

Babylift Victims

Vietnamese parents seek their kidnapped children

By Martin Guggenheim

In April, 1975, in the waning days of the war in Vietnam, the United States government together with a number of private adoption agencies embarked on a project, known as "Operation Babylift," in which over 2,000 children were brought to this country and eventually placed in foster and prospective adoptive homes. The stated purpose of the project was to rescue orphaned or abandoned children who were facing dangerous and unknown futures and place them in loving, safe American homes.

Many of the children, however, were not orphans or abandoned.

The atmosphere in Saigon as the troops from the north approached was one of great panic. Rumors were rampant that children of mixed racial parenthood would be slaughtered. Other rumors had it that children of collaborators or of persons friendly with the Saigon or United States governments would be killed.

Parents and grandparents of many children begged and pleaded with authorities to allow their

(continued on page 6)

Babylift victims

(continued from page 1)

children to be taken out of the country.

Other children who were living in Saigon "orphanages," which really served the function of day care centers, were signed over to American adoption agencies for much the same reasons by the directors of these places even though they knew full well that the children's parents or relatives had not intended to give up their children. These children were evacuated to this country for adoption without their parents' knowledge or consent.

In still other cases, workers for the agencies removed children without any signed papers, prepared false documents once they reached the United States and actually gave the children false identities.

A fair number of the relatives of these children reached the United

States within a few days of the children's arrival. Upon entry, the refugees were forced to remain in camps and were not released until July or August of last year. By this time, most of the children had been placed with American families.

To date, with very few exceptions, parents or relatives have been uniformly unsuccessful in obtaining the return of their children. Notwithstanding (or perhaps because of) the United States government's direct involvement in bringing the children here, the Justice Department and the Immigration and Naturalization Service (INS) have opposed efforts to have children returned to parents or relatives who want them.

A lawsuit, *Nguyen Da Yen v. Kissinger*, in which the ACLU Juvenile Rights Project has given assistance, is presently being litigated in federal court in San Francisco. The court, however, recently denied class action cer-

tification thus leaving each individual family to attempt to seek the return of its child or children on a case by case basis. This is not only unfair, but impossible.

Many of the relatives have not come to this country. Many of those who have come are poor and do not speak English very well. They do not know the names their children have been given. Nor do they know where they are living, with whom they are living or even which adoption agency is responsible for their whereabouts. Adoption agencies will not, of course, release any information without court order.

Government action however could resolve this problem. Congress could order INS to turn over its files for inspection and investigation to determine which of the children have relatives living either in this country or in Vietnam and then ascertain which want their children back. The longer the problem continues, the more destructive it becomes.

The ACLU believes that the Vietnamese children and parents who deserve to be reunited with each other are being kept apart by the government, the adoption agencies and the families with whom the children are living. In the name of rendering assistance, Americans are once again destroying the lives of Vietnamese people. With the same racism that permeated the war itself, these Americans, in the end, believe that growing up in a good American home is the best of all possible solutions for the children. The guilt of American involvement in Vietnam, so strongly felt by so many Americans by the war's end, led to the Babylift itself. Paradoxically, this last American act is perhaps its most inhuman.

Martin Guggenheim is clinical assistant professor at the New York University Law School and acting director of the ACLU's Juvenile Rights Project.