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SENATE IN SAIGON BACKS CHAU PLEA

Says Convicted Deputy Was Entitled to Civilian Trial

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SAIGON, South Vietnam, March 23—A special session of the Senate concluded today that Deputy Tran Ngoc Chau should have been tried by a civilian court instead of a military tribunal.

The finding was termed only an "observation" and had no force of law, but it came a day before the Supreme Court was scheduled to take up challenges to the conviction of the member of the National Assembly, or lower house.

Mr. Chau began serving a sentence of 10 years at hard labor on March 5 after a court of five army officers found him guilty of pro-Communist activities for having met with his brother, a North Vietnamese intelligence agent now in jail. The Deputy said the contacts were with the knowledge and encouragement of some American officials, but the United States Embassy has refused comment.

The Senate's conclusion, adopted by acclamation following a 10-day study by a special committee, backed up Mr. Chau's contention that only a civilian court under the Supreme Court had jurisdiction in his case.

The Supreme Court is scheduled to begin consideration tomorrow of two legal challenges to the conviction. One, by 46 Assembly Deputies, questions the validity of a lower-house petition used by President Thieu as justification for stripping Mr. Chau of his immunity; the other by Mr. Chau, challenges the legality of the charges and the jurisdiction of the military court. However, a court official said informally several weeks ago that he agreed with the Government that the Supreme Court did not have jurisdiction to overturn the military court's rulings.