

Saigon Is Said to Demand Refugee Children Return

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SAN FRANCISCO, May 9—

An American group seeking to block temporarily, at least, the adoption of South Vietnamese refugee children said here today that it had received word from the new Government of South Vietnam that it wanted the youngsters back in Vietnam.

The Committee to Protect the Rights of Vietnamese Children, formed during last month's so-called Operation Babylift, said that it got a cablegram today from Pham Van Ba, South Vietnam's ambassador in Paris, stating his Government's position.

"We demand that the United States Government return to South Vietnam children illegally removed by Americans," the cable said, according to a spokesman for the committee here. "We will assist in the placement of these children in their families or foster homes."

Thomas R. Miller, a lawyer, who, with his Vietnamese wife, Tran Tuong Nhu, is active in the committee, said that the group had written to the Ambassador to determine the new Government's attitude toward the return of the children.

The committee is suing in Federal District Court here for an injunction against the adoption of any of the 2,000 or so Vietnamese children flown here last month until further investigations can be made to learn whether all are orphans under the immigration law and therefore legally adoptable.

"There would no point in going ahead with a lawsuit if they [South Vietnam] said keep the children here," Mr.

Miller explained.

A hearing has now been set for May 19 on the class-action suit that was filed on behalf of three children. The children said to have told a Vietnamese nurse caring for them during a temporary stay at the Presidio, an army base, that they had parents and had been brought to this country against Under United States Immigration law.

Under United States Immigration law an orphan eligible for adoption is a child who has been deprived by the "death or disappearance, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing proper care and who has in writing irrevocably released the child for immigration and adoption."

The San Francisco district of the Immigration and Naturalization Service, said yesterday that his agency was reinvestigating many of the children who had been here during the April airlift to see if any did not meet those criteria.

Meanwhile, according to wire service reports, North and South Vietnam were broadcasting demands that the United States send back all of the 113,000 or more evacuees. Statements from the foreign ministries of both countries called the flight of the refugees a forced evacuation, contrary to international law and the 1973 Paris peace agreement on Vietnam.

The South Vietnamese statement also was said to have charged that "many of them were doped and brought to United States bases in Guam."