Judge Returns Vietnamese Refugee Child to Mother

By PETER KIHSS

A 25-year-old Vietnamese mother, who has been waging court fights to recover her three sons who were airlifted to the United States as refugees during the fall of Saigon, has won a court decision in Colorado, giving her back her youngest, now 4 years old.

In Newbury Park, Calif., William Popp, a Flying Tiger Airline pilot who is now married to the former Hao Thi Vo, said that his wife was also appealing an April 22 decision by a Connecticut judge, who had ruled that the two oldest boys should remain with a bachelor who wanted to adopt them.

Colorado District Judge James J. Delaney in Denver authorized return of the youngest, agreeing with the argument of Peter Ney, attorney without fee for the American Civil Liberties Union's Juvenile Rights Project, that Mrs. Popp had never legally relinquished the child's custody.

Mrs. Popp's efforts have been among the most well known in regard to Operation Babylift, which in April 1975 brought 2,500 Vietnamese children to the United States.

Had Been Waitress

Mrs. Popp had been a hotel waitress when she desperately began trying to send her half-American sons—Vo Huy Khan, now 10; Vo Anh Tuan, now 9, and the youngest, Vo Huy Tong—to the United States.

First, Mrs. Popp besought aid of an American, Jacob Hatanpaa, placing the children in an orphanage under his care. Then she met Richard Lucas, an Exxon oil executive, who arranged to get the two oldest out through Friends for All Children, an agency to which Mrs. Popp on April 15, 1975, gave a document ostensibly relinquishing them.

While the youngest remained in the orphanage, Mrs. Popp suddenly learned from a friend that they themselves could escape from the oncoming North Vietnamese Communists.

Reaching San Francisco, she telephoned Mr. Popp, who had met her April 15 on one of his aid flights and had offered to help her and other Vietnamese if they ever got to the United States. He took her under his care, and last year they were married.

Meanwhile, Mr. Ney said, the court testimony was that a Saigon woman neighbor, also frantically trying to send her children to safety, signed a statement relinquishing them and, in addition, Mrs. Popp's youngest—posing as his parent, too.

Thereafter, Mr. Hatanpaa did get 60 children and parents, including Mrs. Popp's youngest, to the United States. The youngest Vo was then placed with foster parents, Bob and Joan Zenk, of Thornton, Colo., who renamed him Brice.

In March 1976, Mrs. Popp saw her youngest in a meeting arranged by social workers who later told the Colorado court that he had not recognized her.

The two-week Colorado trial, however, ended with Judge Delaney finding there had been no evidence that Mrs. Popp had neglected or abandoned the boy and holding there was no ground for terminating her parental rights.

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Non-Orphans Reported Among Airlifted Children

By ROBERT D. McFADDEN

A California Congressman's aide and a representative of the American Friends Service Committe said yesterday that they had found a dozen non-orphans among the hundreds of children who had been airlifted from Vietnam and were being processed this week by adoption agencies at a military installation in San Francisco.

The allegations that non-orphans had participated in an airlift were made in telephone interviews by Frank Ivey, an administrative aide to Representative Ronald V. Dellums, Democrat of California, and Jane Barton, director of the Indochina program of the committee's San Francisco office.

Both said that they had found the non-orphans in the course of interviews with more than a score of 5- to 14-year olds being processed at the Presidio, an Army headquarters that has provided lodging and logistical support for more than 800 Vietnamese children in the current airlift .

Newsmen have not been allowed to talk to the children, who are being processed by seven private adoptive agencies, so no independent verification of the allegations was possible. A military spokesman said that the Army had no substantive role at the reception center and thus would make no comment.

Children Upset

Dr. Alex Stalcup, a spokesman for the 100 volunteer physicians who have been working with the children at the Presidio, expressed reservations about the allegations. He said many of the children were emotionally upset by their displacement and that their statements might therefore be inaccurate or subject to misinterpretation.

And a spokesman for Friends for All Children, of Boulder, Colo., one of the principal agencies responsible for the transfer of children in the airlift, expressed disbelief and dismay when told of the charge.

The spokesman, Doris Vascoff, said that all of the children transferred by her agency were documented orphans and nearly all of them infants.

Mr. Ivey and Miss Barton reported finding a dozen children who said that one or both of their parents were living and identifiable, either in Vietnam or in the United States. Their interviews with the children were conducted in Vietnamese by Miss Barton, who spent two years in Vietnam for the committee, speaks the language fluently and was acting as an interpreter in the Presidio.

Miss Barton said the interviews disclosed at least four categories of non-orphans that she described as the following:

¶Those separated from parents by chance during chaotic refugee movements.

¶Those placed in Saigon orphanages temporarily by their parents to ease the hardships of wartime life.

¶Those children of American servicemen who were left behind with relatives or in orphanages when their mothers came to the United States months or years ago.

¶Those children who belong to wealthy or well-connected families who want to get them out of Vietnam.

Miss Barton said four of the non-orphans were the nieces and nephews of a South Vietnamese army colonel who had arranged to have them sent to the United States where their mother now lives.

Mr. Ivey also said that an examination of the registration papers of hundreds of the children indicated that a high proportion"—at least 25 children and possibly several score—were insufficiently identified.

He said the information on the non-orphans and what he termed the "unknown" children had been given to the Senate Subcommittee on Refugees and its chairman.

Dale Dahaan, the subcommittee's staff director, said the panel had heard the allegations. But he noted that there was no immediate investigation planned and added that the subcommittee had "no way of substantiating" the allegations.

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

Torment over the Viet non-orphans

The politics: President Ford cradles a Vietnamese child during the height of Operation Babylift.

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!'

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 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.

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. 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.

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 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 Disneyland 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.

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 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 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 Babylift arrivals.

"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.

"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" because she seemed unafraid of anything but grass, and hills and trees.

"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.

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)*

Tracy Johnston is a freelance writer living in Berkeley.

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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."

"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."

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."

"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 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.

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 now living with Lon, Bill, Kim and Kim's daughter Julie. All that are missing are Lon's sons.

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 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 8 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.

"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 Vitenamese 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 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 19 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 Babylift 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 understand that until the Babylift they were all working without pay." They operate out of the top floor of a church in space they rent for $65 a month. Some staff members are now working full time and are paid modestly out of the adoption fees, most of which have gone for lawyers' charges or payment of the children's medical expenses.

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

Edie 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."

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 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.'

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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."

□

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 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 Government advertise in newspapers and radio that parents seeking children sent over on the Babylift come to the Red Cross. 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 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)

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Continued from Page 83

Babylift files to an organization such as the Red Cross or the U.N.

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With the passage of time, Hien Clausen acts like a happy child now back in Windsor, Calif.

"Whatever the Clausens did to her during the summer," says Margaret Oppenhave, 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 tell you, I was worried all summer when I found out I was going to have Hien this year. Thank God she's turned out to be not really any problem. I guess with a family like the Clausens, how can you miss?"

Jerry and Marcy say that with six children they have had to let some things go: gourmet dinners, a spotless house, fancy furniture, free time for themselves. But kids fill the house and the large yard surrounding it—riding bikes, building forts, fixing their own dinners, decorating their rooms as they please, watching TV with friends, and running to Marcy and Jerry for advice or love.

Jerry, 32, has been going to school for the last several years so he can get the G.I. bill. On top of that he teaches a course in a high school and works full time as a deputy sheriff. Marcy, 31, works part-time as a nurse. When Hien arrived and needed so much attention, Marcy was pregnant and Jerry took a month off from work. He and Marcy took turns going to Hien's school to help the teachers keep her from running out of the classroom. The Clausens had a hard time for a while, with the new baby and another adopted son who had been in a lot of foster homes and needed help in school.

The house, though busy, is not chaotic. I can talk virtually uninterrupted with the parents for hours during an afternoon.

"Going to Saigon for those two weeks with the F.C.V.N.," he says, "was the highlight of our lives, really. If it weren't for our responsibilities here at home, both Marcy and I would have stayed there. . . . Everywhere we went there was need. It was a place where three out of five children die and if you're half black you may not be fed. We felt a special responsibility for the children left behind by Americans. It was a contrast with being a Deputy Sheriff. . . . I don't like putting people in jail. There it was really different. We could really help people."

Lon and Bill Popp: "I know I'm getting harsh," he says, "but listening to a woman cry herself to sleep is harsh, too."

This afternoon I ask to speak again to Hien and also Tam, although I know that just about all of the Babylift kids refuse to talk about their past and want to do every thing in the American way. Hien comes in dressed in pants and a T-shirt and just giggles without answering any of my questions. After a minute, she runs away.

"She's half black," I say.

"She doesn't *think* she is," says Marcy. "Someone taught her that black is bad. I guess we'll have to deal with that when the time comes—I suppose when she starts dating." No one in Windsor mentions it.

"Tam, stay here," says Jerry. "You're the oldest. The lady is interested in hearing about Vietnam. Tell us about the pictures."

There is a large framed group of snapshots in the living room. They are of Tam, now 7, the Buddhist orphanage where he grew up, and the nun who raised him and whom he called mother.

"Tell us about the nun," says Marcy.

Tam looks miserable and points out a Vietnamese woman.

"He wouldn't tell us anything about her at first, even though we have a letter from her and she obviously loved him very much," says Marcy.

Tam is sitting on Jerry's lap. His monosyllabic answers are so soft it's almost impossible to understand him. I ask what made him begin to like the United States and he says "Lots of things" in a tiny, soft voice.

"What was the first thing you liked."

"TV."

We all laugh, except for Tam.

"Once you've been over in Saigon," says Marcy, "and you see how the children are trying to forget it here, that lawsuit makes you very upset."

Later, in the kitchen, which Jerry is remodeling just now and which is consequently a little disorganized, he remarks that Hien got a postcard from her best friend, Eddie.

"What?" says Hien. It is her favorite word. "Where, where? Let me see."

Jerry holds it up in front of Hien. It's a picture of three dogs. She says. "It's ugly."

"No, it's not. Look at the back. See what Eddie has written."

Jerry points out the words scrawled in pencil:

"I Love You Hien."

Hien grabs the card and acts as if she is going to tear it up. Jerry takes it away. He tells her that when she wants to look at the card and not tear it up she can see it again.

"She was very self-destructive when she first came," Marcy says. "Now she waits for us to stop her. I think she probably learned to survive by striking out at whatever came close to her."

Hien prances out of the room and I follow her out to the backyard 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 big plane and come over here and find a mommy and daddy I like."

■

As for Lon and many refugees like her, the promised land has had its rewards. She has married her American boyfriend. She has a home, job and friends and some money. But obviously all is not well. She has a long, very sad and very bitter fight ahead. "Since I came 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't eat."

□

What lies behind all this? What caused the turmoil and torment?

At best, the reasons had to do with a kind of misguided humanitarianism at a time of crisis or with the well-meaning, if in a way self-centered desire, of American adults to acquire families and at the same time rescue threatened children. At worst, the reasons had to do with the long years of political bungling and manipulation and shortsightedness on the part of several nations and their leaders. The adoption by Americans of Vietnamese orphans had "value," the U.S. Ambassador was quoted as saying in the letter to the Prime Minister that won their last-minute release, "in turning American public opinion regarding Vietnam."

If everything had worked as quickly as the class-action lawyers had planned, the United States might have been forced to say: "We will return the children we took in the confusion of a war we helped to create—if you want them." But the legal machinery—still another complication—moved slowly and inefficiently. If the lawyers won on appeal, that offer could still be made.

As time goes by, such an undertaking would be all the more difficult. The children are at present the happiest part of this story—it's 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. And they may never really know why. ■

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