3

PRG builds system of childcare centers

By LINDA HIEBERT

SAIGON (PNS) — As the Vietnamese near the end of their first year of peace in decades, the story of the million-plus homeless children untouched by the American babylift is becoming clear.

The Provisional Revolutionary Government (PRG), starting with 138 orphanages left from wartime, is building a nationwide system of childcare centers to provide homes for all who need care.

Tran Thi My, in charge of four orphanages in Saigon, told PNS that the PRG is asking "neighborhood administrations to locate, feed and clothe" children still on the streets until enough childcare centers can be built. Thousands of children are already in orphanages.

In addition, the PRG is pushing a program to help unemployed people move out of Saigon to settle in "new economic areas" in the country. Many families, impoverished by the war, gave up their children because they could not longer feed them. The new program will enable these families to raise their children again.

At the childcare centers now in operation, most of the pre-PRG directors and staff are still at their jobs. But My explains that they are being trained to change their attitude from one of simple care for the children to one of personal responsibility, taking the role of second mothers.

Despite the new program, the effects of the war remain ever present. The government, short of funds, can supply

continued on page 3



mother faces court battle . . .

continued from page 1

Vo left alone, with the advice that she seek a lawyer if she wanted to fight for her son.

AGENCY POLICY. FCVN officials refused to comment on Vo's case. In explaining the agency's general policy, case work supervisor Marcia Schocket quoted from a book she goes by, in which the authors maintain that "It's the psychological parent, not the biological parent" who is important to the child.

"If there's no recollection," she said, "there can't be a continuance of the same relationship. There could only be a new relationship. It was obvious after 15 minutes to half an hour in two cases that the biological parent was just another person in the room to the child."

Agency procedure requires, she said, that when a biological mother seeks a child's return, a social worker be sent to "assess her financial situation, living situation." This information is given to the adoptive family who may then opt to return the child. If not, a court may have to settle the issue.

"We feel confident we're observing sound social work practice," Schocket said. Asked if the authors of the book she goes by considered cross-cultural adoption, she said "not really," but indicated that was not a currently relevant factor.

ETHNIC IDENTITY. Among those who think the issue of culture is highly relevant is Dr. Joseph John Westermeyer, a psychiatrist whose experience with Indian children reared in white homes taught him to ex-

pect great turmoil for them — not in the early years, but later in adolescence. "when society denies them the social and ethnic identity to which they have successfully adapted." As teenagers, he explained, they are punished or sought out because they are Indians. Yet they tend to identify as white.

Similar experience is reported by Joyce Ladner, a sociologist, in her study of trans-racial adoptions.

Both Westermeyer and Ladner urge that the Vietnamese children be reunited with their families whenever possible, or at least be placed in other Vietnamese homes. They have submitted affidavits to district court here, where a suit in behalf of Vietnamese children has been dragging on for many months.

TIP OF THE ICEBERG? Tom Miller, an attorney for the children in that suit, says an unknown number of Vietnamese refugee families are in Vo's position. The dozen or so who have made themselves known to him and the Center for Constitutional Rights, which is backing the suit, may be only the tip of an iceberg, he said.

At the State Department, Frank Sieverts, deputy coordinator for humanitarian affairs, disagreed. He said the vast majority of the children brought here as orphans are, in fact, orphans.

One refugee woman who searched for her son here managed to get him back after a court fight that cost \$4500. Few refugees can afford such sums.

A few older children were returned to natural parents voluntarily by adoptive parents who were moved by the children's joy at seeing their families again.

Vo now hopes that the man named Dick in Massachusetts, who has her oldest boys, will permit her to see them and that they, being old enough, can settle with her. She is preparing for a court battle to reclaim her youngest.

"There aren't many villains in this story," commented Popp, who was echoed by others representing conflicting points of view. It comes down to a choice based on a value judgment: Who is entitled to judge the children's best interests?

As long as that question goes unsettled, these children and their families will remain victims in the last battle of the war that everyone wants to forget.

Copyright 1976, Pacific News Service. Rasa Gustaitis, now a freelance writer in San Francisco, worked for 10 years as a staff reporter first for the Washington Post and later for the Herald Tribune.

5/1976



Free Press Photo by BOB SCOTT

Barbara and David Pederson with the boy they'd like to be their son. They call him Matthew, but his real name is Duong Quo Than.

Viet Mother, Foster Parents Battle for Custody of Boy, 5

BY PAUL MAGNUSON
Free Press Staff Writer

The five-year-old boy who now calls himself Matthew sat at the feet Saturday of the two people who want to be his parents, curiously turning a photographer's light meter in his small brown hands.

The woman reached out to touch his thin, black hair.

"Spell your name," she coaxed. He did. "M-a-t-t-h-e-w P-e-d-e-r-s-o-n."

But Matthew is not the boy's real name, admit the Pedersons, a Royal Oak couple whose desire to adopt the boy is now an issue before state and federal courts and U.S. immigration authorities.

Before he came to live with the Pedersons 13 months ago, Matthew was Duong Quo Than, a Saigon boy of Vietnamese and Philippine parentage whose unwed mother worked

bound for the U.S. Mrs. Duong followed soon after, with her own visa. But she could not find her son.

He had landed in San Francisco wearing an armband identifying him as Hoa, an orphan who had died earlier in Saigon as communist forces were closing on the capital. Hoa had been bound for Detroit and adoption by the Pedersons.

It took several months before the identities were straightened out, months during which Matthew learned English, started nursery school, took up fishing with his foster father and made friends in the neighborhood.

TO THE Pedersons, news that Matthew's 25-year-old mother was alive and attend-
Please turn to Page 6A, Col. 6

Custody Battle Rages Over Viet Child, 5

Continued from Page 1A

ing nursing school in Green Bay, Wis., came as a shock. They had already filed for permanent adoption.

The courts became the new battlefield, with the Pedersons winning in U.S. District Court in San Francisco, but losing an Immigration Service decision, now being appealed, that Matthew is ineligible for adoption. Legal actions are pending in Wisconsin and in two Oakland County courts.

"We love him and he loves us and the best thing is for her to leave him alone," said Barbara Pederson, 28, biting her lower lip.

"We have his best interests at heart and he has no real father. At this point, a boy needs a father," said David Pederson, a 34-year-old sound engineer. The Pedersons have no other children.

The Pedersons said they have consulted a child psychologist who advises against uprooting the boy again, warning that it would be "cruel and traumatic."

Efforts to have Matthew talk about his past, his real name, the circumstances of his flight from Saigon, have all proved fruitless, say the Pedersons. He refuses and once even ran from a Vietnamese couple who stopped to talk to him, they say.

"BUT MRS. Duong never

intended for him to be adopted," said Greg Conway, the woman's American Civil Liberties Union attorney in Green Bay.

"The adoption agency admits they made the mistake of misnaming him," said Conway.

"God bless these people and thank them for taking the boy and caring for him, but let them do the right thing now and give him back to his mother," Henry Baskin of the

Detroit.ACLU said Saturday.

Mrs. Duong is to fly to Detroit for a Thursday court hearing, and, perhaps, a meeting for the first time with the Pedersons.

The lawyers and Pedersons agree the decision will be up to the courts. But they say they are worried deeply.

"If we lose him, I don't know if we can adopt another child again. Matthew is in our hearts for good now," said Mrs. Pederson.

Operation Babylift plane the child placed aboard an more than a year ago and had her agency connections a little her son, Duong Bich Van used necessary for a U.S. visa for Unable to afford the bribes agency. for a private U.S. adoption whose unwed mother worked mese and Philippine parentage Than, a Saigon boy of Vietnam. Matthew was Duong Quo the Pedersons 13 months ago. Before he came to live with immigration authorities. and federal courts and U.S. is now an issue before state whose desire to adopt the boy sons, a Royal Oak couple real name, admit the Pedersons, admit the boy's But Matthew is not the boy's P-e-d-e-r-s-o-n."

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Barbara and David Pederson with the boy they'd like to be their son. They call him Matthew, but his real name is Duong Quo Than.

Free Press Photo by BOB SCOTT

As Our Readers See It

Real Mother of Viet Boy Deserves a Fairer Deal

CONCERNING YOUR May 30 article headlined, "Viet Mother, Foster Parents Battle for Custody of Boy, 5" by Paul Magnusson:

I'm very surprised to see such an obviously slanted article in this newspaper. Why wasn't the biological mother interviewed? Neither the foster parents nor the writer of the article had any sensitivity at all to the mother's plight.

It seems to me she's been given the raw end of the deal every step of the way, and she performed the most difficult, unselfish task of all—sending her son away from her so that his life would not be daily endangered, so he would be freed from observing any more of the countless atrocities he no doubt observed during that time of his life.

If I had been subjected to such an environment, I too would wince each time my past was mentioned, especially being only five years old. I don't see where this reflects on the mother—it reflects more on the American people who perpetrated these atrocities.

Yes, it's understandable that the foster parents have become very attached to the boy and love him very much, and their giving him up would be extremely difficult.

But have they no understanding for the biological mother, who has already gone through such anguish on account of her son, and is willing to go through more to be reunited with him?

SUSAN STILLWATER
Ferndale

Other Side of Adoptions

ONCE AGAIN WE are confronted with the exception to the rule on the front page ("ACLU Fights Viet Adoptions" — May 27).

Close to 2,000 Vietnamese children arrived via Operation Babylift last year. The vast majority were, in fact, orphans eligible for adoption. Yet no one asks how these children are doing, now that they are leading happy, normal lives with their new families. Instead, the isolated and unusual cases are presented with the implication that something may be wrong with all Vietnamese adoptions.

If the American Civil Liberties Union was genuinely concerned about the rights and welfare of the children, it would not attempt to interfere with all adoptions. Its greatest error appears to be its apparent lack of knowledge concerning foreign adoptions.

Most children were abandoned and the identities and whereabouts of their natural parents are unknown. They had spent months or even years in orphanages, and no long-lost relatives ever surfaced to reclaim them. Now that they have love and security, the ACLU wants to place them in a state of legal limbo.

The ACLU should know it's not nice to play games with children's lives.

JIM AND JUDY SMITH
Sterling Heights

Letters to the editor must be originals bearing a true signature and complete address. Names will be withheld only for extraordinary reasons. Letters may be edited.

I was. To set the matter straight, the sentence following in the article reads:

"The fact that the effect (the support of individual advancement and its undermining of present family relationships) will be subtle, long in developing, and only one of many social factors contributing to the same result will not persuade anyone with a stake in the present arrangements not to help slow down the process a bit if she can."

I am really not surprised to see this tactic used by anti-ERA forces as they have used it extensively in the past. It is my suggestion that both proponents and opponents read the entire excellent article in question before drawing conclusions. Further questions could probably be answered by the local League of Women Voters.

MARY SALASSI DES BORDES
Selfridge ANG Base

One Couple's Fight to Keep The

By Joan Chatfield-Taylor

Kathy and Dale Strand of Altoona, Wisc., came to San Francisco this week to fight to keep the three Vietnamese children they took into their home during the orphan airlift last April.

The three children — Rebekah, 7, Rachel, 5, and Aaron, 2 — have been named as the plaintiffs in a lawsuit that claims that they are among many children who arrived on the airlift during the U.S. pullout from Vietnam and were placed in American homes in spite of their having parents in Vietnam able to care for them.

The Strands brought the children here to participate in an interview to determine why they were sent to the United States and whether they wish to return. The interview did not take place, and they have since returned to Wisconsin.

According to their lawyer, Paul Metzger, Muoi McConnell, the Vietnamese nurse who was scheduled to do the interview, was out of town. Tom Miller, the lawyer for the opposing side, said that he learned only last Friday that the children were coming and there was not time to get a child psychologist versed in the case to do the interview.

It was one more frustration for the Strands. After almost a year of legal maneuvering, they are no closer to knowing the fate of the children.

The children themselves are radiantly happy and ebullient, chatty in English and clearly fond of the solid, kindly couple they call Mommy and Daddy. They were noisy and energetic, running from room to room in a suite at the Westbury Hotel as the Strands told their story.

It began five months before the babylift, in December, 1974, when they applied to adopt a Vietnamese child, to add to their family of three biological children and an adopted Korean girl. Late in March of last year their application was approved, but the fall of South Vietnam to the Communists had already begun and they had little hope that there would be a child available for them.

On April 15, 1975, Dale Strand, a certified public accountant, received a phone call at his office, asking whether he would be willing to take a family of three Vietnamese children who had just arrived in San Francisco. Two days later the children had arrived at the Strands' house in the countryside outside of Eau Claire, Wisc.

The children settled in happily, and everything was fine until last May, when an Immigration Service officer came to their house.

"He didn't say much, but we knew something was amiss. On the second



be eligible for adoption. Later, as the children's mastery of English grew, they talked about their life in Vietnam.

"They were a close family, and say good things about their mother, and they were concerned about a little brother who died.

"They have never said that they wanted to leave us. They said that their parents told them to come to the United States. Rebekah is quite frightened of being separated from us. When she heard we were coming to San Francisco, she made me promise, cross my heart, that we wouldn't leave them out here," Mrs. Strand continued.

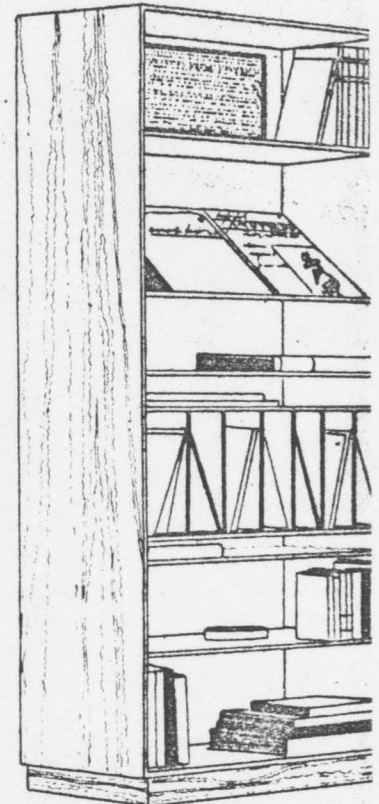
Nevertheless, the Strands didn't want the children to be interviewed without their being present.

"I think that the wrong person would push too hard and frighten the children. We tell them to be honest, that's part of their upbringing. We feel that we could help this rather than hinder it."

The Strands point to the fact that the children have at least nine relatives in the United States, including the children's aunt, who ran an orphanage in Saigon and was responsible for bringing them to this country. According to Metzger, these relatives agree that the whole family made the decision to send the children to America.

The people who brought the lawsuit claim that parents may have made this decision in a state of panic and that they should be given a chance to reconsider, now that life in Vietnam has stabilized. According to Metzger, the relatives who are in the U.S. feel that to communicate with the parents might

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"He didn't say much, but we knew something was amiss. On the second visit, he said that one of our children was listed in the lawsuit and that we should contact a lawyer," recalled Kathy Strand.

That was the first indication they had that the three children might not



be eligible for adoption. Later, as the children's mastery of English grew, they talked about their life in Vietnam.

"They were a close family, and say good things about their mother, and they were concerned about a little brother who died.

"They have never said that they wanted to leave us. They said that their parents told them to come to the United States. Rebekah is quite frightened of being separated from us. When she heard we were coming to San Francisco, she made me promise, cross my heart, that we wouldn't leave them out here," Mrs. Strand continued.

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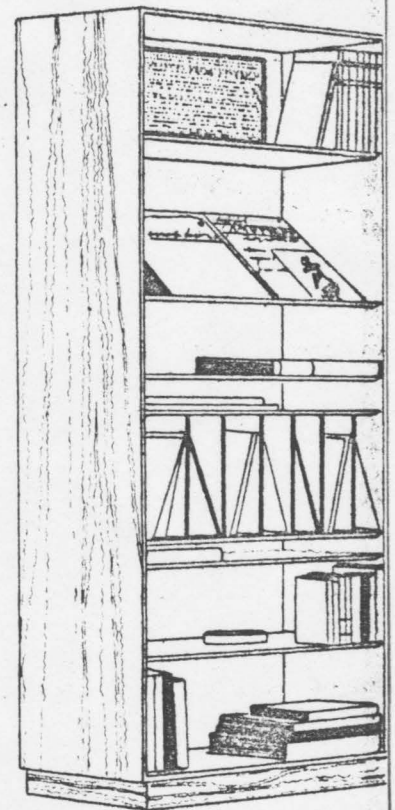
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The people who brought the lawsuit claim that parents may have made this decision in a state of panic and that they should be given a chance to reconsider, now that life in Vietnam has stabilized. According to Metzger, the relatives who are in the U.S. feel that to communicate with the parents might put them in danger of retributions from the current Vietnam regime.

"It's a decision that they made that they have to live with — tough as it is," said Dale Strand. "Do they have to live with it? Or are people all over the world going to be able to turn up and claim

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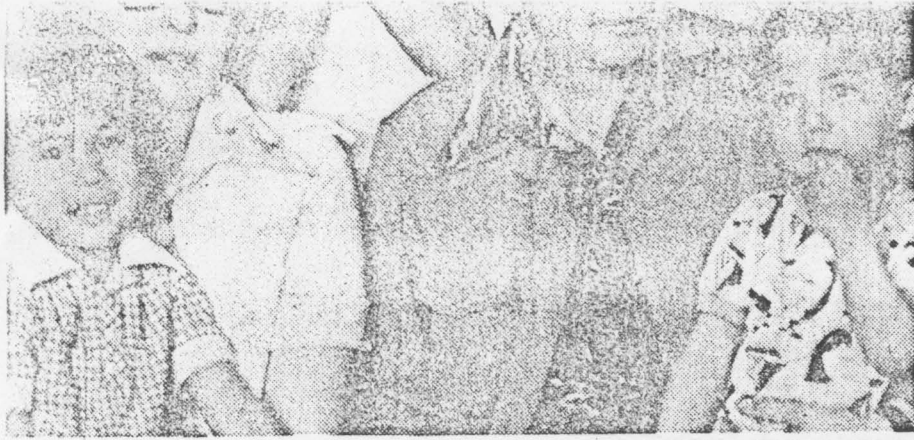


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The Strands are also concerned that their children have become pawns in the growing controversy about interracial adoptions.

For the moment, the Strands are the only family directly concerned by the current lawsuit, but the decision about Rebekah, Rachel and Aaron is being watched by hundreds of worried American parents whose Vietnamese children have still not been declared eligible for adoption.

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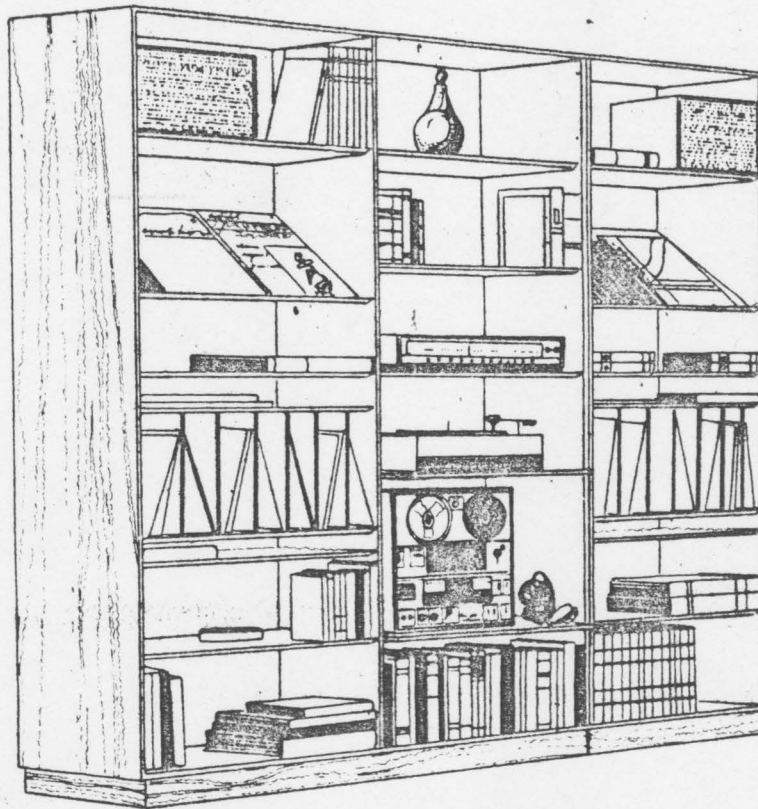
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People's Right to Keep Their Kids



The Dale Strands with Rachel, Rebekah and Aaron

their children on the basis that their situation has changed?

Kathy Strand said, "I think there are other people's rights to be considered. I feel that biological parents are held up on a pedestal where we don't always deserve to be. I don't think blood is thicker than water. These people who have brought this suit just don't know what an adoptive mother feels."

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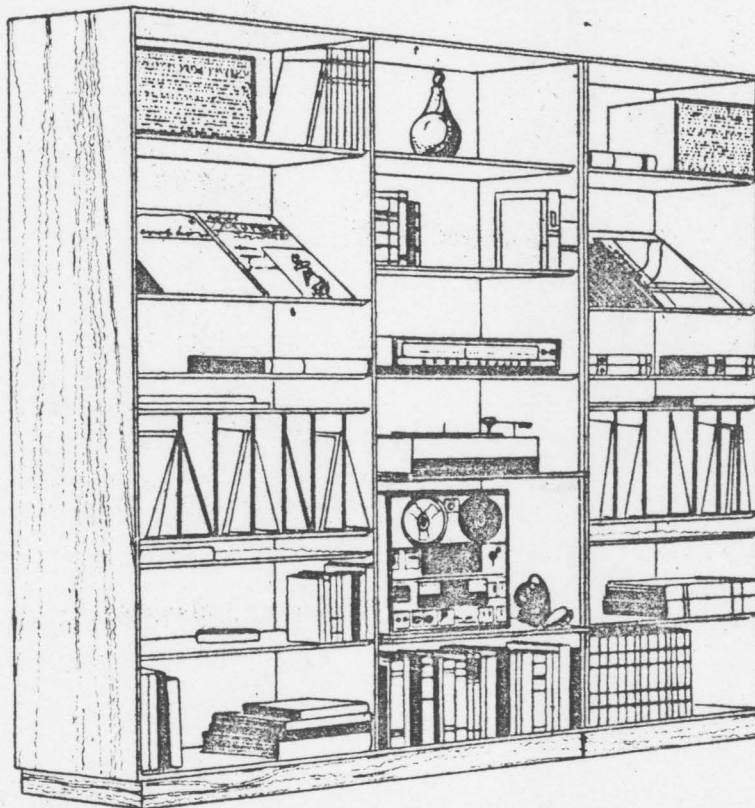
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Mother wants return of Viet "orphan" in Adams County

Straight Creek
Journal

5-6-77

BY RASA GUSTAITIS and GAIL PAULSON

Hao Thi Vo searched for months through bureaucratic mazes before she learned that her three-year-old son was with one of the "orphan Babylift" agencies. But when she at last found the boy, she was told she could not have him: He might be better off with his new American "parents."

The boy, Vo Huy Tung, now lives with a family in Adams County. Mrs. Vo knows only their first names, Bob and Joan, and that they have renamed her son Bruce Donovan. However, she now has an attorney in Denver and is preparing to fight to get her child back.

Vo (who has married recently and is now Mrs. Bill Popp) is one of more than a dozen refugees in this country known to be seeking return of children shipped here in the panic of the last days of the war.

Like many other Vietnamese mothers with half-American children, she feared for the lives of her three sons when Saigon was collapsing and she sent them to the U.S. for their safety. Through a friend she said, she met an American named Dick who agreed to take her oldest sons, Vo Huy Khanh, 7, and Vo Anh Tuan, 5, if she signed a release for them. She did. Those boys now live in Boston, and she wants them back, too.

A neighbor bound for the U.S. agreed to take Vo Huy Tung, the youngest, as her own son, under an assumed name. For him, Hoa Thi Vo signed nothing, she said.

Mrs. Vo managed to fly out shortly thereafter. She contacted Bill Popp, who sponsored her, her 20-year-old sister, a cousin and the cousin's six-year-old boy. She married Popp after reaching this country.

And the Pops began searching for her sons. After many expensive long-distance phone calls, they learned from the International Red Cross where the two oldest boys were and discovered that the youngest had been turned over to the Friends of Children of Vietnam. The neighbor who had brought him, Mrs. Popp said, had given him to the agency, expecting that he'd be cared for until his mother could claim him.

But the agency, armed with a release paper — a document Mrs. Popp said she never signed — had placed the youngster in a Denver-area home for adoption. The boy hasn't yet been legally adopted, however.

Through FCVN, a letter arrived for Vo from "Bob and Joan" who had had her child for 10 months. It told

her that the newly named Bruce loved going fishing with his "daddy," that his good behavior "still gives us great pride," and that "he can count to nine, he knows all the basic colors."

The letter also said, "We think you should see Bruce. That way you could see his feelings. If by chance he does not remember you, we think it would do him great harm to leave us. We can't help but feel that he would think we rejected him. Then, on the other hand, if he did remember you, we feel it would be wrong for us to keep him from you even though it would hurt greatly."

Mrs. Popp flew to Denver and was taken to the FCVN office where five strange adults faced her, with her child. After a few minutes in a highly tense situation, the FCVN people decided he did not recognize his mother.

"They don't give him to me," Mrs. Popp said in a recent interview. "I ask, give me a chance to see the boy. A few minutes. To play with him. They say, maybe the kid get hurt. I say, I don't hurt the boy."

She was not permitted to hold him, she said. "They say, he has good home now, good mother, good father. They say, birthmother mean nothing."

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psychological parent, not the biological parent" who is important to the child.

"If there's no recollection," she said, "there can't be a continuance of the same relationship. There could only be a new relationship. It was obvious after 15 minutes to half an hour in two cases that the biological parent was just another person in the room to the child."

Agency procedure requires, she said, that when a biological mother seeks a child's return, a social worker be sent to "assess her financial situation, living situation." This information is given to the adoptive family who may then decide to return the child voluntarily. If not, a court may have to settle the issue.

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One such person is Tom Miller, a Berkeley attorney who heads the Center for Constitutional Rights. Miller said that at least one agency official had signed an affidavit, now on file in the U.S. District Court in California, which says that names of Vietnamese children brought into this country at the end of the war "were deliberately changed to prevent their Vietnamese parents from ever finding them."

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Miller maintains the adoption agencies have much to lose. "If one child goes back, they may lose their license. They're subject to civil and criminal suits if it can be proved they knowingly allowed adoptions of children who were not orphans." One woman has already filed a major damage suit asking \$100,000 for "pain and suffering" caused her by the agencies.

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Turn to p. 8

Mother wants return of Viet "orphan" in Adams County

Straight Creek
Journal

S-6-

BY RASA GUSTAITIS and GAIL PAULSON

Hao Thi Vo searched for months through bureaucratic mazes before she learned that her three-year-old son was with one of the "orphan Babylift" agencies. But when she at last found the boy, she was told she could not have him. He might be better off with his new American "parents."

The boy, Vo Huy Tung, now lives with a family in Adams County. Mrs. Vo knows only their first names, Bob and Joan, and that they have renamed her son Bruce Donovan. However, she now has an attorney in Denver and is preparing to fight to get her child back.

Vo (who has married recently and is now Mrs. Bill Popp) is one of more than a dozen refugees in this country known to be seeking return of children shipped here in the panic of the last days of the war.

Like many other Vietnamese mothers with half-American children, she feared for the lives of her three sons when Saigon was collapsing and she sent them to the U.S. for their safety. Through a friend she said, she met an American named Dick who agreed to take her oldest sons, Vo Huy Khanh, 7, and Vo Anh Tuan, 5, if she signed a release for them. She did. Those boys now live in Boston, and she wants them back, too.

A neighbor bound for the U.S. agreed to take Vo Huy Tung, the youngest, as her own son, under an assumed name. For him, Hoa Thi Vo signed nothing, she said.

Mrs. Vo managed to fly out shortly thereafter. She contacted Bill Popp, who sponsored her, her 20-year-old sister, a cousin and the cousin's six-year-old boy. She married Popp after reaching this country.

And the Pops began searching for her sons. After many expensive long-distance phone calls, they learned from the International Red Cross where the two oldest boys were and discovered that the youngest had been turned over to the Friends of Children of Vietnam. The neighbor who had brought him, Mrs. Popp said, had given him to the agency, expecting that he'd be cared for until his mother could claim him.

But the agency, armed with a release paper — a document Mrs. Popp said she never signed — had placed the youngster in a Denver-area home for adoption. The boy hasn't yet been legally adopted, however.

Through FCVN, a letter arrived for Vo from "Bob and Joan" who had had her child for 10 months. It told

her that the newly named Bruce loved going fishing with his "daddy," that his good behavior "still gives us great pride," and that "he can count to nine, he knows all the basic colors."

The letter also said, "We think you should see Bruce. That way you could see his feelings. If by chance he does not remember you, we think it would do him great harm to leave us. We can't help but feel that he would think we rejected him. Then, on the other hand, if he did remember you, we feel it would be wrong for us to keep him from you even though it would hurt greatly."

Mrs. Popp flew to Denver and was taken to the FCVN office where five strange adults faced her, with her child. After a few minutes in a highly tense situation, the FCVN people decided he did not recognize his mother.

"They don't give him to me," Mrs. Popp said in a recent interview. "I ask, give me a chance to see the boy. A few minutes. To play with him. They say, maybe the kid get hurt. I say, I don't hurt the boy."

She was not permitted to hold him, she said. "They say, he has good home now, good mother, good father. They say, birthmother mean nothing."

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Turn to p. 6

6, 1976

Viet "orphan"

Cont. from p. 1

back, but all they really feel is guilt."

Implicit in all of this, Miller claims, are two things: a racist attitude which sees Americans as better parents and a form of jingoism, which expresses itself as, "Why would they want to leave a wonderful country like this to go back to Vietnam?"

But the problem of cross-cultural adoption is a real one. When Schocket, the FCVN social worker, was asked if the authors of the books she goes by considered the possible negative effects of cross-cultural adoption, she said, "not really," but indicated that was not a currently relevant factor.

Among those who think the issue of culture is highly relevant is Dr. Joseph John Westermeyer, a psychiatrist whose experience with Indian children raised in white homes taught him to expect great turmoil for them — not in the early years, but later in adolescence, "when society denies them the social and ethnic identity to which they have successfully adapted." As teenagers, he explained, they are punished or sought out because they are Indians. Yet they tend to identify as white. Similar experience is reported by Joyce Ladner, a sociologist, in her study of trans-racial adoptions.

Both Westermeyer and Ladner urge that the Vietnamese children be re-united with their families whenever possible, or at least be placed in other Vietnamese homes. They have submitted affidavits to District Court in San Francisco, where a suit in behalf of Vietnamese children has been dragging on for many months (and may drag on for years, according to Miller).

Meanwhile, there are a few bright spots. A few older children were returned to natural parents voluntarily by adoptive parents who were moved by the children's joy at seeing their families again. Miller tells of one story in which three children, the youngest about nine, fled from Pleiku to Saigon to join their parents. They didn't find

their parents, and were lifted out of Vietnam. But they kept insisting they weren't orphans and were finally returned to their parents.

Vo now hopes that the man named Dick in Massachusetts, who has her oldest boys, will permit her to see them and that they, being old enough to recognize her, will be voluntarily returned. The case in Adams County involving her youngest child seems much more likely to wind up in court.

Bill Popp concludes, "There aren't many villains in this story," a comment echoed by others representing conflicting points of view. It comes down to a value judgment: who can determine the children's best interests?

As long as that question goes unsettled, these children and their families will remain victims in the last battle of the war that everyone wants to forget. ■

DCPA meeting

Cont. from p. 5

The profit figure for the *Post* confirmed another of the recent allegations about the DCPA finances — that the *Post* itself is a sluggish financial performer and an investment of questionable value. The \$650,000 figure works out to a return of 1.5 percent on gross revenue, a very poor rate of return for a daily newspaper.

Nevertheless, Seawell claimed that the relationship set up between the Bonfils Foundations and the DCPA was a "model" of support of the performing arts. He indicated that he had spoken to other foundations and arts centers around the country to explain the DCPA arrangement.

When asked whether recent investigations have harmed the DCPA, Seawell replied, "In the long run, I do not believe any damage has been done." However, he claimed short-term damage. "It has been quite harmful to the membership drive which was launched about the same time," he said.

Seawell gave no specific figures about the progress of the drive, but it is thought to have been a terrible flop so far.

Party overshadows custody

By Gary Grimmond

North Iowa News Director

FOREST CITY — Julie Nelson was the "birthday girl" and as Mrs. Nelson lit the seven candles on the cake Wednesday afternoon, Doan (Ben) Van Vinh, 4, and

a dozen or so others burst into the "Happy Birthday" song.

But when it came to the "how old are you" part, uncertainty was on Ben's face. He looked for support to Mrs. Nelson.

Ben has been getting a lot of it from

Bonnie Nelson and her husband, Johnny. They are in a court battle over custody of the Vietnamese boy, whom they obtained from an adoption agency during the rush of Operation Babylift. A Winnebago County District Court ruling, before an appeal to the Iowa Supreme Court, said the boy was to be returned to his natural mother, Doan Thi Hoang Ahn of Great Falls, Mont.

But Wednesday afternoon was funtime as Julie and her mostly first-grade friends celebrated with the traditional cake and ice cream.

It took Ben a while to get used to all those girls tromping into the Nelson home at the northwest edge of Forest City. His security seemed to be a fat, yard-long balloon that he was clutching under his arms. He batted Jennifer Sagerdorf with it and became one of the gang.

He held up his cup and called for "more jooose" when Mrs. Nelson raised the large can of Hi-C.

He intently went about planting his marigold seeds in the styrofoam cups of soil that were part of the activities. The children will take these home, said Jennifer, "and watch them grow."

Letting out a "look, Mommy" squeal, Ben pointed to his cup and Mrs. Nelson asked him if he thought the plant was starting to grow already. He smiled.

Ben ran to Mrs. Nelson, pointed with panic to his loosening name tag and announced in almost perfect English, "It won't stay on."

A bright child used to attention (although not the kind that has made him a *cause celebre* in Iowa), Ben became miffed when Mrs. Nelson failed to immediately notice one sleeve of his coat was inside out as she helped him on with it. He was going outside with the girls.

"Ben works well into new situations," said Mrs. Nelson, who noted how the boy has been going to pre-school with the Nelson's natural son, Bobby. "The teacher said he just joins in with the singing and activities," added Mrs. Nelson, who quoted a psychiatrist as saying Ben became adjusted quickly to his new life in Forest City with the Nelsons.

It was obvious Ben has a big attachment for Mrs. Nelson, 28, a licensed practical nurse who works parttime and is originally from Milwaukee. Although he enjoyed the birthday activities, he sought her out frequently as she sat in the living room of their home telling why she and her husband — with Waldorf College and a former sports writer for the Albert Lea, Tribune — were so determined to do all they can to keep Ben.

"We wouldn't be good parents if we didn't ask for proof (from Doan Thi Hoan Ahn)," said Mrs. Nelson. "If she is indeed his mother..." she continued as a hungry Ben returned from outdoors and patted her knee for attention. "You want a fork? Can you get one yourself?"

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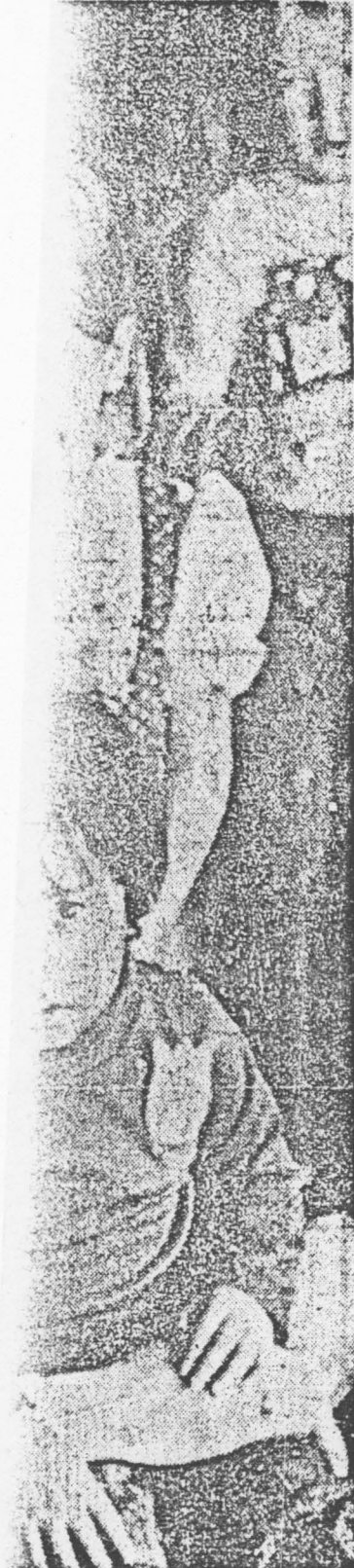
Staff photo

Bonnie Nelson, Ben, and daughter Julie; party guests are in background.

Nadows custody fight

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Staff photo

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About this time a little girl who

bumped into a door came crying and usurped Mrs. Nelson's attention. Ben, with polite resentment, watched as Bonnie cuddled away all the girl's tears.

The crisis over, Mrs. Nelson in even tones continued her story which she noted is "long and involved" and caught the interest of the news media. Just before driving to school to pick up the children for the party she had a telephone call from the National Enquirer.

"We just feel we're meeting Ben's best interest by fighting this until we can't do any more. When all possibilities are exhausted and if he does go to Ahn in Great Falls then we'll know it's God's plan...and we'll continue to love him..."

Looking out the large living room window with a huge valentine heart around the word "love," the bookshelf with such titles as "Courage to Conquer" behind her, Mrs. Nelson conceded that the couple's chances of keeping Ben seem bleak.

But, she murmured as Ben ran from a friend and flung himself in her lap, "we're not discounting a miracle."



AP Laserphoto

DOAN THI HOANG ANH CARRIES SON, DOAN VAN BINH, TOWARD CAR
They are flanked by Bonny and John Nelson and their two children.

Mom Reclaims Viet Child As Iowa Couple Weeps

FOREST CITY, Iowa —(AP)— John and Bonny Nelson said farewell to the Vietnamese boy they had tried to adopt, and they wept as he drove off with his mother. But they plan to see him again soon.

"She invited us to visit him on his fifth birthday, May 16," Nelson said Monday. "We are planning on it."

Binh, 4, had spent the past 18 months with the Nelsons, who called him Ben. When his mother, Doan Tri Hoang Ahn, took him home to Great Falls, Mont., Nelson looked the other way and Mrs. Nelson hid her face. Both were sobbing.

MRS. DOAN URGED her son to "Say goodby, say goodby." But Ben, who wore a blue denim suit and a white cowboy hat, climbed into a waiting car Monday without a word.

The Nelsons, who have two other children, took Ben into their home after he was brought to the United States in the last days of the Vietnam war.

Mrs. Doan, whose husband was killed in the war, had escaped from the Central Highlands to Saigon and left her seven

children with the Friends of Children of Vietnam orphanage. But she refused to consent to their adoption.

Six of the children were brought to the United States; the seventh was taken to France. When Mrs. Doan arrived in the United States as a refugee in August 1975, five of the children in the United States were quickly returned to her. Diplomats are negotiating for the return of the boy in France.

THE NELSONS HAD begun adoption proceedings for Ben in May 1975. But the Iowa Supreme Court ruled last month that he must be returned to his mother.

"There is no way, even in my own language, to express the way I feel when I see my boy," said Mrs. Doan, 33.

Mrs. Nelson blamed much of the heart-break on the Denver-based Friends of Children of Vietnam. Mrs. Doan had contacted the agency two weeks after Ben was placed with the Nelsons, but the Nelsons weren't told for six months.

"The (agency officials) weren't honest with us," Mrs. Nelson said. "They should have been frank."

5/76

er, Colo.

Adoption program for Vietnam orphans to be resumed

WASHINGTON (UPI) — The Immigration and Naturalization Service has announced it will resume processing applications of couples who want to adopt Vietnamese orphans brought into this country last year.

INS halted the program last Jan. 9 because of a private lawsuit filed in California seeking to require all children be returned to Vietnam unless it can be proved their parents are actually dead.

INS said the 9th U.S. Circuit Court of Appeals refused to allow the lawsuit to be considered a class action involving

all the orphans and also refused to order INS not to process adoption applications.

These two decisions have enabled INS to resume the adoption program, it was announced.

The litigation has not ended, however, and the INS said it is advising states they can use their own discretion in deciding whether to permit adoptions without waiting for the final outcome of the case.

The lawsuit involved 1,850 orphans, INS said. It said it had acted on 281 adoption applications before the suit was filed. INS said it has applications for adopting about half the remaining children.

Judge Wants to Hear Viet Boy's Tale

BY PAUL MAGNUSSON
Free Press Staff Writer

The five-year-old Vietnamese refugee whose custody is being bitterly disputed in an Oakland County Circuit Court, may be called to Judge Richard David D. Kuhn's chambers Friday to see if the child can sweep clear the doubt surrounding his wartime evacuation to the United States.

Kuhn, presiding over a day-long hearing Thursday, during which Duong Quoc Tuan's foster and natural mothers both took the witness stand, promised to talk to the boy. He held open the possibility of a face-to-face meeting between the boy and the mother, Duong Bich Van. She has not seen him for 14 months.

Miss Duong, barely speaking above a whisper, in both English and Vietnamese, described the few childhood scars and birthmarks that she could recall seeing on the boy before she says she had him placed on an Operation Baby-lift plane from Saigon in April 1975.

Kuhn, who said the complex case "has been weighing heavily on my mind," also said he will give a decision on Tuan's custody as soon as the case is completed, which may be as early as Friday.

Most of the testimony Thursday concerned the disputed link between the boy and his mother. Please turn to Page 11A, Col. 1

Kidnap warrant issued for Viet orphan sponsor



Sheila Kowal

PHILADELPHIA (UPI) — Sara R. Coner, who disappeared with two Vietnamese children she had sponsored during Operation Babylift, is now wanted on federal kidnap charges.

The girls' mother, Duong Thi Yen Nga, 32, has been awaiting word of her children in a Phoenixville, Pa., apartment near Miss Coner's home.

The FBI, armed with a kidnap warrant, Monday entered the search for the 28-year-old former U.S. Army nurse who is suspected to have crossed state

lines to evade Pennsylvania authorities.

"This is not a traditional kidnaping case," said Assistant U.S. Attorney Jeffrey M. Miller. "All along it had the characteristics of a federal case. We just decided it was time to bring the FBI in."

Miss Coner and the girls, Mai Yen Phuong, 5, and Mai Yen Thanh, 12, were last seen April 27. Miss Coner's mother, Katherine, picked up Phuong at a day care center and Thanh at school. She has refused to help authorities find her daughter.

Phoenixville police juvenile officer Thomas Dempsey said Miss Coner had become very close to the children during the eight months she cared for them while their mother tried to get out of war-torn Saigon.

Mrs. Nga said she and Miss Coner had worked together in a U.S. Army hospital in Vietnam during the war. The women were not close friends, Mrs. Nga said, but when she became concerned for the safety of her children she asked Miss Coner to sponsor them in the United States.

Mrs. Nga, a widow, fled Vietnam eight months later and arrived in Phoenixville to find that Miss Coner wanted to adopt the children.

"I did not throw my children away," Mrs. Nga said. "She said she would take care of them until I could get out. But she wanted me to let her take the children."

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Adoption program for Vietnam orphans to be resumed

Bill Keane

2, 1976, Denver, Colo.

The Human Factor in Hanoi's Victory

N. Vietnamese General Details Campaign to 'Liberate' Saigon

By Don Oberdorfer
Washington Post Staff Writer

Three Politburo members from Hanoi embraced one another in their field headquarters outside Saigon at the moment of their final victory, according to a remarkable book-length memoir by Gen. Van Tien Dung, chief of staff of the North Vietnamese army and field commander for the final campaign.

In the dramatic high point of his account of the final stages of the Vietnam war, Dung recalled the scene in midday of April 30, 1975:

"At the field command post, we left our radios on. We heard the puppet president ask his troops to lay down their weapons and unconditionally surrender to our troops. Saigon was completely liberated. We had won a complete victory. All of us at the command post jumped and shouted with joy, embraced each other and even carried friends on our shoulders. The sounds of applause, laughter, talking, singing and reading poems were heard throughout the command post. Comrades Le Duc Tho [North Vietnamese

Politburo member and Paris peace negotiator] and Pham Hung [North Vietnamese Politburo member in political charge of the South] embraced me and all other cadres and combatants present. All of us were choked with emotion and joy. I lit a cigarette and smoked."

Dung's recollections, titled "Great Spring Victory," were serialized in North Vietnam's Communist Party newspaper, Nhan Dan, and broadcast to the Vietnamese people in 41 installments beginning April 5 and ending last Wednesday.

Running more than 65,000 words in English translation, the memoir is unprecedented in its detailed descriptions of decision-making, strategy and human interaction in the Vietnamese Communist high command.

According to American experts, Dung's account is by far the most candid report on the war ever published by a senior North Vietnamese official. In chapter and verse—including the text of poems by Le Duc Tho and others—the general's memoir is

See GENERAL A14, Col. 1



GEN. VAN TIEN DUNG

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Hanoi General's Tale of Strategy

GENERAL, From A1

an absorbing guide to how the war was won.

No official explanation has been offered for the decision to break out of the highly theoretical, often turgid descriptions of military decisions issued by the Vietnamese Communists during three decades of war. Such a general analysis of the final campaign was published last June under the joint byline of Dung and his superior, Defense Minister Vo Nguyen Giap.

The extraordinary detail and drama of the new account—in this respect completely unlike the joint effort last year—establishes Dung as the man who was in charge while Giap was in an elder statesman's role far from the battle zone.

Dung emerges as a great hero of the war. At 59, he is the youngest member of North Vietnam's 11-member Politburo and thus is likely to be a powerful figure for years to come.

Dung makes no effort to conceal that the Hanoi command was in control from start to finish, with the Southern-led People's Revolutionary Government (successor to the National Liberation Front) far from the sidelines of the fight.

He gives details of abundant communications by radio, cable and even telephone between Hanoi and the southern battlefields.

The general writes openly of meetings of the Central Office for South Vietnam (COSVN), Hanoi's organization for control of the war in the South, which was never before acknowledged publicly by the Communist leadership.

He tells how Le Duc Tho arrived at COSVN's forest headquarters on a motorbike wearing a light-blue shirt, khaki trousers and a stiff troopers' hat after traveling by airplane and automobile from Hanoi with orders for the final drive against Saigon.

Along with Henry A. Kissinger, Tho was named winner of the 1973 Nobel peace prize for the Paris "Agreement on Ending the War and Restoring Peace in Vietnam."

Before Tho's trip to the South in April, 1975, according to Dung, "the Politburo and Uncle Ton (President Ton Duc Thang) told him he would not be allowed to return if he was not successful in his mission."

Dung dates the beginning of the final campaign from a meeting of high-ranking military officials at House 33, Pahn Ngu Lao Street in Hanoi, in March, 1974, a little more than a year after the signing of the Paris accords and a year before the fall of Saigon. Dung claims that North Vietnam plainly told Kissinger following the signing of the agreement that "we will never agree to a passive defense." Dung maintains that "revolutionary violence" in the South was justified in reaction to increased South Vietnamese

military operations supported by the United States.

Dung makes it clear that a crucial question for the North—as it was for the South—was the matter of U.S. willingness to return to the battle after withdrawing its troops and planes from the war.

According to Dung, an important conclusion was reached by Communist Party Secretary Le Duan in October, 1974, that "having already withdrawn from the South, the United States could hardly jump back in." Duan also reportedly said the United States would be unable to save the Saigon regime even if it returned to the battlefield.

Among the factors mentioned in the heated discussion that preceded Duan's conclusion were Watergate; President Nixon's resignation; the U.S. economic recession, inflation and unemployment; the oil crisis, and poor relations between the United States and its allies, Dung wrote.

It was also pointed out that U.S. aid to the Saigon government had been decreasing. Because of the reduction of assistance in 1974-75, South Vietnamese President Nguyen Van Thieu "was forced to fight a poor man's war," Dung reported. But while the Southern force was becoming weaker, the "revolutionary" forces were becoming stronger, Dung said.

In describing the extensive transportation and communications networks that underlaid the final North Vietnamese offensive, Dung said a highly strategic road running from North to South east of the Annamite mountains was started in 1973, speeded up in 1974 and completed in early 1975 through the labor of more than 30,000 troops and "shock youths."

More than 600 miles of the new road were wide enough for two-way traffic of large trucks and heavy military vehicles, he said. More than 10,000 vehicles—including tanks, armored cars, long-range artillery and anti-aircraft guns—were transported on the road, according to Dung.

He called the logistical network, including 3,000 miles of fuel pipelines, sometimes laid through deep rivers and atop mountains, "endless lengths of sturdy hemp ropes being daily and hourly slipped around the neck and limbs of the monster who would be strangled with one sharp yank when the order was given."

The North Vietnamese 316th Division moved south in early 1975 in 500 trucks with its full gear—a far cry from the tortuous bicycle-trail transport through the jungle in earlier days. At the high point of the final campaign there was "bumper-to-bumper" north-south traffic of military vehicles and artillery, Dung said.

As American-built airfields in South Vietnam were abandoned by fleeing Saigon troops, light and heavy helicopters, transport planes and even North



LE DUC THO

... North Vietnamese Politburo member and d



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Vietnamese civil airliners were mobilized to fly troops, weapons and munitions into the South, Dung said. He also said the North Vietnamese flew in tons of maps of Saigon that had been printed in the military general staff shop in Hanoi.

When North Vietnam's "Dragon House"—as Dung calls the top military command—decided to set up a new headquarters for the attack on Danang in late March, the commander was flown by helicopter from Hanoi to the South, Dung reported.

In the final stages, Dung relates, North Vietnamese pilots were trained to fly captured American aircraft. He said the surprise air attack on Saigon's Tansonnhut airport on April 28, 1975, by North Vietnamese pilots in U.S. A-37 planes was executed only three days after he first conceived the idea for the raid.

Dung said this raid was led by Lt. Nguyen Thanh Trung, the former South Vietnamese pilot who defected after bombing Thieu's Independence Palace in a daring daylight attack April 18. Dung said the pilot was a secret party member who had long carried out activities within the South Vietnamese air force.

The North Vietnamese had gone so far in conventional military planning that a joint air-naval-ground operation had been planned for the liberation of Conson Island off the South Vietnamese coast, the general reports.

The invasion was never carried out and, like many other places, Conson fell without a major fight.

Despite the longstanding official theory that the war would be won by a general offensive combined with a people's uprising, Dung places little stress on the political side of the struggle in the final campaign and makes no serious claim that a general uprising did

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Politburo member and defense minister

against a South Vietnamese regiment and some civil guards at the chosen target, Banmethuot. At the same time, he intensified activities around more heavily defended nearby points to divert attention to them.

Banmethuot was attacked by artillery, tanks and infantry, as well as commandos who had slipped into the city. Many of the defenders fled. According to a message received in Dung's command post, the battle was over in 38 hours. The original plan called for a seven-to-10-day battle.

"The fact that it took us only a little more than a day and a night to attack and occupy so large a city proves that the enemy can find no means to resist our strength," the general told aides as the message came in. A key staff member returned to the command post from the city with tears in his eyes. He was so choked up that he could only say, "Our victory is extremely great, brother," Dung said.

While elated by the victory, Dung was also concerned about the reaction of the United States and Saigon to the capture of this strategic city. Instead of retaliating or moving to counterattack, however, the response was an abrupt and ill-prepared military withdrawal from the rest of the Central Highlands ordered by Thieu March 14, three days after the fall of Banmethuot.

Dung said he was astounded as the retreat turned into a disorderly rout from an entire region. "Why such a retreat? And who had given the order for it? . . . The situation had developed beyond the scope of our campaign and had become a strategic matter. For the first time in the Indochinese war, a modern equipped enemy corps had to abandon an important strategic area and flee during the course of a campaign. This situation would lead to many other important events and might even lead to a quick end to the war with ourselves as the victor," he wrote.

As he suggested, the disintegration set in motion by the Highlands withdrawal brought a quick unraveling of the Saigon military forces. On March 20—less than a week after the Highlands pullout began—the Politburo in North Vietnam began studying a plan for the quick liberation of Saigon. On March 25 Dung was informed by cable of the decision to attack and liberate by May, when the rainy season was to begin. Once this decision was made, the North Vietnamese forces never wavered.

On March 26 Dung was informed that the old imperial capital of Hue had been liberated. A close aide who was a Hue native recited a poem about

the victory and Dung reported that his eyes filled with tears. "I lit a cigarette. I had quit smoking long ago, but each time we succeeded in solving a thorny problem, won a victory or achieved particular success, I smoked a cigarette with particular satisfaction," he wrote. "When the comrades around me, including the guards, saw me smoking a cigarette they knew that I was enthusiastic."

Dung was born in the North and had never been to Saigon, but after studying maps and hearing reports in the final days of the campaign he said he was so imbued with the city that its layout was on his mind when he awoke in the night. Dung reports he hoped to attack Saigon in such a way that the victory could be won with a minimum of damage to the people, physical plant and economy.

Dung devised a plan to strike government forces in the outer perimeter of Saigon, blocking them from withdrawing into the center while at the same time opening for a deep attack by his tank units. This attack would be pinpointed at five key targets—the presidential palace, Tansonnhut airport, the general staff, special military zone and police headquarters—whose capture he said would paralyze the government and end the war.

As it happened, there was hardly any battle. After the surprise air raid and subsequent shelling of Tansonnhut airport, the United States ordered a helicopter evacuation of Americans and some key Vietnamese. Saigon fell without a fight a day later.

The victorious general rode into the city by car. "Military uniforms, blankets, canteen cups, boots, rifles, ammunition clips, satchels, vehicles and guns were seen scattered on the ground along roads . . . This spectacle marked the defeat not only of an army, but also of a reactionary political doctrine of the arrogant imperialists who blindly revered weapons as a decisive factor in war," Dung wrote.

A few days later North Vietnamese President Ton Duc Thang, the successor to Ho Chi Minh, arrived at Tansonnhut airport to attend the victory celebration. As the field commander who directed the final campaign, Dung was first to meet the honored guest.

"After the plane had taxied down the runway and had stopped amid the applause and cheers of the people, I climbed onto the plane and saluted Uncle Ton while he was still in his seat. I stood straight before him and said, 'May I report to the president that the Vietnam People's Army [the North Vietnamese army] has fulfilled the mission of liberating Saigon and South Vietnam.' Then suddenly I was choked with tears and unable to speak anymore."

take place. There is barely any mention of the guerrilla units that were theoretically the mainstay of the liberating forces.

For all the plans and preparations and secret discussions of strategy and tactics, there is a little battle action in Dung's account. It is clear that the quick and progressive deterioration of the Saigon government forces took Dung and other planners in the North by surprise.

The original plan was devised in an "extremely important" conference of the Politburo in Hanoi from Dec. 18, 1974, until Jan. 8, 1975, and called for a two-year campaign in 1975-76, Dung reports. Even after the fall on Jan. 6, 1975, of Phouclong—the first provincial capital to be permanently taken by the Communists—1975 was seen as a period for "creating conditions for the general offensive and uprising in 1976."

One day after the Politburo conference, it was decided to mount a major attack on Banmethuot in the Central Highlands. Dung was sent to the area as field commander and representative of the Politburo, leaving Hanoi by plane Feb. 5 on the first leg of his trip south.

In one of the many touches that distinguishes his account from usual North Vietnamese official writing, Dung tells of meeting "female shock troops" on the highway south who complained that the lunar new year was approaching but no mail was coming through from home.

"We stopped and gave them a few hundred hairpins as gifts," the general wrote. When some truck drivers complained they had no cigarettes, "we handed them some . . . as Tet presents."

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An Agonizing Mother's Day Dilemma

BY TRACY JOHNSTON

"Operation Babylift" seemed simple at the time. As outlined by American AID officials in Washington on April 2, 1975, it seemed the only humanitarian thing to do.

Immigration authorities agreed. They would permit an estimated 2,000 Vietnamese orphans to enter the United States, and AID would allocate \$2 million for their transportation.

That same day in Vietnam, as the Saigon government crumbled, the Vietnamese minister of social services sent a letter to the prime minister, asking that a mass release be given for the orphans. In 24 hours, Operation Babylift was ready to roll.

The first plane crashed shortly after takeoff and 78 of the children aboard were killed. But not until the second Babylift plane actually landed in San Francisco on April 5 was it clear that what seemed to be a final humanitarian gesture might turn into a final irony of the American involvement in Vietnam.

People who had gone to the airport to meet the youngsters learned that many of them were not orphans at all.

Many were middle-class kids who had parents or relatives in



Times drawing by Pete Bentoveja

Saigon. Many were given to American agencies in Vietnam during the final days of the war by mothers who believed they would be killed in the predicted bloodbath. Some said they had been living in orphanages because their families were too poor to care for them, but they did not think their mothers would ever have signed releases for them to be carried off to a foreign land.

No one knows for certain how many of these 2,000 children were not, indeed, orphans. But the estimates of the number who were never officially abandoned

range from 250 to 1,500. Mothers who fled Vietnam themselves and also made it to this country have since gotten back about two dozen of these children. Other Vietnamese in this country are fighting bitter court custody battles with the adoptive American parents.

And just over a year ago, three public-interest lawyers in San Francisco filed a class-action lawsuit against "Henry Kissinger et al" on behalf of parents in Vietnam to reunite them with these nonorphans as quickly as possible. The class-action complaint cit-

ed the constitutional rights of the children to due process, liberty and freedom from illegal seizure. It cited the Paris Peace Agreement ("The United States will not intervene in the internal affairs of South Vietnam"), and the Geneva Convention ("Persons evacuated shall be transferred back to their homes as soon as hostilities have ceased"). Now, after endless court proceedings, appeals and interventions in the case by adoption agencies and adoptive parents, the lawsuit has succeeded only in debilitating and upsetting almost everyone connected with it.

When asked about the lawsuit, parents burst into tears. State Department officials slammed down the phone cursing the case. The public-interest lawyers go into tirades about government, courts and adoption agencies' delaying tactics. Meanwhile, the adoptive parents have no idea what is going to happen to the children. And not a single child has been returned to Vietnam.

Jerry and Marcy Clausen of Windsor, Calif., 50 miles north of San Francisco, are typical of that special breed known as adoptive parents—salt-of-the-earth types who believe in families and are proud of their ability to give children happy, loving homes. They take vacations in Disneyland for the kids; they go camping and

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MONDAY, MAY 9, 1976

L.A. Times
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A Dilemma for Mothers

Continued from First Page

bike-riding and play lots of ball games. The Clausens have two adopted Vietnamese children, two adopted Caucasian children and two natural children.

Hien, their Babylift child, was the fifth "orphan" they had arranged to adopt through Friends of the Children of Vietnam (F.C.V.N.) of Boulder, Colo., which operated an orphanage in Saigon. They did not get three of the five.

Hien, a 6-year-old with a temperament of 103, threw up on them in the airport and all the way home. She was hyperactive, aggressive and struck out at anyone who tried to be affectionate.

"The one thing we asked the F.C.V.N.," says Marcy, "was that we could keep the child they sent us. We didn't care about anything else. And four months after we got Hien we heard the agency has no papers on her—not one. No birth certificate, no release from an orphanage, nothing. We couldn't believe it." Hien, of course, would be one of the children affected by the lawsuit.

She rushes into the living room of the Clausen home wearing a Superman cape. She is small and thin with curly brown hair, oriental eyes, light skin and a Negroid nose and mouth. When Marcy tells her I want to talk to her about Vietnam, she makes a startled noise and runs off, scarlet cape flying.

"It was hard on us at first," Marcy says. "She wasn't a very lovable child. All the kids kept saying they like Minh better. Also, the social worker kept suggesting that perhaps we couldn't handle her, and that made us mad. Thank God she turned out OK. Now we just hope we can keep her."

On March 19 at the Federal Building in San Francisco, Wende Grant and Sheryll Markson walk grimly through a crowd of reporters and cameramen to see their own lawyers. The women represent the two adoption agencies, run by adoptive parents in Colorado, which brought almost one half of all the Babylift orphans out of Vietnam. They feel responsible for the fate of children in danger of being torn from homes they have come to love, for what the two women regard as essentially political reasons.

Sheryll Markson bursts into tears a few minutes after I met her.

When I interview Wende Grant, her eyes also fill with tears. She takes the Babylift plane crash personally. She is a middle-aged woman

about seeing Communist soldiers shooting mixed-blood children, she became afraid for their lives.

When Lon arrived in the States, all she had was the card of a Flying Tiger Airline pilot she had met in Saigon, who had said to call if she made it to the States. She did, and right there in the telephone booth at Travis Air Force Base she heard Bill Popp say, "Come on down." So Lon, her friend Kim, and Kim's daughter all took the bus down to his house in Newbury Park, 60 miles north of Los Angeles, where they still are living. Last December they located Lon's sister in Michigan. She had made it out of Vietnam with a group from an orphanage, and is now living with Lon, Bill, Kim, and Kim's daughter Julie. Only Lon's sons are missing.

Bill Popp and Lon were married recently, and they have decided to spend whatever money they have to fight for Lon's children.

"It's driving her crazy," Popp says. "No one believes it for some reason, but she loves her sons and wants them returned. I feel sorry for her, getting such a run-around from agencies and social workers and the parents. I feel bad, too, that I didn't promise to give her the financial support she needed to get lawyers and prove she can support the kids and all that until about six weeks ago."

Lon and Popp have been trying to get her youngest son since they found out where he was in December, but with no success. The release on him is fraudulent and has the wrong date on it. The priest and the woman who gave him to F.C.V.N. are in the United States and say they will testify that Lon is his real mother.

But Dick and Joan have had Vo Huy Tung for a year, and when the F.C.V.N. arranged a meeting with Dick, Joan, Lon and a social worker, the boy did not recognize his mother. Dick and Joan say they will not give him up because he has no relationship to this strange Vietnamese woman. He is loved and secure in his American home and it would be destructive to take him from the only parents he now knows.

Lon is very angry about that meeting.

"They say mother mean nothing. Nothing. I want my son! They try to make me crazy. They say I don't have a husband, they say why don't I come for son sooner, but I don't know F.C.V.N. has him. I have no money. What will my son think of mother who give him up?"

with eight adopted children, three of them handicapped.

"We considered them our children," she says. "We lived with them in the nurseries in Vietnam and cared for them night and day. No one ever questioned us about all the kids we had to bury in graves marked anonymous—without papers or releases. Where were the public-interest lawyers then?"

"We took it for granted that children should be with their mothers," Wende says. "Everyone in child care knows that."

In Windsor, Calif., Hien Clausen acts like a happy child now. "Whatever the Clausens did to her during the summer," says Margaret Copenhavre, her kindergarten teacher, "Hien came back completely changed. When she first came in last year she was a little monster, running around the class and out the door, getting into fights, and of course we couldn't talk to her so it was hard to handle. Now she's still a tomboy and will rush into any fight, but it's playful and not defensive like before. I guess with a family like the Clausens, how can you miss?"

Joan Thompson, who is organizing adoptive parents to fight the class-action lawsuit, says her feeling about sending her Vietnamese child back to Vietnam would depend on how "adamant" she would be "against communism."

"If there were requests from Vietnamese gals, that they really wanted their kids back, that's hard. But you know most of us had had our hysterectomies and all and we can't have any children of our own. The Vietnamese have so many kids—8, 10, 13, and we don't have any. We want them. We think this is the best country possible—the kids have so much better chance to grow here."

But the class-action lawyers say the natural parent in this case is the real one, and the Immigration Service should simply place the Babylift child in the custody of its Vietnamese mother if she comes to the United States asking for it and if the child is here illegally. Immigration, the agencies and the adoptive parents all say that such cases can only be handled by individual custody battles in court; that adoptive parents have rights, too.

In addition to those refugees who have had their children returned voluntarily and to the two mothers who had to go to court to get them, there are perhaps a dozen more mothers, grandmothers and aunts who are at the moment preparing to go into custody battles.

Hao Thi Vo is one. Lon (her nickname) has three half-American sons whom she sent to America on the Babylift just before the fall of Saigon. Her sons lived with her all their lives, she says, but when refugees started flooding to Saigon from the northern provinces and told stories

like Lon's should be open and shut, the three class-action lawyers say. Refugee mothers whose children were not legally released should not have to go to court to prove they are good mothers. A bigger problem for the lawyers, however, is trying to represent mothers in Vietnam who cannot be seen or heard.

So far, the class-action lawyer have been making their points, but losing their case. Judge Spencer Williams spent a year hearing testimony by psychiatrists about early childhood trauma and transracial adoption. He read affidavits from the State Department and from individuals who stayed in Saigon through the change in governments, advising him about conditions in Vietnam; he asked the head of the International Red Cross Tracing Bureau in Geneva to come to California to advise him about methods of finding mother and reuniting families; he decided to order a direct tracing plan of parents in Vietnam and then changed his mind. Finally, after watching his court fill up with angry adoptive parents, refugee mothers asking for their children, and a dozen or so lawyers, he denied the class action, saying that it was beyond the abilities of his court to handle what is, in effect, 2,000 individual cases.

Back in the Clausen home, Hien prances out of the room and I follow her out to the back yard where the baby is playing. We talk about school for a while and then I discover how Hien has figured out her past:

"I don't like my Mommy in Vietnam," she says. "So I get on a biplane and come over here and find Mommy and Daddy I like."

As for Lon and refugees like her the promised land has its reward. She has married her American boy friend and she has a home and job and friends and some money. But obviously all is not well. She has a long, very sad and bitter fight ahead.

"Since I come to the U.S., I lost 20 pounds," she says. "I worry, worry for my boys. Here, I have enough food, more than I want, and I can eat."

The children are, at the moment the happiest part of this story; it is hard not to think that most of them are lucky to end up in a middle-class American adoptive family—especially families like the Clausens.

But there will always be the fact that they were taken away to a strange land and a strange culture in the midst of a panic-stricken war where many irrational decisions were made. And they may never know why.

And what is the proper solution: Operation Babylift? That may be the worst side of this Rashomon-like tragedy. There doesn't seem to be an

1976 Tracy Johnston
Special Features

THE DENVER POST Thurs July 31
OVER-THE-COUNTER SECURITIES

OPERATION BABYLIFT ISSUE

**Viet Adoption 'Discovery Suit'
Deplored by FCVN Attorney**

The confidentiality of adoptions processed by Friends of Children of Viet Nam (FCVN) during Operation Babylift is crucially at stake in a lawsuit being decided now in the 9th U.S. Circuit Court of Appeals, the agency's attorney charged in Denver Thursday.

Final outcome of the suit "could fly in the face of every adoption proceeding" made by FCVN, while affecting the privacy of the adopted children, their adopted and natural parents and FCVN agency workers still in Vietnam, Carl Eklund said.

CLASS ACTION
The issue is a class action "discovery suit" filed by the guardian of three Vietnamese children who wants the children's adoption files opened to determine if they are in this

country legally, Eklund said. Named in the suit, filed in San Francisco, are several U.S. Cabinet members including Secretary of State Henry Kissinger and Defense Secretary Arthur Schlesinger. FCVN, although not named in the suit, is acting as a "friend of the court" on behalf of the 2,100 adopted Vietnamese children who would be affected by the suit's outcome, Eklund said.

A motion for a preliminary injunction halting all FCVN-processed adoptions until it's determined the children are in the country legally was turned down June 30 in a ruling by U.S. Dist. Judge Spencer Williams.

RULING APPEALED
The ruling is being appealed by the plaintiff in the 9th U.S. Circuit Court, which also is con-

sidering a cross-appeal by the federal government that the court doesn't have jurisdiction in this case.

Eklund said FCVN wants to assure parents of children brought to the United States during Operation Babylift that someone is acting in their behalf in this particular issue.

'REAL PARTIES'
FCVN feels "we are the real parties at interest here," Eklund said, adding that "the right forum for this issue should be in Colorado where the agency is located, not San Francisco."

He said FCVN is concerned that the suit has been given full media coverage "on both coasts, but not in the Colorado area and other parts of the Midwest. People are treating it as a national lawsuit everywhere but here."

FCVN Executive Director Cheryl Markson couldn't be reached for comment.

Lawyers Contacting Vietnamese Parents

by Keith Ervin

Under the supervision of a San Francisco federal court, lawyers are beginning the process of making contact in Vietnam with the parents of three children brought to this country during last year's Operation Babylift.

U.S. District Court Judge Spencer Williams' decision last week to allow the contact came just nine days after an appeals court agreed to hear a motion to remove him from the case. (see Barb, July 16)

Public interest lawyers are seeking the return to Vietnam of up to 1,500 children in a class action suit against the U.S. Government. The lawyers told the appeals court that Williams has been "unable to or unwilling to adequately make decisions with the speed essential to avoid irreparable harm to the children." The attorneys have also asked the appeals court to overturn Williams' dismissal of the suit's class action basis.

Williams' rejection of the class action leaves as plaintiffs only the three children whose parents are being sought. The three were brought to the United States under false names and without any documents indicating that their parents had released them for adoption. Their father at the time was AWOL from the U.S.-supported Saigon army.

Since they were separated from their parents in April 1975, the children have been living under the names of Aaron,

Rachel and Rebekah in the suburban home of a certified public accountant in Altoona, Wisconsin. Until last week, the children's lawyers were not permitted to contact their natural parents, who are now working in a rice field and a market in southern Vietnam.

The parents will be contacted with the help of the Saigon-based personnel of an international agency which has asked the court to remain unnamed. The agency will ask the parents the circumstances under which their children were separated from them and whether they wish them returned.

Lawyers for the American "pre-adoptive" parents and for the adoption agency, Friends of Children of Vietnam (FCVN) will oppose the return of the children to Vietnam on the grounds that they have become adjusted to their new home and to move them once again would be unnecessarily traumatic.

FCVN attorney John Kecker told the Barb that the Vietnamese parents, when separated from their children, "made a difficult decision knowing full well what they were doing. I think to the extent that you support adoption, there is a point where the decision is irrevocable."

One of the children's lawyers, Tom Miller, disagrees: "This is not a custody case. If it were a custody case, any kidnapper who eludes the law could keep the child. It's a question of legal possession."

Berkeley Barb, July 30 - Aug 5, 1976

THE VIETNAM BABYLIFT

SUSAN ABRAMS

RECEIVED SEP 4

This article
is the worst
yet!



Was it a rescue mission or kidnapping?

"A mother in a burning building throws you her child. When the fire is out and the mother is safe, does one keep running with the child?"

—Attorney Tom Miller,
International Children's Fund

The Vietnam Babylift of April, 1975 was so cruel, so manipulative a public relations stunt that the past sixteen months have only dulled the shock. In many cases taken from parents pressured into signing adoption releases, destined for the homes of relatives, picked out of orphanages where they had been placed temporarily by parents unable to support them, taken from hospitals or even whisked off the streets, the 2242 Babylift children are still with us. Yet it has long been evident that the supposed rescue mission more closely resembled a kidnapping and that at least 1500 of the children are not eligible for adoption.

The concerted efforts of U.S. government officials and adoption agencies alike to save face by blocking a lawsuit designed to determine the children's identities and their parents' wishes are little known. One assumes, perhaps, that the issue has by now been resolved satisfactorily or, on the contrary, that nothing can be done and that Vietnamese parents must learn, as best they're able, to heal yet another wound of so many.

Most media coverage of the issue has been of the all trees/no forest variety, as journalists focus on individual custody struggles between American couples and Vietnamese refugee mothers who have managed to locate their children. Article after article enumerates the advantages each set of parents seems to offer, with the

benefit scale tilting a bit as affluent Americans bring their cars and suburban homes on along with them. "How sad it is," the journalists seem to mean, "that the Babylift should have come to this, that a humanitarian project should end in battles where both sides are so worthy."

Yet the Babylift had to come to this. Supplying a baby market is an ugly business, as are hysterical anti-Communism, some means of assuaging guilt, and above all, the use of children as political pawns. One remembers the explanation of Graham Martin, U.S. Ambassador to Saigon, that the Babylift would "create a shift in American public opinion in favor of the Republic of Vietnam" (then begging funds from a reluctant Congress). Anticipating the great press coverage which would mark the children's arrival in the U.S., Martin commented that the effect "will be tremendous" (as quoted in a letter from Phan Quang Dan, Saigon's Deputy Premier for Social Welfare, from whom Martin had sought permission to evacuate the children, as published in the *New York Times*, April 7, 1975).

Nguyen Da Yen et al. v. Kissinger et al. was filed in U.S. District Court, San Francisco on April 29, 1975 after Muoi McConnell and other Vietnamese-speaking volunteers at San Francisco's Presidio discovered the children had left families behind. Federal officials refused to investigate. The case has been argued by four attorneys whose concern for the children's welfare is exceeded only by their enormous patience (Nancy Stearns, Tom Miller, Mort Cohen, and Neil Gotanda of the Center for Constitutional Rights in New York City and the International Children's Fund in Berkeley). Trotting out old and new variations on the Babylift-era slogans "We saved them from Communism" and "Grow-

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Information Service (INS) and adoption agencies have been aided by crudely manipulated adoptive parents and by Judge Spencer Williams, the defendants' apparently willing accomplice in delay.

Last March Williams dissolved the class-action status of the case, thus, in effect, leaving it to Vietnamese parents to find their own children and to concerned lawyers to contemplate more than 2,000 separate cases—both impossible tasks. Lawyers for the plaintiffs, although with barely the funds to proceed, have appealed the case to the U.S. Court of Appeals for the Ninth Circuit. A decision is expected this Fall. Should the higher court agree with plaintiffs that Williams erred in his handling of (all the major issues in) the case, it could be assigned to another district judge more capable of dealing with its complexities. If not, a seventeen-month effort to reunite non-orphans with their parents, to heal at least these wounds of the war, will probably come to nothing.

Struggle

Only a few of the steps in the struggle over the children can and need be described here—enough to hint at the plaintiffs' frustrations, which have been almost unknown, nationwide, to potential supporters. They also make clear the tenacity of a government trying to avoid political embarrassment and of adoption agencies fearful of lawsuits from disappointed American couples, loss of state licenses, and criminal penalties, should any children they placed be returned to Vietnamese parents.

Plaintiffs' lawyers were mindful that the children would soon forget Vietnamese and facts that could aid in tracing their parents. Also aware that the pain of separating children once again from a loving family would increase with each passing month, they urged speed. It took seven months (and an order from the Appeals Court) for INS to begin to make its records on the children available. Also questioning the court's authority to give it orders, INS treated the case like "any other bureaucratic, unimportant thing," Nancy Stearns told me in a personal interview. Officials pleaded a shortage of clerical staff and duplicating machines, taking, at each stage, literally months to do a few days' work. Verne Jervis, INS Information Director in Washington, declined all comment on a dozen points I raised about INS motivation and delays, including the possibility that stalling was designed to make the plaintiffs give up the case and/or to spare the government embarrassment.

Judge Williams declined to prod INS into relinquishing its records or to stop changing a child's status from "ineligible for adoption" to "eligible." With misplaced congeniality, he declared he wouldn't order the government to do something "I think [it is] going to do. I'll

With all files at last in hand, attorneys discovered that documentation on 978 children was too meager to prove they were eligible. Parental releases for 533 others had been signed after March 15, 1975, i.e., in conditions of panic and confusion, and were therefore considered involuntary and invalid.

Not hampered by such scruples, INS presumed eligibility often where a child's very identity was unclear, thus "placing" (in plaintiffs' words) "the burden of proof on the children to establish their own ineligibility for adoption." Among those INS declared "eligible" were: 212 children from the An Lac Orphanage, whose group release listed a single family name for all of them; a child whose adoptive parents admitted to the INS they had obtained a perjured release from an orphanage director stating the child was an orphan, even though they knew he had never lived in the orphanage and that his mother was alive (she has since tried to regain custody).

Gaining access to the children's files was the first part of the struggle; tracing parents has been the second. The International Red Cross and other agencies skilled at tracing have offered the U.S. government their assistance. They're still waiting, unable to proceed without State Department approval. Lacking (through its own fault) diplomatic relations with Vietnam, the State Department has also tried to explain away its own inaction, citing the supposed indifference and lack of cooperation on the part of the Vietnamese. "The ball, however, is in the United States' court," plaintiffs' attorney Tom Miller told me, in an apt, if unintended pun. After all, Miller emphasized, "there is [and was] nothing to prevent the U.S. government from returning the children to their parents without the lawsuit."

The State Department first rejected any and all tracing programs in Vietnam, later agreeing to, but not implementing, a plan for advertising in Vietnamese newspapers that some children (no names to be used) were in the U.S. Even assuming all Vietnamese could read and lived in cities, it's a bit indirect! Tracing experts stress that effective programs require actively seeking out individual families. With rather belated concern for the Vietnamese parents, the State Department expressed its wish to protect them from retaliation by the Vietnamese government (which, as Vietnam expert Garth Porter testified in court, seems to view the bereaved parents as victims rather than delinquents). Still sniffing (hoping for?) a bloodbath, dismissing Red Cross assurances of protection for all parties and, as ever, undaunted by reality, the State Department was, however, unable to muster any evidence in court for the fears it professed. The plaintiffs' attorneys, on the other hand, brought forward a number of reliable witnesses, including American Friends Service Committee and

Mennonite Central Committee staff in Vietnam after war's end, as well as Americans who had been present at reeducation sessions. They made it clear (to all but the ever-anxious defendants) that their fears were unfounded.

For their part (and with equal cynicism), adoption agency spokespersons also opposed a tracing program on the grounds that it would reopen wounds of guilt-ridden parents or lead to social ostracism for mothers of children of mixed race. They too were unimpressed by evidence that only 20 percent of Babylift children (whom they themselves had brought here) were of mixed race and that even according to (U.S.) Agency for International Development figures, at least 90 percent of the 10,000-15,000 mixed-race children in Vietnam had been living with relatives. Like the INS spokesman, the directors of the two adoption agencies most frequently cited in post-Babylift problems (Friends of the Children of Vietnam and Friends for All Children)



did not bother to reply to my questions on their procedures or motivation.

Stated opposition to tracing programs obviously masks the fear that the origins of the Babylift will be exposed. Why else make no efforts to locate parents among refugees in the U.S. (and defy the claims of refugees who find their children)? What reprisals are in the offing in Kansas or Vermont? Judge Williams finally agreed with plaintiffs' demand that he notify refugees of the lawsuit; however, he never got around to doing so. Even those refugees who suspect their children are here seldom know their new names, the addresses of adoptive parents, or even the relevant adoptive agency.

At least a dozen refugees have managed to find their children. No one can say how many others will succeed eventually. The custody struggles have been fierce, although there are exceptions, like John DeCamp of Nebraska, who relinquished two children after being moved by their tearful reunion with their mother. As Judge Williams would not consider her case, San Shie had to go through California state courts to win custody of Hien, at a cost of \$5000 (which few other refugees could muster). A Doylestown, Pa. couple won't give

her two nephews to Jeanette Strump (Vietnamese despite her name), although their mother had written Strump's name and address on the children's clothes, tags, and even on their skin, before putting them on the Babylift. A desperate Hao Thi Vo resorted to kidnapping her two sons from their Connecticut adoptive father. Nguyen Thi Phuc has just lost her custody struggle for two sons (at first in the care of a child molester) to the commander of Ft. Pickett in Blackstone, Virginia. In the grimmest case so far, a sheriff in the southwest obtained two children from Huynh Thi O fraudulently and then committed her to a mental hospital after she persisted in efforts to regain them. She was found dead in his home last June, in what the man claims was a suicide.

At least one case has been documented of collaboration between an adoption agency (Friends of the Children in Vietnam) and an American couple to prevent a Vietnamese mother from regaining custody. INS is encouraging Americans to try to formalize adoptions in state courts even where children are clearly ineligible. It's an obvious means of circumventing *Nguyen Da Yen v Kissinger*.

Lisa Brodyaga is unique among all the American adoptive parents in her open and persistent attempts to help clear up the Babylift mess. Neither government officials nor Friends of the Children of Vietnam will help her find the family My Hang, age seven, still talks of rejoining. "You take three airplanes and two buses and you go upstairs to where the children are sleeping and that's where mother is," she repeats, but, unfortunately, it's not enough for Brodyaga's do-it-yourself tracing program. FCVN explicitly instructed adoptive parents, Brodyaga told me in a personal interview, "to disregard the facts [the children] tell us about their families," as they are inventing stories in the process of "trying to work through all the stuff that's happened to them." FCVN has given Brodyaga a runaround as imaginative as it is deceitful. Even identifying My Hang by the wrong name, FCVN staff told Brodyaga the child's files were in order and would follow shortly, then that they were with an employee temporarily out of town. Later they claimed they had an adoption release (whose specifics they wouldn't reveal), then didn't have one. At one time, the director for adoption told Brodyaga FCVN was being secretive in order to protect the mother from Communist retaliation; a careless volunteer later revealed that FCVN had burned documents on all children before leaving Vietnam, lest they "fall into the wrong hands" (one wonders if those are the Communists' or those of the American adoptive parents?). FCVN finally outdid even itself by notifying Brodyaga that a priest from My Hang's village had recently given them information about her while passing through Colorado (where FCVN is located). Eager to speak with him herself, Brodyaga was told that no one had bothered

to write down his name and that he was then on his way to Latin America.

Angry, confused by the controversy in which they find themselves, their wish to shelter homeless children betrayed by the Babylift organizers, the adoptive parents seem, in many cases, to be well-meaning. Some appear to have wanted to adopt at least as much for their own benefit as that of the children's, e.g. as a means of assuaging guilt over the war or, in the words of Louise Bruyn, of "giving meaning to their lives." Along with Marj Swann (another long-time anti-war activist associated with the American Friends Service Committee in Massachusetts) Bruyn established a wartime program of American aid to Buddhist orphanages and sponsorships for children in Vietnamese foster homes. Public and media response to the program amounted to only the tiniest fraction of that which the flashier Babylift received. The reasons, Bruyn told me, may lie with American "individualism and response to the personal . . . to the individual child [rather than the social context, the political implications]. That's the place where we really can be reached the closest." This can mean adoption of an individual child rather than protesting a war which might have killed its parents or giving financial aid to keep the child where it belonged.

Chauvinism and racism are abundantly available and have marked more than a few adoptive parents' statements on custody struggles. Joan Thompson, one of those organizing opposition to the lawsuit, commented: "We think this is the best country possible—the kids have so [sic] much better chance to grow here, to be what they want. In Vietnam they would be a fisherman or dirt farmer" (*New York Times Magazine*, May 9, 1976). Bonnie and Johnny Nelson of Forest City, Iowa, are trying to prevent four-year-old Doan Van Binh (renamed Ben) from returning to his mother (now living in Great Falls, Montana). Their lawyer described the child in an Iowa court as having an identity with the Nelsons; in Great Falls he would be known as "that Vietnamese kid, an alien." There [he] would have no identity." At age eighteen, if still with the Nelsons, he will be indoctrinated into the American way of life." If, however, he is "jerk[ed] out of the Nelson home . . . what will [he] be?" (*San Francisco Examiner & Chronicle*, April 25, 1976).

Sadly one wonders what Ben Nelson and hundreds of other Babylift children will be when, as non-white children in white homes, they begin to question their identity, to confront racism they've been ill-equipped to deal with, and perhaps discover the circumstances under which they arrived in the U.S. and were retained by their adoptive parents.

Still claiming to know what is best for the Vietnamese and happy to oblige parents whose self-interest coincides with their own, adoption agencies are insisting that the traditional standard used in custody struggles, that of

"the best interests of the child," be used even in interracial and intercountry adoptions of such extraordinary circumstances. One wonders how many local judges will choose to see "best interests" in terms other than affluence, status, upward mobility, and Americanism? Nancy Stearns and the other lawyers for the plaintiffs insist that children taken illegally from parents who can be located must be returned to them. To weight the "best interests" as urged would be to accept the given, to obscure the past.

Never abandoning the fiction of their neutrality and with enough gall to shock (if plaintiffs hadn't long since become immune), the defendants who have stymied the case for over a year assert that the passage of time since removal from Vietnam, even if the removal was illegal, precludes the return of the child in the "best interest of the child" (plaintiffs' legal brief). Thus the longer they delay, the stronger the defendants' case.

Operation Babylift was, one discovers with dismay, simply the last (if best publicized) chapter in a rather sordid adoption history. While the confusion toward war's end made the Babylift an especially sloppy project, the pre-Babylift adoption agency record was nothing to be proud of either. In some cases closely tied to the U.S. Agency for International Development, agencies were ignorant of the Vietnamese practice of extended family care for parentless children, of existing foster-care options, and of the availability of more Vietnamese adults willing to take in a homeless child. (*Xay cha con chu, xay me di cho bu*: If you lose your father, you still have your uncle; If you lose your mother, your aunt will still nurse you—Vietnamese saying.) The agencies supplied a baby market in the U.S. (now dependent on South Korea and other countries) for couples tired of waiting for white infants and unwilling to engage in the "black market" for babies or to adopt an older, handicapped or (ironically) a mixed-race child. There was no incentive for agencies to encourage Vietnamese women to keep their children. In fact, as Tran Tuong Nhu and Tom Miller write of their experience with adoption agencies in Vietnam, "All the agencies basically functioned on the premise that the Vietnamese were incapable of looking after their own children."

One example must suffice of how bizarre some Babylift precedents in fact were. Doug Hostetter of the Methodist Mission to the United Nations told me in a personal interview recently that during his three years in Vietnam he came across incidents of the following ploy. An adoption agency employee would offer hospital care for a sick child to parents who accepted it as an expression of genuine concern. With the child restored to health, the "benefactor" then presented a bill which the startled parents could never pay. The staff member then offered to take care of it—in exchange for a release signing over the child for adoption.

Reports from Saigon since the war's end tell of or

phanages being emptied, of children welcomed back into their own families or received by new ones, treasured among their own people, to be raised in their own land. The will to accomplish so much had been lacking under Thieu/American control.

If alternatives to intercountry adoption made the Baby-lift unnecessary, the Geneva Convention of 1949 (of which the U.S. is a signatory) apparently made it illegal. Homeless children, if removed from their native land in time of war, should be cared for in a neutral country by "persons of a similar cultural tradition." The Convention further stipulates that the children's right to return to their homeland should be guaranteed.

To help ensure that there are no more Babylifts, the Board of Global Ministries of the United Methodist Church has, with Hostetter's guidance, drawn up guidelines on aid to children during war or natural disaster which specifically exclude intercountry adoption except in certain very restricted cases. Hostetter expressed to me the hope that religious groups of various persuasions

will take the lead in opposing intercountry adoptions generally and will "develop a conscience" on what he described as "another form of exploitation of Third World countries' resources." The blame for engaging in intercountry adoptions doesn't lie with the American adoptive parents, Hostetter stressed. While sometimes paternalistic and even selfish [and, one might add, naive], most, he feels are well-meaning. Thus the churches which fund many adoption agencies and ought to know better should take the responsibility here.

The Methodists have also passed a resolution calling upon the House Judiciary Committee to investigate the Babylift and the actions of the Immigration and Naturalization Service. One hopes other religious groups, secular groups, and concerned individuals would do the same. The longer the Babylift issue remains unresolved, the greater the potential harm: to the children, to the Americans who love and may yet lose them, to the Vietnamese who still grieve for the children they may never find.

CATHOLICS AND TEMPERANCE

JOSEPH H. FICHTER

The general Catholic attitude toward alcohol

If there is a general Catholic attitude toward the drinking of alcoholic beverages it is probably reflected in the doggerel verse attributed to the late English convert, Hilaire Belloc:

Wherever a Catholic sun doth shine
There's always laughter and good red wine.
At least, I've always heard it's so,
Benedicamus Domino.

In his popular travelogue, *The Path to Rome*, Belloc wrote almost as much about drinking as he did about religion, and sometimes he connected the two, as when he distinguished between Bacchus and the Devil, and warned a young man that "he should never drink what has been made and sold since the Reformation—I mean especially spirits and champagne. Let him (said I) drink red wine and white, good beer and mead—if he could get it—liqueurs made by monks, and, in a word, all those feeding, fortifying, and confirming beverages that our fathers drank in old time; but not whisky, nor

brandy, nor sparkling wines, nor absinthe, nor the kind of drink called gin." The friend to whom he had given this advice drank whisky one day and the consequence was that "he had to take some nasty pledge or other to drink nothing whatever and became a spectacle and a judgment, whereas if he had kept his exact word he might by this time have been a happy man."

Besides the implied preference for Catholic (pre-Reformation) over Protestant (post-Reformation) patterns of drinking, Belloc may not have been aware that his distinction between fermented and distilled alcoholic beverages also reflected the thinking of the earliest temperance advocates in England, Ireland and the United States in the late eighteenth and early nineteenth centuries. When the American Surgeon General warned against "ardent spirits" he was not talking about wines. The Ulster Temperance Society in 1829 declared it a "plain dictate of common sense" that fermented wines be approved and retained as a "customary beverage" but that people ought to refrain from distilled liquor like brandy, whisky and gin.

The Anglo-Irish members of these "moderation" societies were not only chiefly Protestants, they were also members of the more advantaged ranks of society. They

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Vietnamese Adoptions Under Cloud

By MARTHA SHIRK
Of the Post-Dispatch Staff

The decision of the Iowa Supreme Court to return a Vietnamese child adopted by an American family to his natural mother has raised new fears among St. Louis area families who have adopted Vietnamese children.

But the attorney for a New York group that has filed court suits in behalf of the Vietnamese children brought to the United States in 1975 says the ruling is a good one because it will make it easier for Vietnamese parents who gave up their children under pressure to regain their parental rights.

The Iowa Supreme Court ruled unanimously last week that Doan Van Binh, 4 years old, must be returned to his mother, Mrs. Doan Thi Hoang Anh, 33. The court conceded that the family that had adopted the child, Mr. and Mrs. John Nelson of Forest City, Ia., had "rendered exceptional service in his behalf. Under this record, someone must be hurt."

The Iowa ruling is the first by a state supreme court on a case involving a Vietnamese mother's attempts to regain her child. Several other cases are pending around the country. Adoptive parents here worry that the Iowa precedent could induce more Vietnamese refugees here to seek the return of children turned over to orphanages in South Vietnam and adopted by American families.

"It's a real fear among them. They're running scared," said Mrs. Pat Adams, a director of the World Children's Fund, Inc., formerly the Vietnamese Children's Fund, Inc. Many of the families that adopted Vietnamese children are members of the fund.

Although many of the 30 St. Louis families with children from Operation Babylift have legal custody of their children — unlike the Iowa family — some of the adoptions have yet to be made final.

At least one St. Louis family has been told that its adopted son has Vietnamese relatives in the United States, Mrs. Adams said.

Other families that are unsure of whether their adopted child has relatives have shunned publicity totally. Mrs. Adams said one mother recently became very upset when a television crew singled her child out of a group and attempted to interview him and identify him on a news program.

Ms Anna Forder, a St. Louis lawyer who has handled many of the adoptions, says many adoptive parents — even those who adopt American children — feel some uneasiness until they get legal custody of their children. In Missouri, they can be granted legal custody about 18 months after filing adoption papers. The Vietnamese children brought here under Operation Babylift — the controversial, last-minute airlift — of hundreds of Vietnamese children — have been here about 17 months.

A major lawsuit is pending in the Ninth Circuit Court of Appeals in San Francisco concerning the rights of Vietnamese children brought here on the airlift. The Center for Constitutional Rights in New York is among the plaintiffs in the suit, which seeks a halt to the adoptions of all Babylift children, the appointment of special guardians, and an extensive search by adoption

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Ms Nancy Stearns, staff attorney for the center, said the issue at stake was the children's right to return to Vietnam.

"Any child who was sent to the United States through misunderstanding or error or his parents' fright is being held in violation of his right to go back," Ms Stearns said.

"It's clear that in many cases, the parents may have given the child up, but not voluntarily," she said. "If a mother is in a burning building and she throws the child out the window to save its life, and the person who catches the child runs away with it, shouldn't the mother be allowed to try to get it back?"

"That was the situation in Vietnam," she said.

Ms Stearns said that the Iowa courts had determined that Mrs. Doan had acted with the best maternal motives when she took her children to the Friends of Children of Vietnam Orphanage in Saigon and asked that they be taken out of the country to safety.

Ms Forder, the St. Louis lawyer, said she was sure "99 per cent of the St. Louis kids are true orphans."

"Their parents are either dead, or they were abandoned at birth at maternity hospitals," she said.

"These families here did not involve themselves in any fraud."

9-23-76

Ben

Congress Passes Up Pay Raise
Bill Goes to Ford: Page 8, Front Section

Newborns Who
Mysterious Disorder: P

Viet Refugee Mother Wins Battle for Return of Son

DES MOINES, Iowa —(AP)— A Vietnamese mother who left her seven children in an orphanage while the Communists advanced on Saigon says, "I am so happy I don't know what word you can use" over a court decision returning one child to her.

"I am exciting and nervy," said Doan Thi Hoang Anh, 33, in Great Falls, Mont., where she lives.

"It's like losing a son. We were hoping for a miracle," was the reaction of John Nelson, 33, the 6-year-old boy's foster father for the last 18 months. "We're happy we've had a year and a half with Ben."

Iowa Supreme Court Chief Justice C. Edwin Moore wrote in the unanimous decision that "the Nelsons have rendered exceptional service in his (Ben's) behalf. Under this record, someone must be hurt."

Ben, whose real name is Doan Van Binh, is one of seven brothers and sisters who escaped capture in the final days of the Saigon regime. Their mother left them in a Friends of Vietnam Children orphanage with a request to get them out of the country, according to court records.

Their father had just been killed. Miss Anh, as she is known in Great

Falls, fled Vietnam and entered the United States as a refugee on Aug. 5, 1975.

She said she never gave the orphanage permission to have her children adopted. When they arrived in the United States, she traced them through the Denver office of the orphanage.

The Nelsons contended that Anh had abandoned her children and that Binh's best interests would be served by his being left with them. But the court said Anh was "a woman of extraordinary courage, perseverance and full compassion for her child."

The court also said there was evidence the Nelsons had caused Binh to avoid contact with another Vietnamese family in Forest City, Iowa, where they live, "... in effect causing him to reject his cultural and racial roots."

The court did ask, however, that there be continued contact between the Nelsons and Binh.

Anh, who is training to be a nurse's aide, already had located and reclaimed four of her children from a Boulder, Colo., couple who relinquished them voluntarily. Another still lives in a foster home in this country, and an infant is with a family in France.

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The Voice of the Rocky Mountain

ONE-VOTE LOSS I

Oil-Sho

By SHARON SHERMAN
Denver Post Washington Bureau

WASHINGTON—A bill to provide \$4 billion in federal incentives for "commercialization" of synthetic fuels—including oil shale—was defeated Thursday when the House by one vote failed to grant the measure a rule for debate.

The 192-193 vote ended chances that the fuels research program will be funded by this Congress, which plans to adjourn Oct. 2.

It was the second time in less than a year that the House defeated a proposal for loan guarantees to induce energy

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LEAVING ADOPTIVE PARENTS

Mother Reclaiming Vietnamese Son, 4

FOREST CITY, Iowa — (AP) — Doan Van Binh, 4-year-old centerpiece of an emotional legal battle, is going home with his Vietnamese mother, 18 months after the John Nelson family thought they had adopted him.

Doan Thi Hoang Ahn, 33, Sunday left her home in Great Falls, Mont., and planned to pick her son up at the Nelson home Monday.

The foster family had asked that she stay with them for several days before taking Binh home with her. "Unless she can spend some time with us and find out what Ben has been going through, it's going to be very difficult for him," Nelson said.

But Mrs. Doan told reporters that she expected to return with the child Monday evening. "He will be going home," she said.

She said she couldn't take time away from her nurse's aide studies and couldn't arrange babysitting for her other children.

THE NELSONS, meanwhile, said the child told them, "I want to stay home," and, "I love Bobby. I don't want to leave Bobby," an older child of the Nelsons.

"Ben doesn't understand what's going on—and that's the biggest problem," said Nelson. "He trusts us and thinks we are his mom and dad."

Legal records show that Mrs. Doan escaped to Saigon with her seven children from their home in the central highlands during the last days of the Saigon regime. Her husband was killed in the final days of the war.

Mrs. Doan, fearing she too would be killed, left the children with the Friends of Children of Vietnam Orphanage in hopes they could escape. But she refused to give her consent for their adoption.

SIX OF THE children were brought to the United States, and some were placed in foster homes. She quickly regained custody of five, but the Nelsons kept



AP Laserphoto
DOAN VAN BINH
Court ruled he be returned.

Binh. The other child is in France, and diplomats are negotiating for the child's return.

Mrs. Doan began her fight to regain custody of her son when she arrived in this country as a refugee on Aug. 5, 1975.

The Nelsons, who have two children, began adoption proceedings for Binh in May 1975. But the Iowa Supreme Court ruled last month that he must be returned to his mother.

"Two good homes are available to Binh," the Iowa Supreme Court said in its ruling last month. "Someone must be hurt."

The Iowa court said continued absence from his mother probably would result in further alienation from Binh's heritage.

The court said it hoped some contact could be maintained between the Nelsons and Binh.

ARMY A 'BURDEN'

Joint Chief's Chairman's Comment Studied

HOWEVER, AN OFFICIAL of King Features who listened to the tape of the interview with [name] over the weekend

11-14-76

This is the best copy I could get

an exchange of views **The Vietnamese Babylift**

Boulder, Colo.
To the Editors: We feel Susan Abrams' article, "The Vietnamese Babylift" (Sept. 24) is heavily biased, poorly researched, slanderous, and libelous. We are surprised to find such an unscholarly article in *Commonweal* and strongly request that you print our response to her innuendos and accusations in its entirety.

Basic to any educated understanding of the evacuation of children from Vietnam in April, 1975, would be the knowledge of the orphanage system for at least the ten years prior to the fall of the Saigon regime. A cursory review of the numerous articles published in American newspapers and magazines on this subject during those years reveals a surprising unanimity of conclusions despite the wide variety of backgrounds, political persuasions, and abilities of the writers. These writers found that Vietnamese orphanages were overcrowded, understaffed (often one adult per 15-50 children), lacking in the most elementary medical care (no soap, no nurses, no measles vaccines, etc.), and without the funds and supplies to adequately feed the children. The results were physical, mental, and emotional deprivation and retardation, malnutrition (often severe), and death rates of over fifty percent.

Despite the Vietnamese tradition that the extended family would care for an orphan, the fact remains that the overall orphanage population continued to increase, despite the death rate, as a result of the high abandonment rate. Indeed, there were children in orphanages who had living, identifiable parents who had expressed their hope or intention of returning for their children when possible. The Catholic Sisters with whom we worked indignately never released such children for adoption. These women remained in Vietnam after the evacuation. With

them they kept those children who were known to have any extended family or whose parents had said they would reclaim them.

Beyond those children, however, the fact remains that over one thousand newborn infants were abandoned each month without a shred of identity in maternity clinics, at orphanage gates, on the street, and in garbage dumps. We know about abandonment in Viet Nam from long and close relationships with the nuns who ran the orphanages and our staff who lived there for years and retrieved many of those discarded waifs.

Our program in Vietnam was carried out by women who dedicated years of their lives to loving and caring for these children. We had four half-way houses (accommodating around five hundred children) which offered intensive care to newborns, physical therapy to the handicapped, schooling to the older children, and good nutrition and love to all. Although the houses were staffed with volunteer nurses and nuns from several countries, we trained and employed several hundred Vietnamese women as child care workers. In addition we offered counseling to unwed mothers and made every possible effort to help them find a viable way to keep their children. Beyond that we financially supported several orphanages in outlying provinces, delivered powdered milk and medical supplies to them, and conducted many vaccination programs.

The attorneys for the plaintiffs in the case in the U.S. District Court in San Francisco seem mesmerized by the theory that the bulk of the airlift children were either relinquished by panicked mothers just prior to the fall of Saigon, were cleared en-masse from orphanages where they had been stored pending a parent's return, or were "whisked off the streets," as Ms.

Abrams states. We will swear to the fact that of the 575 children we transported on the airlift, fewer than 10 were relinquished after March 15, 1975, by mothers. The rest of the large number of FFAC children that the plaintiff's attorneys question were released to our agency by orphanages, not mothers. The fact is that we sent away a constant stream of parents who begged us to take their children in the final days. We refused them to the end.

The statement that at least 1500 airlift children are ineligible for adoption is false. The court-appointed masters have not been able to accurately determine eligibility due to incomplete paperwork. Although much of our documentation was lost in the crash of the C-5A and some paperwork was not completed in the few days prior to the fall of the government, every child we brought to this country had been released for adoption. No agency was allowed to transport children with the intent of being reunited with parents.

Of the 575 children we transported in the airlift, approximately 180 children were being adopted privately (not through an agency) by European families who had made arrangements directly with an orphanage. At that time FFAC had approximately 550 children in its care (500 was the normal number reported on our rolls every month and 50 was an average number of new arrivals each month). This means that approximately 155 children were left behind. That group consisted of those who were retarded, those who were too sick to travel, and those who were to be returned to orphanages and/or parents since we had only agreed to obtain medical care for them. Can Ms. Abrams logically explain why we would kidnap children from parents when we were not able to bring all of those children who were legally abandoned

This is the best copy I could get

an exchange of views

'The Vietnamese Babylift'

Boulder, Colo.

To the Editors: We feel Susan Abrams' article, "The Vietnamese Babylift" (Sept. 24) is heavily biased, poorly researched, slanderous, and libelous. We are surprised to find such an unscholarly article in Commonweal and strongly request that you print our response to her innuendos and accusations in its entirety.

Basic to any educated understanding of the evacuation of children from Vietnam in April, 1975, would be the knowledge of the orphanage system for at least the ten years prior to the fall of the Saigon regime. A cursory review of the numerous articles published in American newspapers and magazines on this subject during those years reveals a surprising unanimity of conclusions despite the wide variety of backgrounds, political persuasions, and abilities of the writers. These writers found that Vietnamese orphanages were overcrowded, understaffed (often one adult per 15-50 children), lacking in the most elementary medical care (no soap, no nurses, no measles vaccines, etc.), and without the funds and supplies to adequately feed the children. The results were physical, mental, and emotional deprivation and retardation, malnutrition (often severe), and death rates of over fifty percent.

Despite the Vietnamese tradition that the extended family would care for an orphan, the fact remains that the overall orphanage population continued to increase, despite the death rate, as a result of the high abandonment rate. Indeed, there were children in orphanages who had living, identifiable parents who had expressed their hope or intention of returning for their children when possible. The Catholic Sisters with whom we worked intimately never released such children for adoption. These women remained in Vietnam after the evacuation. With

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The attorneys for the plaintiffs in the case in the San Francisco court in San Francisco are concerned by the theory that the bulk of the children were either abandoned by panicked mothers just prior to the fall of Saigon, were cleared on release from orphanages where they had been stored pending a parent's return, or were "washed off the streets," as Ms.

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and in our care and custody—or why we would kidnap children from parents when we were in the process of returning children to parents?

The 250 airlift children we placed for adoption in the U.S. account for only a little over ten percent of the 2,000 who came. We wonder why only FFAC and Friends of Children of Vietnam (entirely separate corporations, although both are based and licensed in Colorado) are the only agencies named—not only in Ms. Abrams' article but in most other publications—when several other large, reputable agencies including Holt, Inc. and Catholic Relief Services, account for the rest.

We also wonder why the plaintiffs accuse others of impeding the court process, thereby causing more pain to all concerned, when it is they who have continually dragged their feet. The appeal for the class action suit which was scheduled to be heard in July, 1976, has had no date set yet since they filed their briefs improperly twice.

Ms. Abrams specifically mentions several cases where Vietnamese relatives are trying to retrieve children. Although she wonders how local judges can weigh the "best interests" in terms other than "affluence, status, upward mobility, and Americanism," this does not appear to be a problem, since in every case involving an adoption agency, of which we are aware, the judge has returned the child to the relative.

Although it would take too much space to detail every case we can say that, to the best of our knowledge, the cases Ms. Abrams mentions involving Huynh Thi O and two children, Nguyen Thi Phuc and four children, San-Shei (not mother) and child, and Tran Thi Bich and child were NOT conducted through an adoption agency but were private placements by the mother or relative. The case of Doan Van Binh (Nelson) was an agency placement (not FFAC) and was settled in court by returning the child to his Vietnamese mother.

We cannot comment on the cases of My Hang Brodyaga and the nephews of Jeanette Strump since they involve

other agencies; however, we wish to emphasize that there are circumstances beyond those which Ms. Abrams reported.

The case of Yo Hhi Hao involves FFAC and another agency and is the only case we have ever had in litigation of the 750 placements we made in the U.S. in two and one half years. This case is still in court which means, unfortunately, that we cannot comment. In addition we are aware of seven Vietnamese mothers whose eleven children (none FFAC) have been returned to them voluntarily without litigation and with the direct help and assistance of the agency involved.

We are shocked by that statement of Doug Hostetter of the Methodist Mission to the UN that agency employees demanded a relinquishment from the parents for a child in return for medical care. FFAC never participated in such cruel and unprofessional conduct. In any event, such treatment should have been reported immediately to the Vietnamese Ministry of Social Welfare and USAID, and an attorney retained for the parents to bring charges in court.

We could continue on and comment on every allegation in Ms. Abrams' article. Unfortunately the damage done by a one-sentence allegation often takes at least a paragraph to explain. We categorically dispute every allegation by Ms. Abrams and the various people she interviewed as "experts." We know otherwise.

In conclusion, we wish to state that our work in Vietnam was not motivated by politics (saving the children from Communist) religion (offering them Christianity), kidnapping (to supply a U.S. baby market with children who already had parents who wanted to keep them), salvaging our guilt about the war, nor depriving a country of future generations. Our desire to provide a chance at life for these children crossed national, cultural, racial, social, religious, political, and economic boundaries.

We gave these children the promise of a mother and father instead of no one, the warmth of a bed instead of hard, wooden slats; the satisfaction of

a full stomach instead of a swollen, empty belly; the advantage of constant medical care instead of the threat of death from measles, infections, starvation; the security of knowing they were loved instead of rejected and lonely. And, in the end, some of our staff died for these children.

It is a pity that Ms. Abrams, the plaintiffs in the San Francisco court case, and numerous others are so glad today with answers as to how it should have been done. We are proud of our work in Vietnam. Our efforts were full of love and sacrifice and always honest. To twist them into the sordid allegations we have listened to the past one and one half years is indeed ugly.

WENDE S. GRANT, Director
SUZANNE BOSCH, Assistant Director
Friends for All Children

Denver, Colo.
To the Editors: As volunteers for almost two years in the child welfare programs directed by Friends for All Children in Vietnam, we read with great sadness and dismay the untruthful article by Susan Abrams, "The Vietnam Babylift" [Sept. 24].

Without feeling any need to justify ourselves and our involvement in Vietnam, we nonetheless feel impelled to write in fairness and honesty to the children with whom we lived and whom we love. We do not presume to have the whole answer, but we consider it imperative that we do speak from our experience.

The program we joined in Vietnam was begun by a young Australian woman who went to Vietnam without any intention whatever of being involved in adoptions in any way. But after working in a Saigon orphanage and observing the overcrowded, under-staffed, and inadequately supplied conditions in this and other orphanages throughout the country, Rosemary Taylor saw the only hope for life for many of the children to be that of securing a loving family for the child.

Rosemary and we who worked with her never pretended to have the answer to the complex political and economic problems of a war-torn Vietnam.

We were all painfully aware that we were dealing with only one small aspect of an immense problem. But when faced with severely malnourished and diseased children, we were compelled to respond in even a limited way: to offer employment to a woman so that she could support her child; to hospitalize a dying child from an ill-equipped orphanage and then return him/her to those same pitiful conditions; to feed and shelter a 1½ pound 3-day-old child left nameless in an orphanage.

Almost all the children for whom we cared had been abandoned at orphanages or left nameless at maternity clinics. The few children we accepted directly from relatives were received only after every effort was made to obtain viable alternatives for the relative to keep the child, including offering employment for the relative and/or temporary care for the child. Any parents who returned to reclaim a child were welcomed and given any ongoing assistance we could provide.

Following the crisis in Cambodia, fearing for their children's safety, and prompted by love, it is true that in April 1975 we were approached by many, many more parents including our own Vietnamese staff members, who asked to relinquish their children for adoption so that they could receive hope for new life somewhere abroad. Knowing the agreement between the Vietnamese and American governments that children to be transported were orphans, legally free for adoption, we painfully refused such relinquishments, without the comfort of hindsight and foreknowledge.

In conclusion, we wish to reiterate our firm conviction that every child has the right to security in a loving family. If the child's own family cannot provide this, then its international family should.

We rejoice if it is so that after the change of government, families felt able to reclaim their children from orphanages and that others felt free enough from the Vietnamese tradition of the extended family to accept children not their own. We rejoice and

pray that is so. But we do not grieve the part we played in offering life to children who had no hope; burying with dignity those children who died without identity; responding in this small way to the Christ we saw naked, hungry, and homeless.

SISTER CUREEN BECKETT, A.S.M.

SISTER MARY NELLE GAGE, S.L.

San Francisco, Calif.

To the Editors: For the past twelve years I have been faithful reader and supporter of *Commonweal*. If Ms. Abrams' "Vietnam Babylift" (Sept. 29) is representative of the level of reporting in *Commonweal* during these twelve years my trust—and financial support—have been badly misplaced.

For the past year I have served as attorney in the Babylift suit in San Francisco for two of the adoption agencies (Friends For All Children and Holt Adoption Program, Inc.) which sponsored children brought to the United States in Operation Babylift. Even a cursory review of the volumes of pleadings and hours of testimony developed during that year—a review that Ms. Abrams obviously did not bother to make—shows that the allegations repeatedly made by plaintiffs' attorneys, and reiterated in Ms. Abrams' article, have simply not been shown to be facts.

Some examples: 1. Although plaintiffs' attorneys have presented testimony that direct mail communication between Viet Nam and the U.S. is open and without difficulty, there has not been since the Babylift, a single request for the return of a child to Viet Nam. 2. Contrary to Ms. Abrams' statements about the State Department's inaction, the record shows that the State Department has attempted to use international channels to find out what degree of cooperation could be worked out with respect to Babylift children with the new government of Viet Nam. The international agency has reported that the Vietnamese government makes no response to its requests. 3. The adoption agencies and government have not opposed tracing—they have opposed the tracing plan put forth by plaintiffs'

attorneys and have submitted several alternative plans designed to protect children from fraudulent claims and individuals in Viet Nam from invasions of their privacy. 4. Every instance of claimed ineligibility of a child sponsored by the agencies before the court has been disputed in detail by the relevant agency.

More striking than these examples are certain overall inconsistencies which have become clear. It has been throughout the adoption agencies—and not the plaintiffs' attorneys—who have had to urge the uniqueness of each child and the necessity for due process in the determination of each child's rights. Equally strange is the insistence of plaintiffs' attorneys, claiming to represent the children's interests, that in this situation some standard other than a child's best interests ought to govern. The clearest evidence of "racism" in the case, moreover, has been in affidavits of purported experts, submitted by plaintiffs' attorneys, condemning interracial adoptions. There has been throughout the case an overall willingness on the part of plaintiffs' attorneys to sacrifice any individual child to ideology that should chill the soul of any believer in our Constitution.

Ms. Abrams' sloppy and misleading reporting is, sadly, an example of the willingness of people all along the political spectrum to distort, bury and ignore the truth when it fails to confirm their conventional wisdom. I am afraid she has affected permanently my ability to take seriously what *Commonweal* has to say about anything.

KATH CLAIR FREELAND

Reply

Last May I asked Ms. Wende Grant to comment on many points I raised regarding the Babylift, including charges made against adoption agencies in already published articles. I also encouraged comments on additional points she considered to be significant, expressing my interest in taking into account the views of all parties concerned. She never bothered to respond (nor does

she mention my request here), yet now faults me for being one-sided.

Would that the various adoption agencies while in Vietnam had acted as described in the letters printed above! The problems which have surfaced in the past eighteen months prove this idealistic picture to be a false one.

FFAC associates place the blame on plaintiffs' attorneys or the Vietnamese government rather than those whose actions led (and continue to lead) to great pain for several thousand people, for example accusing of racism or neglect of due process the individuals most sensitive to these issues. Those affiliated with FFAC sidestep most of the major issues, with their letters thus being probably more significant for what they omit than what they state: the adoption agencies' complicity in the U.S. State Department's public relations gestures; their ignorance of the availability of willing foster parents in Vietnam; their preference for an expensive foreign adoption program (which af-

fects relatively few children) over the use of funds to improve orphanages or aid needy parents and foster parents in Vietnam; their disregard for the Geneva Convention; Washington's pitifully small contribution toward the care of children in orphanages; the agencies' reluctance to make their records on the children available; the real reasons they oppose an aggressive tracing program in Vietnam; their lack of interest in tracing for parents among refugees in the U.S.; how their insistence on a conventional interpretation of the traditional "best interests" standard in custody struggles avoids the question of legality; why it is the plaintiffs and not the adoption agencies and U.S. government who are trying to rectify a situation shown, as early as April, 1975, to be grievously in error; why, while discounting the plaintiffs' experts, the defendants were unable to marshal any convincing evidence in court for their expressed fear of the new Vietnamese government's supposed retribution

against "delinquent" parents.

The misplaced trust in USAID and the Vietnamese Ministry of Social Welfare which Ms. Grant and Dosh express says a good bit about a political bias they deny as motivating their work and/or ignorance of the larger political context of their work which is inappropriate for officials of agencies operating in war-torn Vietnam.

At no point in my article did I deny that employees of adoption agencies might have provided for the children's physical well-being or even loved them, nor that American adoptive parents could provide a loving home. It is obviously quite possible for some people to act in a sincere and conscientious way while carrying out something that was dead wrong to begin with (and for others then to find suitable rationalizations for their actions).

The Babylift children were, in fact, sacrificed to ideology, as Ms. Freedland states. But it occurred *before* they left Vietnam.

SUSAN ABRAMS

NEGLECTED STORIES



PRESS

There are three possible reasons why the American press has published as close to nothing as two great stories can get about Vietnam since the other side won not quite a year and a half ago.

(1) The war is over. The United States is out. The story is dead because there is nothing left to happen.

(2) A nameless spiritual malaise—part regret, part guilt, and part simple exhaustion—attaches to the very word "Vietnam." No one wants to think about it anymore. Maybe later, after a decade or two. Not now.

(3) It hasn't occurred to anyone there is a great story there, waiting to be reported and written.

At the time, of course, the *Times* and the *Post* and the other major papers covered the story heavily, even obsessively, printing more about the advance of the North Vietnamese, the collapse of Saigon's army, and the refusal of Congress to come up with still more funds than any ordinary citizen could conceivably read and still get to work on time. I was struck by the clarity with which editors grasped the size of the event. A 50-year policy had failed utterly and the last act, so long foreseen, was unfolding *right now*. The spectacle of

Americans fleeing a conquered city had not been seen since the Civil War and the final departure was recorded every step of the way, just as it should have been.

But then the story simply disappeared. Sidney Schenberg lingered on in Phnom Penh and there were a lot of Vietnamese refugees to resettle, but the larger drama—the victory of the party of Ho Chi Minh after 25 years and three wars against the Japanese, the French, and the Americans, surely one of the greatest national struggles in history; and a final if not public admission of failure in Washington,—all that simply disappeared from the press.

The story didn't go anywhere; it was only the national attention which wandered. This is very odd. Consider for a moment some aspects of the story which was being ignored. First, the cast of characters. Richard Nixon in San Clemente let it be known what *he* would have done if he'd still been President, and Gerald Ford in Washington was under the psychological pressure to act which finally resulted in the Mayaguez affair. The "decent interval" written into Henry Kissinger's peace was proving indecently short; can this have come as a surprise to him? Was he telling the President that the game was up? Or was he committed to stretching out the interval—militarily if not diplomatically—at least until the next election, in keeping with Ellsberg's law?

What was the position of U.S. Ambassador Graham Martin? When did he start to push for an evacuation