

SFChronicle Judge Refuses to Order Halt to Refugee Flow

By Drew McPhillips

A federal judge in San Francisco yesterday denied a request for a temporary restraining order that would have halted the flow of Vietnam refugees into the continental United States.

U.S. District Judge Spencer Williams, after listening to two hours of arguments, said an emergency situation exists that exempts the estimated 113,000 refugees from provisions of the National Environmental Protection Act.

The complainants in the case — a group of Sacramento businessmen and farmers known as Delta Citizens Group — sought to ban the influx of the refugees on grounds that no environmental impact statement had been filed showing the effect of the refugees on the quality of life in the United States.

Herb Jackson, the group's lawyer, said the influx of refugees dovetails neatly with the law's requirement for an environmental impact report "whenever there was a major federal action with extensive national and local consequences."

Williams did say, however, that he felt the Delta

Citizens Group had proper standing to bring the suit. He said he also felt the refugees would, under normal circumstances, be covered by provisions of environmental protection act.

The judge said he had some reservations about the massive refugee program, and set a hearing on the request for a preliminary injunction for 10 a.m. next Monday.

At that time, Williams said, he wants to hear testimony on what precautions are being taken against the spread of disease.

He also asked the government to come up with an estimate on how long it would take to prepare an environmental impact statement concerning the refugees. Further, Williams asked for testimony on what steps are being taken to give the refugees security clearance.

Attorney Jackson argued that the immigration of the refugees should be shelved until the government comes up with answers to a lot of questions.

Jackson said he wanted to know if there was any check on whether any of the refugees were thieves or Communists or had any other country to go to.

"I would like to know the alternatives," Jackson said. "Is there going to be a bloodbath? Can they return to Vietnam? Can they stay on Guam? Can they go to the Philippines? Is this really an emergency situation? Do they have to come to these particular locations?"

Assistant U.S. Attorney Frank Boone said the refugees had nowhere else to go and that it was an unhealthy situation to have 31,000 of them crowded on ships in Subic Bay, as well as 37,000 in the camp on Guam. He said the Philippines had already denied them entry.

He also pointed out that under a 1951 international agreement political exiles cannot be sent back to their country of origin if they fear they will be prosecuted there.

In denying the order, Williams poignantly summed up the situation: "Where else can they go?"