Orphans of Vietnam:
A History of Intercountry Adoption Policy and Practice in Australia,
1968-1975

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A thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy in the School of History and Politics, Faculty of Humanities and Social Sciences, University of Adelaide, South Australia.

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Abstract

This thesis presents a detailed historical analysis of the origins of the policy and practice of intercountry adoption – the legal adoption of children from overseas – in Australia. Efforts by Australian families to adopt children from overseas were made in the years immediately following the Second World War, but it was not until the Vietnam War that significant numbers of adopted children began to arrive in Australia. This thesis focuses on the period from 1968, when the first Vietnamese children were adopted, up until Operation Babylift in 1975, and examines the development of state and Commonwealth government policies towards intercountry adoption. Through an examination of the relationship between state and Commonwealth government authorities, international social welfare organisations, volunteer groups and individual adoptive parents, it argues that each phase of the development of adoption policy was shaped by broader political considerations, such as foreign affairs, defence and immigration policies, moreso than any consideration for the interests of the children themselves.
Declaration

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution to Joshua Forkert and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text.

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Introduction

In April 2010, Channel 7’s popular Sunday Night program featured a story about two young Australians returning to Vietnam, their country of birth, to seek answers about their past. Over thirty-five years before, they had arrived in Australia along with nearly 300 children and babies evacuated from Saigon in the final, panicked days of the Vietnam War in a series of airlifts that would become known as ‘Operation Babylift’. The tremendous political, social and cultural legacies of the Vietnam War, particularly for the United States and its allies, have been widely discussed and examined in the intervening years in both academic and popular discourse. ‘Operation Babylift’ – which saw nearly 3,000 Vietnamese and Cambodian children from the orphanages of South Vietnam adopted by families in the United States, Canada, Europe and Australia – remains one of the lesser known, and even lesser understood, legacies of the conflict. Debate rages over whether it was an act of humanitarian rescue, imperialist kidnap or a political ploy, though it is best understood in the broader context of the relationship between the conflict in Vietnam and the social phenomenon of intercountry adoption.

In Australia, the first concerted efforts to adopt children from overseas began in 1968 focussing on children from Vietnam and culminating in ‘Operation Babylift’. This thesis presents a detailed historical examination of the origins of the policy and practice of intercountry adoption – the legal adoption of children from overseas – in Australia. From the end of the Second World War to the Babylift in 1975 it examines the relationship between state and Commonwealth government authorities, international welfare bodies, volunteer groups, individuals and children affected by war to show how and why intercountry adoption came to be practised in Australia. It argues that, more-so than any consideration for the interests of the children themselves, these policies and decisions were motivated by political factors.

2 The term ‘intercountry’ was favoured over ‘international’ by the 1965 Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions “to avoid giving the impression that there is any homogenous form of ‘international adoption’” that would not be subject to the laws and regulations of adoption in individual countries, and has been used in official discourse ever since. Ingrid Delupis, International Adoptions and the Conflict of Laws. Stockholm: Almqvist and Wiksell International, 1975, 28.
Adoption as History

As US anthropologist Toby Alice Volkman observed in 2005, except for the fields of psychology and social work in which there exists a voluminous and well-established body of literature, in most academic fields “adoption is an emergent field of study”.3 In the past decade there has been an obvious and significant shift of focus in international studies of adoption that look beyond its personal implications for individuals and families and seek to examine the broader social, cultural and political implications of adoption practices. The formation of organisations such as the Alliance for the Study of Adoption and Culture in 1998, bringing together a collection of academics from fields as diverse as literature, history, philosophy, anthropology, law, political theory, cultural studies, and other humanistic disciplines to examine the experience of adoption has seen a considerable growth in adoption literature across a range of disciplines.4

Yet, until recently, there have been very few dedicated historical examinations of adoption practice or policy. In 2002, the history of adoption was described by US historian E. Wayne Carp as “an orphan, ignored and neglected in the major fields of family and childhood history”.5 The history of adoption is usually addressed only to provide contextual background for contemporary issues.6 Carp’s 1998 study Family Matters: Secrecy and Disclosure in the History of Adoption was the first major analysis of adoption policy based on American case files, marking the beginning of a steady growth of academic interest in historical considerations of adoption policy and practice in North America.7 One of the chief criticisms of Carp’s early study was that its narrow focus on policy development was “inadequately attentive to the full larger story of what

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is happening to children or how we view children both in families and in the larger society”. Subsequent adoption histories by Ellen Herman, Barbara Melosh, Julie Berebitsky and Veronica Strong-Boag have focussed more attention on these broader issues, drawing on a range of archival, oral and literary sources to link the intensely personal stories of adoption to wider national narratives regarding children, families and race.

These examples demonstrate how studies of adoption can offer new perspectives from which to examine national histories. Julie Berebitsky’s Like Our Very Own explores the relationship between adoption and the concept of family in the US from the introduction of the first piece of adoption legislation, the 1851 Massachusetts Adoption Act, to 1950, arguing that adoption not only came to reflect the “normative family”, but helped to define the “ideal contemporary family”, and “has served as a public site on which the culture at large thrashed out the meanings of family and parenthood”. Likewise, Barbara Melosh asserts in Strangers and Kin that adoption is a “quintessentially American institution” that embodies “the recklessly optimistic faith in self-construction and social engineering that characterises much of our history”, arguing that the history of adoption “is a case history of the shifting boundaries of American pluralism”. A similar approach is taken by Veronica Strong-Boag in her history of adoption in Canada, emphasising the link between adoptive families and nation-building project, contending that “both represent modern efforts to establish rules for the forging and control of diverse communities”.

Within these studies, intercountry adoption is addressed as an extension of these broader narratives and linked to the expansion of US notions such as global citizenship,

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10 Berebitsky, Like Our Very Own, 2-3.
11 Melosh, Strangers and Kin, 10.
12 Melosh, Strangers and Kin, 5.
cross-cultural understanding or imperialism. Intercountry adoption was first practised widely by the United States as an *ad hoc* humanitarian response to the conditions faced by European children orphaned in the wake of the Second World War. These children, mainly from Germany, Italy and Greece were adopted *en masse* by families in US in the late 1940s, while some went to the less affected areas of Europe, and some to Canada. During the Korean War, this practice extended into Asia with the adoption of Korean children by American families in the 1950s. As Ellen Herman explains, this early phase of intercountry adoption was driven by a humanitarian effort to save and rescue the children of war, particularly the estimated 400,000 ‘Amerasian’ children fathered by US servicemen. In 1984, demographer Richard Weil coined the phrase the ‘quiet migration’ to describe the phenomenon of intercountry adoption. Weil demonstrates that the movement of children across the globe for adoption has changed and fluctuated according to social and political factors in both sending and receiving countries, stressing the need to examine the role of civil strife and war, government, individual and adoption agency initiatives, and the influence of differing perceptions of adoption across the world.

There have been few dedicated studies of the history of intercountry adoption that take these factors into consideration. The wide body of international literature on intercountry adoption focuses predominately on contemporary issues and can be roughly divided between explorations of the experience of adoption, and evaluations of current policy. The experience of the practice itself, particularly of adoptive parents and adoptees, is an important field. Sara Dorow’s pioneering study of how adoptive parents construct identities of children in the context of American racial and ethnic structures has been followed by a range of similar studies, many by adoptees.

themselves.\textsuperscript{19} In more recent years, adoptee narratives reflecting on the experience of intercountry adoption have begun to emerge across the world, particularly in the US and Korea.\textsuperscript{20} One of the most important voices in the field of adoptee studies is Australian sociologist Indigo Williams who investigates the lived experience of adoptees with a particular focus on questions of identity, race and cultural belonging.\textsuperscript{21} Williams’ MA thesis examined a group of thirteen Vietnamese adoptees who were adopted during the war by families in the US, UK, Australia and France and analyses how their sense of self and identity has been maintained, shifted or expanded through their interaction with others over time.\textsuperscript{22} Though highly conscious of the voice of adoptees within this large and developing body of literature, this study does not address or engage with many of their themes. This thesis instead focuses on the historical context in which adoption policies have been made, rather than the long-term consequences of these policies for adoptees.

The other major body of literature examines contemporary intercountry adoption policy within national and international frameworks. This is generally divided into arguments for and against the practice, with social workers, psychologists, adoption advocates, feminists and other observers debating the intricacies of adoption policy, and directions for its future development.\textsuperscript{23} Much of this literature posits intercountry adoption as either an act of humanitarian rescue or imperialist kidnap, a trend thoroughly


denounced by Karen Dubinsky in her recent study *Babies Without Borders*. Dubinsky urges discussions of adoption to move beyond this “false dichotomy” and explores, using detailed case studies, the political symbolism of children and the uses to which this symbolism is put. As Dubinsky suggests, this rescue/kidnap dichotomy blunts and obscures the complex and nuanced motivations of both adoptive families, sending countries and government regulatory authorities.

Indeed, to understand the complex origins of intercountry adoption practice, a thorough understanding of the political context in which it takes place is integral. As legal scholar Kerry O’Halloran argues, “[a]doption has always had a political dimension”. Mary Kathleen Benet’s 1976 study *Politics and Adoption* emphasised the centrality of politics to all facets of adoption, including intercountry. As she illustrates, the acceptance of large numbers of non-European children by white middle-class families in the intensely racist and deeply segregated US in the 1950s raises significant questions about both the political and social dimensions of adoption during this period. Recent studies of the adoption of Korean children highlight the importance of politics to the practice of adoption. Catherine Ceniza Choy, Christian Klein and Arissa Oh highlight how the adoption of Asian children dovetailed into US Cold War political objectives, facilitating a popular sense of political obligation to Asia and supporting US military and economic expansion. In Canada, Tarah Brookfield contends that intercountry adoptions were inspired by what she terms ‘maternal internationalism’: “a sense of duty and obligation stemming from their identities as mothers and their belief, that as Canadians, they had a responsibility to improve the lives of children whose vulnerability and suffering they thought could be stopped or at least mitigated by their personal interventions”.

Brookfield’s discussion of adoption stems from her broader examination of Canadian women’s activism during the Cold War,\(^\text{30}\) and is firmly rooted in the political context of a uniquely Canadian policy of ‘internationalism’ promoted during this period.\(^\text{31}\) In her comparative study of intercountry adoption policy in the US, Canada and New Zealand, Kirsten Lovelock demonstrates that the national needs and imperatives governing immigration policy have always been prioritised over the needs and interests of the child in the formulation of intercountry adoption policy by governments in the post-war period.\(^\text{32}\)

These studies emphasise the need to examine intercountry adoption both within and between the unique political contexts of different nations. As Karen Balcom shows, neither the history of adoption nor the questions it raises “can be contained within the borders of the United States,” or, for that matter, any other nation.\(^\text{33}\) Balcom’s own work addressing cross-border adoptions between Canada and the US in the mid-twentieth century highlights the need for a wider understanding of the social, cultural and political factors that dictate the nature and direction of the movement of children for adoption.\(^\text{34}\)

This thesis examines these broader factors in the Australian context to show how the practice of intercountry adoption developed after World War Two. It argues, along with Balcom and other North American scholars, that political factors were fundamental to determining both why intercountry adoption took root in Australia, and how government authorities would shape adoption policy.

**Intercountry Adoption in Australia**

In Australia, historical studies of adoption – both domestic and intercountry adoption – have rarely been broached by scholars. As chapter 1 illustrates, there is little secondary


\(^{32}\) Kirsten Lovelock, ‘Intercountry Adoption as a Migratory Practice: A Comparative Analysis of Intercountry Adoption and Immigration Policy and Practice in the United States, Canada and New Zealand in the Post WWII Period,’ *International Migration Review*, 34.3, 2000, 907.


literature dedicated to the discussion of the history of adoption policy or practice. The lack of literature on adoption history is even more pronounced in the field of intercountry adoption. In 1979, Cliff Picton highlighted the major threads in adoption research emerging in the US, but noted the lack of Australian data. Prior to the 1980s, as Peter Fopp shows, there was an obvious “dearth” of any published material related to intercountry adoption practice in Australia in any discipline. Throughout the 1980s and 1990s, as the practice began to expand and develop within Australia there was a corresponding growth of literature focussing on contemporary issues, such as theories of child psychology and social work and the development of legal policies and international conventions such as the 1989 United Nations Convention on the Rights of the Child and the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. As Brian English explains, most of this literature centred on attempting to establish guidelines “either implicitly or explicitly based upon welfare and aid as a paradigm for understanding the adoption process”.

In most cases, the history of intercountry adoption in Australia is only addressed as a precursor to studies of different aspects of contemporary practice and as such is often brief and generalised. In Peter Boss and Sue Edwards’ 1992 comparative study of Australian adoption legislation and policy, the origins of intercountry adoption are only mentioned fleetingly as taking “root” during the Vietnam War. More recent publications on adoption, in the form of guidebooks or personal accounts directed at

adoptive parents and adoptees, follow this pattern. The most recent of these, Lucy and Alisa Burns’ *Adopting Overseas* deals specifically with the current laws and procedures for prospective parents interested in pursuing intercountry adoption. Their chapter on the history of intercountry adoption claims the practice only began with Operation Babylift and contains limited analysis.\footnote{Lisa Burns & Alisa Burns, *Adopting Overseas: A Guide to Adopting from Australia, Plus Personal Stories That Will Inspire You*. Sydney: Rockpool Publishing, 2007, 25.} Again, Audrey Marshall and Margaret McDonald in *The Many Sided Triangle*, touted as “an invaluable handbook for workers, professionals, administrators, teachers and students in the field”, assert that intercountry adoptions “began” during the Vietnam War in response to media coverage of Vietnam’s war orphans. The rest of their chapter on intercountry adoption borrows heavily from other published accounts and so fails to offer any new historical insight into the origins of the practice.\footnote{Audrey Marshall & Margaret McDonald, *The Many-Sided Triangle: Adoption in Australia*. Melbourne: Melbourne University Press, 2001, 190-192.}

This thesis addresses these deficiencies by charting the origins of intercountry adoption prior to Operation Babylift in April 1975 to Australia’s military involvement in Asia, particularly Vietnam.\footnote{Though I recognise and appreciate the complexities of the Vietnamese language, for the sake of this thesis I have used only the Anglicised versions of Vietnamese names.} Australia’s role in the conflict in Vietnam has been the focus of much popular and scholarly attention, and owing to the controversial nature of the war, continues to attract researchers.\footnote{For two recent popular accounts, see: Michael Caulfield, *The Vietnam Years: From the Jungle to the Australian Suburbs*. Sydney: Hachette, 2007; Paul Ham, *Vietnam: The Australian War*. Sydney: HarperCollins, 2007.} Following the partition of Vietnam in 1954 after the defeat of the French colonial rulers by Ho Chi Minh’s communist party, Australia was a staunch supporter of the American defence of an anti-communist South Vietnam. Australian military advisors were first sent to South Vietnam in 1962 and, following the US lead, Australian combat troops were deployed in 1965.\footnote{Garry Woodard, *Asian Alternatives: Australia’s Vietnam Decision and Lessons on Going to War*. Melbourne: Melbourne University Press, 2004, 209-258.} Until the end of the conflict in April 1975, almost 600,000 Australians, including ground troops, air force and navy personnel served in Vietnam. Over 3,000 were wounded and 521 died.\footnote{Ashley Elkins, ‘Overview of Australian Military Involvement in the Vietnam War, 1962-1975,’ *Australian War Memorial*, http://www.awm.gov.au/exhibitions/impressions/impressions.asp, accessed 29 August 2011.}
military dimension of the conflict has been extensively explored,47 while the effect of the war on Australian society, particularly the issue of conscription has been well documented, most notably by official war historian Peter Edwards.48 Within this literature, there is little popular or academic work that addresses the adoption of children from Vietnam (and by extension Cambodia). Though some important studies have begun to appear in North America that focus on Operation Babylift, they do not address the wider factors influencing the movement of children for adoption during this period and make little or no mention of Australia or of the attitudes or policies of Australian governments.49 Indeed, there is little literature on the experience of Vietnamese children from the war period with the exception of recent examinations of ‘Amerasian’ children in the US and in Vietnam.50

In Australia, adoptions from Vietnam are addressed in academic literature as part of broader discussions of the Vietnamese refugee diaspora or within studies of outcomes for adoptees. In the field of refugee studies, Nancy Viviani’s 1984 analysis, The Long Journey and subsequent reviews remain the seminal texts on Vietnamese refugees in Australia and the best examination of government resettlement policies of 94,000 Vietnamese refugees accepted between 1976 and 1986, including some 2,000 that arrived by boat.51 Viviani addresses adoption only fleetingly, briefly describing the


Babylift as an act of political ‘kidnap’, an appraisal that ties into her overall highly negative critique of Australian government policies towards Vietnamese refugees in the closing days of the Vietnam War.\textsuperscript{52} Tamara Blacher’s 1980 study of resettlement programs for unattached refugee children on behalf of Ecumenical Migration Centre, funded by Victorian government, touched on the issue of Vietnamese adoptions by interviewing 22 families who adopted children from the airlift to highlight issues relevant to future research and policy regarding unattached refugee children.\textsuperscript{53} Blacher’s tentative conclusions found that that reception of children had been “chaotic, traumatic and alienating”, often followed by “a period of severe emotional and psychological problems” and was highly critical of the departmental support services available to parents post-adoption.\textsuperscript{54} A more detailed social-psychological MA thesis by Ian J. Harvey in 1980 examined the experiences of 93 families in New South Wales who adopted Vietnamese children between 1972 and 1977, concluding that these placements were largely “successful”.\textsuperscript{55} Harvey’s study is generally dependent on American sources, particularly his examination of the controversial social implications of these adoptions, and the important questions of how and why these attitudes existed and changed are not adequately addressed.\textsuperscript{56}

These academic studies do not focus specifically on the development of adoption policy in Australia, as this thesis does, but rather on the long-term consequences for those children and families involved with adoption. This is a common theme among popular representations of adoptions from Vietnam, particularly in personal memoir, media and film. Typical of these accounts is Dai Le’s 2005 documentary, \textit{Operation Babylift}. Le follows the personal stories of three adoptees bought to Australia as part of Operation Babylift and examines how that event shaped their sense of personal identity. As part of this examination, Le accompanies one adoptee back to Vietnam to search for her birth parents. Using a combination of personal narrative, interviews and archival footage, she

\begin{itemize}
\item \textsuperscript{52} Viviani, \textit{The Long Journey}, 20-21. See chapter 6 for an examination of this interpretation.
\item \textsuperscript{54} Blacher, ‘Resettlement of Unattached Refugee Children,’ 8-15.
\item \textsuperscript{56} Harvey, \textit{Australian Parents for Vietnamese Children}, 50.
\end{itemize}
presents a vivid description of how the Babylift was initiated and carried out and briefly, how it was received in Australia. Le makes some tentative assertions as to the political and social implications of this emotionally charged event, but stops well short of making a detailed historical investigation as this was not the main objective of her project.\(^57\) Popular television programs such as Channel 7’s \textit{Sunday Night} continue in this thematic tradition.\(^58\) Such stories of ‘homecoming’ have become the dominant trope in popular adoption narratives on intercountry adoption in Australia, informing and influencing contemporary perceptions and understandings of the practice.\(^59\)

Potentially the most useful field of literature for this examination of adoption policy comes from personal memoirs written by those volunteers involved in working with the children in Vietnam. However, as Natalie Cherot shows, volunteer narratives have a tendency to sideline the voices of adoptees and other contextual sources, presenting a limited narrative lacking any detailed analysis.\(^60\) These memoirs often praise the role of volunteers in the organisation of adoptions from Vietnam and particularly Operation Babylift as acts of indisputable, virtuous rescue and are characterised by simplified, sentimental narratives.\(^61\) Australian assessments of intercountry adoption programs, such as the memoirs of Australian nurse Barbara Ferguson and Rosemary Taylor, are typically more reserved in their assessments than their American counterparts, and decidedly more complex.\(^62\) More recently, adoptees themselves have made significant contributions to this body of literature, recounting their personal experiences in both


\(^{59}\) Kate Murphy, Marian Quartly, and Denise Cuthbert, ‘“In the Best Interests of the Child”: Mapping the (Re)Emergence of Pro-Adoption Politics in Contemporary Australia,’ \textit{Australian Journal of History and Politics}, 55.2, 2009, 203.


Vietnam and Australia. Within these accounts, assessments of Australian government policies and attitudes are described as categorically negative, and viewed as inhibiting the humanitarian intentions of adoption advocates. Rosemary Taylor, who ran the largest intercountry adoption program in Vietnam, is highly critical of Australian officials, blaming “Australia’s ‘yellow peril’ racism … finding expression at high levels” for the hostility shown towards such adoptions. The perception of Australian authorities as reluctant, unwilling and at times hostile, is a common theme in Ian Harvey’s analysis, who asserts that Australian authorities showed a marked “reluctance to assist adoptive parents who wished to adopt a Vietnamese child.” Neither of these examples explores Australian government policies in any major detail, as this study does. This thesis investigates these charges against Australian authorities within the broader political context of the Vietnam War to present a more comprehensive and balanced analysis of the origins of adoptions from overseas.

The Australian social and political context

To examine the rise of intercountry adoption in Australia, a more thorough understanding of the Australian social and political context is necessary. The rise of intercountry adoption in Australia in the late 1960s coincided with a rapid decline of white infants available for domestic adoption. In the mid-1960s, as adoption was reaching its popular zenith, the Commonwealth government instigated a push to have all the varying state adoption laws made uniform. Following this change in legislation, state governments recorded the highest ever rates of adoption, reaching a peak of 9,798 infants and children in the years 1971-72. However, whereas in January 1968 the Melbourne Herald reported that the “baby business is booming” in Victoria, with more children available for adoption than adoptive parents, just five years later, this situation had reversed with the Victorian Social Welfare Department closing its waiting list of over 1,200 prospective adoptive couples who faced at least a three year wait for a child. After reaching its peak in 1972, the number of adoptions across Australia

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64 Taylor, *Orphans of War*, 263.
65 Harvey, ‘Adoption of Vietnamese Children: An Australian Study,’ 57.
rapidly and dramatically declined, reduced by half only four years later (see Figure 1.1), attributed in part to the introduction of the Supporting Mothers’ Benefit in 1973, relaxation of abortion laws across Australia between 1968 and 1972, increased availability of the contraceptive pill and changing attitudes towards single motherhood.

The domestic ‘adoption crisis’ alone, however, is insufficient to explain why Australians began adopting children from overseas. As Denise Cuthbert, Ceridwen Spark and Kate Murphy argue, to explain the rise of intercountry adoption during this period on the basis of ‘supply and demand’ alone, “obscures the complex cultural politics surrounding adoption” and the divergent paths of domestic and intercountry history. At the time of the crisis, Australia was, as Viviani describes, “emerging uncertainly from the chrysalis of a white and Western-preoccupied history”, having

NOTE: This figure is included on page 14 of the print copy of the thesis held in the University of Adelaide Library.

Figure 1: Adoptions in Australia, 1969-70 to 1997-98.

72 Denise Cuthbert, Ceridwen Spark & Kate Murphy, “‘That Was Then But This Is Now’: Historical Perspectives on Intercountry Adoption and Domestic Child Adoption in Australian Public Policy,’ *Journal of Historical Sociology*, forthcoming, 2010. Manuscript provided courtesy of authors.
only recently liberalised its highly restrictive immigration program, known as the White Australia Policy, that had been a cornerstone of the Australian settlement since 1901. Following the mass influx of refugees from southern and central Europe after the Second World War, by the 1960s Australia’s restrictions on non-European migration were slowly being removed, ending symbolically with the election of Gough Whitlam’s Labor Government in 1972. The adoption of Asian children into Australian families presented a test case for these new and complex shifts in policy. Furthermore, by 1976, the year after the Babylift, the idea of cross-cultural adoption of Aboriginal children was firmly rejected at the First Australian Adoption Conference in Sydney and was later enshrined in the Aboriginal Children Placement Policy and incorporated into legislation in all states by the 1980s. This turn away from ‘transracial’ adoptions followed similar trends in the US including protests against the adoption of African-American children by white parents by the National Association of Black Social Workers in 1972.

Thus, at a time when domestic rates of adoption were plummeting, the notion of cross-cultural adoptions were being soundly rejected, and official attitudes to non-European migration were in a state of flux, the adoption of Asian children gained momentum. As this thesis demonstrates, the broader historical shifts that informed these changes were important to the development of intercountry adoption practice and the formulation of intercountry adoption policy in Australia. Yet, as it asserts, adoptions from Vietnam evolved largely in response to a different set of social and political considerations to those of domestic and indigenous policies, and as such these policies are seldom discussed or examined. The unique political factors influencing intercountry adoption, particularly questions of immigration, race, military accountability and the controversial issues of moral responsibility and governmental culpability thrown up by the Vietnam War, form the basis of this examination.

Methodology

This thesis presents a detailed empirical appraisal of the development of Australian government policies towards intercountry adoption in the post-World War Two period up until Operation Babylift in 1975. My decision to use policy as a lens through which to explore the history of intercountry adoption was influenced by a range factors. Karen Balcom has recently suggested the benefits of examining adoption from the perspective of immigration policy and what adoption can offer in this regard.78 As policy historian Julian Zelizer observes, a focus on policy development “allows historians to incorporate a broader range of actors into narratives than previous generations of historians have been able to do,” and dissipates the tension between “scholars who study elite politics and grass roots politics”.79 Through policy, I am able to examine both the development of adoption practice in Australia by individual adoptive parents and groups, as well as the political machinations at state and particularly Commonwealth levels regarding policy development. It also allows me to incorporate external factors on policy development such as professional child welfare organisations, overseas volunteer aid groups, as well as international government authorities.

The other major factor influencing a focus on policy is the range of available sources. Many of the recent US studies of adoption have drawn from extensive records and case files held by private, non-government adoption agencies. Wayne Carp was granted access to records from the Children’s Home Society of Washington, Barbara Melosh used the Children’s Bureau of Delaware, and Julie Berebitsky reviewed the records of four different private child-placing agencies. The most comprehensive of these recent studies by Ellen Herman draws extensively on records of the Child Welfare League of America, in combination with official sources from the US Children’s Bureau held in the National Archives. In Australia, adoption placements are the responsibility of state government welfare authorities, and in most states, handled exclusively by these departments. Access to these official records – both case files and policy documents – is highly restricted under existing adoption legislation and not available to independent

researchers. At the Commonwealth level, however, intercountry adoption policy was more widely discussed as it cut across a range of policy areas, including the Departments of Immigration, Prime Minister and Cabinet and Foreign Affairs. It is from these records held by the National Archives of Australia (NAA) that this study chiefly draws.

To complement the extensive range of memoranda, cables, cabinet documents and correspondence held by the NAA, I have consulted a wide range of primary documents both in Australia and internationally. I have drawn from the extensive archival collections held by the National Library of Australia (NLA), the State Library of New South Wales (SLNSW), the State Library of Victoria (SLV) and State Library of South Australia (SLSA). Though the Vietnam War was widely touted as the first televised war, due to the lack of available archived film and television footage of the Vietnam period, I have relied predominately on newspaper sources to complement my archival material. I have conducted extensive newspaper searches from archives around Australia held in the Barr Smith Library (BSL), SLSA, SLV and NLA. I have also consulted English language newspaper sources produced in Vietnam and held at the General Sciences Library in Ho Chi Minh City. For the role of the US administration in the Babylift, I have consulted the Gerald R. Ford Presidential Library at the University of Michigan, and have extensively used reports from the US Senate on the conditions in Vietnam held by the Library of Congress in Washington, DC.

A unique aspect of this historical examination is the use of 12 oral history interviews I conducted between 2008 and 2010 in Adelaide, Melbourne and Ho Chi Minh City. These interviews were conducted in full compliance with the regulations of the University of Adelaide Human Research Ethics Committee. The interviews ranged between 40 and 60 minutes in length and I hold all the transcripts and original audio recordings. Interviewees were located through either the public register, or a ‘snowball’ recruitment method, whereby the interviewees were asked to suggest potential interviewees, or to contact potential participants at my request on my behalf. Participants were selected on the basis of their involvement in the policy development process, rather than as representatives of any particular group or organisation. This selection process was limited by the willingness of participants to take part in the study,
and the difficulty of tracing contact details for some prospective participants. Participants included adoptive parents, members of adoptive parent groups, former Australian state and Commonwealth government ministers and officials, and volunteers who worked with adopted children in Vietnam.

These interviews provide a unique and original insight into the motivations and attitudes of key figures in the period examined in this thesis. As Paul Thompson argues, used in this way, oral history “can give back to the people who made and experienced history, through their own words, a central place.” 80 I am conscious of the problems faced when relying on oral testimony and memory, which is fallible, revisionist and inevitably influenced by the relationship between interviewer and interviewee. Recalling past events involves a simplification of reality and a process of editing whereby certain details are selected, prioritised and ordered, and others suppressed and omitted. Some memories may be too personal to recall and might also be censored, particularly in the highly emotional field of adoption. 81 My interviews focus mainly on the relationship between policy decisions and personal experience, to gain a deeper understanding of both the policy development process and the motivations of those figures agitating for reform. They seek to ascertain the reflective and subjective opinion of influential figures whose voices, in many cases, are otherwise absent from the historical record. As Alessandro Portelli argues, this subjectivity is perhaps the most “unique and precious element which oral sources force upon the historian”. 82 Used in concert with my documentary sources, these oral histories complement my archival research to provide the basis for a well balanced, original and extensively detailed examination of the development of intercountry adoption policy in Australia.

Thesis Outline

Chapter 1 synthesises the available literature on adoption in Australia to provide an overview of domestic adoption practice from the earliest days of European settlement in Australia until World War II. Through an examination of this secondary literature, together with my own primary research, it traces how adoption moved from the fringes to the centre of child welfare policies to become a legal and accepted practice in Australia. It argues that, following the introduction of ‘boarding-out’ programs in the mid-nineteenth century, child welfare authorities in Australia were exposed to two informal practices of child adoption: adoption-for-service and sentimental adoption. During the nineteenth century, both these forms of adoption were viewed with suspicion by Australian authorities due to their association with less salubrious practices such as baby-farming. At the turn of the century, due to both broader transnational changes to concepts of family and childhood and local social factors such as the declining Australian birth-rate, sentimental adoption increased in popularity and acceptance and attitudes towards adoptive parents shifted significantly. Changes to the structure of Australian child welfare programs that saw an increase in surveillance and regulation of reproduction and child care led to the introduction of legislation in the 1920s to provide proper safeguards and regulations for the practice. By the 1930s, the main inhibitors to widespread acceptance of adoption were removed, providing the environment in the post-World War Two period in which adoption would come to be the ‘best solution’ for healthy, white infants, and provide the context in which adoption of children from overseas seen as a possibility. This analysis provides important contextual background for subsequent chapters investigating intercountry adoption.

Chapter 2 examines the development of intercountry adoption in Australia from the end of World War Two until the early 1960s. Focussing on a series of attempts to have Japanese children allegedly fathered by Australian servicemen brought to Australia for adoption, it shows how the initial impetus for intercountry adoption was to fulfil a perceived sense of direct moral and national responsibility to children orphaned or abandoned as a result of Australian military activity. It argues that these attempts were denied by Commonwealth authorities largely due to the challenges they posed to Australia’s highly restrictive immigration policy on non-European and particularly Japanese migration. However, it also shows that these campaigns were rejected by
international social welfare professionals, highlighting the problematic place intercountry adoption occupied in programs of aid for children in areas devastated by war. An examination of another failed attempt to bring British children to Australia in the immediate aftermath of the Second World War similarly highlights how local social work professionals and state government authorities viewed intercountry adoption programs with suspicion and disapproval. In the Japanese case, though the Commonwealth government rejected appeals for adoption and refused to acknowledge any sense of responsibility to those children allegedly fathered by Australian troops, the popular attention roused by the case led it to make a significant financial contribution to assist with their welfare. The question of the government’s responsibility to children in areas affected by Australian military intervention and the notion that adoption was an appropriate response to alleviate their plight raised in this period would become central to future debates in Vietnam.

Chapter 3 analyses the period from 1968, when the first adopted Vietnamese children arrived in Australia, to a highly publicised case in 1972 in which five Vietnamese children were effectively smuggled into Australia for adoption. It argues that Australia’s military intervention in the war provided the initial impetus to adopt children from Vietnam. Interest in adoption increased significantly as public opinion toward the war turned from largely supportive to oppositional, however, this chapter asserts that political considerations are insufficient alone to explain this shift. More significant was the role of Australian volunteers in Vietnam such as Rosemary Taylor and their promotion of adoption as an appropriate way to assist the thousands of Vietnamese children orphaned and abandoned as a result of the war. This conception of adoption was not supported by international welfare authorities or governments in Australia (particularly in Victoria). Through an examination of the efforts of Elaine Moir to bring Vietnamese children to Victoria for adoption, it highlights the flaws in the ad hoc adoption policies of Australian state and Commonwealth governments and argues that opposition to intercountry adoption was based on professional advice from international and domestic social workers. The inability of government authorities to resolve the tensions between this opposition and the arguments of adoption advocates led to the events of May 1972, and would have a lasting impact on the formulation of adoption policy.
Chapter 4 examines the period between 1972 and 1975 in which the Commonwealth government under Prime Minister Gough Whitlam and the Australian Labor Party took active steps towards facilitating and regulating intercountry adoption policy. It also demonstrates the significant role played by volunteer organisations such as the Australian Adoptive Families Association (AAFA) in advocating for, and achieving, significant reforms in both state and Commonwealth policies. Through an exploration of the domestic and international factors influencing the development of this policy, I argue that, due to competing ideas and perceptions, attempts to support and facilitate adoptions ultimately failed. At both state and Commonwealth levels, authorities were reluctant to take responsibility for intercountry adoption (though this varied across states with South Australia being very supportive and Victoria strongly opposed) and to actively facilitate adoption placements due to the problematic place adoption occupied within broader programs of aid for children in Vietnam. This reluctance, in turn, further exacerbated conflict between adoption advocates and government officials, hindering the policy reform process.

Chapter 5 focuses on the decision by Prime Minister Gough Whitlam to airlift children from Vietnam in April 1975, in the closing days of the Vietnam War, as part of Operation Babylift. I argue that the decision to airlift children for adoption had little to do with the Commonwealth government’s previous attempts to regulate adoption policy and was influenced more by domestic political considerations. The prime minister’s reluctance to accept refugees from South Vietnam and his desire to be seen to be acting decently and compassionately in the face of the humanitarian crisis in Saigon was largely responsible for the government’s decision to participate in the airlifts and for the hurried and unprepared manner in which they were conducted.

Chapter 6, the final chapter, examines the immediate and long-term legacies of Operation Babylift and Vietnamese adoptions on intercountry adoption policy in Australia. I argue that the haste with which the airlifts were organised led to significant violations of previously held and internationally recognised standards of intercountry adoption. Operation Babylift both exacerbated the existing tensions underpinning intercountry adoption, most notably doubts over the advisability of the practice, and led
to resolution of some of the major legislative problems that had hindered intercountry adoption placements. The associated problems and publicity surrounding the airlifts showed government authorities and volunteer groups that a more concerted and uniform partnership was required and led to a new approach to the handling of intercountry adoption policy.

The history of intercountry adoption in Australia both informs and is informed by the central narratives of Australia’s political history. This thesis highlights how issues of foreign policy, immigration, defence and war have influenced and shaped the development of intercountry adoption policy and how this reflects the changing political and social landscape of Australia up to the end of 1975.
Chapter 1

A Background to Adoption in Australia

In December 1941, the *Australian Women’s Weekly* declared: the “next best thing when you can’t have a baby yourself is to adopt some motherless scrap of humanity you can love”. Following the Japanese bombing of Pearl Harbour and the escalation of the Second World War, Australian families, according to the *Women’s Weekly*, were curing the “heartaches of war” by adopting children. In an article adorned with photographs of happy adoptive families and adorable babies, it was reported that children for adoption, particularly baby girls, were “more in demand than ever”. Since the introduction of adoption legislation in the 1920s, an estimated 1,200 children had been adopted across Australia “growing up in an atmosphere of love and care sometimes surpassing that lavished on children by their own parents”. The act of adoption itself was heralded as a positive, safe and humanitarian act, lauded by adoptive parents and child welfare professionals alike. Matron Shaw from the Crown Street Women’s Hospital in Sydney assured that adoption was “the best thing for the child, and, of course, for the mother in the long run”.  

Child adoption – whereby an individual or couple is given child to raise as their own – has been practised across the world since time immemorial, but only since the nineteenth and twentieth centuries has the relationship between adoptive parent and child been legally recognised in Western nations. In the wake of the Second World War adoption practice underwent a notable shift both within individual nations, with an increase in the adoption of non-biologically related children, and between them, as families in the West began to adopt children from overseas. This shift towards intercountry adoption, which is the central focus of this thesis, was the result of a range of social and political considerations. This chapter demonstrates that in Australia, the connection between politics and adoption extends well beyond the Second World War, and argues that adoption policy, since the arrival of European settlers, has always

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1 ‘Adoptions help cure war heartaches,’ *Australian Women’s Weekly*, 13 December 1941, 10.
developed in response to social and political factors. The movement of adoption from an unregulated, informal practice to the centre of child welfare policies, and the historical context that allowed for this shift, informs discussions of the rise of intercountry adoption later in the century and provides an important introduction to this thesis.

This chapter synthesises and, through primary source research extends, the limited literature on the history of adoption in Australia to show how, by the Second World War, policy makers came to consider adoption an acceptable social practice. It demonstrates that the modern practice of adoption in Australia evolved in the nineteenth century alongside a social welfare system known as ‘boarding-out’, where orphaned or abandoned children were cared for by foster parents who in turn received a payment from the state. Two systems of adoption – adoption-for-service and sentimental adoption – developed during this period but were both viewed unfavourably by child welfare authorities. Drawing on examples from South Australia, this chapter argues that important social and political changes regarding children, motherhood and nation-building at the turn of the century resulted in shifting attitudes towards adoption, leading to an increased acceptance of the practice and providing the impetus for adoption legislation in the 1920s. By the 1930s, adoption was beginning to be seen as the ‘best solution’ for healthy, white and particularly illegitimate infants, coming to fruition in the wake of the war.

**Early experiments**

The issue of child welfare was of immediate concern to the first Governor of New South Wales, Arthur Phillip. Among the hundreds of convicts, officers and settlers who

disembarked from the First Fleet in 1788 were approximately fifty children under the age of fourteen, many of whom were born *en route* and knew little of life beyond the bulwarks of a ship.\(^4\) Phillip initiated one of Australia’s first experiments in child welfare by offering an extra adult ration to couples if they were willing to board and care for an unwanted child, an offer taken up as early as 1789 by the colony’s school mistress, Isabella Rosson.\(^5\) In February of the same year Governor Phillip conducted another experiment with the colony’s first official orphan, three-year-old Edward Parkinson, whose convict mother Jane had perished onboard the *Lady Penrhyn* on 15 November 1787.\(^6\) Phillip sent young Parkinson, along with four-year-old Mary Fowles, to Norfolk Island to be placed under the care of Lieutenant-Governor Phillip King as “children of the public”. Phillip ordered that five acres of land be set aside for the benefit of the young pair, and for them to be instructed in reading, writing and husbandry “by such person as he should think fit to entrust with the charge of bringing them up according to the spirit of this intention, in promoting the success of which every friend of humanity seemed to feel an interest”.\(^7\)

The cases of Edward Parkinson and Mary Fowles highlight two significant assumptions that underpinned the role of child welfare in the earliest days of Australian colonial society. The first was that the separation of children from their parents, particularly those of the convict classes, would be to their irrefutable moral benefit. Unlike Parkinson, Fowles was not an orphan, but was separated from her convict mother because, according to the colony’s judge advocate David Collins, “she was a woman of abandoned character,” and the child was “taken from her to save it from the ruin which would otherwise have been its inevitable lot”.\(^8\) As historian Robert Holden explains, Phillip’s “act of charity” was “indicative of official attitudes which accepted that the

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\(^5\) John Cleverley, *The First Generation: School and Society in Early Australia*. Sydney: Sydney University Press, 1971, 89. Rosson, a laundress by trade, was transported to NSW for theft of bed curtains and clothing. By 1789, she was teaching pupils in the colony along with her future husband William Richardson. The child they adopted in 1789 remained part of their family and returned with them with their two biological children to England in 1810. See ‘From thief to society lady,’ *Sydney Morning Herald*, 3 January 1981, 33.  
\(^8\) Collins, *An Account of the English Colony in New South Wales*, 55.
children of convicts were better separated from their parents’ dreadful influence and the geographical contamination of settlement itself’. The second was that through placement with ‘respectable’ colonists, convict children could be usefully trained in trades suitable to their place in society: as members of the lower classes. Parkinson left Norfolk Island aboard the *Chesterfield* on 30 March 1793 to work as a servant to shipmaster William Raven until he was lost overboard near Rio de Janeiro on 3 August 1798, while Fowles remained on Norfolk Island as a servant to assistant surgeon Thomas Jamison.

As the colony of New South Wales rapidly expanded, the “notoriously unstable” state of convict life and the lack of respectable families with whom to board children soon convinced successive governors that the foster care system trialled by Phillip was an inadequate means by which to protect the moral and physical well-being of the colony’s children. By the time of the 1806 ‘population muster’, one quarter of the colony’s European population were children under 19 years of age, and just over half – 908 of 1,808 – were born out of wedlock, casting doubts over the stability and morality of the colony’s emerging population. As early as 1796, Reverend Richard Johnson was calling for the construction of an orphan school in Sydney to safeguard the “rising generation” from the influences of their convict parents: “miserable wretches” who were “lost to all sense of virtue and religion”. Australia’s early governors decided that the best form of care for the destitute and neglected children of the colony would be that of an institution, following trends emerging in Britain. The first orphanage in the colony was opened in 1795 on Norfolk Island by King, who, together with his wife Anna, went on to establish the first orphanage in Sydney in 1800. As with Phillip’s early child-placement experiments, institutions were supposed to protect children from

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the immoral and dangerous influence of early colonial society and train them to be useful members of the lower classes.

The obvious exceptions to these developments were Indigenous children. John Cleverly documents some early cases of Aboriginal children being ‘adopted’ by colonists in an attempt to educate and ‘civilise’ them, and shows how, in most cases, the children returned to their communities. The pattern of segregation and subjugation of Indigenous people, particularly children, was established quickly, with the first Aboriginal school set up in 1815 by Governor Lachlan Macquarie to train Aboriginal children in European habits and customs. Though informed by some of the changes to child welfare discussed in this chapter, the racial basis of subsequent government policies of institutionalisation, protectionism and assimilation towards Indigenous children led to a unique set of consequences, most notably the forced removal of the Stolen Generations from their families and placement in institutions, with foster parents and sometimes adoptive families. While I recognise there is some important crossover between Indigenous and non-Indigenous experiences of adoption, the distinct policies directed at Indigenous children had significantly different intentions and goals. These policies demand more than the cursory examination that this thesis on intercountry adoption can afford, and as such will not be discussed in depth in this study.

### Boarding-out

The nineteenth century saw a significant shift in the conception of childhood and the role of the child in post-industrial, Western society. British historian Harry Hendrick contends that in the early 1800s the meaning of childhood was ambiguous, with children viewed as younger adults responsible for their actions and conditions. Eric

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17 Cleverly, *The First Generation*, 104.
Hopkins demonstrates that by the end of the century children had been transformed from objects of property and a source of labour to potential citizens, with childhood itself gaining “a new status and added respect”.22 Developments such as changing economic patterns, legislation restricting child labour and compulsory primary education saw children, particularly of the working-class, gradually lose their primarily economic value and assume a new social position.23 These new ideas about childhood led to the rise of ‘child rescue’ movements across the British Empire in the mid-nineteenth century. Shurlee Swain and Margot Hillel argue that child rescuers created a new orthodoxy in child welfare that insisted children, particularly of the poorer classes, should be separated from their parents and trained and educated for a life of servitude.24

From this child rescue movement grew an increasing concern for the moral and physical welfare of white children living in institutions, leading to calls for an alternative arrangement.25 In Britain, a system of ‘boarding-out’, whereby children were placed with foster families to be fed, clothed and educated, in return for compensation from the government, was introduced by the Dublin Protestant Orphan Society in 1828 and the Edinburgh Parochial Board in 1842. In England the Poor Law Board agreed to trial the system in 1869 but, due largely to the more entrenched culture of institutionalisation, it was not as successful as in Scotland and Ireland.26 Calls for the adoption of boarding-out schemes soon emerged in the antipodes, with the first coming from South Australia.27 By 1862, 46 neglected and deserted children were housed with the aged and infirm in the Adelaide Destitute Asylum.28 In 1866, a letter from social

reformer Caroline Emily Clark published in the *South Australian Register* called for the removal of children from the Destitute Asylum and urged the government to adopt a system of boarding-out as practised in Dublin and Edinburgh.\(^29\) Clark emigrated to Adelaide from England in 1850 and brought to South Australia a concern for children of the state shared by her social reformist uncle Matthew Davenport Hill and cousins Florence and Rosamond Hill.\(^30\) On 19 April 1866, the South Australian Chief Secretary Arthur Blyth granted Clark approval to place eight-year-old John McClaren, and another young boy, out with her close personal friends with the expense paid by the state.\(^31\) Over the following years, largely through Clark’s personal campaigning, a provision for “boarding out of children upon certain terms” was incorporated into the *Destitute Persons Relief Act* of 1872, to be supervised and managed by Clark with the assistance of her friend, prominent social and political reformer Catherine Helen Spence, and their newly formed Boarding-Out Society.\(^32\) The system was quickly adopted in the other Australian colonies and, as Elizabeth Barbalet shows, was taken up with far more skill and enthusiasm by Victoria and New South Wales throughout the 1870s.\(^33\)

Though an advance for the well-being of Australian children living in institutions, the boarding-out system sought to achieve the same goals as the institutions from which the children were removed. As Leonora Ritter asserts, “it must be remembered that boarding-out did not necessarily involve any major softening in attitude to children”.\(^34\) Boarding-out, as a child welfare practice, was intended, as it was in 1789, to train children in the ways of industry and “usefulness” but not to advance them beyond the unskilled working classes.\(^35\) As Maree Murray argues, the use of children for labour was integral to the boarding-out system as it “fulfilled the dual function of keeping

\(^{29}\) *South Australian Register*, 14 March 1866, 13.
\(^{31}\) Dickey, *Rations, Residence, Resources*, 56.
\(^{32}\) *South Australia Parliamentary Debates* (SAPD), v 1, 1872, 608.
\(^{34}\) Ritter, ‘Boarding-out in NSW and SA,’ 125.
\(^{35}\) Dickey, *No Charity There*, 64.
children out of trouble, and of training them for their roles as future citizens”.36 Through boarding-out, Clark hoped to scatter the poor and neglected children of South Australia “among the better chaps of our labouring population” where they could “acquire habits of industry and self-reliance”, enjoy the “advantages of family life”, and “lose the taint of pauperism”.37 Like Governor Phillip, Clark placed great emphasis on removing children from “the hotbed of their own moral disease” in cities and urban areas, and sending them to the less populated country districts.38 There was little encouragement within the boarding-out system for parents to take children for anything but practical reasons, nor any expectation that boarded-out children should be raised as equal members of the families into which they were taken.

The emergence of adoption

The development of boarding-out programs saw the rise of two distinct practices of ‘adoption’ of children in state care. As Swain shows, an informal adoption network already existed in Australia since at least 1850, but was practised largely through newspaper advertisements and beyond the bounds of official child welfare programs.39 Michael Horsburgh argues that the introduction of boarding-out in NSW expanded the possibilities for the development of these ‘informal’ adoption practices within colonial welfare programs.40 As early as 1872, the Victorian Royal Commission on Industrial and Reformatory Schools recommended making provisions for the “common, but legally unrecognised” practice of ‘adoption’.41 In 1882, Clark reported that in South Australia, “so great is the demand for labour that many people will gladly take the older children without any payment whatever for the sake of their small services”. These young labourers, she explained, “are called adopted children”.42 She used this same term to describe a few cases where children were also taken without subsidy, but for a
completely different motive. This she called “real adoption”, whereby “the children are evidently kept for love rather than use”. The term ‘adoption’ could cover both these definitions: what can be described as adoption-for-service and ‘sentimental’ adoption. As US historian Ellen Herman explains, economic and emotional motivations for adopting children were “not necessarily antithetical at the turn of the twentieth century” when “the meanings of childhood and family were in transition” across the Western world.

Both forms of adoption were initially derided by welfare advocates in Australia. In South Australia, the practice of adoption-for-service – whereby “the child is boarded and lodged free of payment in exchange for such work as it is able to do out of school hours, even when it attends school” – was widely practised between 1867 and 1886 by the Destitute Board under Chairman Thomas Reed. Reed was far more inclined to place out children for adoption-for-service as it was far cheaper than boarding-out and achieved the equally well-publicised aim of getting neglected and destitute children into the care of respectable families. By 1875, of the 208 children under the care of the Boarding-Out Society, only 16 were actually boarded-out with subsidy and 129 were placed for adoption-for-service. This preference for adoption-for-service was condemned by the 1885 Commission appointed to review the Destitute Act, headed by Sir Samuel Way. Two of the Commission’s chief witnesses, Clark and Spence, argued that boarding-out was better than adoption-for-service as it provided better safeguards for the child. The boarding-out subsidy was granted to foster parents on the provision that the child would be educated and well-cared for, and was supervised through regular visits from members of Clark’s Boarding-Out Society. When the subsidy was removed

by Reed, so too was the obligation for adoptive parents to care for the child, potentially leaving the system open to abuse and exploitation.\textsuperscript{48}

The link between adoption and labour was integral to the decision by the only Australian colony to legislate for adoption in the nineteenth century: the recently gold-struck colony of Western Australia. The \textit{Adoption of Children Act} was introduced by New Zealand-born Matthew Louis Moss in July 1896 and passed through the Legislative Assembly and the Legislative Council with little debate.\textsuperscript{49} Audrey Marshall and Margaret McDonald suggest that the impetus for legislative action for adoption in WA were the labour shortages caused by the gold rushes of the 1890s following the discovery of gold at Coolgardie and Kalgoorlie. The increasing demand for workers increased the value of child labour and thus adoption legislation was intended to protect foster parents from having children reclaimed by their natural parents “as they became a potential source of family income”.\textsuperscript{50} The vociferous support for the Bill by the Minister for Mines, Edward Wittenoom, certainly lends credence to this suggestion, who touted the importance of providing an economic safeguard to the foster parents by granting them the legal status of a natural parent.\textsuperscript{51}

While adoption-for-service was at least nominally aimed at training children in useful trades, the second form of adoption – for love – did not fit into the nineteenth-century paradigm of child welfare. In South Australia, Catherine Helen Spence explained that though “there is a much larger percentage of true [sentimental] adoption than there is in the other colonies,” she argued that “for the bulk of the children the boarded-out home is the better”. As she explained, adoption “is done by childless people, and the little one is often spoiled and overdressed and expected to be happy without childish companionship”.\textsuperscript{52} Clark was not as openly critical, but was mindful of the necessity of safeguards such as age limits to ensure children were “adopted for love rather than gain.”\textsuperscript{53} The motives of parents who wished to adopt for sentimental reasons were viewed with great suspicion by Spence and Clark who personally believed the welfare

\textsuperscript{48} Second and Final Report on the Destitute Act 1881, 236.
\textsuperscript{49} Western Australian Parliamentary Debates (WAPD), v 9, 1896, 153 & 334.
\textsuperscript{50} Marshall & McDonald, \textit{The Many Sided Triangle}, 19.
\textsuperscript{51} WAPD, v 9, 1896, 153.
\textsuperscript{52} Second and Final Report on the Destitute Act 1881, 236.
of the child was invariably connected to its ability to contribute to society – something that could not be guaranteed by sentimental adoption. Officially, the Boarding-Out Society headed by Clark was more flexible in its opinion of adoption. As early as 1875, the Society’s annual report acknowledged that adopted children “are sometimes taken from motives of self-interest,” but concluded that “if the effect is to make their lives much happier, and to render them more useful members of society, it must be regarded as a most fortunate thing that the interests of both should be identical”.54

Despite the scepticism of Clark and Spence over the role of sentimental adoption, the South Australian Commission of 1885 viewed it more favourably, and recommended enacting legislation in order to provide the necessary safeguards to encourage more South Australians to adopt this way.55 By 1886, the newly established South Australian State Children’s Council (the successor to the Boarding-Out Society56), reported that of the 155 applications made for children, 84 were for boarding-out, 63 for service and 3 for sentimental (described in the Reports as ‘bona fide’) adoption.57 Up to 1891, the Council received, on average, around 400 applications for children per year, of which only five or six annually could be classed as sentimental adoption.58

The rise of sentimental adoption

Though sentimental adoption enjoyed only limited official support during this period, key developments at the turn of the century saw a notable shift in attitudes towards adoption across the Western world, particularly in the US.59 Sociologist Viviana Zelizer attributes the rise of sentimental adoption during this period to a wider “cultural process of ‘sacralisation’ of children’s lives” that occurred in Western industrial societies that saw children lose economic value but emerge as emotionally priceless.60 Zelizer demonstrates a shift from the late nineteenth century, when the value of children was

54 Boarding-Out Society, Third Report, 1875, 4.
55 Second and Final Report on the Destitute Act 1881, LI-LII.
58 After 1891 the Council stopped reporting on the number of applications received specifically for adoption.
59 Herman, Kinship By Design, 45-53.
measured by their capacity for labour, through the early decades of the twentieth century when it became set by their ability to provide emotional fulfilment for their parents and society at large.\textsuperscript{61} Zelizer’s sociological examination alone, however, does not adequately account for how sentimental adoption overcame negative nineteenth century perceptions during this period, requiring a more historical examination of the changing Australian social and political context.

One of the great inhibitors to sentimental adoption in Australia was the prevailing scientific and psychological theories of eugenics and social Darwinism that were prominent in the late nineteenth century. As Diana Wyndham shows, until the 1930s, eugenic theories were accepted as the ‘norm’ in discussions of ‘national fitness’ in Australia.\textsuperscript{62} These theories held that children from poor or ‘immoral’ backgrounds – particularly the illegitimate – could never overcome the social position of their birth and the environment in which they were raised could not conquer genetics. In their seminal study of single mothers in Australia, Shurlee Swain and Renate Howe show how illegitimacy was constructed as a serious social and moral problem in the nineteenth century and how this perception enforced punitive policies and practices against unwed mothers and their children.\textsuperscript{63} As Ellen Herman argues, the notion touted by eugenicists that poverty and illegitimacy were synonymous with inferiority discouraged the adoption of the children of the poor, labelling them as irreparably immoral.\textsuperscript{64}

The acceptance of sentimental adoption by welfare advocates was further hindered by its association with ‘baby farming’. In the latter half of the century, a practice developed whereby ‘baby farmers’, for a fee, offered to take children from mothers who could not afford or manage to look after them,\textsuperscript{65} though as Jenny Keating explains, there was “a tacit assumption that the mother would not be returning to reclaim the child and that the baby farmer would not overly strive to keep it alive”.\textsuperscript{66} Many scandalous cases of infant deaths by baby farmers were revealed in Britain and moral

\textsuperscript{61} Zelizer, \textit{Pricing the Priceless Child}, 169-207.
\textsuperscript{63} Swain and Howe, \textit{Single Mothers and their Children}, 2.
\textsuperscript{64} Herman, \textit{Kinship By Design}, 40; Keating, \textit{A Child For Keeps}, 21.
\textsuperscript{66} Jenny Keating, \textit{A Child For Keeps}, 23.
panic over baby-farming soon spread to Australia with the discovery of similar cases in the colonies. For example, a baby-farm was discovered near Lane Cove River in 1884, and in Melbourne, convicted baby-farmer Minnie Knorr was hanged in 1894 for the mutilation and murder of three infants in her care. Swain shows that in this same period there was a flourishing informal baby market across Australia, conducted largely through newspaper advertisements and often accompanied by a monetary ‘premium’, indistinguishable from the process by which baby farmers acquired children. Reverend Benjamin Waugh, a prominent member of the British National Society for the Prevention of Cruelty to Children, explained in his influential 1890 investigation into baby farming that in most cases, “the profession of desire for a baby for love of a baby was dishonest” and was in fact a front for baby-farming. In Australia, as in Britain, the association with baby farming brought the practice of sentimental adoption into disrepute.

The panic over baby-farming was heightened by the declining white birth-rate. During the 1890s, as most colonies spiralled into the worst economic depression yet seen in Australia, the birth-rate declined dramatically, causing great concern for colonial authorities and prompting a Royal Commission on the Decline of the Birth-rate and on the Mortality of Infants in New South Wales in 1903. In Sydney alone between 1881 and 1899, over 300 unidentified dead babies were found abandoned in public places and taken to morgues around the city. The situation spurred a major increase in sensitivity and awareness by colonial authorities regarding their responsibility for the care of neglected and unwanted children to preserve the life of white infants across the country. As the Australian colonies were moving towards federation, the maintenance and growth of a healthy, white population was a keystone of national policies of defence and development. To ensure the birth-rate increased, public policy increasingly

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68 Swain, ‘Adoption: Was it ever thus?’ 5.
69 Swain and Howe, *Single Mothers and their Children*, 133-134; Swain, ‘Wanted kind person to adopt’.
equated Australian women with motherhood, and women were “expected to devote themselves to the nurture and protection of their children”.  

National concerns about a declining birth-rate were not isolated to Australia alone. Anne Else suggests that the low birth-rate of white babies and associated labour shortages in New Zealand saw it become the first country in the British Empire to legalise adoption in 1881.  

Introduced as a Private Member’s Bill by Premier George Waterhouse, the object of the Adoption Bill was to ensure that those people willing to take in and raise “other people’s children” would have the same status and rights as other parents. As J.A. Tole argued in the second reading of the Bill, legalised adoption secured for the neglected child a home and a family and relieved their adoptive parents of the fear that the child could be reclaimed by their birth parents upon reaching the “age of usefulness”.  

The two chief arguments against the legalisation of adoption was that it would “legitimise illegitimate children” and “provide an incentive to irresponsibility” as it was feared that “children might be adopted to provide cheap slave labour or for immoral purposes”. Else argues that these criticisms were overcome by the impetus of population growth, increasing “the need to save even the children of sin”.  

Legislative changes prompted by baby-farming and the declining birth-rate saw women’s bodies and reproduction increasingly subject to government and medical supervision, and infant welfare, and thereby adoption, more closely regulated and observed by government authorities. In Victoria, the adoption of children under state care was regulated by the *Infant Life Protection Act* of 1890, and by the end of World War One, the Neglected Children’s Department registered approximately 200 adoptions

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81 Else, ‘The Perfect Solution,’ 239.  
82 Grimshaw *et al.*, *Creating a Nation*, 223.
per year with results ranging from “the altruistic to the scandalous”. Though adoption had received qualified approval as early as 1869, these new regulations sought to minimise the risks to ensure children were taken for love, not labour or other immoral purposes. In NSW, the State Children’s Relief Act of 1881 empowered state authorities to place children for sentimental adoption, but was not enthusiastically embraced; in 1882 just three children of the total 59 in state care were adopted, and this proportion of adoptions remained steady until 1916, when just 281 out of a total of 5,068 children in state care were adopted. In South Australia, the State Children’s Act of 1895 saw the State Children’s Council assume responsibility for all registered “lying in” maternity homes and the licensed foster mother scheme (whereby foster mothers registered with the Council received a subsidy to care for neglected or abandoned infants, similar to an nineteenth century ‘wet nurse’) previously controlled by the Destitute Board, significantly increasing its exposure to cases of sentimental adoption. While the rates of adoption (conflated in the Reports to include both adoption-for-service and sentimental adoptions) among children under the direct care of the Council remained steady at around five to six percent of the total number of children placed out until 1927, the numbers of children adopted under the licensed foster mother scheme grew dramatically. By 1913, 1,637 children were under Council supervision, 30 of whom had been adopted by their licensed foster mothers, and a further 210 adopted in ‘unlicensed’ homes.

These structural changes occurred within the context of increasing state and professional intervention into the natural processes of child-bearing. As Kerreen Reiger shows, beginning in the 1880s science played an increasingly important role in the modernisation of the Australian family, especially with regard to infant care and motherhood. The rise of ‘scientific nursing’, led by technological developments such as...

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84 Jaggs, Neglected and Criminal, 120.
85 Horsburgh, ‘Early adoption practices in NSW,’ 19.
87 James Gray, State Children’s Administration; also description of institutions controlled by the Council. Adelaide: R.E.E. Rogers, 1911, 13.
as the invention of artificial baby-milk formula, and the professionalisation of child welfare services facilitated the establishment of privately operated babies’ homes, shifted the responsibility for infant care from the private to public sphere. 90 As Swain and Howe demonstrate, babies’ homes became particularly important in the management of single mothers as they promised what foster care could not: an observable improvement in infant health and moral standing. Babies’ homes, they argue, functioned “as part of a system by which single mothers were able to hide their pregnancy and dispose of their babies so that, in theory, their reputation was not impugned”. 91 Adoption was the end-point in this system: “[t]he homes became the means by which babies were miraculously produced without mothers; adoption the means by which they were placed into socially acceptable two parent homes”. 92 Adoption into respectable families thus came to be seen as a means by which to “offset the social and economic disadvantages of illegitimacy”. 93

The combination of these social and political changes led to a discursive shift in official attitudes that embraced the adoptive parent as performing a humanitarian act in the best interests of not only the child, but also the newly federated Australian nation. In 1909 the South Australian State Children’s Council’s President, Thomas Rhodes, announced to a congress of interstate child welfare workers that “real” adoption should be the ultimate goal of the boarding-out system. Despite the success of the boarding-out system in South Australia, he cautioned that some foster homes “are not free from suspicion that children are taken simply to enable the foster parents to eke out a living”. He called on the conference to follow the “simply marvellous” example set by Canada in securing homes of “pure adoption”, and to launch a “children’s crusade that will have the effect of opening closed doors for the free admission and adoption of little ones”. 94 Significantly in this speech the scepticism previously associated with adoptive parents shifts to parents of boarded-out children, and adoption is embraced as a solution for children without families.

This shift can also be seen in the attitudes of the Council’s inspectors. In a 1905 Report, Evelyn Penny, newly appointed ‘inspectress’ of state children, relayed the story of a family who had boarded a young girl with subsidy but “had grown so fond of the girl they decided to adopt her.” The family delayed pursuing this course until they got a letter advising that one of her relatives might possibly apply for her:

Although this had taken place some months before, the foster-mother’s voice trembled as she told me of the anxiety they went through and of the fear lest they had left it too late, and how, until it was finally decided that they might adopt the child, she and her husband scarcely slept or ate, they felt the strain so much.95

Penny’s sympathetic portrayal of the plight of this foster family emphasises a major change from those of Clark and Spence only a few years previous. By the early twentieth century, the Council was on-side with those groups urging that safeguards be put in place to help and support those parents willing to adopt children for love. In its 1912 report, the Council proudly printed a photo of a former state ward and her adopted son celebrating the redemptive potential of adoption for both mother and child (see Figure 1.1).

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Towards adoption legislation

These shifting attitudes towards adoption in the early twentieth century were inconsistent with existing child welfare regulations, providing the impetus for legislative reform. In South Australia, the State Children’s Council noted the contradiction in its policy that parents could adopt a child and raise it “as their own”, but they could not enter any agreement that would “affect the right of the Council to demand the return of, and, if necessary, to remove any adopted child at any time”.97 In 1911 Attorney-General William Denny introduced the first piece of adoption-specific legislation in an attempt to solve this problem:

97 ‘State Children’s Council Regulations,’ SAPP, 3.1, 1887, 3.
The absence of any legal claim on the part of adopting parents to retain the custody of the children has given rise to great hardship in many cases where children have been adopted; it has also prevented adoption in many cases where it would have been highly beneficial to the children.98

The hardship referred to by Denny is not economic, but emotional. As further elaborated by fellow MP Friedrich ‘Fritz’ Pflaum, the legislation was needed because:

Childless couples who desired to adopt children with the purest possible motives had been haunted by the fear that after years of expenditure of affection, time, and money, the child might be claimed by its parent at the expense of lacerated feelings and heart-burnings.99

Pflaum, a successful businessman-turned-politician who is thought to have exerted significant influence on state parliament before he fell foul of war-time jingoism,100 emphasised the importance of love in the adoptive relationship. He insisted that adoptive parents must “love them [adoptive children] and to try to do their best for them and the community as a whole”.101 This sentiment was supported by the Adelaide Advertiser, which agreed with Pflaum that the passage of this legislation was long overdue. Where nineteenth century policy makers had questioned the motives of parents who adopted children for service, “no reasonable exception” could now be taken to those who adopted for love.102

Though this Bill “did not deal with State children except indirectly,” and was thought to deal with “individual contracts made between the adopting parents and the natural mother or father of the child,” it was of great interest to the State Children’s Council.103 The Council criticised the Bill for its lack of a provision for investigating the suitability of the parents or home prior to the transfer of a child and the lack of any penalty to prevent parents taking charge of a child for a “premium”. Due largely to these concerns, the Bill eventually lapsed, although the Council did express a hope that a modified Bill would “become law at an early date”.104 The Council later urged the Chief Secretary

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98 South Australian Parliamentary Debates (SAPD), v 57, 1911, 158.
99 SAPD, v 57, 1911, 167.
101 SAPD, v 57, 1911, 167.
102 The Advertiser, 15 August 1911, 6.
103 SAPD, v 57, 1911, 197.
and government to consolidate several Acts relating to child welfare, “most of all” those aiming

to provide for the adoption of children upon a basis that will protect the child and both the
parties to the adoption from the evils of a vacillation that leads to a return of the child, after a
longer or shorter period, to his original home, a course against which the injured party has at
present no remedy.105

In 1913 the Council again brought the issue of adoption to the attention of parliament
without success.106 Throughout 1916 the Council devoted much of its time to preparing
a consolidating Bill for submission to parliament, including the “badly needed”
provision for adoption, but was not introduced during that year’s sittings.107

The interruption of the First World War, though temporarily delaying moves towards
legislation in South Australia, gave the overall adoption movement in Australia greater
strength due to developments in Britain. British historians argue that the push for
adoption legislation was made “well-nigh inevitable” by the consequences of the Great
War, with the tremendous social upheaval breaking down the legal emphasis on the
importance of blood ties, primogeniture and inheritance, that were viewed as the main
obstacles to the passage of adoption legislation until 1926.108 Other observers, such as
Mary Benet, suggest that the plight of orphans in Belgium during the First World War
stimulated an interest to adopt them out to British families, which in turn stirred interest
into the adoption of available children in Britain itself.109 Deborah Dwork goes as far as
to argue that “war is good for babies”, as it encouraged the enactment of protective
provisions for infants and children, including adoption.110 In the most comprehensive
recent study of English adoption history, Jenny Keating attributes the growth of two
key voluntary ‘adoption societies’, coupled with increasing rates of illegitimacy in the

27/31/1914.
106 Constance Davey, Children and Their Law-Makers: A Social-Historical Survey of the Growth and
Development from 1836 to 1850 of South Australian Laws Relating to Children. Adelaide: The Griffin
27/31/1917.
108 Pinchbeck & Hewitt, Children in English Society, 604. As Benet demonstrates, these social constraints
were not as influential in more fluid colonial societies such as the United States and Australia. See Benet,
110 Deborah Dwork, War is Good for Babies and Other Young Children: A History of the Infant and
post-World War One years, to the raising awareness for the need for adoption legislation and regulation in Britain.111

In response to these factors, the British government appointed a committee in 1920, chaired by Sir Alfred Hopkinson, to consider the desirability of legalising adoption.112 The Hopkinson Report was not well received in the House of Commons, or the Lord Chancellor’s Office.113 While it urged the introduction of adoption legislation, it made no clear recommendations as to the form it should take, thus between 1922 and 1924 six different adoption Bills were bought before Parliament, all of which were rejected. In order to “reconcile divergent opinions”, another committee was appointed in 1924 under the leadership of Justice Thomas Tomlin.114 To avoid the debates aroused by the Hopkinson Committee over the laws of inheritance, parental rights and succession, the report approached adoption “from the angle of the evils for the remedy of which adoption is to be invoked”.115 While it was less than enthusiastic about the need for legislation, the Tomlin report concluded that the relationship between the adoptive parent and the adoptee deserved “sympathy and respect” from the community.116 Unlike the Hopkinson Committee, Tomlin’s Second Report included a draft Bill to make provision for adoption, which became the basis of the Adoption Act of 1926.117

This precedent in the ‘mother country’ lent support to pushes in Australia towards enacting adoption legislation. With the exception of Western Australia (which passed legislation in 1896), all Australian States passed adoption legislation in the same short period, beginning with Tasmania in 1920, New South Wales in 1923, South Australia in 1925 and Victoria and Queensland in 1928 and 1935 respectively, at the same time as the Hopkinson and Tomlin Committees were reporting in Britain.118 Donella Jaggs argues that Victorian government’s “unwillingness to depart from English precedents”

111 Keating, A Child For Keeps, 67.
112 ‘Report of the Committee on Child Adoption,’ House of Commons Parliamentary Papers (HCPP), v 9, Cmd 1254, 1921, 164.
114 Pinchbeck and Hewitt, Children in English Society, 606.
was the main reason adoption legislation was not passed until after the British *Adoption Act* had been enacted. In justifying his support for adoption in South Australia, MP Ernest Anthoney called attention to the report of the Tomlin Committee, recognising that even though no British legislation yet existed, “it will not be long before it is so” and that South Australia “would be in keeping with most modern countries in instituting legal adoption”. Anthoney, Member for Sturt and member of the State Children’s Council since 1922, raised the question of adoption in state parliament following a resolution made by the Liberal Women’s Education Association of South Australia (LWEA) to introduce an adoption Bill. Concern for the rights and opportunities for birth mothers had previously delayed moves towards adoption legislation made by the Attorney-General in 1924 after were protests that such legislation risked “depriving of a natural mother the control of children”. As in England, women’s rights groups were influential in advocating for the introduction of adoption legislation in order to regulate and reduce informal practices to protect both children and their birth mothers.

Despite concerns expressed by these groups for the rights of birth mothers, debates in Australia during the 1920s highlight a shift towards adoption and adoptive parents as providing the best care for children. Implicit in this shift was the discrediting of the mothers who surrendered or had their children removed. When Anthoney introduced the Adoption of Children Bill in 1925, he insisted that the rights of the child must supersede the rights of the birth parents. Echoing David Collins’ remarks of 1789, he argued that in most cases children were “considerably better off away from many of the parents with whom they are associated”. He went on to highlight that protecting the familial love that formed between adoptive parent and adoptee was more important than the rights of birth parents. As Chief Secretary James Jelley explained, the Bill was “not so much concerned about the feelings of parents from whom the children may have

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120 SAPD, v 2, 1925, 1464.
122 Davey, *Children and Their Law-Makers*, 101. The LWEA was established in 1911 and became a member of the National Council of Women of South Australia in 1920 (see *National Council of Women of South Australia*, SLSA SRG 297).
123 SAPD, v 1, 1924, 454.
125 SAPD, v 2, 1925, 1464.
been taken”.126 There were, however, serious doubts raised about the permanent and irrevocable separation of mother and child. The Adelaide Register voiced concerns that parents, particularly among the poor, may be “compelled by straitened circumstances to give up children, whom they would, but for poverty, be willing to keep”, though concluded that parents who could not support their own children were amply provided for by the state and should not need to take the “extreme step” of adoption.127 Other observers noted the opportunity adoption offered for redemption and salvation, when “the whole past, whether it be sad or happy, is wiped out and the child is given a fresh start in the world”.128

Similar debates over the place of sentimental adoption were expressed around Australia throughout the 1920s. In NSW, as Horsburgh contends, the absence of security in the adoptive relationship was integral to the push for legislation.129 Discussions no longer revolved around the necessity of making the children “useful” members of society, rather, it was argued that adoption would “operate for the welfare of the children”130 and eliminate the “farcical” situation whereby “[a]t any period the natural parent of an adopted child can come along and claim it and drag it away from foster parents who were doing their best to equip it for the struggle of life”.131 In Victoria, adoption also had significant support from a range of voluntary and professional organisations and was, in fact, shepherded through the Legislative Council by H.I. Cohen, President of the Children’s Welfare Association.132 Unique from the other states, the Victorian debates showed much greater concern for removing the “slur of illegitimacy”, by freeing the child from the disadvantages of its natural parents. William Slater argued that adoption would apply to 90 per cent of all illegitimate children and thus lighten the financial burden entailed with boarding-out and institutionalisation of destitute children under state care.133 The association of illegitimacy and adoption would gain much greater attention towards to the end of World War Two.

126 SAPD, v 2, 1925, 1819.
127 The South Australian Register, 19 August 1925.
128 ‘Adoption of Children,’ The Mail, 2 April 1927, 1.
129 Horsburgh, ‘Early Adoption Practices in NSW,’ 22.
130 New South Wales Parliamentary Debates (NSWPD), v 91, 1923, 1439.
131 NSWPD, v 91, 1923, 1441.
132 Jaggs, Neglected and Criminal, 128.
133 Victorian Parliamentary Debates (VPD), v 176, 1928, 674.
The consolidation of adoption in the 1930s-1940s

Marshall and McDonald argue that the effect of adoption legislation was “almost immediate” and within fifteen years “adoption was well established as a practice which attracted substantial public acceptance”. However, a closer examination reveals that the advent of legislation did not necessarily translate into widespread acceptance of the new practice of sentimental adoption. As Margaret Barbalet argues, until the 1930s “there was simply no adoption of children as we know it today”. In Victoria, Swain shows that uncertainties over clauses of the Act meant no adoptions were processed before 1930. Within the following 12 months, 414 orders were issued to clear the backlog, with the number of adoptions processed remaining steady at between 250 and 260 per year for the next five years. Figures compiled by Jaggs show the numbers were even less and that only 889 legal adoptions had been registered in Victoria by 1934. Not until further changes in the 1930s and 1940s would adoption come to be seen as widely acceptable at both public and official levels.

The reluctance to adopt during this period can in part be attributed to the economic conditions of the Great Depression, when irregular income and unemployment “brought increased anxiety and distress into family life” and the ability of women to maintain large families was greatly hindered. Swain posits that even among those in a good economic position, the persistence of eugenic notions that the adopted child, particularly the illegitimate, would inherit the corrupted traits of its parents was still influential, noting “there was a certain reluctance to take such an unknown quantity into their homes”. Not until the early 1930s, as Diana Wyndham demonstrates, did the prevalent eugenic values of the early twentieth century begin to be challenged, with the movement losing all credibility once the horrific crimes committed in Nazi Germany became widely known.

136 Swain, ‘Adoption: was it ever thus?’, 12; Swain and Howe, Single Mothers and their Children, 138.
137 Jaggs, Neglected and Criminal, 130.
138 Grimshaw et al., Creating a Nation, 238.
139 Swain, ‘Adoption: Was it Ever Thus?’ 13.
140 Wyndham, Eugenics in Australia, 11.
The acceptance of adoption was significantly boosted by changing attitudes towards illegitimacy and single motherhood. Swain and Howe show how the 1930s saw the beginnings of a discursive shift by doctors, clergy, social workers and parents of single mothers towards “relinquishment” replacing “maternal care as the ultimate expression of both the punishment and the love of the single mother and her child”, that later came to maturity during and after the Second World War. During this period, professional social workers, such as American Leontine Young, began to advocate adoption as the only way for unwed mothers to regain their place in society. As Young explained in her influential 1954 study, adoption “is an opportunity, the best life chance for both mother and child in the great majority of cases”. Furthermore, she argued that her practical experience showed that, “in the absence of specific organic defect in the child himself, environment rather than hereditary is the determining force” in determining the character of a child. These attitudes were further supported by professional medical opinion. Dr John Bowlby, in his 1952 address to the World Health Organisation declared that the essential factor in the mental health of children “is that the infant and young child should experience a warm, intimate, and continuous relationship with his mother (or permanent mother-substitute – one person who steadily mothers him) in which both find satisfaction and enjoyment”. Bowlby noted that in the past 10 years, social workers had begun to advocate adoption more and more, particularly for illegitimate children, in order to provide such an environment. In the case of unwed mothers, “the majority of girls recognise that it is in the interest of neither themselves nor the baby to attempt to care for him, and are prepared to release him for adoption”.

The case for adoption was further assisted in this period by the fact the children adopted from babies’ homes established in the early twentieth century were beginning to grow up. In Melbourne, Methodist layman F. Oswald Barnett established the Methodist Babies Homes in 1929 to rescue the children of the city’s slum districts. Almost twenty years later, in 1948, he published a study of 50 children adopted from the Home titled Is it safe to adopt a baby? The answer, he declared, was a resounding yes:

141 Swain and Howe, *Single Mothers and their Children*, 140.
143 Young, *Out of Wedlock*, 166.
On the whole, on the testimony of the foster-parents, this is a surprisingly normal, well-adjusted group of children, dramatically different from their natural parents, who, as has been seen, were a very sorry collection of people, with unsatisfactory personal and social adjustments.  

For Barnett, adoption was proof that a child’s environment could overpower its social position at birth and “enable them to develop into normal healthy citizens”.  

The desire of adoptive parents to adopt was greatly influenced by changes to perceptions of motherhood and family, particularly after World War Two. In the US, Elaine Tyler May’s seminal study Homeward Bound highlights how domesticity and child-rearing was endorsed by post-war Americans as “an expression of one’s citizenship”, and how children “provided tangible results of a successful marriage and family life; they gave evidence of responsibility, patriotism, and achievement”. In Australia, as Patricia Grimshaw et al. explain, this concept of family was the “postwar world’s discovery”. Whereas Australian women had previously been encouraged to identify with a collective sense of ‘women’, in the post-war period they were “invited to think of their identity in terms of their individual relationships with their homes and husbands and children”. Home, marriage and family became the measure of a woman’s success, and adoption offered an opportunity for those mothers who did not fit this model – both the childless and single mothers – to attain these goals. Swain and Howe contend that by end of the Second World War “[a]doption had become the solution to the problem of the single mother and her child”. The shift of the 1930s came to fruition in the late 1940s with the ‘baby boom’ and subsequent sharp rise in extranuptial births, and adoption came to be seen as the ‘best solution’ for children without parents, particularly the illegitimate.  

However, not all children were sought after by adoptive parents. As the Adelaide Advertiser reported in 1947 there was a great demand in South Australia for healthy young girls under seven years old for adoption. For boys, and particularly Aboriginal

\[\text{146} \quad \text{F. Oswald Barnett, Is It Safe to Adopt a Baby? Melbourne: The Specialty Press, 1948, 22.}\]
\[\text{147} \quad \text{Barnett, Is It Safe to Adopt a Baby?, 2.}\]
\[\text{149} \quad \text{Grimshaw et al., Creating a Nation, 264.}\]
\[\text{150} \quad \text{Grimshaw et al., Creating a Nation, 263.}\]
\[\text{151} \quad \text{Swain and Howe, Single Mothers and their Children, 141.}\]
\[\text{152} \quad \text{Swain, ‘Adoption: Was it Ever Thus?’ 14.}\]
boys, the situation was significantly different; they were not in demand for adoption and the numbers of willing foster parents had dropped 25% from levels in 1938. Adoption was thus increasing in popularity, but was racially and gender specific according to the desires of adoptive parents. As with most developments in this period, this trend was common across other countries in the West. As Ellen Herman shows in the US, the pattern of ‘matching’ adopted children with their adoptive parents was to become the dominant paradigm in adoption practice. Policies, regulations and standards were orientated towards erasing the social design of adoption and simulating biological kinship, which in turn increased the shift towards secrecy of adoption records to hide all traces of birth families. Though beyond the bounds of this study, this period of domestic Australian adoption history demands further research and study, particularly regarding the policies of coerced relinquishment, dispensation of parental consent and secrecy of records that has begun to face long-deserved scrutiny.

Conclusion

In 1947, the advice column of the Australian Women’s Weekly offered a response to the question of whether “an adopted baby is the best substitute for one of our own?”:

> An adoption is not a substitute, it is parenthood. The baby will be your child in every way from the time of adoption. The baby will bear your name and will be cared for and nourished by you. The influence of your home will mould the baby in your ways of life. The child will inherit a share of your worldly goods.

By the end of the Second World War, adoption had overcome the doubts and scepticisms of nineteenth century child welfare advocates to become a popular and increasingly accepted social practice. As this chapter demonstrates, this official acceptance of adoption was influenced by a range of social and political changes. As Denise Cuthbert, Ceridwen Spark and Kate Murphy show, after 1945 domestic and intercountry adoption practices evolved along diverging paths and according to

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154 Herman, Kinship By Design, 122-123.
156 ‘Adopting a baby,’ Australian Women’s Weekly, 10 May 1947, 40.
different social, cultural and political factors. The particular context of this next period will be the focus of the remainder of this thesis to examine how the function of adoption as a means of child rescue and support was extended beyond Australia’s borders to embrace children of different races and cultures affected by war.

157 Denise Cuthbert, Ceridwen Spark and Kate Murphy, “‘That was then but this is now’: Historical perspectives on intercountry adoption and domestic child adoption in Australian public policy,’ Journal of Historical Sociology, forthcoming, 2010. Manuscript provided courtesy of authors.
Chapter 2

**Intercountry Adoption in a White Australia**

I’ll never give up until Australia takes these unwanted children from Japan. I’ll get them here if it’s the last thing I do on this earth.¹


I do not favour, in principle, Japanese migration to this country, nor do I think that it would be acceptable to public opinion or desirable in any respect.²

Alexander Downer, Minister for Immigration, 1959.

During his three years of service in the Korean War, David Goldsworthy saw first-hand the devastation and destruction that war wrought upon the people, and particularly the children, of Australia’s Asian neighbours. Returning to South Australia in the mid-1950s with his Japanese wife – one of nearly 650 war brides allowed into the country after 1952³ – he bought a house in Salisbury and found a job driving aircraft loaders at the Adelaide airport. In 1962, at the age of 27, he read in the local press of a campaign to assist 50 children living in desolate poverty in the Japanese city of Kure, allegedly fathered by Australian servicemen during the Allied Occupation. Goldsworthy’s own experience of the conditions in Korea weighed heavily on his mind and, as his own wife was unable to bear children, his response to the children’s plight appeared simple; on 25 September he wrote to the Minister of External Affairs, Sir Garfield Barwick, to ask: “can we, or not, make legal application for adoption” of one or two of these children?⁴

As the previous chapter explained, after the Second World War child adoption was a well established social practice in Australia. Goldsworthy’s 1962 request was typical of a growing trend in Western countries, particularly the United States, that saw the concept of adoption extend beyond national and racial lines to those children affected

¹ *Sunday Mirror*, 7 October 1962, 1.
² *Commonwealth Parliamentary Debates (CPD)*, House of Representatives (House), v 24, 1959, 1636.
⁴ D.G. Goldsworthy to Sir Garfield Barwick, letter, 25 September 1962, National Archives of Australia (NAA): A1838, 3103/10/12/1 part 3.
The initial phase of intercountry adoption in the immediate post-war years focused on European countries where Allied troops were stationed such as Germany and Greece, while the second phase, after the Korean War, increasingly turned to Asia. The rise of intercountry adoption in the US during this period has been attributed to the significant coalescence of individual concern for children overseas and broader national imperatives, rooted firmly in Cold War politics. In her comparison of US, Canadian and New Zealand policies, Kirsten Lovelock argues that national needs and imperatives governing immigration policy have always been prioritised over the needs and interests of the child in the formulation of intercountry adoption policy.

This chapter explores attempts to instigate intercountry adoption programs in Australia after the Second World War and argues that their overall failure was the result of the clash between adoption and other national policies. Focussing particularly on efforts to bring Japanese children fathered by Australian servicemen to Australia for adoption between 1956 and 1968, it examines the conflict between individuals such as Goldsworthy, voluntary groups, government authorities and social welfare agencies over the question of intercountry adoption. It argues that, unlike the US, intercountry adoption in Australia challenged the Commonwealth government’s broader political objectives, most notably the ‘White Australia policy’ of restricted immigration. This particular Australian political context, particularly under Immigration Minister Sir Alexander Downer, was the main obstacle inhibiting the introduction of Asian children to Australia for adoption.

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8 Kirsten Lovelock, ‘Intercountry Adoption as a Migratory Practice: A Comparative Analysis of Intercountry Adoption and Immigration Policy and Practice in the United States, Canada and New Zealand in the Post WWII Period,’ International Migration Review, 34.3, 2000, 907.
Child Migration and the British Orphans Adoption Society

As the previous chapter shows, the First World War and subsequent mass displacement of families, together with the substantial increase in the birth of illegitimate ‘war babies’ had a significant impact on the development of domestic adoption practice and policy in the British Empire, providing the impetus for the introduction of adoption legislation in the British parliament, and subsequently in the Australian states. Concern for the plight of orphaned ‘war babies’ also led to calls for Australian officials to instigate programs of intercountry adoption from Britain. In 1922, Joice Nankivill of the Lyceum Club in Piccadilly appealed to Dame Mary Hughes, the wife of the Australian Prime Minister, to accept a ‘Baby Ship’ of orphaned British infants to be adopted by Australian families “for absolute adoption for love only”, or alternatively to be placed in suitable state-subsidised farm houses.9 A similar proposal was made the same year by E. Marie Irvine in an open letter to the Prime Minister published in the Sydney Morning Herald. Irvine bemoaned the “repugnant” notion that babies under the care of the National Children’s Adoption Association (NCAA) in London, born under the Union Jack, could be adopted by a ‘foreign race’ (in which she included the United States), and not by Australian families.10 Another appeal was made on behalf of the NCAA during the Great Depression by Mary J. Andrew of Adelaide, the cousin of the Association’s founder Clara Andrew, for Australia to engage with their scheme of adopting British children throughout the Empire.11

Schemes of child migration were strongly supported by both sides of parliament in the interwar period, and children – particularly British – deemed one of the best types of migrants due to the ease by which they could be assimilated into Australian society.12

Schemes for adoption, however, were not similarly supported. As Alan Gill shows in his study of child migration, adoption “has never been considered an ‘appropriate’ course of action for child migrants”. Applications from a range of individuals to Commonwealth authorities, including Mary Andrew, to participate in adoption schemes were firmly rejected by state governments. The distinction between child migration and adoption schemes stemmed largely from objections from state authorities over the responsibility for the care of children. Whereas child migration schemes were largely coordinated and managed by private philanthropic organisations such as Dr Barnardos and Fairbridge Farm Schools, the states refused to accept responsibility for the perceived burden of housing and arranging the adoption of infants.

The authority of the states to determine the intake of children for adoption was predicated on the assumption that the adoption of British children would pose no challenge to existing Commonwealth immigration restrictions. The Immigration Restriction Act of 1901 and subsequent immigration regulations – known as the White Australia Policy – placed firm restrictions on non-European, and particularly Asian, migration to Australia. The exclusionary principles espoused by the White Australia policy intended to maintain the racial homogeneity of Australia as white and predominately British and were not seriously challenged until after the Second World War. In the early 1920s, a proposal was put forward by the Near East Relief Fund based in New York and its Australian counterpart, the Australian Armenian Relief Fund, who were working with victims of the Armenian genocide, for Australia to consider accepting teenage Armenian orphans as farm labourers and domestic servants. In this instance, the decision to deny the admission of the Armenian children

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14 Gill, Orphans of the Empire, 57.
16 William J. Gall to Queensland Chief Secretary, letter, 3 November 1922, NAA: A457, X400/5.
was made by the Commonwealth Immigration Office based on the potential threat the migrants posed to Australia’s racial homogeneity. As one Immigration official noted: “it is considered undesirable to offer any attraction for the settlement in Australia of Armenians or other people of the Near East”.20

Where these examples in the interwar period were the result of isolated expressions of individual concern, the Second World War saw the first concerted attempts to launch a large scale intercountry adoption scheme in Australia. Evelyn Douglas Darby, an English migrant who arrived in Australia in 1926, was working as a school teacher when he heard Robert Menzies’ announcement of Australia’s entry into the war on 3 September 1939. After being rejected for service on medical grounds, Darby immediately turned his attention to the home-front and within three days of the outbreak of war had written up plans for what he called the ‘British Orphans Adoption Scheme’.21 A fiercely loyal imperialist, Darby was immediately concerned for the thousands of children of Britain and the Allied nations he predicted would be orphaned by the war. On 26 September 1939, at the invitation of Darby, prominent Sydney identities such as Sir Arthur Rickard and Professor Francis Bland attended the first meeting of the British Orphans Adoption Society (BOAS) at the Hotel Australia to discuss his scheme to bring British orphans to Australia for adoption.22

Darby’s newly formed association quickly gathered supported and momentum. By May 1940, the BOAS together with other child migration and church groups launched the ‘Help the Children of the Allies Campaign’ which aimed to provide aid to children from Britain and occupied Europe, with the intention of bringing some to Australia for adoption.23 Following the sinking of the City of Benares by a German U-boat on 17 September 1940, killing 77 British child evacuees bound for Australia, further shipping of children was deemed too dangerous, and the Society turned its attention to other

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20 Commonwealth Immigration Officer, memorandum, 13 December 1922, NAA: A457, X401/2.
23 British Orphans Adoption Society (BOAS), Fourth Annual Report, 1943, SLNSW.
forms of aid.\textsuperscript{24} In 1941, the BOAS mobilised some of its 1,500 prospective adoptive parents to mend and make children’s clothes to send to victims of the London Blitz,\textsuperscript{25} and after the outbreak of war with Japan, turned to supporting and caring for the children of Australian servicemen by organising temporary care, picnics, camps and holidays in country homes.\textsuperscript{26} By 1944 the BOAS had grown to a Commonwealth-wide network and had branches set up in South Australia, Victoria, Tasmania and the ACT, chaired by such eminent citizens as Dame Enid Lyons, Sir Robert Garran and Sir Earle Page.\textsuperscript{27}

These activities, however, remained peripheral to Darby’s ultimate goal of bringing British orphans to Australia for adoption. As Darby later explained, the foundation for the scheme was tied closely to his deeply held Christian values, and his belief that “Australia should be proud of its insistence that as far as possible there should be homogeneity in its race”.\textsuperscript{28} The best solution he could imagine for the predicted masses of British orphans would be to bring them to Australia to be adopted by “hundreds of motherly Australian women, kindly and generous, eager to wipe out the bitter memories of the war years from the minds of these little ones”. Like other advocates of child migration, he “instinctively” foresaw the opportunity to both provide these children with an opportunity to “strike afresh their roots in this great island continent” and to boost Australia’s “white population to attain her post-war destiny”.\textsuperscript{29} Central to this conception of adoption was the benefit it could offer in building and maintaining a white Australian nation. The BOAS Annual Reports during the war were filled with Darby’s exaltations on the virtues and possibilities afforded by the adoption of British orphans and compassionate appeals for support of his scheme (see Figure 2.1).

\textsuperscript{24} Gill, \textit{Orphans of the Empire}, 60.  
\textsuperscript{25} BOAS, \textit{Second Annual Report}, 1941, SLNSW.  
\textsuperscript{26} BOAS, \textit{Third Annual Report}, 1942, SLNSW.  
\textsuperscript{27} BOAS, \textit{Fifth Annual Report}, 1944, SLNSW.  
\textsuperscript{28} Darby interviewed by de Berg, 11,633; Evelyn Douglas Darby, \textit{Orphans of the War}. Sydney: BOAS, 1944, 2, SLNSW.  
\textsuperscript{29} ‘B.O.A.S.? ’ undated pamphlet, NAA: A461, A349/1/7 part 1.
By late 1943, as the war in the Pacific began to turn in favour of the Allies, the Australian government turned its attention to the urgent issue of post-war reconstruction. The threat of a Japanese invasion spurred the need for a wide-scale immigration program and an Inter-Departmental Committee on Migration was established to evaluate potential migrant sources, including child migration and the BOAS. On 15 December 1943, a Sub-Committee on Child Migration, together with the University of Sydney, appointed Caroline Kelly to conduct an investigation into all

30 British Orphans Adoption Society, Fourth Annual Report, 1943, Mitchell Library, SLNSW.
the voluntary organisations associated with child migration. In evaluating the BOAS scheme, Kelly expressed doubts as to the capabilities of the BOAS to carry out its proclaimed objective of placing British children for adoption. She also noted that many people involved in child migration were “disturbed” by the notion of private adoption for fears that “once the glamour of being a foster parent wore off,” adoptive parents would be “inclined to try to get out of their obligations”. Furthermore, most Australian households were “ill-equipped” to treat the “nervous tendencies” of children from war zones. This, Kelly felt, would force the government to monitor each situation regularly and carefully, allowing the children to “seize the opportunity to play off the parent against the visitor”, causing the same problems seen in separated families. On top of all this, there would be undefined “legal difficulties”. In a subsequent meeting with the Sub-Committee, Kelly reiterated that she had contacted the Directors of Child Welfare in all states and none were in favour of introducing children for adoption except under the strictest circumstances. At the Commonwealth level, Prime Minister John Curtin was similarly unimpressed by Darby’s proposal when he met with a BOAS deputation in September 1944. Curtin preferred to see an expansion of the Fairbridge child migration scheme in Western Australia as it already provided an “organisational machine” into which children could be “immediately poured and undergo training and receive education”. Like Kelly, he also expressed misgivings about the suitability of adoption, as he doubted it would provide the best method to train the children in the ways of industry and would require direct government supervision.

The reluctance of Australian authorities to engage in large-scale adoption schemes was integral to the eventual rejection of Darby’s scheme. When Acting Prime Minister Frank Forde announced the Commonwealth Government’s plan for child migration in December 1944, no provision was made for the BOAS. Though the BOAS made repeated appeals to have its scheme included the Minister for the Interior, Joseph Collings, insisted to Darby’s wife and BOAS secretary, Esme McKenzie, that the

35 ‘Notes of Meeting of Sub-Committee on Child Migration held on 17 April, 1944,’ memorandum, 17 April 1944, NAA: A446, 1960/66716.
36 ‘Notes on a deputation representing the British Orphans’ Adoption Society which waited on the Prime Minister on 7 September, 1944,’ memorandum, 7 September 1944, NAA: A461, A349/1/7 part 1.
Commonwealth could not oblige. The reasons, Collings explained, were “legal difficulties in the way of introducing children to Australia for private adoption”, the lack of state approval for the scheme, and the fact that older children, not infants (the necessary age, as Kelly insisted, for a “successful” adoption), would be targeted as migrants. These conclusions were confirmed at a conference of Commonwealth and state officials on 9 January 1945 which found that “private adoption of children brought to Australia under this scheme will not normally be allowed” except in exceptional cases expressly recommended by the State Director of Child Welfare and Commonwealth Director of Child Migration. The rejection of Darby’s scheme was further consolidated by the Commonwealth Immigration Advisory Committee (CIAC) after its tour of Europe in 1945. As the Committee asserted, the government’s plan to bring out 50,000 war orphans was found to be “quite impracticable for the simple reason there are no war orphans available”.

Following these decisions, Darby decided to disband the BOAS, and entered politics where his “zeal for a moral order based on loyalty to the Empire” and ferocious anti-communist position endeared him to the voters in the seat of Manly in the New South Wales Legislative Assembly for over 33 years until 1978. At its final meeting on 8 July 1946, all remaining funds and responsibilities were passed onto the BOAS Australian Child Care Committee, a subcommittee of BOAS that focussed providing aid to children, rather than adoption, and remained active throughout the 1950s, providing relief to child victims of the Hungarian uprising in 1956. Though the scheme ultimately failed the example of the BOAS highlights two key developments central to this examination: firstly, that there was popular support after World War Two for the notion that adoption by Australian families was an appropriate response to the plight of overseas children affected by war; and secondly, that there was considerable

38 J.S. Collings to E.M. McKenzie, 15 January 1945, minute book, British Orphans Adoption Society, Darby family papers, 1902-1986, MLMSS 6164, box 41, SLNSW.
43 ‘Special meeting – Monday 8 July 1946,’ minute book, British Orphans Adoption Society, Darby family papers, 1902-1986, MLMSS 6164, box 41, SLNSW.
reluctance from Australian state and Commonwealth authorities to participate in any adoption scheme based on concerns about the practice of adoption itself, but perhaps more significantly, the necessary level of government supervision. Underpinning both of these factors was the assumption that the children to be adopted were both orphans and of white, British descent. A decade later, this conception of adoption would shift considerably as it extended beyond racial boundaries to encompass children from Asia in response to Australia’s military presence in Japan.

**Children of Japan**

On 17 February 1956, Sergeant Ronald James Jamieson, who had served with the British Commonwealth Occupation Force (BCOF) as part of the Allied Occupation of Japan, faced a court martial hearing in Sydney. Jamieson, who had served 16 months with the BCOF, was charged with stealing 140 pages of foolscap paper and two stencils to launch what he called the ‘Eurasian Children’s Appeal’ to assist between 200 and 300 children fathered by Australian troops in Japan living in desperate poverty. As he told reporters, it was “heart-breaking and embarrassing to see these children in Japan,” and his proposed campaign intended to provide them with homes and care in the absence of any assistance being provided by Australian authorities. 44 This allegation caused a huge furore for the government as the press and the opposition demanded that Jamieson’s claim be investigated. 45

In 1946, the BCOF, made up of British, Indian, New Zealand and Australian troops, was made responsible for the military control of the southern prefectures of Honshu in Japan, including the shattered city of Hiroshima, to oversee the demilitarisation of Japanese installations and armaments. Based in the port city of Kure, at its height the force included approximately 40,000 BCOF personnel, 11,500 of whom were Australian. 46 From April 1948, the other BCOF contingents were withdrawn leaving the area under Australian control, under overall US command, until 1952. 47 Though the

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44 ‘Sergeant fights for children,’ *The Herald* (Melb), 18 February 1956, 3.
45 ‘Charges should be answered,’ *The Herald*, 20 February 1956; *CPD*, House, v 9, 22 February 1956, 101.
Occupation officially ended at this time, Australia maintained approximately 2,500 troops in Kure until 1955 when numbers were reduced to 775 in 1956. Until recently, the Australian military contribution to the BCOF received little scholarly attention, and examinations of the social and cultural aspects of the Occupation, in both Japan and Australia, have seldom been broached. One particular aspect that has received perhaps the least attention of all is that of the small community of what officials called “mixed blood” or “mixed race” (henceforth mixed race) Japanese children born to Australian servicemen.

From the very outset, the existence of mixed-race children presented a highly controversial and difficult problem for the Australian authorities. Unlike the US, the BCOF commanders attempted to enforce a strict anti-fraternisation policy that insisted that their troops avoid all interaction with local Japanese people. This became almost impossible to uphold as the BCOF employed up to 20,000 Japanese at its peak, and by 1952 was still employing over 10,000, including many women. After April 1948, with the withdrawal of the other contingents, the issue of marriage between Australian servicemen and Japanese women became a significant concern to Australian authorities both in Japan and at home. Yet, as demonstrated by the long public campaign and eventual success of Gordon Parker to have his wife Cherry bought to Australia in 1952, it became clear that the anti-fraternisation policy had hopelessly failed and that despite

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all attempts to the contrary, liaisons between Australians and Japanese were widespread, with the inevitable consequence of bearing children.\textsuperscript{54} While some children were born to couples in either formal marriage or de facto relationships, many were the result of casual encounters, engagements with prostitutes and even rape, adding yet another problematic dimension to the question of mixed-race children.\textsuperscript{55}

Japanese migration was itself a highly contentious issue in the wake of the war. Hostility towards Australia’s former enemy at both the popular and official level was palpable, having only recently escaped the nation’s oldest and deepest fear: an Asian invasion from the north.\textsuperscript{56} The Japanese bombings of Darwin and northern Australia, the discovery of midget submarines in Sydney Harbour, not to mention the Australian lives lost fighting the Japanese in the Pacific and the horrific treatment of Australian prisoners of war in Japanese camps contributed significantly to a virulent and widespread anti-Japanese feeling.\textsuperscript{57}

As Australia’s first Minister for Immigration, Arthur Calwell, said in 1948,

\begin{quote}
I believe that I express the opinion of 90 per cent of the people of Australia when I say that as long as there continues to live in this country any relative of any person who suffered at the hands of the Japanese, no Japanese man or woman will be welcome to come here.\textsuperscript{58}
\end{quote}

Calwell was bitterly opposed to the immigration of Japanese war brides in 1952, publicly denouncing any attempt to allow Japanese people to “pollute” Australian shores as an act of the grossest public indecency.\textsuperscript{59}

Jamieson’s allegations that up to 300 half-Australian children were living in Japan saw the beginnings of increasing public concern for the welfare of these children, and a

\textsuperscript{54} Tamura, \textit{Michi’s Memories}, 13.
\textsuperscript{55} Yuki Tanaka, quoting a Japanese prostitute commenting on Australian troops in Kure in November 1945, writes: “The Australian soldiers were the worst. They dragged young women into their jeeps, took them to the mountain, and then raped them. I heard screaming for help nearly every night.” Yuki Tanaka, ‘Rape and War: The Japanese Experience,’ \textit{Papers of the Japanese Studies Centre}, 24, Melbourne: Monash University, 1995, 41.
\textsuperscript{58} CPD, House, v 196, 1948, 595.
growing expectation for the Commonwealth government to take responsibility and action. In this context, adoption was raised almost immediately as a possible measure to alleviate the plight of the orphans. In March 1956, Dr Hilda Barker, a Newcastle surgeon, appealed to Prime Minister Robert Menzies to be “granted permission to have just one of these little orphans, a little girl who I could later train in my home”. Though Barker’s motives for adoption appear rooted in nineteenth century ideas of adoption-for-service, this was not the basis upon which the Secretary of the Immigration Department, Tasman Heyes, denied her request. As Heyes relayed, the matter was carefully considered,

but it is regretted that as they do not come within the classes who may be permitted to enter the Commonwealth for residence any application for their admission would not be one for approval under established policy.61

Cultural historian Robin Gerster argues that marriages between Australian servicemen and Japanese women, “and the enhanced knowledge of Japan that the occupation brought, led to the relaxation of the White Australia Policy”. However, it is clear from Heyes’s response that the relaxation that had allowed the entry of Japanese war brides in 1952 was conditional and limited. In July 1956, the question of permitting Japanese children to Australia for adoption was discussed by the Commonwealth Immigration Advisory Council (CIAC). Harold Holt, Minister for Immigration, had recently approved the admission of a Japanese child adopted by an officer of the Australian Embassy in Tokyo, and the CIAC was asked to consider a further three applications from Australians wishing to bring Japanese and Korean children to Australia for adoption. Of these three cases, two were Australian servicemen, George Budworth and K.W. Rose, and had been caring for their prospective adoptive children – one of alleged Japanese-British descent and one Japanese – for a prolonged period overseas. The third application, however, most concerned the CIAC. Mrs D. Trewartha, a nursing sister in Korea, sought to bring a 12 month old mixed-race child to Australia, but at the time of her application had no particular child in mind. As the submission to the CIAC warned, allowing entry could “constitute a very awkward precedent”:

62 Gerster, ‘Six Inch Rule,’ 42.11.
There are thousands of children available for adoption in Japan as the result of alliances between Japanese women and occupation troops. The plight of these children would appeal to the compassion of many Australians in a position to adopt them, but their entry in considerable numbers would be directly contrary to established immigration policy.\(^{63}\)

The response of the CIAC, though “not generally favouring the principle involved of allowing entry” recommended that permission be denied to Mrs Trewartha and all similar applications, but where the child was under the care of the prospective adoptive parents, the department should be granted discretion to approve entry.\(^{64}\)

This decision became the fundamental principle guiding future questions about the possibility of bringing Japanese children to Australia for adoption. After the publicity of Jamieson’s trial subsided, the issue of mixed-race children did not arouse much public attention until it was raised in parliament in May 1957 by the ‘Firebrand of East Sydney’, Eddie Ward. Enquiries by the Minister for Defence, Sir Phillip McBride, in response to Ward’s questions found that, according to a report by an Australian army chaplain, the number of half-Australian children in Japan would not exceed forty and that no policy had been determined as to their care.\(^{65}\) Again the matter rested until Peter Robinson, a journalist with the popular Sydney magazine *Pix*, published allegations in August 1957 that the Australian government estimates were grossly understated, and there were at least 1,000 Australian-Japanese children living in Japan. In a highly sensational and emotive piece he went on to depict vivid images and heart-wrenching descriptions of the “horrible life ordeal” mixed-race children faced and of the poverty and isolation in which they were forced to live since being deserted by their Australian fathers.\(^{66}\) Quoting Robinson’s story, Ward again launched one of his characteristic attacks on the government, accusing McBride of providing a “completely inaccurate and misleading” answer to his previous question. He was joined by Les Haylen and Clyde Cameron in a long and heated debate demanding that the government accept responsibility for these children and take immediate action to alleviate their “shocking


\(^{65}\) *CPD*, House, v 15, 1957, 983.

\(^{66}\) Peter Robinson, ‘The sons of the brave in… A Story of Shame,’ *Pix*, 17 August 1957, 6-10.
Following continued questioning by Ward, McBride claimed that only 104 children of Australian servicemen were known to the Japanese Welfare Ministry, and that only 40 mixed-race – not necessarily Australian – children were registered at the Japanese Social Relief Centre in Kure in October 1956. He further added that as the children were Japanese nationals, they did not come within the jurisdiction of the Australian government and were not a direct national responsibility.68

Central to these debates were questions about who should take responsibility for children fathered by Australian servicemen abroad, and what should be done to assist them. As US historian Ellen Herman explains, the first phase of intercountry adoption after the Second World War was driven by a humanitarian effort to save and rescue the children of war, particularly the estimated 400,000 children fathered by US servicemen in Europe and Japan.69 Richard Weil argues that the simultaneous combination of US troops fathering illegitimate children in occupied countries, and a growing public concern for the children orphaned or made homeless by war led to over 19,000 children being adopted in the US between 1948 and 1956.70 In Australia, the adoption of Japanese children was raised as one of many options the government could possibly pursue to resolve both questions of responsibility. David Anderson, an officer at the Australian embassy in Tokyo, suggested that

the most practicable and least embarrassing courses open, should the government decide to extend assistance in some form, appear to be unobtrusive assistance to voluntary and church organizations, both in relief work and arrangements for adoption.71

In 1957, there was one main voluntary organisation working specifically with mixed-race children in Japan, the International Social Service (ISS). ISS was founded in 1924 in Geneva as a response to the migration of displaced persons after the First World War, and a branch was officially founded in Australia in 1955.72 One of the more prominent

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67 CPD, House, v 16, 1957, 172-180
68 CPD, House, v 17, 1957, 1625.
71 H.D. Anderson, memorandum 1205, 12 December 1957, NAA: A1838, 3103/10/12/1 part 1.
72 ‘No Man is An Island…’, pamphlet, International Social Service, October 1957, NAA: A1838, 3103/10/12/1 part 1.
responsibilities of the ISS was arranging and facilitating intercountry adoptions, particularly for those children orphaned and displaced by the war.\textsuperscript{73} As a result, ISS was the foremost authority on developing standards and principles for intercountry adoption, establishing a set of international guidelines in 1956, and arranging a meeting with United Nations officials, which led to a European Seminar on Intercountry Adoption, held at Leysin, Switzerland, in May 1960. The Seminar developed twelve fundamental principles for adoption practice that set the benchmark for international practice, emphasising the importance of ‘cultural background’ to a child’s development and that adoption be used only a means of last resort, when all other avenues of in-country support had been exhausted.\textsuperscript{74} The concerns of ISS for greater regulation were also shared by the United Nations; a 1953 report by the International Union for Child Welfare into western adoption practices found that adoption agencies working in the field of intercountry adoption acknowledged that “further safeguards in the interests of the child are necessary before they can, with any confidence, support arrangements of this kind” and were “doubtful whether the removal of even a young child from the whole of his traditional background is in his best interests”.\textsuperscript{75} One of the first international conventions on adoption, the Hague Convention on the Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions, was established in 1965, but by 1975 had only been ratified by Austria and Switzerland.\textsuperscript{76}

The adoption of Asian children into white, Western families was thus not favoured by ISS and other child care professionals, except in the case of the children of foreign servicemen. Since the end of the Second World War, ISS in Tokyo had sent over 2,000 children to the US for adoption, largely to families of ex-servicemen, but had not yet extended its operations to the distant city of Kure. In 1958, at the request of the Australian embassy in Tokyo, ISS Japan officer Florence Boester prepared a report for

\textsuperscript{73} Heide Fehrenbach, ‘How to handle a birthparent: from local practice to international policy in early intercountry adoption, 1948-1960,’ paper presented at Adoption: Secret Histories, Public Policies, Alliance for the Study of Adoption and Culture 3\textsuperscript{rd} International Conference, 29 April – 2 May 2010, Massachusetts Institute of Technology, Cambridge MA.


\textsuperscript{76} Ingrid Delupis, \textit{International Adoptions and the Conflict of Laws}. Stockholm: Almqvist and Wiksell International, 1975, 22.
the Australian government that found that of the 58 children located in Kure, 42 were believed to be of BCOF heritage. Most of these children lived with relatives and only 5 were definitely available for adoption overseas, highlighting the need to support these children in Japan. Similarly, a report on mixed-race children issued by the Kure Mayor’s office claimed 83 mixed-race children were living with their families in Kure, and only eight mothers had expressed an interest in having their child adopted overseas. Boester concluded that if the Australian government would be willing to sponsor the ISS, it could see that some children were placed with US families and the rest cared for in their home country. Interestingly Boester, obviously aware of Australia’s restrictive immigration policy, did not even suggest sending the children to Australia.

ISS thus presented the government with an opportunity to assuage the opposition’s calls to accept responsibility for the mixed-race children in Japan. Anderson suggested to Charge d’Affaires Keith Brennan that as the Department of Immigration “seems to have effectively ruled out adoption, I can see no practical ways in which the Australian government might help, short of donating funds to the Municipality of Kure, ISS or some other agency”. However, such a donation would imply an acceptance of responsibility by Australian authorities for the actions of its servicemen abroad, and as no such remedial action had been taken by the governments of the US, the UK, Canada or New Zealand in regards to mixed-race children, the government was reluctant to set a precedent. Lacking significant pressure beyond the opposition to formally address this question, the matter was left largely unresolved until 1959 when a shift in public attitudes raised the possibility of adoption once again.

Alexander Downer and White Australia
With the government reluctant to take any official action on behalf of mixed-race children in Japan, the cause was taken up in the late 1950s by prominent Christian

80 H.D. Anderson, memorandum 1048, 6 November 1957, NAA: A1838, 3103/10/12/1 part 1.
groups in Australia. These groups insisted that the most pragmatic response to Ward’s call for responsibility would be to bring the children to Australia for adoption. Beginning in May 1958, Reverend Harvey Perkins, General Secretary of the Australian Council of World Council of Churches launched a series of appeals to the Immigration Department to consider allowing the entry of mixed-race children for adoption. Through the persistence of Perkins and others to have this question addressed, adoption, hitherto isolated to private enquiries, became a significant public issue, challenging existing immigration policy and posing a significant problem for the newly appointed Minister, Alexander Downer.

Downer’s elevation to the Immigration Ministry on 20 March 1958 coincided with a growing movement in Australia urging immigration reform and significant modifications to the White Australia policy on both political and moral grounds.81 While Downer introduced some minor liberalisations to the policy in 1958 and 1959 including the removal of the dictation test, removal of arbitrary ministerial powers to deport, and amending naturalisation rights for non-European spouses and unmarried children of Australian citizens, he was firmly resistant to any suggestions for reform that would alter Australia’s homogenous, British population.82 Until his appointment as Australian High Commissioner to London in 1963, Downer’s term as Minister was marked by a serious and obvious reluctance to draw any attention to Australia’s highly restrictive immigration policy. Where his predecessor Harold Holt had been active and supportive in bringing in subtle but significant reforms, including the entry of Japanese war brides in 1952 and significant changes to non-European entry requirements in 1956, Downer was ambivalent and fearful of bringing any undue publicity to his portfolio.83 As Sean Brawley notes, “Downer was obsessed with the notion that any publicity for the policy, even that regarding a departmental inquiry, would be bad publicity”.84

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81 Tavan, The Long Slow Death of White Australia, 121-128.
Downer’s appointment also coincided with a revived interest in the adoption of Japanese children. Following the publicity of 1957, *Pix* published a follow-up story in April 1958 on the plight of the Japanese children, declaring that six of the children were “available” for adoption by Australian families. By the end of the month, the Japanese press reported that eleven applications for adoption had been lodged with Kure City Hall by individual Australians, adding to four previous applications made in 1957. Following this increase in interest, the Mayor of Kure appealed to Perkins, who in turn appealed to the Immigration Department for advice on how best to deal with the applications. Following the CIAC decision of 1956, the department replied that children would only be admitted if they had been in care of an adoptive parent “for a considerable time”. Based on this response, Perkins accepted the government’s position and turned his campaign towards raising funds to care for the children in Japan. However, the wide publicity his enquiries aroused brought the Department of Immigration’s policy under public scrutiny.

The question of the half-Australian children in Japan was seized upon by Australia’s most experienced Asian correspondent, and widely respected journalist, Denis Warner, further raising the publicity Downer was eager to avoid. Warner was vociferously outspoken on behalf of Asian issues in Australia, and used the adoption issue to criticise and draw attention to Australia’s immigration policy: “[o]n the one hand the Government assures us that there is no White Australia policy, and on the other it has refused permission for Australians to adopt these children and bring them here”. In a further attempt to bring attention to the issue, in late 1959 he arranged for journalist Shinichi Takeda to write a detailed report on the children of Kure for the national press. Takeda’s report, picked up by papers across Australia, focussed on the dire state.

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85 ‘Six Waifs Offered for Adoption’, *Pix*, 5 April 1958, 10.
87 ‘Adopt Waifs’, *The Sun* (Sydney), 8 May 1958.
88 ‘Reply to query from the Sydney Sun (approved by the Minister for Immigration and furnished to the *Sun* on 6 May 1958),’ 6 May 1958, NAA: A1838, 3103/10/12/1 part 1.
92 Shinichi Takeda to Denis Warner, letter, 19 November 1959, *Papers of Denis Warner*, MS 9489, series 1, folder 154, NLA Manuscripts Collection.
of poverty in which the children were living, and the social ostracism and disadvantage they faced being of mixed race and fatherless. Warner drew on this story, and the publicity surrounding Perkins’s appeal, to continue to criticise the Immigration Department and the “prune-like heart of Australian bureaucracy”.

Central to the arguments of both Perkins and Warner was the insistence that Australia had a direct moral responsibility for the mixed-race children in Japan, and, unlike the previous appeals of Ward, suggested adoption as the most appropriate means to meet it. Implicit in this suggestion was the assumption that adoption by Australian families was intrinsically beneficial for the children, overlooking the more complex arguments raised by ISS. Often cited in support of this position was the action taken by the US in allowing the entry of large numbers of Japanese and Korean children for adoption, many of whom were arranged by ISS, and most of whom were fathered by US servicemen. This argument clearly influenced members of the Commonwealth opposition, who hitherto had avoided references to adoption or immigration, but by 1959 were calling on Downer and the Government to “show a little bit of humanitarianism and open the way for any Australian citizen who wishes to adopt a Japanese child”. This appeal to a broadly Christian notion of humanitarianism was echoed by concerned Australians, appealing directly to Menzies, to accept responsibility for the children. One such appeal highlighted the incompatibility of Christian values with Australia’s current immigration policy: “If the children are shut out as forbidden migrants and we a Christian country … what are we going to do in heaven – Jesus was a coloured man!”

The association of moral obligation and humanitarianism with the adoption of Asian children has been examined by scholars in the US, particularly in relation to the adoption of children from Korea at the end of the war in 1953. Arissa Oh argues that the

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96 CPD, House, v 25, 1959, 3339.
alignment of adoption with notions of Christian and humanitarian morality by adoption advocates in the 1950s was one of the fundamental factors behind the success of Korean adoption programs, allowing parents to seemingly transcend questions of race, and situate adoption as part of a secular religion she dubs “Christian Americanism”. As Ellen Herman observes, saving the “children of calamity” infused adoption with the particular patriotism of the cold war era,” and neatly dovetailed with broader US political objectives. Christina Klein argues that adoption was promoted by producers of middlebrow American culture as a means by which to overcome the obstacles of racism, ignorance about Asia and absent family ties to facilitate a popular sense of political obligation to Asia during the cold war. This middlebrow discourse, and its support for adoption, she argues, “provided a set of terms, images and narratives that made America’s increasing commitment to Asia seem natural, legitimate and morally sound”. By accepting Asian children, particularly those fleeing Communism, American adoptive parents were “striking simultaneous blows for humanitarianism and against international Communism”, giving greater political and popular support to the adoption movement.

In Australia, the adoption of children from Japan did not dovetail into similar political objectives. Rather, the race of the children presented a significant political liability for the government by threatening established immigration policy and raising significant questions over the responsibility of the Australian government for the actions of its troops overseas. The contest over the definition of race was central to the question of responsibility and the suitability of adoption. The discourse employed by Warner and other advocates for the children identified them as ‘half-Australian’, rather than ‘half-Japanese’ or ‘mixed blood’, defining responsibility on essentially racial rather than Christian or humanitarian grounds. The charge that, due to their race, the children would not be accepted into Japanese society and would become social outcasts was consistently raised by those advocating for their adoption. That the children were

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100 Herman, *Kinship By Design*, 217.
102 Klein, ‘Family Ties and Political Obligation,’ 65.
fathered by Australian servicemen, sent to Japan by the Australian Government, added further poignancy to these appeals.104

Downer, who was captured by the Japanese at the fall of Singapore in 1942 and spent the remainder of the war as a prisoner at Changi, had significant personal apprehensions about Japanese migration and was particularly hostile to this attempt to define the children as Australian rather than Japanese.105 His attitude is perhaps best summarised in a response to a question posed by Ron Davies as to whether he would consider easing immigration restrictions to allow Japanese children to enter Australia. Downer curtly replied, “I do not favour, in principle, Japanese migration to this country, nor do I think that it would be acceptable to public opinion or desirable in any respect”.106 In an effort to offset the issue of race, Downer later explained to Davies that his decision to deny entry to the children was influenced by number of factors, most significantly that he believed that the interests of the children were best served by leaving them with their mothers in Japan. As he insisted, they have been “growing up as Japanese in every respect” and thus “their ‘assimilation problems’ would be formidable and quite possibly insurmountable,” if brought to Australia.107 Similarly Immigration Secretary Tasman Heyes noted in January 1960, “there are other obstacles, apart from our immigration policy, to the movement of the children from Japan to Australia”, particularly state adoption procedures, such as the New South Wales requirement that child must be in care of their adoptive parents for up to 6 months before an adoption order could be made.108

However, it was the threat posed to Australia’s immigration policy by the migration of Japanese children that concerned Downer most significantly. His position on the Japanese children is perhaps best illuminated in a heated debate in Parliament with Les Haylen in March 1960. Haylen appealed to Downer on the grounds of humanity,

104 *The Herald*, 10 November 1959, 4.
105 Though, as H.I. London notes, there is little evidence to substantiate the charge that Downer’s experience as a prisoner-of-war affected his attitude towards Asians, his “unwillingness to establish new immigration precedents” was pronounced. See: London, *Non-white Immigration and the ’White Australia’ Policy*, 99.
108 T.H.E. Heyes, ‘Children in Japan said to have been fathered by Australian servicemen,’ memorandum, 12 January 1960, NAA: A463, 1963/2728.
emphasising that the question of adoption was not one of racial or immigration policy but “a piece of tidying up after the war”. Like other advocates, he emphasised that “[s]omewhere in their cosmic make-up, in their genes, in their Australianism which has been transmitted to them through their fathers, they must feel a tug towards their homeland.”\(^{109}\) Citing the example of the Norwegian government’s acceptance of some 8,000 children fathered by German troops in the wake of WWII, he urged Downer to do the same.\(^ {110}\) Downer, in response, insisted that the children were Asian in every respect, and allowing them entry to Australia, “would enunciate a new principle altogether, not merely in international relations, but certainly in the immigration policies that have hitherto been accepted by all sides of politics since the federation of this country”.\(^ {111}\) He reiterated his conviction, shared by the prime minister, that, “I would regard as inadmissible any assertion that a nation is responsible for the progeny of illicit unions of its soldiers serving on foreign soil”.\(^ {112}\) As he explained, if the government were to accept responsibility, Australia,

would have to think afresh a completely new basis for our immigration policy. This the Government is not prepared to do, and it is not prepared to make a specific exception in this case unless – I would only add this as a qualification – there are individual instances which require the most particular or the most sympathetic consideration.\(^ {113}\)

Downer was also concerned that adoption could be used as a means by which Japanese migrants could flout Australia’s immigration restrictions. As most of the children in Kure were approaching their teenage years, Downer argued that

a bid for the children is a bid for the mothers, and by the time the whole operation were carried out, quite a small colony of Japanese migrants would be coming into this country. I say without hesitation and without qualification that, as long as I am Minister, that will not happen.\(^ {114}\)

Similar concerns were later raised by the Immigration Department over the adoption of teenage Chinese students, usually by Chinese-Australian residents, as a way of

\(^{109}\) CPD, House, v 26, 1960, 701.


\(^{111}\) CPD, House, v 26, 1960, 701.


\(^{113}\) CPD, House, v 26, 1960, 647.

\(^{114}\) CPD, House, v 26, 1960, 701.
circumventing immigration restrictions and allowing Asian students to stay in Australia once their student visas had expired. However, as demonstrated by the case of Ernest Lee, a fifteen year old Chinese student adopted in 1963 by a Chinese couple, these fears were largely unfounded.\textsuperscript{115} Enquiries by the Immigration Department revealed that although it was not possible for the Commonwealth to intervene in the adoption proceedings of the states, the granting of an adoption order would not override the Commonwealth’s discretionary authority to revoke entry permits for students.\textsuperscript{116} In the case of Ernest Lee, the presiding justice granted the adoption but insisted that Lee would not be guaranteed to stay in Australia after the completion of his studies.\textsuperscript{117}

The precise threat that the immigration of mixed race Japanese children posed to Immigration policy was difficult to define as the Immigration Department already had discretionary powers over the entry of children for adoption under the 1956 CIAC decision.\textsuperscript{118} Indeed, the Immigration Department’s Assistant Secretary, Peter Heydon argued in a recommendation to Downer that, “the practical consequences of a more liberal approach [granting the children entry] would be slight as compared with its favourable effect upon the general presentation overseas of our general immigration policy”.\textsuperscript{119} Unlike Downer, Heydon believed such a suggestion would “not involve any radical departure from existing principles or policy” and “in conformity with American practice and in deference to a measure of public concern, may prove justifiable at home”.\textsuperscript{120} Furthermore, a Gallup Poll taken in 1959 found that the percentage of Australian’s opposed to the admission of a token number of Asian migrants had dropped from 61 per cent in 1954, to just 34 per cent, suggesting that public hostility towards small-scale Asian migration was beginning to soften.\textsuperscript{121} However, it was at the symbolic level that the question of Japanese children was problematic, tied as it was to the larger question of Asian migration reform. The influential Immigration Reform

\textsuperscript{115} ‘Court moves over Chinese adoption,’ \textit{Sydney Morning Herald}, 10 September 1963.
\textsuperscript{117} ‘No evasion of immigration law,’ \textit{Daily Telegraph}, 17 September 1963.
\textsuperscript{118} Keith Brennan, ‘Mixed blood children in Japan,’ memorandum, 31 December 1959, NAA: A1838, 3103/10/12 part 2.
\textsuperscript{119} P.R. Heydon, ‘Children of Australian Servicemen in Japan,’ memorandum, 16 December 1959, NAA: A1838, 3103/10/12 part 2.
\textsuperscript{121} ‘Changed views on Asians,’ \textit{The Herald}, 22 January 1960, 4.
Group labelled Downer’s opinion on the entry of mixed-race children for adoption as an indication of “the rigidity of the official attitude” towards non-European immigration that they advocated to change.122

With Downer firmly opposed to the entry of the children, Perkins and the World Council of Churches eventually abandoned their attempts to have eight children brought to Australia for adoption. As Perkins explained in a long and detailed appeal to Prime Minister Menzies, after two years of investigations, any further delays would be “injurious to the children” and he had regretfully forwarded on £500 of “conscience money” to have the children adopted by US families. As he stressed, this was done “reluctantly, and with shame”, but was the only course available “to fulfil the responsibility which belongs to the Australian community”. Like Heydon, Perkins suggested action to allowing the children entry,

would have placed this country in better standing abroad, and should have been taken to enable our community to fulfil its own national responsibility. We believe that a large section of the Australian people would have rejoiced in “doing the right thing” if this action had been taken.

Instead, Perkins concluded his appeal by requesting that Menzies provide £10,000 for a £50,000 fund to support the 51 half-Australian children living in Japan.123 A similar proposal was mooted in May 1959 to provide £225 to ISS Japan to carry out a case-by-case study of the children in Kure, but was strongly opposed by the Department of Defence. After consulting the Army, Navy and Air Force, it insisted that the government “should be wary about doing anything that could be taken as an acceptance of Australian guilt and responsibility” that such a donation would imply, and should also avoid giving “undue emphasis” to the small Australian share of overall problem. If Australia were to contribute, it should only do so if the US and UK took the same action.124

This position was strongly supported by the Prime Minister when he took the proposal to Cabinet in March 1960 in response to the increasing public concern. As he explained in his submission, the problematic question for the government was,

if we offer assistance to these children even on a voluntary basis, whether this action does not imply that we are accepting a measure of responsibility for them. This might easily lead to pressures for assistance in other places where Australian troops are stationed in war or peace (Malaya). The Australian Government has never accepted responsibility of this kind … and I know of no other government which accepts responsibilities of this nature.

Though he noted the increased media attention on the children, with the exception of Perkins and a few isolated enquiries, the number of representations to the government on behalf of the children had been “very small indeed”. He also pointed out that the 100 Australian-fathered children constituted a small minority of the 3,500 mixed-race children in Japan, and cautioned that any gesture by the Australian government may imply that Japanese social service benefits were not adequate (though this concern about offending Japanese authorities was conspicuously absent from any previous discussions of the matter). As a result, he did not believe there should be any cause for Commonwealth assistance. Cabinet duly agreed, recording that, “no direct assistance or assumption of liability by the Australian Government is to be countenanced”.

With this decision, Australia’s position on the children of Australian children fathered by Australian servicemen was firmly set. Adoption, suggested as a means by which to address Australia’s perceived responsibility towards these Japanese children, was discredited by Menzies, Downer and other members of the government because they refused to acknowledge or accept such responsibility, financial or otherwise. Though they based this rejection on a range of factors, including the welfare of the children and offending the Japanese, the underlying problem was race. Accepting responsibility for mixed-race children would not only set a precedent for Australian military action across the world, but would open the door for the entry of Japanese children for adoption and

seriously undermine Australia’s restrictive immigration policy. Despite Menzies’s refusal to take action on behalf of the mixed-race children in Japan, Perkins and the World Council of Churches continued to work towards raising publicity and funds towards their aid, sending £1200 to ISS Japan in May 1960.\textsuperscript{128} The government’s policy and position would not be challenged again until 1962 through the vigorous campaigning of the ‘King of the Kure Kids’, A.J. Ferguson.

\textbf{The Two Alexanders: Ferguson and Downer, 1960-62}

Alexander (A.J.) Ferguson, as he explained shortly before his unexpected death in 1962, first became acquainted with the situation of mixed-race children through Denis Warner’s coverage in the Melbourne \textit{Herald}. In 1960, Ferguson, a successful director of an electrical wholesale company in Melbourne, made a business trip to Japan to meet with local exporters where he was directed by friends to the work of Father Tony Glynn in Nara City.\textsuperscript{129} Glynn, an Australian Marist priest, had been working at a Catholic Mission in Nara City since 1952, and was one of the first Australians to begin working with mixed-race children in Japan.\textsuperscript{130} Ferguson travelled with Glynn to Kure to meet the half-Australian children face-to-face, where, he explains, “it dawned on me that these were probably the only children in the world who were not only unwelcome where they were, but would never be wanted there”.\textsuperscript{131} Dismayed that neither Glynn nor the children were being supported by authorities in Australia, Ferguson formed the ‘Japanese-Australian Children’s “Adoption” Fund’ upon returning the Melbourne, designed to encourage local business firms to ‘adopt’ children through sponsorship, and to bring some children to Australia when deemed in children’s best interests.\textsuperscript{132} By November 1960, Ferguson’s Fund had raised £900 and forwarded it on to support the work of ISS in Kure.\textsuperscript{133}

Ferguson’s work on behalf of the mixed-race children in Kure continued to gain momentum throughout 1961, reaching its zenith in 1962. In July 1962, Ferguson again

\begin{footnotes}
\item[133] M.H. Kelso to Kimi Tamura, letter, 28 November 1960, NAA: A1838, 3103/10/12/1 part 2.
\end{footnotes}
visited Japan with a further £1250 raised by his Fund for ISS’s Kure project, and made a film titled ‘The Australian Waifs’ to further publicise his campaign in Australia. Upon his return to Melbourne he announced that he would publicly challenge the Immigration Department to allow 40 children to come to Australia for adoption. As he later threatened, “I’m going to give the Immigration Department a very, very torrid time”. Throughout his campaign, Ferguson maintained that adoption was the surest means to fulfil Australia’s obligation and responsibility to the mixed-race children, declaring: “I’ll never give up until Australia takes these unwanted children from Japan. I’ll get them here if it’s the last thing I ever do on this earth.” Like Warner, Ferguson insisted the children were “half-Australian … not half-Japanese,” and based his calls for adoption on this racial identification.

By October 1962, the widely publicised work of Ferguson had caught the attention of Victorian Senator and Deputy Leader of the Opposition Patrick Kennelly, who raised the matter with the Labor Caucus. Kennelly appealed to Caucus to ask the Commonwealth government to appoint a joint parliamentary committee to investigate the issues surrounding welfare of the Australian-Japanese children. The question caused considerable debate and was vehemently opposed by the Labor leader Arthur Calwell due to the implications it raised for Australia’s immigration policy. As Sean Brawley notes, like Downer, “Calwell remained a member of the rapidly evaporating Billy Hughes school of foreign relations which believed the [White Australia] policy was completely defensible, and did not need any cosmetic surgery or propaganda”. Calwell and his supporters argued that “if the ALP pressed the matter, it could wrongly be interpreted as an attempt to break down its backing of the White Australia policy”. However, backed by supporters of immigration reform such as Gough Whitlam, Kim Beazley and Allan Fraser, Kennelly argued that the government had already “driven a wedge into the White Australia policy” by allowing the entry of Japanese war brides in 1952, thus the admission of Japanese children should present no great concession.

135 ‘Jap waifs,’ Sunday Mirror, 7 October 1962, 2.
Calwell was defeated by a 95 majority and was thus forced to ask Downer to consider the proposal in parliament on 3 October.\textsuperscript{139}

Concern for the mixed-race children was not merely a useful political tool for the Labor party, but also was shared by some members of the Liberal-Country party government. Edmund Fox, Liberal member for Henty in Victoria, raised “the problem of the Japanese waifs” during Budget Estimates, explaining that he did not wish to appear criticising either the White Australia policy or Downer, but at the same time, felt that “the Government would show Christian charity and would enhance its reputation with its Asian neighbours if it gave those people who are willing to adopt the children the right to do so”.\textsuperscript{140} As in 1960, the fusion of adoption with the question of responsibility and broader Christian values attempted to place adoption above the party-political divide. As one Australian couple appealed to Downer: “[t]his is not a question of another breach in our outdated White Australia policy. This is a simple matter of facing our responsibilities. A matter of plain Christian charity, if you like.”\textsuperscript{141}

However, despite Fox’s appeals and Calwell’s concerns, the realistic possibility of bringing Japanese children to Australia for adoption was diminishing. Though Ferguson maintained his unshakeable belief in the suitability of adoption, his position was quickly losing favour with other voluntary groups working on behalf of mixed-race children in Japan. By 1962, ISS Japan was working with 93 children who claimed to have Australian paternity and of these children the youngest was eight-years-old, while most were between twelve and thirteen and living with their mothers or relatives. They were considered by both ISS and the Japanese Welfare Ministry as above the optimum age for adoption “irrespective of environmental, race and other factors”, and in light of known Australian immigration policy, ISS was actively discouraging mothers from the idea of adoption except in special circumstances. Kimi Tamura from ISS informed the Australian Embassy in Tokyo that fewer than ten children would seriously pursue adoption, and was highly critical of the exaggerated tone of Australian press reports on the matter, insisting that the best course to pursue would be to support the education of

\textsuperscript{139} CPD, House, v 36, 1962, 1072.
\textsuperscript{140} CPD, House, v 37, 1962, 1803.
\textsuperscript{141} E.W. Tipping, ‘Let us adopt those waifs,’ \textit{The Herald}, 2 October 1962, 3.
the children in Japan. This view was also adopted by religious leaders in Australia including the Archbishop Melbourne, Dr Frank Woods and the Reverend Frank Byatt of the Australian Commission for Inter-Church Aid and Services to Refugees. Moira Dynon, an executive member of the Sir Edward ‘Weary’ Dunlop’s Australia-Asian Association, praised Ferguson’s efforts but warned that number of children who whose best interests would be served by adoption was now small and would be better served by care from within Japan.

With Ferguson’s sudden death on 6 October at age 67, the question of “whether we are to condone a national shame or see justice done to the children of Kure”, shifted from a concern specifically for adoption, to broader conceptions of aid. The publicity surrounding the death of the ‘King of the Kure Kids’ was used by his son Noel to galvanise support for the Australian-Japanese Children’s ‘Adoption’ Fund, but focussed instead on appeals to raise funds to support the children in Japan, rather than adoption. Even Denis Warner, though continuing to push for government action, diverted his focus from the question of adoption:

> Whether we can break through the governmental prejudices against the legal adoption in this country of really necessitous cases … or whether all of the children must stay in Japan, money is needed urgently and desperately.

Shortly after Ferguson’s death, actor Chips Rafferty launched a ‘Dob-In-A-Bob’ appeal on behalf of Australian entertainers to raise £50,000 to assist the children. Rafferty urged Australians from all walks of life to make a donation to “have the poor little blighters fixed up in no time”, and like Woods and Dynon, urged that the funds be used to help the children in Japan, not Australia. Though these advocates had clearly shifted away from Ferguson’s original calls for mass adoption in Australia, Downer’s resistance to the entry of the children continued to be criticised in the press as callous.

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143 ‘50,000 needed to help waifs’, The Herald, 3 October 1962, 3.
144 ‘50,000 needed for waifs,’ The Herald, 8 October 1962, 14.
146 ‘Friend of the waifs is dead,’ The Herald, 8 October 1962, 4; ‘Shame of the waifs,’ Sunday Mirror, 7 October 1962, 16.
147 ‘Fight to aid Japan waifs “must go on”,’ The Herald, 8 October 1962, 3; ‘Son will continue work of father to aid Japanese waifs’, The Age, 8 October 1962.
148 Denis Warner, ‘We mustn’t let waifs down now,’ The Herald, 12 October 1962, 4.
and insensitive (see Figure 2.2). Zell Rabin, editor of Sydney’s Sunday Mirror, described Downer’s approach to the question of adoption as “legalistic and chilly”, giving “the distinct impression that he would rather find 10 good reasons why the children should not be admitted than one reason why they should”.\textsuperscript{150} As Downer later explained, as “public opinion has moved so far” in favour of supporting the children, some gesture by the Australian government needed to be made.\textsuperscript{151}

\begin{quote}
\textbf{Figure 2.2:} John Frith, ‘On our doorstep!’\textsuperscript{152}
\end{quote}

\begin{verse}
\textsuperscript{150} Zell Rabin, ‘Why must people be so beastly?’ Sunday Mirror, 14 October 1962, 21.
\textsuperscript{152} The Herald, 3 October 1962, 4.
\end{verse}
On 8 November, Downer recommended to Cabinet that a donation of £20,000 be made to ISS in Japan over five years to aid with its work with mixed-race children in Kure.\textsuperscript{153} This submission was strongly opposed in Cabinet by the Minister for Social Services, Hugh Robertson, who argued in a separate submission that any grant made to ISS would “break new ground” in regards to government aid to voluntary international organisations and would have “wide repercussions” since there were many other organisations doing the same kind of work and could possibly press for similar grants from the government.\textsuperscript{154} Concerns were also raised over the danger that such a donation would admit acceptance of Australian liability, unless such a donation was given “entirely without strings” and specifically not for the benefit of “putative Australian children”.\textsuperscript{155} Downer insisted that such a contribution would not establish a precedent of governmental responsibility, rather, it would recognise the value of the work ISS was doing. On the question of adoption, he argued that in light of advice from ISS “proposals to permit the children to come to Australia for adoption would not be in their own interests, even if it were practicable”.\textsuperscript{156} However, in light of Menzies’s decision just two years previous, and the strong opposition from within Cabinet, it is clear that Downer’s chief concern was to deflect criticisms away from his portfolio and be seen to be taking some kind of action in the face of increasing public pressure.

Downer’s position on this question of responsibility appears to have been influenced by the attitudes of voluntary agencies concerned with the welfare of the children. After the Immigration submission had been circulated, but before it was considered by Cabinet, Downer met a deputation including Dunlop and Dynon from the Australian-Asian Association and Reverend Byatt.\textsuperscript{157} As Downer explained, his main concern, like that of Menzies in 1960, was that the government, “could not, in the interests of the

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community as a whole, accept responsibility for the consequence of illicit actions by individual citizens abroad” as this could set a precedent for a “dangerous situation” whereby servicemen could “ignore completely their responsibilities in matters of this kind, in the knowledge that these would be taken up on their behalf by the Government”. The government would then also need to consider adopting a similar situation in Malaya, Burma, Thailand, North Africa and anywhere Australian servicemen had been stationed. Dunlop, however, suggested that the Japanese example could be viewed in isolation as an exceptional case and that his concern was based solely on providing “financial assistance for these children who, in Japan, are starting life with an initial handicap, in that they are children of mixed blood”.

The question again came back to one of the national responsibility incurred by Australia towards not only those children fathered by Australian troops overseas, but civilians impacted by Australian military intervention. Despite the protestations from Robertson, Cabinet agreed with Downer’s suggestion that a public gesture needed to be made and granted the £20,000 to the ISS with the condition “that it is neither limited nor directed towards assistance to the children for whom Australian paternity is claimed, and so that no question of the Australian government accepting an obligation towards such children arises”. For all this posturing to the contrary, this gesture indeed did imply that the government was willing to recognise public concerns that it had a responsibility to assist civilian children in countries where Australian troops were stationed. In 1968, when this initial grant had expired, Cabinet approved a further $40,000 for another five years to be given to ISS to help finish their work with the Japanese children of Australian parentage. Through this act, Downer was able to assuage the demands of church and voluntary groups without compromising immigration policy or accepting direct responsibility for the children. At the same time, it is clear that this was done in

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response to public pressure and out of concern for negative publicity more so than for any concern for the children themselves.

By the end of 1962, the likelihood of any Japanese children coming to Australia for adoption, especially under Downer, seemed remote. As he explained to the press upon the announcement of the £20,000 grant, the only instance he was prepared to sympathetically consider would be “any request by an Australian ex-serviceman for the admission of his child, provided he acknowledge his paternity”. ¹⁶² Though this position continued to be criticised in the international press,¹⁶³ and questioned by the Japanese Foreign Ministry, embassy officials in Tokyo were quick to insist that the difficulty of adoption was one of ISS practice rather than government policy.¹⁶⁴ The opposition of ISS conveniently coincided with the government’s own reluctance to accept the children, providing it with an excuse to deflect criticism from its immigration policy. Seeking a final and irrevocable answer on the question of whether Japanese children would allowed to enter Australia, Labor MP Jim Cairns was informed by Downer that if it could be established for some specific case that the child’s best interests would be served by coming to Australia for adoption, he would “consider it sympathetically, in spite of all the very great legal difficulties that are involved”.¹⁶⁵

**Conclusion**

When David Goldsworthy received his reply from the Department of External Affairs on 11 January 1963, the position of the Australian government on intercountry adoption was firmly set: if it could be established that the child had an Australian father or if the best interests of the child were to be served by adoption, the minister would consider his request. However, as authorities explained, due to the age of the children and the legal difficulties that would be encountered, bringing them to Australia for adoption would “not be in their own interests”,¹⁶⁶ and this became the standard response for all successive public inquiries that continued to trickle into the department in the following

¹⁶⁴ A.B. Jamieson, memorandum 986, 4 December 1962, NAA: A1838, 3103/10/12/1 part 3.
¹⁶⁵ *CPD*, House, v 37, 1962, 2839.
years.167 When Downer left the Ministry for the High Commission in London in 1963, Moira Dynon of the Australian-Asian Association sought reassurance from the newly appointed Minister Hubert Opperman that he would uphold his predecessor’s promise to consider any application, not just those of servicemen, of Japanese children for adoption.168 Opperman insisted that “you may be assured that I do not propose to depart from the policy announced in this respect by Mr Downer“.169 When the question was raised in parliament in 1964, Opperman emphasised that the chief reason for the government’s opposition to adoption was the opinion that “it is believed that these children will be far better off if they remain in their native surroundings”.170

However, as this chapter shows, the individual ‘interests’ of the child were rarely considered in the formulation of intercountry adoption policy. Rather, official attitudes and policies towards adoption were shaped, influenced and intimately entwined to broader national questions of immigration policy and governmental responsibility. The acceptance of intercountry adoption, urged by Australian voluntary groups and individuals as the most appropriate response to children orphaned by war, was rejected due to the threat adopting Asian children posed to Australia’s highly restrictive ‘White Australia policy’ of immigration. Despite this attitude, two Japanese children were eventually adopted by families in Australia: one in 1963 in Melbourne, where a Japanese woman and her Australian husband adopted her child who was fathered by an Australian serviceman, and another in 1965 in South Australia, arranged in conjunction with state authorities and the ISS in Japan.171 By 1968, as the government made its final financial contribution to the ISS in Japan and hoped to finally put the spectre of an adoption controversy to bed, the events of another war in Asia were to revive the issues all over again, as the following chapter will discuss.

167 For example, see: A. Garland to Sir Garfield Barwick, 23 Oct 1962, NAA: A1838, 3103/10/12/1 part 3.
170 CPD, House, v 43, 1964, 675.
Chapter 3

War, waifs and red-tape:
The problem of intercountry adoption, 1968-1972

I’m a great believer in the greater good. It’s not like forging a visa to bring in a terrorist; it’s trying to save a little kid’s life.¹


There are a lot of – and there were then more, I think – people fooled with this wonderful altruism of, oh dear, all these poor starving children in often war torn or countries where there was a lot of strife – let’s rescue them and give them a good home, and that altruism I think would have been much better placed in supportive programs – and there were – in their own country, rather than pursuing intercountry adoptions. So I personally resist intercountry adoptions and always have and that view was probably in my own mind anyway, but the staff that I had that understood these things better than me at that time were strongly of that view as well.²


Elaine Moir was nervous when her flight from Singapore touched down in Perth on 28 May 1972; none of the five young Vietnamese children she was escorting to Sydney for adoption had been granted entry visas by Australian immigration authorities and risked immediate deportation if discovered. After almost a year of negotiations, welfare authorities in Victoria, where four of the children were destined to be adopted, had refused to approve their applications, provoking Moir to take the extreme step of travelling to Vietnam alone and bringing the children to Australia herself. She knew she had to get to Sydney, where their adoptive parents and journalists from The Age were waiting, if the children had any chance of staying in Australia. When she was asked to disembark in Perth to carry out health checks, Moir refused to budge, telling officials:

² Ian Smith, interviewed by Joshua Forkert, 22 September 2009, by telephone. Transcript in possession of author.
“If you want to take the children you’ll have to bring five people to come and carry them off,” warding authorities off with threats of wailing children and dirty nappies. Through her persistence, she was permitted to stay onboard and continue on to Sydney unhindered, with her five ‘smuggled’ waifs in tow.3

The actions of Elaine Moir highlight the significant conflict between state and Commonwealth authorities and individual adoptive parents in the period between 1968 and 1972, when the first adopted children from Vietnam began to arrive in Australia. The adoption of children from Vietnam in 1972 took place in a vastly different political and social context than the potential adoption of Japanese children a decade earlier. Following the American led military intervention into the conflict between Hanoi and Saigon, Prime Minister Robert Menzies’ commitment to supporting the US fight against communism saw Australian society plunged into the tumultuous saga of the Vietnam War.4 Though this chapter of Australian history has been well documented, little attention has been paid to the relationship between the conflict and the rise of intercountry adoption. Scholars in North America have begun to examine the social and political context of Vietnamese adoptions, as separate from those from Korea, suggesting that adoptions from Vietnam represented an act of atonement for the national sins of military intervention.5 However, as this chapter argues, these explanations are insufficient to explain why Australians began to adopt children from Vietnam, and how Australian authorities responded.

This chapter analyses how the *ad hoc* and ambiguous approach to policy formation in this period led to the events of May 1972 and examines the outcomes of these actions. As with the previous chapter, it shows that national interests, namely concern for Australia’s international reputation on humanitarianism and race, drove the Commonwealth government’s response to adoptions from Vietnam. The implications that support for or opposition to the adoption of Asian children would have for Australia’s international reputation on both issues of race and humanitarianism shifted

the question of adoption beyond the private sphere of adoptive parents and into a
broader political debate over moral responsibility, race and the White Australia policy.
This chapter demonstrates that during this period, adoption advocates moved away from
a conception of adoption as a means to fulfil a direct moral responsibility to children
fathered by Australian servicemen towards a broader humanitarian appeal to children
affected by war. The extension of this sense of responsibility to embrace adoption as a
form of humanitarian aid conflicted with the views of social workers and government
authorities both in Australia and Vietnam, further exacerbating the problems in
formulating intercountry adoption policy.

The proxy problem
In April 1966, prominent women’s rights activist Ada May Norris, accompanied by her
husband, a Victorian County Court judge, made a private visit to South Vietnam.6 The
previous month, Prime Minister Harold Holt had overseen the most significant increase
in Australia’s military contribution to the conflict in Vietnam since combat troops first
arrived in 1965, committing a Task Force that would include both volunteers and
conscripts to raise the number of Australians in Vietnam to approximately 4,500.7
Concerned by this increase, Norris feared that, as with the occupation of Japan,
Australia could be faced with another ‘mixed race’ problem. She insisted to the
Immigration Department,

> remembering the Japanese ‘waifs’, we should be ready to ensure that any part-Australian
> children who may arrive in Vietnam are fully cared for from the beginning so that we can do the
> best for them from a very early age and not wait until they are too old to be brought to Australia
> or until there is a public outcry.8

However, as Acting Secretary R.E. (Bob) Armstrong advised the newly appointed
Immigration Minister Billy Snedden, in 1967 the situation in Vietnam was “not strictly

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6 Norris was appointed Dame Commander of the British Empire in 1976 for her work with National
Council of Women of Australia, ‘Dame Ada Norris, DBE,’ Women Shaping the Nation: Victorian
Honour Roll of Women, v 1, Melbourne: Centenary of Federation Victoria, 2001, 223. For further records
see Dame Ada May Norris papers, University of Melbourne archives, 90/109.
7 Peter Edwards, A Nation at War: Australian Politics, Society and Diplomacy During the Vietnam War
in Japan (in relation to Vietnam),’ memorandum, 23 January 1967, National Archives of Australia
comparable to the situation in Japan in the early 1950s'. Changes to both Australia’s immigration policy and international opinion on intercountry adoption, particularly ‘proxy’ adoptions as practised in Vietnam, altered the way adoptions from Vietnam were viewed and handled by authorities in Australia.

The most significant change since the Japanese case was that immigration policy no longer explicitly prohibited the entry of non-European and particularly mixed-race children for adoption. Following the retirement in 1966 of Robert Menzies, one of the strongest defenders of restricted immigration and an obstacle to reform, significant reforms were introduced allowing the admission of non-European migrants based on their suitability as settlers, qualifications, family connections and ability to integrate in and contribute to Australian society. As such, neither Vietnamese wives nor children of Australian servicemen were prohibited entry. By 1967, Snedden gave assurances that entry for children for adoption would be granted, provided “all the necessary enquiries by the authorities both here and overseas have been satisfactorily resolved, in conjunction with an organisation competent to operate in the international field”. This position effectively sidelined the Immigration Department in the decision making process on intercountry adoption, deferring responsibility to state governments and overseas adoption authorities such as the International Social Service (ISS), the only international social work organisation recognised by the Commonwealth government.

The other significant difference was that concern over ‘mixed-race’ children of Australian parentage was not as pronounced as it was in Japan. Official enquiries revealed the numbers of such children were minimal; in 1968 only one ‘half-Australian’ child was known to the Australian Task Force Headquarters (AFHQ), and in that case the Australian father subsequently married the child’s Vietnamese mother. In response to allegations published by Newsday’s Jack Darmody in December 1969 that the An

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Phong orphanage near the Australian base housed 180 children fathered by Australians, investigations by the AFHQ found that of the 178 children at the orphanage, fewer than 30 were born since Australian forces arrived in Vietnam in 1965. Of these, only two were regarded as having Australian fathers, though any effort to confirm the parentage would have proved extremely difficult as the area was a base and leave centre for not only Australian, but also US, Korean and New Zealand troops. The Department of External Affairs was quick to issue a rebuttal to Darmody’s allegations, highlighting that no children were “positively known” to have Australian fathers, and that “the plight of the children fathered by soldiers from the armed services of a number of countries has never gone unheeded”. Moreover, the department stated that Australia, through its civic action teams, was taking an active interest in supporting the welfare of these children, including those at An Phong (see Figure 3.1). Contingency plans were drawn up by the Department of Defence in collaboration with the Department of Immigration to allow servicemen seeking to adopt Vietnamese children to do so, but owing to the bureaucratic difficulties involved, this path was rarely pursued.

13 Jack Darmody, ‘In a rat infested building, Australia’s shame,’ The Mirror, 22 December 1969, see Australian War Memorial (AWM): 98, 172/1/1.
As the numbers of mixed-race children were so few and represented such a small minority of the total number of children displaced by the war in Vietnam, both US authorities and ISS warned against the prioritisation of adoption to benefit the few over the needs of the many. As Wells Klein, Director of the US Branch of ISS stressed, “if we are going to respond to this situation in terms of the needs of children rather

than in terms of our guilt and frustration, then we must respond to all children whose needs arise from the American presence in Vietnam and not just those fathered by Americans.” 19 In 1972 Klein reported to the US Senate Subcommittee on Refugees and Escapees, chaired by Edward Kennedy, that of the 8 million children under 14 years of age in Vietnam requiring assistance, 25,000 were living in institutions and of these less than 1,000 were believed to have US fathers, and only 500 would possibly benefit from adoption overseas. Over half the children in orphanages, he reported, had been placed there temporarily by their parents due to the economic hardship and social upheaval caused by over twenty years of continuous war, thus emphasising the need to support the children in their own country rather than making arrangements for adoption overseas.20

The emphasis on supporting children in Vietnam was strongly supported by welfare authorities in South Vietnam. On 24 March 1969, South Vietnamese Prime Minister Tran Van Huong issued a communiqué on sending orphans abroad for adoption, stating that each case must have proven legitimate motives and be beneficial to the adopted child. He stressed that his government was particularly opposed to groups of children leaving for adoption, as this was “not only discordant with the spirit of the current National Law but also badly affects the prestige and the self reliant spirit of the Nation”. He asked charitable organisations to instead focus on supporting government projects to protect orphans within Vietnam.21 South Vietnamese regulations enforced strict requirements on adoptive parents that could only be waived following presidential approval, and demanded that before a child could be released overseas for adoption, it had to first be adopted in a Vietnamese court, subject to a hearing by a judge. For foreigners, this meant that adoptive parents had to be present in Vietnam to adopt the child, or alternatively could be represented in court by a proxy agent.22

21 ‘Prime Minister’s communiqué about sending of orphans abroad for adoption,’ 24 March 1969, NAA: A446, 1968/70597; US Senate, Relief and Rehabilitation of War Victims in Indochina, 36.
As in the Japanese case, the opinions of ISS were influential in the formulation of Australian government policies in Vietnam. The International Executive of ISS established an office in Saigon in 1966, and during 1967, ISS Australia handled 47 enquiries regarding the adoption of Vietnamese children, many of which were referred to ISS by the Commonwealth Immigration Department. 23 The international conventions on intercountry adoptions developed by ISS in the 1960s stressed that this system of proxy adoption, whereby a child could be adopted in a foreign court, in absentia, and often sight-unseen, contradicted the core principles of intercountry adoption policy. 24 As Ellen Herman explains, “proxies circumvented investigatory and supervisory regulations and flouted the notion that child welfare was the dominant factor in adoption,” and were actively discouraged by professional social work organisations, and particularly by ISS. 25 In February 1968, Margaret Kelso, the Australian Director of ISS, advised that “it is not in the interests of either the child or the adoptive family for them to be legally bound together by a proxy adoption before they have even met,” and as such ISS was “not prepared to play any part in an intercountry placement in which proxy adoption is to take place”. Reiterating and supporting the opinions of the Kennedy Subcommittee and the South Vietnamese government, ISS believed “the transplanting of a child in another country can provide a solution for the lives of a few, particular children for whom no satisfactory local alternative exists at the moment, rather than being the answer for the lives of the majority of children who are in need of help,” and as such, Australians should focus their attention on programs that supported children in Vietnam. 26

The arguments of ISS against favouring the few over the many and of advocating in-country support for orphaned and abandoned children contrasted strongly with the views of US adoption advocates experienced in working in orphanages in Vietnam.

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Dutch-born Quaker and father of two Korean adoptees Jan de Hartog argued in his 1969 memoir *The Children* that the position of social workers in Vietnam opposing adoption on the grounds of the “greater good” was indefensible.\(^{27}\) Relaying his own personal experience in Vietnam in 1967 he described the horrific scenes he had witnessed of orphanage life, of “dying infants in iron cots”, lying “helplessly on their backs, rolling their heads from side to side, and flattening their soft small skulls until they ultimately become pointed,”\(^{28}\) and of “hundreds of toddlers lying apathetically on the hot concrete of the courtyard in the scorching sun, some masturbating in vacant boredom, or lapping up his own urine to slake his thirst”.\(^{29}\) While acknowledging that many children in “crowded and pitiful” orphanages may have been “abandoned in some chaotic exodus” by their families, de Hartog balked at opposing adoption overseas on the basis that they had parents as “many children, especially infants are doomed to die within a matter of months if they remain where they are”.\(^{30}\) Likewise, adoption advocate Betty Jean Lifton and journalist Thomas Fox highlighted in their 1972 book, *Children of Vietnam*, the hopeless position of children in Vietnamese orphanages: “[t]o walk past row upon row of emaciated babies in Vietnam’s institutions is to know that most of them will not be alive in the following months and that there will be others to take their place”.\(^{31}\) The conflict between this view of adoption – as essential to the care and protection of children – and that of ISS and the South Vietnamese government was later to present significant problems for Australian authorities.

By 1972, the Department of Immigration advised that the potential adoption of children fathered by Australian servicemen in Vietnam would not pose any future problems as most children were likely to be in the care of their mothers or families, and if an Australian serviceman wished to bring his Vietnamese wife or child to Australia, he would be permitted under the revised immigration policy.\(^{32}\) It was also noted that ISS and other international authorities were firmly opposed to adoptions from Vietnam because of the problems raised by the practice of proxy adoptions – a view supported

\(^{30}\) de Hartog, *The Children*, x.
by Australian Commonwealth authorities. 33 However, until the beginning of 1968, neither the Commonwealth Immigration Department nor state social welfare authorities expressly forbade the practice of proxy adoptions, and the Immigration Department’s entry policy on children for adoption was based on an ambiguous definition of ‘satisfactory resolution’ between Australian and Vietnamese authorities and a qualified agency. Though ISS refused to handle such cases, there was the potential for other agencies to do so. These inconsistencies were to be called into focus with the arrival of Australia’s first two Vietnamese adoptees in 1968.

‘Lending a hand’ in Vietnam
On 12 January 1968, Cao Thi Phuong and Pham Thi Nguyet arrived in Australia from Saigon to meet their new adoptive parents. The story of the two Vietnamese girls adopted respectively by John and Dorothy Hoare of Hobart and Mr and Mrs Donnelly of Forbes, NSW, made front-page headlines around the country. 34 Addressing reporters at Melbourne airport, John Hoare explained that he, his wife, and their four children viewed their adoption of three-year-old Phuong as “lending a hand” to Australia’s war effort in Vietnam. For the Hoares, their support for Australia’s military commitment in Vietnam made them feel “partially responsible” for the welfare of the children of Vietnam, coupled with a belief that “Australia will be linked more closely with Asia in the future.” 35 This adoption, arranged by proxy by American agency Catholic Relief Services (CRS), signalled a new phase in the way intercountry adoption was practised and perceived in Australia. The motivations of the Hoares and the manner in which they adopted signalled a shift away from the view that adoption was appropriate only for the children of Australians to a broader definition of adoption as a form of humanitarian

33 The reluctance to remove children from Vietnam extended even to those entering Australia temporarily for medical treatment. In 1967, the Government rejected a request from Swiss-based voluntary agency Terres des Hommes, together with the Religious Society of Friends, to send Vietnamese children to Australia for “hospital treatment and possibly for adoption”. Minister for External Affairs Paul Hasluck explained that it would be more economically expedient for Australia to continue to support its existing aid programmes in Vietnam, cautioning that “the movement of Vietnamese children into and out of the Australian environment could involve major emotional adjustments”. See Commonwealth Parliamentary Debates (CPD), House of Representatives (House), v 54, 1967, 1077.
34 Michael Ryan, ‘Shy Phung meets her new family,’ The Age, 13 January 1968, 1; ‘War orphans arrive to begin new life,’ Sydney Morning Herald, 13 January 1968, 7; ‘New lives for war orphans,’ The Australian, 13 January 1968, 3.
35 ‘First 2 orphans from Vietnam here on Friday,’ The Herald, 10 January 1968, 3; ‘Meet Elizabeth…one of the family,’ The Sun (Melb), 13 January 1968, 1-2.
aid. It also highlighted the ambiguities in adoption policy and problems with aligning state and Commonwealth interests.

In the US, Allison Varzally argues that intercountry adoption from Vietnam was viewed by American adoptive parents as a political act to atone for their government’s military intervention and programs for adoption were encouraged and facilitated by anti-war ‘leftists’.36 In 1975, Susan Spence suggested that “the typical family seeking an intercountry adoption is young, college-educated, active in community life, and liberal in political outlook”, characteristics that matched with those of anti-war activists. As she posited, “the illegitimate children left behind formed a natural focus for the energies expended in anti-war activities”.37 However, the initial cases of adoption in Australia show that this equation of adoption with the anti-war movement over-simplifies the complex motivations of those parents adopting from Vietnam. Adoption was certainly supported by prominent anti-war groups in Australia such as Sheila Rowley’s Australian Committee of Responsibility for Children of Vietnam, a non-sectarian, non-political group established in 1967 that approached the Commonwealth government about establishing and maintaining an orphanage in Vietnam and of facilitating an adoption program in early 1968.38 However, John Hoare was the Tasmanian President of the National Civic Council, a conservative, anti-communist, right-wing Catholic group that evolved from the Catholic Social Studies Movement founded by B.A. Santamaria, and was an active supporter of Australia’s intervention in Vietnam.39 His politics could not have differed more significantly from Rowley’s, yet he similarly supported the practice of adoption as the most appropriate response to the plight of children in Vietnam, highlighting the insufficiency of political convictions alone to explain the rise in interest in adoption.

More significant than politics was the notion that the Hoares could use adoption as a site to fulfil broader political responsibilities to Australia’s Asian neighbours. At an official level, the concept of ‘living with Asia’ – of recognising and re-evaluating Australia’s role in the Asian region – became the focus of much political and public debate from the mid-1960s. During this time, official discourse on Asia was beginning to shift from an emphasis on the need for Western dominance in the region towards a willingness to build relations directly with Asian nations as equals, together with a replacement of an insular, homogenous Australia with a culturally and racially plural one that encouraged closer cultural and social ties with Asia. The connection of adoption to these changing attitudes was promoted in the Medical Journal of Australia by John and Evelyn Billings, pioneers and advocates of the controversial Billings Ovulation Method of birth control. The Billings argued the adoption of Asian infants could serve as a “peaceful solution” to the growing conflict between contrary population trends in Australia and Asia to avoid any possible racial tensions generated by an inevitable influx of Asian migrants. Unlike migration, adoption would prevent the formation of minority groups, would maintain Australian culture and traditions (as “an infant has no traditional culture of its own”), and “would remove for ever the accusation that our immigration policy is based on prejudice against the coloured races”.

Adoption in this guise was presented not only as a solution for the suffering child, but for Australia’s reputation and standing in the Asian region without upsetting Australia’s cultural homogeneity. With almost missionary zeal, the Billings celebrated the arrival of the two Vietnamese girls, hoping “that the arrival of these children will set in motion a humanitarian movement which may prove to be this country’s salvation”.

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40 ‘First 2 orphans from Vietnam here on Friday,’ The Herald, 10 January 1968, 3.
43 Dr John Billings was approached by the Catholic Marriage Guidance Bureau in the 1950s to devise method for couples to regulate their fertility and received a papal knighthood for his development of this natural and ‘moral’ contraception technique. See Tony Stephens, ‘Their work put women in charge,’ Sydney Morning Herald, 9 April 2007.
45 Billings and Billings, ‘Australia in Asia,’ 331.
Similarly, the Hoares shared this hope that their adoption would “make it easier for other Vietnamese orphans to gain admission”. Phuong (renamed Elizabeth) was adopted by proxy in a Vietnamese court after 18 months of private negotiations with the Saigon branch of CRS, the South Vietnamese government and the Tasmanian Social Welfare Department. However, Anna Forder, escorting the girls on behalf of CRS, insisted her agency would not be arranging any further adoptions for Australian families. She reasoned that the South Vietnamese government “would rather have a trained social worker like myself look after the children than have them adopted outside”. Despite this clearly stated position, the sentiments expressed by the Hoares resonated with many Australians, and the successful proxy adoption of the two girls ignited an instant public reaction from people wishing to adopt, particularly in Victoria, leading Federal Senator Frank McManus to seek advice from Immigration Minister Billy Snedden on Australia’s position regarding the future of adoptions from Vietnam.

For Snedden, the two adoptions highlighted the ambiguities in the government’s policy on intercountry adoptions. The previous year, Snedden had rejected the proposals of Maise Fook, an adoptive mother of two Korean children and secretary of the Asian Aid Organisation, to establish an intercountry adoption program in Australia, citing that proxy adoptions were not in accordance with ‘good intercountry adoption policy’, especially in light of Fook’s lack of social work training or experience. The Immigration Department’s acceptance of the two proxy adoptions from Vietnam was immediately called into question by Fook:

May I conclude from this that in all adoptions of Asian orphans it is not necessarily required to adhere to the “fundamental principles in intercountry adoptions” agreed upon at a European Seminar in 1960, before a visa for their entry will be issued by your department[?] With the Vietnamese arrivals, Snedden was forced to acknowledge that although the adoptions contradicted his earlier position, they were justified as “the reports by the authorities here and the enquiries in Vietnam were satisfactory in their result and

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46 ‘Shy Phung meets her new family,’ *The Age*, 13 January 1968, 1.
47 ‘Shy Phung meets her new family,’ *The Age*, 13 January 1968, 1.
everything pointed to the adoptions otherwise being in the interests of the two children”.

Though the Commonwealth government had effectively deferred responsibility for intercountry adoption to state authorities, it was clear to Snedden, who enjoyed a reputation as “an influential immigration reformer who reinforced integrationist policies”; that,

There seems a real community feeling on this matter which proceeds from moral base. It is not within our responsibility in fact but we are looked to because of entry authority. If we do not respond as co-ordinator who will?

At his insistence, a meeting was held on 3 April with state Directors of Child Welfare, Commonwealth departmental representatives, Margaret Kelso from ISS and Monsignor McCosker, National Director of the Catholic Adoption Agency, to discuss Australia’s policy on intercountry adoption. The essential point to emerge from the meeting was that although matters relating to adoption “were primarily and properly a matter for the State adoption authorities”, state legislation did not require “that the conditions of good intercountry adoption practice should first have been satisfied” when a child is to be brought to Australia for adoption. The delegates found that existing legislation was not equipped to properly address intercountry adoptions, and there were no provisions to prevent proxy adoptions or to stop what delegates described as “shopping” for children overseas.

Though all states had recently passed uniform domestic adoption legislation intended to iron out procedural inconsistencies, those relating to the recognition of foreign adoption orders remained ambiguous. The Commonwealth Attorney-General’s Department, in preparing the Uniform Adoption Bill in the early 1960s, asked Zelman Cowen, then professor of law at the University of Melbourne, to prepare a paper on whether to

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52 Tavan, The Long, Slow Death of White Australia, 179-180.  
include provisions for recognition of foreign adoption orders.\textsuperscript{56} Cowen argued that it was undesirable to impose domiciliary requirements for recognition as required in domestic adoption cases,\textsuperscript{57} as intercountry adoption policy was “an area of the law in which very liberal provisions for recognition could aptly be accorded to foreign adoptions (particularly in view of the fact that Australia is a country of migration) subject always to the safeguard which … can be furnished by the grant of appropriate discretions”.\textsuperscript{58} This ambiguous position, subsequently adopted by all states when adoption legislation was reviewed in the mid-1960s, provided no definitive guidelines for state authorities as they struggled to reconcile domestic adoption requirements with overseas cases, causing significant confusion and delays.

There was also considerable resistance from state authorities in regards to facilitating intercountry adoptions. Some were already concerned about the increasing number of children under their care, particularly Aboriginal children “for which there is little demand” and the mentally and physically disabled. Some even doubted the capabilities of ISS to match an overseas child with an approved Australian family according to their own regulations.\textsuperscript{59} In Vietnam too, there was strong resistance against intercountry adoption placements. Both the Vietnamese Ministry of Social Welfare and Refugees and Ministry of Health “did not favour the adoption of Vietnamese children by foreigners”, and voluntary groups working in Vietnam agreed “that adoption of Vietnamese children was, on the whole, not a sound or practical solution to relieving the problem of orphans and needy children in Vietnam”.\textsuperscript{60} These groups opposed adoptions for three main reasons: most children were not genuine orphans (in that at least one parent was still living); due to mental and physical health, and age, many children were not deemed ‘suitable’ for adoption; and prospective parents needed to be professionally vetted to ensure they too were ‘suitable’ to adopt a Vietnamese child.\textsuperscript{61}

\textsuperscript{60} J.W. Sullivan, ‘Voluntary Aid – Assistance to Vietnamese Children,’ memorandum, 16 April 1968, NAA: A446, 1968/70597.
From all the advice gathered by the government, intercountry adoption placements were largely opposed by all parties involved. Unlike the case of Japanese children, this opposition had little to do with the question of race and was instead based on the professional advice of ISS and authorities in Vietnam. Any future adoptions from Vietnam were thought to be unlikely. As Immigration Secretary Peter Heydon pointed out,

\[\text{[i]n the existing circumstances and if the principles of good intercountry adoption practice ... are to be followed, it would seem that the adoption by Australians of a Vietnamese child is not possible unless there were a prior relationship in which case ISS-Australia Branch will be able to assist.}^{62}\]

Furthermore, by August 1968, Bob Armstrong noted that “public interest in adopting a child particularly from Vietnam has abated”, relieving the immediate pressure to act.\(^63\) Between 1966 and 1971, 21 overseas children were admitted to Australia for adoption, only three of whom came from Vietnam.\(^64\) Though adoption policy was now more clearly articulated, little action had been taken to rectify the contradictions and conflicts between ‘good intercountry adoption policy’ and the discretion of state welfare authorities to accommodate the rising interest in adoption, exposing possible conflict between state and Commonwealth authorities and those Australians wishing to adopt.

**Rosemary Taylor and adoptions from Vietnam**

Shortly after the arrival of the first adoptees in Australia, the war in Vietnam took perhaps its most dramatic turn. On 30 January, during the Vietnamese New Year celebrations known as Tet, seventy thousand North Vietnamese (Democratic Republic of Vietnam or DRV) and National Liberation Front (NLF or Viet Cong) soldiers launched a surprise offensive, attacking over one hundred cities and towns throughout South Vietnam, including the US embassy in Saigon. Violating the truce they had pledged to observe during Tet, fierce fighting broke out across South Vietnam, shocking the US and its allies and puncturing confident assurances that the war against...

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the DRV and NLF was being won.\textsuperscript{65} The increased media attention given to civilian issues in Vietnam, particularly children, in the wake of the Tet offensive, together with increasing participation of voluntary groups and individuals working with children in Vietnam, saw a significant increase in popular interest in adoption in Australia. Whereas the two adoptions arranged by CRS represented an exceptional case, through the work of Rosemary Taylor, an Australian working with children in Vietnam, a limited number of adoptions continued to be arranged, further highlighting the inadequacies of state and Commonwealth policies.

The significance and implications of the US media’s coverage of the Tet offensive, particularly in turning popular opinion against the war in Vietnam, has been widely discussed and debated.\textsuperscript{66} As Rod Tiffen shows, it is a “fundamental mistake” to assume these debates and their significance can be translated simply to Australia.\textsuperscript{67} He argues that due to the timidity and lack of independence of the Australian press, Tet was more significant in marking a turning point in political rhetoric towards the conflict, placing limits on Australia’s military commitment.\textsuperscript{68} A more significant impact is identified by Prue Torney-Parlicki, who argues that the offensive and the ensuing refugee crisis marked the origins of the Australian media’s engagement with civilian issues in Vietnam.\textsuperscript{69} Though these issues were already prominent in the left wing, anti-war press, Torney-Parlicki shows that, after Tet, mainstream news stories began to focus more upon the civilian rather than military struggles in Vietnam. The coverage of Tet showed that Australian civic action programs to win popular support for the South Vietnamese government were failing, and, as she suggests, aid to refugees appeared

\textsuperscript{69} Prue Torney-Parlicki, \textit{Somewhere in Asia: War, Journalism, and Australia's Neighbours 1941-75}. Sydney: UNSW Press, 2000, 229.
“one way of fulfilling Australia’s civil obligations”.\textsuperscript{71} Depictions of children became integral to fundraising campaigns for refugees organised by \textit{The Age} and \textit{The Australian} newspapers, as “universally recognised and uncontroversial symbols of the refugees’ vulnerability”.\textsuperscript{72}

The increased visibility of Vietnamese children was coupled with an increase in the participation and interest in direct aid programs working with civilians in Vietnam, from medical teams to church agencies, many of whom were exposed to the practice of adoption.\textsuperscript{73} In the absence of any professional agencies handling adoptions from Vietnam, it was through the work of these Australians that adoption, as a solution to the situation of children in need, continued to gain popular support – none more so than the work of Rosemary Taylor.\textsuperscript{74} A former Catholic schoolteacher and nun from Adelaide, Taylor arrived in Saigon in February 1967 sponsored by the Australian Council of Churches.\textsuperscript{75} Her memoir, \textit{Orphans of War}, is a comprehensive record of her activities in South Vietnam caring for the orphaned and abandoned children of Saigon up until 1975 when she was evacuated with the last of the US embassy officials.\textsuperscript{76} During this time, Taylor established five children’s homes around Saigon, providing medical care for infants and through the voluntary organisation she founded, Friends For All Children (FFAC), arranged and facilitated the largest intercountry adoption program in South Vietnam. Initially arranging adoptions on behalf of the Swiss organisation, \textit{Terre des Hommes}, by 1973 FFAC had established its own Colorado-based adoption agency that took over much of the administration of the adoption proceedings, leaving Taylor in

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\item[71] Torney-Parlicki, \textit{Somewhere in Asia}, 229.
\item[72] Torney-Parlicki, \textit{Somewhere in Asia}, 229.
\item[74] Some isolated cases of Australians adopting in Vietnam were approved, for example in June 1967 when Colin Malcolm, an entertainer travelling throughout South East Asia, and his wife, Marian, adopted a baby girl in Vietnam and were issued an entry visa upon their return to Australia in 1968. See Australian Embassy Bangkok to Australian Embassy Saigon, cablegram, 27 March 1968, NAA: A4531, 62/6/1/2.
\item[75] Margaret Wynne, ‘Vietnam job will be no picnic for Rosemary,’ \textit{The Southern Cross}, 13 January 1967, 11.
\end{itemize}
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charge of operations in Vietnam. Described by journalist Denis Warner as “brusque, intolerant, forthright, courageous,” between 1968 and 1972, Taylor placed 1,132 orphans for adoption with families across Europe, Canada and the US.

In examining Taylor’s motivations for facilitating such an extensive adoption program what emerges is a “deep conviction in the rightness” of adoption to ensure the survival of the children in her care. Her decision to go to Vietnam was not driven by a personal sense of moral or political responsibility (she had originally intended to work in Alaska) and her attentions were not dedicated solely towards children fathered by foreign troops in Vietnam; in fact, she estimated that only around twenty per cent of children in her care were of ‘mixed-race’ descent. Also absent from Taylor’s motivations is any overt, dogmatic Christian influence as found in the leaders of the Korean adoption movement in the US such as evangelist Harry Holt. Rather, Taylor appealed to a broader sense of compassion and saw adoption overseas as not only the best, but the only possible solution:

I lived in an orphanage, and worked day and night with the children nursing the sick and dying, and loving and enjoying the toddlers and older children. After some months of this close contact I was struck forcibly by two ideas. Firstly: The beauty of these children with their stunning personalities, and resilience enough to withstand the awful deprivation of orphanage life, wasting their childhood and their sweetness in the discouraging anonymity of an institution. Secondly: The large number of children with less resilience who were dying, or sinking to a level of sub-humanity from the deprivation of orphanage life. The solution to the problem? There was only one. A solution based on the child’s basic right to live, and to live in an environment conducive to proper growth and development.

Though Australian, Taylor was extremely reluctant to facilitate adoptions for Australian families based on her experiences with state, Commonwealth and embassy officials. As she explained to a couple from South Australia who wished to adopt a Vietnamese child:

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77 Taylor, Orphans of War, 86.
78 Denis Warner, ‘No cease-fire in Rosemary’s private war,’ The Herald, 30 January 1975, 4.
79 Taylor, Orphans of War, 71.
80 Taylor, Orphans of War, 13.
81 Taylor, Orphans of War, 217.
82 Herman, Kinship By Design, 221-22.
My one Australian adoption showed me that there was no system yet developed to cope with such an occurrence, and a lot of valuable time was wasted. I naturally felt that this extra effort could have been more valuably expended helping other children into homes.84

In 1969, Taylor arranged for Le Thi Bache Hue, nicknamed Sophie, to be adopted by Mr and Mrs English of New South Wales.85 The couple had approached ISS after a visit to Vietnam in 1966 about the possibility of adopting a Vietnamese child, and after being unsatisfied with their opposition to proxy adoptions, proceeded to enter into negotiations with the New South Wales Social Welfare Department. When Taylor approached the Australian Embassy in January 1969, she was informed that the Department of Immigration would grant an entry visa if the New South Wales state government approved the application and the adoption was handled by an international organisation – namely ISS.86 After 10 months of protracted negotiations, Sophie finally arrived in Sydney towards the end of 1969.87 Though Taylor later admitted “I sometimes feel a bit ‘mean’ to be refusing my fellow countrymen”, she emphasised that “my sole aim is to get the children into homes, suitable loving homes, as expeditiously as possible” and as such she refused to partake in any future adoptions for Australian families, preferring instead place children in Europe or the US.88 She believed that Australian authorities were “acting upon theoretical principles which are recognised as totally inadequate by the rest of the world”, and that opposition to adoption was unjustifiable on humanitarian grounds.89

Taylor’s framing of adoption as the most appropriate response to children orphaned by the war in Vietnam was not shared by other Australian voluntary groups. In 1972, there were three main organisations linked to Australia working with orphaned children in Vietnam: World Vision, Foster Parents Plan and FFAC.90 The US based Christian group World Vision established an Australian branch in 1966, and in 1970 opened the

85 Taylor, Orphans of War, 62.
87 Taylor, Orphans of War, 62.
89 Rosemary Taylor to Lance Barnard, letter, 19 May 1972, NAA: A446/76642.
New Life Babies Home in Saigon that housed 45 cots, each funded by sponsors in Australia at $25 a month. In 1973, the Babies Home was expanded to include an intensive care hospital, but Director Graeme Irvine was opposed to the practice of intercountry adoption, favouring instead a sponsorship program supporting children in Vietnam.91 Similarly, Foster Parents Plan (FPP), a branch of the non-political, non-sectarian international organisation Plan established in Melbourne in mid-1970, ran a scheme whereby for $14.50 a month, or $174 a year, Australians could sponsor a child in Vietnam. It attracted high profile patrons such as Denis Warner, Robin Boyd and Lady Clunies-Ross.92 By January 1972, FPP had 190 sponsors and World Vision 2,031 Australian sponsors for Vietnamese children; significant, though not overwhelming figures.93

For the children in Taylor’s care, this kind of long-term, in-country support was not a viable option. As she explains in Orphans of War, most of the children (mainly infants) in her nurseries were severely diseased, malnourished and disadvantaged, many of whom were left on her door-step, or passed on from the larger orphanages in Saigon who were unable to care for them.94 FFAC’s 1976 publication, Turn My Eyes Away, graphically depicts the recovery and rejuvenation experienced by many of the children under her care, but, as she explains, an even greater number were not so fortunate, and many died.95 The only life and culture available to these orphans in Vietnam, Taylor stressed, was “filth and flies and pneumonia and death”.96 The obligation to assist these children, she argued, was one that should be shared by people across the world, including Australia:

Australia’s obligation should not depend on the fact that just because we sent soldiers here, just because we have fathered some of the kids, that we should accept responsibility for them … It

91 ‘The least ones,’ World Vision Magazine, 1,4, 1973, 4, SLV. World Vision’s anti-communist views were criticised as inhibiting its efficiency in Vietnam by Nation Review in 1973 as “trying to function in a part of the world that is rapidly coming to terms with communism”. ‘Visionaries who look backwards,’ Nation Review, 21-27 September 1973, 1547.
94 Taylor, Orphans of War, 217-228.
96 Michael Richardson, ‘Our Viet orphan attitude “barbaric”,’ The Age, 30 May 1972, 1.
should be something more than that. Its responsibility for children – for homeless kids, for kids without parents.97

It was this perception of adoption as a means to assist orphans that found particular resonance in the Australian community, leading to the dramatic events of May 1972.

Charity begins at home?
By 1972, the conflict in Vietnam had again changed significantly. In the few years since 1968, the anti-war movement in the US and Australia had grown exponentially as public support for the war rapidly deteriorated, culminating in Australia with the nationwide ‘Moratorium to End the Vietnam War’ marches of 1970 and 1971.98 After initially enjoying widespread popular support for military intervention in 1965 and 1966,99 when Australia committed a third battalion in November 1967, opinion polls showed, for the first time, that the electorate opposed further escalation, indicating a growing public disillusionment with the conflict.100 Following the Tet Offensive, the negative perception of the war was further compounded by revelations of US involvement in the My Lai massacre. In March 1968, a company of 120 American soldiers killed several hundred civilians, including old men, women and children, in a savage attack accompanied by rapes and other brutalities in the hamlet of My Lai.101 The killings had been under investigation by US military authorities and when the story was revealed over 18 months later it became a potent and symbolic focus for anti-war protesters around the world. As official war historian Peter Edwards shows, in Australia, the My Lai killings, “confirmed the view of Australian dissenters that their country had placed itself on the wrong side of an immoral war”, providing a powerful rallying point for the war’s opponents.102 Following President Nixon’s policy of ‘Vietnamisation’ instigated in 1969, the first battalion of Australian troops was

97 Michael Richardson, ‘Our Viet orphan attitude “barbaric”,’ The Age, 30 May 1972, 1.
98 Edwards, A Nation at War, 267-317.
102 Edwards, A Nation at War, 246.
withdrawn from Phuoc Tuy in 1970. By August 1971 Australia announced that the remaining two battalions of troops in Vietnam would be withdrawn without replacement by Christmas of that year, leaving only a small training force of around 500 personnel. With the end of military involvement, the popular and political anti-war dissent that had dominated public debate on Vietnam “receded gradually from the centre-stage of Australian politics”.

Against this turbulent background, the number of Vietnamese children adopted by Australian families slowly began to increase, largely through the efforts of Rosemary Taylor. Despite her reluctance to work with Australians, Taylor could be sometimes be persuaded to facilitate adoptions for friends, such as Brian and Susi McGowran who were the first South Australian couple to adopt in January 1972. Through the cautious, considered and organised approach of the McGowrans, assisted by a sympathetic Community Welfare Department in Adelaide, their adoption proceeded with little publicity or controversy. Many of the first couples to adopt in Australia were those South Australians with direct personal links to Taylor through friends and family. However, when Taylor attempted to arrange adoptions for families in Victoria, events proceeded in a dramatically different manner. Unlike South Australia, the newly established Victorian Social Welfare Department, headed by Minister Ian Smith, opposed the practice of intercountry adoption, and refused outright to approve Victorian couples for adoption. The problems Taylor experienced with Victoria were shared and exacerbated by the actions of Rena Briand and Elaine Moir, who attempted to facilitate adoptions on behalf of four Victorian couples and individuals. The controversy surrounding their campaign to have children brought to Australia for adoption highlights both the results of inconsistencies in adoption policy and the conflict of interest between state and Commonwealth authorities.

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104 Edwards, *A Nation at War*, 302-305; Murphy, *Harvest of Fear*, 262.
105 Edwards, *A Nation at War*, 292.
106 See chapter 4 for an examination of South Australia’s policy on intercountry adoption.
The first successful adoption in Victoria, arranged by Rosemary Taylor, provides important background to the events of May 1972. In early 1971, Bernard Neville and his wife made an application to adopt one of Taylor’s orphans, Duong Kim Hoa. By 30 November the adoption contract had been ratified by proxy in a Vietnamese court and on 6 December application for the child to exit Vietnam was approved. However, the Nevilles could not get an entry visa to Australia because the Victorian Social Welfare Department refused to hear their case. In line with existing policy, Victorian authorities would not support the application without the consent of ISS, and as such, the Immigration Department could not issue a visa. Social Welfare Minister Ian Smith told the press in January 1972, “I am not keen on the idea of couples adopting overseas children, no matter what race or creed”. Smith’s justification was that his newly formed department already had its “work cut out arranging the adoption of local orphans,” and he believed that, “charity begins at home”. He reiterated, if the Nevilles “feel they have been given the cold shoulder, then they are correctly assessing the attitude of the department”. After negotiations with the Immigration Department, Smith offered the Nevilles a list of seven private adoption agencies authorised by Commonwealth authorities to approve the parents for adoption, however, each initially refused to take their case. After a tense stand-off with Victorian authorities, Reverend Graeme Gregory from the Child Care Service of the Methodist and Presbyterian Churches eventually agreed to approve the adoption and the Neville’s child arrived in Australia on 6 February 1972. The intervention of Gregory, later to become a protagonist for adoption reform in Victoria, temporarily relieved the tension between the emotional pleas of adoptive parents and the Victorian authorities, but did not solve the underlying problems that were to emerge in the following months.

In December 1970, French-Canadian journalist and author Rena Briand returned to her home in Australia from Vietnam with her recently adopted daughter, Tuyen Bettina. Briand had worked in Vietnam in the mid-1960s as a photographer for Associated Press

111 ‘Viet adoptions: no state aid,’ The Sun (Melb), 11 January 1972, 16.
112 E.C. Irwin, ‘Adoption of a Vietnamese orphan by Mr and Mrs B. Neville,’ memorandum, 10 February 1972, NAA: A463, 1971/673; ‘Vietnamese children admitted for adoption or whose entry has been approved,’ unsigned memorandum, NAA: A446, 1972/76642; Taylor, Orphans of War, 62.
in Saigon, and made the decision to adopt after being moved by the horrific conditions she witnessed in some Vietnamese orphanages. Tuyen was adopted by proxy in a Vietnamese court on behalf of Briand and escorted to Bangkok, where she first met her new mother. When Briand applied to the Australian consulate in Bangkok for an entry visa for Tuyen, Australian officials mistakenly assumed that “Miss Briand had been resident in Vietnam at the time of the adoption and that the adoption would have been valid under Australian law”, and issued her a visa readily. The procedures for requiring state government approval were not sought as it was believed the child had been adopted in person in Vietnam rather than by proxy – a mistake later admitted by the Immigration Department, and one that would have significant consequences.

Surprised at the ease with which she was able to adopt her new daughter, Briand decided to publicise her experience in order to encourage other Australians to do the same. The subsequent front-page story by Alan Trengove in the Melbourne newspaper, The Sun, erroneously portrayed the adoption process from Vietnam as simple, inexpensive and readily accessible. As a result of Trengove’s story Briand was inundated with over 500 letters within the first week of publication from people wishing to adopt and, in lieu of any professional Australian organisations facilitating adoptions, together with Elaine Moir, she set about making private arrangements with orphanages and agencies in Vietnam on behalf of six prospective adoptive parents. Briand had first met Moir in 1966 in Saigon where Moir had worked for 18 months as a secretary, having moved from Bangkok after the collapse of her marriage to her Thai husband. Moir had personally experienced the orphanages of Saigon during this time and was deeply shocked and moved by the conditions in which children lived. As she explained in an interview with me, “I was interested in trying to do something for those children”. In 1971, Moir was working as a secretary in Melbourne and travelled to Saigon for six weeks on behalf of the adoptive parents, visiting various voluntary

115 ‘Vietnamese children admitted for adoption or whose entry has been approved,’ undated memorandum, NAA: A446, 1972/76642.
117 Alan Trengove, ‘Tuyen becomes one of us,’ The Sun (Melb), 20 January 1971, 1-2.
118 Briand, The Waifs, 41-42.
119 Alan Trengove, ‘The Waif Smuggler,’ The Sun (Melb), 30 May 1972, 8; Briand, The Waifs, 45.
agencies including Taylor’s nursery and World Vision’s New Life Babies Home, to find suitable children to bring to Australia for adoption. With the help of Taylor, she also began proxy adoption proceedings for the children.121

The most comprehensive account of this campaign is Briand’s 1973 book, The Waifs, in which she pits the courageous and humanitarian ideals of adoptive parents against “conniving politicians, hypocritical church leaders, racist social workers and the phony ‘charitables’ of Toorak”.122 Throughout The Waifs, Briand frames adoption as a morally humanitarian act, disconnected from questions of responsibility towards children fathered by Australian and US servicemen, religious ideals and political convictions. Briand supports adoption based on the assumption that “life with any good Australian mother – divorced, widowed, separated or single – would be better than the life they face”.123 In her examination of the pioneers of the intercountry adoption movement in Canada, Tarah Brookfield argues that ‘maverick mothers’ who adopted from Vietnam were motivated by “what can best be described as a maternal internationalism, a sense of duty and obligation stemming from their identities as mothers and their belief, that as Canadians, they had a responsibility to improve the lives of children whose vulnerability and suffering they thought could be stopped or at least mitigated by their personal interventions”.124 The motivations of Moir and Briand show little evidence of any appeal to a sense of Australian internationalism, but were compelled by the belief that they could positively relieve the plight of children in Vietnam. Based on their own personal experience of living in Vietnam they rejected the arguments of ISS that the children were better off being supported in their own country and viewed adoption as a choice between life and death. As Briand stressed, it was better to save five children “than to spend that money on keeping another 500 children alive for one day”.125

This depiction of adoption as an appropriate way to assist children in Vietnam was largely rejected by the Victorian Social Welfare Department, and particularly the Minister, Ian Smith. By August 1971, though adoption proceedings were underway in

122 Briand, The Waifs, back cover.
123 Alan Trengove, ‘Little Lien gets a new start in life,’ The Sun (Melb), 10 August 1971, 3.
Vietnam, Smith refused to process the applications in Victoria citing, as he did in the Neville case, a lack of staff and resources to do so. However, for Smith, his opposition was not based solely on practical limitations, but on a stronger ideological rejection of the practice. Reflecting on his position over thirty years later, Smith maintains,

to set up a trade or a traffic in children to satisfy the unmet demands of people wanting to adopt for whatever their reasons might genuinely be, I’m just as opposed to it now as I was then, and still believe that I’m right, except in that area of mixed-race adoptions where you have … in Vietnam children sired by foreigners and the tendency to [be] reject[ed] by that culture.

Sharing the view of the US Senate Subcommittee, Smith acknowledged the role adoption could play for small numbers of mixed-race children, but he rejected it as a form of aid for Vietnamese children generally, instead favouring in-country support as a “much better option for the children and the parents in those countries, rather than … have their child zipped off to Australia”.

Smith’s rejection of adoption as a legitimate form of aid was supported by professional social welfare authorities working with orphaned children in Vietnam, particularly ISS. In April 1972 Phoebe Leatherland, Kelso’s successor as Director of ISS, asserted that the high mortality rates in orphanages being touted as a key reason why children need to be ‘rescued’ by adoption was not an acceptable argument: “[t]his is an unrealistic view as any intercountry adoption machinery moves slowly and very young children will be dead long before they could leave.” She also refuted the notion that Australia had a direct responsibility, stating that illegitimacy or the nationality of fathers was not recorded in Vietnam, and mixed-race children were not considered a social problem as they had been a part of Vietnamese society since the French occupation. Perhaps most importantly, ISS was opposed to the notion of untrained volunteers interfering with the adoption process as “[i]t is very difficult to control or influence privately arranged adoptions, especially where there is a parent or guardian to give consent, and where no-one involves a social agency.”

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The contest over who could be deemed suitable and eligible to parent was one of the key points of contention between ISS and the adoptive parents. For some single parents such as Judith Slater and Cecilia Verlinden, a retired nursing sister from Ballarat in her late 40s with four foster children, Vietnam offered an opportunity to adopt a child that was denied to them by Victorian legislation. Slater insisted there was “nothing political” about her decision to adopt: she wanted a child but could not do so in Australia as single divorcee.130 Other couples such as Gwenda and Ken Ormston and Tom and Irene Williams were eligible, and had already adopted locally, whereas Colin and Helen Stewart and Nancy and Will Kimmenade already had children of their own and wanted both to add to their families and support a child in need.131 Ken Ormston emphasised that there were no politics involved with his decision; he and his wife wanted a girl to complete their family of three adopted boys. As he explained, “we just wanted a girl, and didn’t worry whether she was multi-racial, aboriginal or white”, and as there was a two year wait in Victoria, he and his wife turned to intercountry adoption.132 Despite the obvious good intentions of these individuals, as they were not allocated children according to the professional child welfare criteria and procedures they were viewed with suspicion and distrust by ISS, prompting the intervention of Moir and Briand on their behalf.

Lacking the support of both Smith and ISS, a stalemate was reached by late 1971. As with the Neville case, Smith offered the adoptive parents a list of seven agencies that were authorised to screen the parents,133 but unlike the previous case none of these agencies agreed to assist, including the Child Care Service of the Methodist and Presbyterian Churches. As Reverend Geoffrey Woodfield, acting-director of the Child Care Service in Gregory’s absence, explained, “[w]e did agree to help in one adoption, but I’m not sure we would have the moral guts to do it now”.134 In an attempt to break the deadlock, Moir and Briand embarked on a highly emotional public campaign in an

130 Margaret van Hattem, ‘Cuddly kangaroo leaves Michelle cold,’ The Australian, 30 May 1972, 3.
131 Briand, The Waifs, 41-48; Alan Dunn, ‘Smuggling was the only way – mother,’ The Age, 29 May 1972, 1; ‘One waif who stayed,’ The Herald, 30 May 1972, 7.
134 Ben Hills, ‘Homes are here, but the waifs can’t come,’ The Age, 24 May 1972, 9.
effort to embarrass the state government into allowing the children to enter, centring on British couple Tom and Irene Williams and their adopted daughter Mai Suyin. By April, the Williams had abandoned hopes of adopting in Australia and attempted to return to the UK and have Mai Suyin adopted there. Colin and Helen Stewart, also from the UK, similarly planned to return to England to adopt their daughter, “where the colour of her skin is not considered a social disease”. The Williams and Stewarts made national headlines and their emotional pleas became all the more poignant when British officials would not cooperate with their plan, leaving them again at the mercy of Victorian officials (see Figure 3.2).

The focus of these appeals was on the charge that bureaucratic ‘red-tape’ and racially-based policies were responsible for the Victorian government’s delay, and that in so doing, was obstructing humanitarianism. This idea that “adoption is a most humanitarian procedure” was strongly supported publicly, and even picked up by members of the Victorian opposition, who urged Smith and the government to act on

NOTE:
This figure is included on page 114 of the print copy of the thesis held in the University of Adelaide Library.

Figure 3.2: Aubrey Collette, The Herald, 14 April 1972, 4.

135 J.D. Webster, memorandum, 7 April 1972, NAA: A446 1968/70597.
136 Niki Savva, ‘Families sell up over adoption of war orphans,’ The Australian, 8 April 1972, 1.
137 ‘British no to Viet. waif,’ The Sun (Melb), 13 April 1972, 3.
behalf of the parents and children. However, as adoption formalities in Vietnam were finalised, Smith continued to refuse entry, leading Briand, Moir and the adoptive parents to turn to Commonwealth authorities to intervene on emotional humanitarian grounds. Irene Williams appealed to the prime minister’s wife, Sonia McMahon, at the time pregnant with her third child:

Our child is in the middle of Saigon at this moment, with the situation worsening with every second that passes, please Mrs McMahon, as the wife of the Leader of our Country and the Mother of his children, please help me save my child’s life.

An exceptional course of action

By late May, the Commonwealth government, and particularly the newly appointed Immigration Minister Dr Jim Forbes, found themselves at the centre of the adoption stand-off between Briand, Moir and Smith, with the pressure mounting to intervene. An editorial in The Age demanded:

Somehow this absurd circle must be broken. If the Victorian Government refuses to budge, then the Commonwealth Government must take action. Australia was able to send a three-battalion task force to Vietnam and maintain it there. Surely it is not beyond us to bring a handful of war waifs to Australia.

As early as August 1971, Moir had appealed directly to Forbes to intervene and take action on behalf of the orphans. Similar appeals were made to other sympathetic members of the government, such as Don Chipp, and members of the opposition, Lance Barnard and Jim Cairns, and on the floors of parliament. Forbes stubbornly insisted that “there is no objection in individual cases to the entry of such children provided the adoption plan has the full support of the adoption authorities both in the State of residence of the proposed adoptive parents and in the overseas country where

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138 ‘Emotional, Mr Smith? Adoption is love,’ The Sun (Melb), 19 April 1972, 28; Victorian Parliamentary Debates (VPD), Legislative Council, v 306, 1972, 4075.


140 ‘Remembering the waifs,’ The Age, 25 May 1972, 9.


143 CPD, Senate, v 51, 1972, 1142; CPD, House, v 78, 1972, 2938; CPD, Senate, v 52, 1972, 2226-2227.
the children are living,”144 and that the “role of my Department in this matter has been stated frequently, is quite straightforward, and is not at all inhumane”.145

The call for Commonwealth responsibility was based largely on the implications of Victoria’s, and thereby Australia’s, refusal to admit Asian children on relations with Asian countries. Victorian Opposition Leader Clyde Holding called Smith “bloody stupid” for continuing to refuse the entry of the Vietnamese children,146 arguing he was missing the opportunity to “seize the chance to show that at least Victorians have some interest in the plight of our neighbours in the Pacific region”.147 Similarly, at the Commonwealth level Labor’s Bill Hayden criticised Smith’s “obtuse, bureaucratic pomposity”, arguing that Australia had,

a bad enough reputation already in this country for rejecting the Korean waifs whose fathers were Australian troops. Surely, if people want to adopt these children they should be allowed to do so. I think the children would have a far better chance in this country than in their own.148

Concern for these national interests became intimately entwined with the question of intercountry adoption. From the late 1960s under the conservative Prime Minister William McMahon, Australia’s restrictive immigration policy, particularly towards Asians, faced intense scrutiny not just from Asian nations, but also from the US and Britain.149 As Sean Brawley shows, a Senate Foreign Affairs Finance Committee noted in 1971 that immigration restrictions were damaging relations with Asia, as Asian nations were growing increasingly less tolerant of the pace of reform. By 1972 a “symbolic repudiation of race discrimination was vital to maintain the benefits of Australia's relations with Asia”.150 McMahon and his Immigration Minister, however, were “not prepared to advance the cause of non-European immigration in any substantive way”, and, as illustrated by cartoonist Les Tanner, perceived to be out of touch and struggling to handle the issue of the Vietnamese adoptions (see Figure 3.3).151

146 ‘Holding offers to collect Saigon waif,’ The Australian, 15 April 1972, 5.
147 ‘State is inhuman over Viet children, says ALP,’ The Age, 7 April 1972, 2.
148 Alan Trengove, ‘The tragedy of 30,000 humans,’ The Sun (Melb), 12 January 1972, 8.
149 Brawley, The White Peril, 315-316.
The Australian Labor Party under Gough Whitlam, on the other hand, had recognised the negative impact immigration policy was having on Asian relations and taken decisive action. Since abolishing White Australia from the ALP platform in 1965, Whitlam and his supporters overturned long-held Labor views on immigration, culminating in the 1971 ALP National Conference’s adoption of a totally non-discriminatory immigration policy based on migrant suitability rather than race.\(^{152}\)

Labor’s support for the adopted children in the interests of foreign affairs was more than just political rhetoric. In early May 1972, Commonwealth Deputy Leader of the Opposition Lance Barnard and his wife Jill adopted a Vietnamese girl by proxy through negotiations with the Tasmanian Social Welfare Department and Vietnamese Foreign Affairs Ministry.\(^{153}\) The Barnards had previously adopted a six week old Vietnamese girl in February 1971, when Lance was in Saigon as Shadow Minister for Defence. She had died of pneumonia only a month after arriving in Australia.\(^{154}\) It is clear that


\(^{153}\) Hugh Armfield, ‘Baby Jacqueline from Saigon brings new happiness into the Barnard household,’ The Age, 30 May 1972, 1; ‘Barnard’s waif ‘like little doll’,’ The Sun (Melb), 31 May 1972, 1.

\(^{154}\) ‘The Barnards adopt Viet baby,’ The Sun (Melb), 9 February 1971, 1; ‘...And young Nicholas gets a new sister,’ The Sun (Melb), 13 February 1971, 5.
Barnard did not wish to use his second adoption for political gain, nor to embarrass the Commonwealth government, as the Immigration Department reported that he was “doing everything possible to avoid publicity”.

As Jill Barnard told the press, they “kept quiet about the adoption for the child’s sake … [w]e want her to have a nice quiet life and not be like a goldfish in a bowl”. The issue only gained publicity late in May when the Moir case was coming to its climax, raising the ire of Briand who assumed that Barnard had used his position to streamline adoption procedures. However, Barnard had to follow the same procedures as all adopting couples, and was not assisted by the Australian embassy in Saigon who insisted they were “not taking a direct part in the procedures for the adoption, but will try to facilitate any formalities wherever we can”.

Labor’s position on immigration reform and support for intercountry adoption exposed the government to charges that it opposed the entry of Vietnamese children on racial grounds.

As Rosemary Taylor’s colleague in Saigon, Margaret Moses, told journalist Michael Richardson, “I think the problem is basically racist. They want to keep out the yellow peril and the Asiatics. It’s a matter of the unknown.”

David Dutton argues that McMahon and Forbes “attempted to obscure race and the possibility of a multi-racial society by reasserting the centrality of ‘social cohesiveness’” as the guiding principle in immigration policy, however, they could not escape the fact that this ‘social cohesiveness’ was firmly based on racial considerations.

During his short time in office McMahon faced many situations in which he attempted to dissociate his government from accusations of racism. These charges were not helped by Smith’s refusal to accept responsibility for preventing the entry of the children. He told the Victorian parliament during a debate on the Adoption of Children (Amendment) Bill, that “the State adoption agency should not take the extra burden of helping people to

155 Department of Immigration to Australian Embassy Saigon, cablegram 1810, 9 September 1971, NAA: A1838, 3014/10/15/6 part 1.
157 David Jenkins, ‘Hang your head in shame, she says,’ The Herald, 13 April 1972, 2.
158 Saigon to Immigration, cablegram 1737, 9 September 1971, NAA: A1838, 3014/10/15/6 part 1.
159 Tavan, The Long, Slow Death of White Australia, 196; Brawley, The White Peril, 320.
162 Dutton, One Of Us?, 78; Alan Ramsey, ‘Racism decried by PM,’ The Australian, 8 April 1972.
bring children from overseas countries”, insisting that the Immigration Department “should make its own decisions on granting visas instead of asking us to recommend them”. Smith’s recalcitrant position clearly frustrated Forbes who went to great lengths to insist the issue had “nothing to do with White Australia” and was solely a state responsibility.

Following the increased publicity given to Moir and the children and with no resolution in sight, some immigration officials advocated intervention. As senior official W.K. (Bill) Brown recommended:

> From a purely humanitarian point of view I believe our position to be impossible. I accept fully that we cannot become involved in adoption practices. However, I find difficulty in accepting that we should rely entirely on what to me is a completely unco-operative, inhuman attitude adopted by the Victorian authorities.

Though acknowledging that his response was “over emotional and that compassion may be over-riding sound judgement”, Brown recommended that the children be admitted “on humanitarian grounds”, as, he believed, “in the field of immigration, humanitarian considerations must play a major role and we cannot set aside a human being as we would an inanimate object”. Brown’s suggestion was viewed sympathetically by more senior officials in the department, who believed that the parents involved were sincere and had “unwittingly found themselves in this difficult situation by assuming that proxy adoptions were acceptable”, and as such, Forbes should issue a public statement asserting that “favourable consideration would be given … to the existing cases but to no more”. Though not favouring widespread intercountry adoption, the emphasis on both these recommendations was on treating Moir’s case as exceptional. This sentiment was given added poignancy in late 1972 when the department was advised by the Australian embassy in Saigon that a measles epidemic was threatening the Phu My orphanage where many of the children were living, and “as matter has

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165 Ben Hills, ‘Homes are here, but the waifs can’t come,’ The Age, 24 May 1972, 9.
167 Brown’s suggestion was viewed sympathetically by more senior officials in the department, who believed that the parents involved were sincere and had “unwittingly found themselves in this difficult situation by assuming that proxy adoptions were acceptable”, and as such, Forbes should issue a public statement asserting that “favourable consideration would be given … to the existing cases but to no more”. Though not favouring widespread intercountry adoption, the emphasis on both these recommendations was on treating Moir’s case as exceptional. This sentiment was given added poignancy in late 1972 when the department was advised by the Australian embassy in Saigon that a measles epidemic was threatening the Phu My orphanage where many of the children were living, and “as matter has
reached a higher than ever emotional level with accusations of Australian indifference some further approaches to state governments concerned to obtain decisions may be thought desirable”.

By 26 May, it was clear that the Commonwealth government had to take action on the issue, and Forbes wrote to Smith:

“There are clearly grounds for concern as to the effect which continued refusal to permit these children to enter Australia can have on Australia’s reputation in the area and elsewhere. For this reason I thought I should inform you of developments in case you should, in the light of them, consider that some exceptional course of action be taken to solve the problem in relation to the limited number of Victorian cases.”

Conclusion

By the time Smith received Forbes’ letter, an exceptional course of action had already been taken. With one of the children’s Vietnamese exit visas set to expire and the health of the others in doubt, Moir travelled to Vietnam alone to do whatever she could to bring the children back. As she later explained, “[w]e’d tried every legal trick to get these kids in so I was prepared to try something illegal,” and after much consideration decided “there was only one course of action left and that was to smuggle the children in”. Over thirty years later, Moir is reluctant to discuss how she evaded immigration authorities in Saigon and Singapore, for risk of embarrassing those involved. Importantly, she was successful. After a tense stop-over in Perth, and a stern rebuke from immigration officials in Sydney, she escorted the five children to Australia without obtaining Australian entry visas. Moir’s arrival on 28 May 1972 was celebrated for breaking the “vicious circle of events”, and her actions championed as the climax of “a battle against the Federal Government”. Though Moir’s actions were criticised by some on the basis of a more general opposition to the suitability of

173 Alan Dunn, ‘Smuggling was the only way – mother,’ The Age, 29 May 1972, 1.
175 ‘Problems with the war waifs,’ The Age, 30 May 1972, 9.
intercountry adoption in assisting children from Vietnam, the more dominant critique concerned the bureaucratic entanglements between state and Commonwealth authorities and the need to avoid a similar situation occurring again. Upon the arrival of the children, Forbes was quick to issue a press statement declaring that the children could stay in Australia, emphasising that the “obstacle to the grant of visas to these children was not related at all to their racial origin” and that both he and the government “had been very much concerned about the position of the [sic] four Vietnamese children”.

This chapter shows how, by framing intercountry adoption as a humanitarian act, adoption advocates such as Briand and Moir were able to garner significant popular support for their actions in the face of widespread official and professional opposition. The allegations of racism levelled at state and Commonwealth authorities were largely unjustified, and obscured the more complex debates surrounding intercountry adoption during this period. More significant than race in precipitating the events of May 1972 were both the diametrically opposed arguments for and against intercountry adoption placements from Vietnam, and perhaps more significantly, the lack of a coordinated policy between state and Commonwealth authorities concerning such placements. Thirty years later, both Smith and Moir maintain that their actions and attitudes were right and justifiable on moral grounds. The challenge of how to reconcile such divergent views and establish more uniform intercountry adoption policies was not to be taken up seriously until the election of the Whitlam Labor government in December 1972, as the following chapter will discuss.

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177 ‘The place to help is in Vietnam,’ The Australian, 30 May 1972, 8; ‘Waif mums ‘are selfish’,’ The Sun (Melb), 31 May 1972, 18.
178 ‘Problems with the war waifs,’ The Age, 30 May 1972, 9.
179 ‘Press Statement by the Minister for Immigration, the Honourable A.J. Forbes, M.P.,” 29 May 1972, NAA: A446, 1972/76642; ‘Orphans can stay: Forbes,’ The Age, 30 May 1972, 1; ‘Babies can stay here if adopted,’ The Australian, 30 May 1972, 1. In a television interview with Richard Carleton on ABC’s This Day Tonight after the arrival of the children, Forbes insisted there would be no limit on the numbers of Vietnamese children that could come to Australia for adoption “provided that they are approved adoptions by the State authorities”. ‘Interview with Dr Forbes on This Day Tonight,’ transcript, NAA: A446, 1972/76642.
Chapter 4

Red tape or responsible action?: Reforming intercountry adoption, 1972-1975

You are never going to convince people as a whole, or the media, that any delay in approving the entry of a child is justified, and that the combination of the requirements of the country from which the kiddies are, plus our own procedures, has often put us in the position where … if we don’t approve the entry of the child until all the normal adoption procedures are satisfied we are under very, very strong attack.¹

– Brian Murray, Department of Labour and Immigration, 1974.

The Australian Adoptive Families Association believes that applicant families should be thoroughly screened and should meet appropriate standards. However, the standards laid down for purely local adoptions include some factors which have no relevance to the quality of the home … It is quite unreal to insist on such criteria in a situation where very few Australian families are offering homes for Indo-Chinese orphans and where vast numbers of these orphans require adoption. Every time an applicant family is refused approval for failing to meet one of these standards, an Indo-Chinese orphan is denied an Australian home.²


Returning from Saigon in early 1975, Commonwealth Labor MP Race Mathews wrote a vitriolic piece for the Melbourne Age denouncing Australia’s policy on intercountry adoption under the emphatic headline, “war waifs die while Australia dithers”. The lack of governmental support for adoptions from Vietnam, he argued, was “a disgrace of which every one of us should be conscious”, and as a result of bureaucratic bungling “countless precious lives have been lost or damaged irretrievably”.³ Mathews, representing the Minister for Social Security, was part of an Australian delegation to the

³ Race Mathews, ‘War waifs die while Australia dithers,’ The Age, 18 February 1975, 6.
International Conference on Children and National Development (ICCND) organised by the South Vietnamese government to address the needs of the millions of children affected by the war. Following the final withdrawal of foreign troops and the negotiation of the 1973 Paris Peace Agreements – President Richard Nixon’s controversial declaration of ‘peace with honour’ – the American phase of the Vietnam War was all but over. For the people of Vietnam, however, the ceasefire accords did little to halt the internecine conflict between Saigon and Hanoi, and the sudden withdrawal of international military support plunged President Nguyen Van Thieu’s beleaguered Republic of Vietnam (RVN) further into crisis, deepening the country’s humanitarian refugee and social welfare problems, particularly for children, who made up over half of the estimated total population of 19 million. The problematic place of intercountry adoption within child welfare programs in Vietnam was a significant issue raised at the 1975 conference, as highlighted by another member of the Australian delegation, the Reverend Graeme Gregory. Gregory countered Mathews’s criticisms by insisting that adoption was “one answer for one small group of children” and that any prioritisation of adoption over these other programs by Australian governments would be largely irresponsible.

The conflicting views of these two prominent Australian advocates of intercountry adoption demonstrate the significant problems faced by policy makers between 1972 and 1975. As the previous chapter shows, the events of May 1972 highlighted the inherent flaws in the ad hoc approach to intercountry adoption followed by both state and Commonwealth governments since 1968. Lacking a firm policy process, circumvention of regulations were overridden by sentimental arguments, leaving the state and Commonwealth authorities open to charges of racial discrimination, bureaucratic insensitivity and a lack of compassion and concern. In an attempt to rectify the situation, Australian officials sought to rationalise intercountry adoption policy between 1972 and 1975 to develop a coherent and uniform national policy in order to

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minimise the ‘red-tape’ seen to be obstructing adoption placements. These efforts were influenced most notably by the development of the adoptive parent group, Australian Adoptive Families Association (AAFA). AAFA became the main agitator and instigator of adoption reform at all levels of government and sought to challenge the established professional and bureaucratic regulations applied to intercountry adoption in Australia.

This chapter examines the policy discussions during this period to show that, despite some early successes achieved by AAFA at the Commonwealth level, by the beginning of 1975 intercountry adoption policy in Australia had advanced little from the ad hoc position in 1972. The reasons for this failure had as much to do with the complex problem of intercountry adoption from Vietnam as the inability of adoptive parents, child welfare professionals and government officials to effectively co-ordinate and synthesise competing models of adoption reform. As allegations of ‘baby-buying’ and other scandals emerged, all sides were united on the need for greater regulation of adoption standards, but could not agree on what form these should take. This process was further hindered by the ambivalence, and in some cases outright resistance, of Australian state and social welfare authorities to facilitate intercountry adoption placements, placing them at loggerheads with AAFA and other adoption advocates over the fundamental question of whether government regulations constituted ‘red-tape’ or responsible action.

**AAFA and the growth of intercountry adoption**

By late 1972, with the majority of foreign troops withdrawn, popular discontent and opposition to the war in Vietnam had passed its zenith and popular and political attention turned more than ever to the impact of the war on the civilian population, and particularly the children of Vietnam. Nick Ut’s iconic Pulitzer Prize winning image of Kim Phuc fleeing from napalm burns published in June 1972 (see Figure 4.1) was a chilling reminder of the devastation wrought upon innocent civilians by foreign intervention and a powerful rallying point for the war’s opponents.7 Margaret Peacock also demonstrates the centrality of the image of Vietnamese children as “passive victims of brutality and beneficiaries of American aid” to assist US propaganda efforts.

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in support of the war. According to the United States Agency for International Development (USAID) estimates, over 900,000 children had lost either one or both parents as a result of the war and of these, 20,000 children were living in registered orphanages, funded in part by both the RVN and other voluntary agencies, with a further 4,000 children living in unregistered orphanages. Questions over the responsibility and culpability of the US and its allies towards supporting its struggling former ally engulfed political debates in Washington and Canberra as it became clear that the 1973 Peace Agreements had failed hopelessly. Reports on the appalling conditions faced by Vietnamese children, particularly those orphaned by the decades of war, became the focus of much international media attention. Newsweek’s Loren Jenkins described the “squalid, poorly equipped, understaffed and overcrowded” conditions in South Vietnam’s largest orphanage, Go Vap, citing mortality rates as high as 50 to 70 per cent. Of particular concern were the estimated 15,000 children fathered by US servicemen living in Vietnam (770 in orphanages) receiving little direct aid or assistance since the withdrawal of the American and Australian presence, fuelling insistence that the something needed to be done.

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Adoption was but one of many options available to assist in meeting the needs of Vietnamese children. The problematic and ambiguous place of adoption within broader aid and relief programs is best exemplified by investigations by the United States Senate’s Subcommittee to Investigate Problems with Refugees and Escapees, chaired by Senator Edward Kennedy from 1965. Kennedy was one of the fiercest critics of the USAID’s aid program in South Vietnam and particularly of its neglect of social welfare issues, raised for the first significant time by a special Task Force ordered by the Subcommittee in 1967. In 1973, the Subcommittee held a special hearing dedicated to orphan and child welfare calling the attention of both the Nixon

\[\text{NOTE: This figure is included on page 126 of the print copy of the thesis held in the University of Adelaide Library.}\]

\[\text{Figure 4.1: Photograph by Nick Ut, The Associated Press, 8 June 1972.}\]


Administration and Congress to the need for immediate action, but it wasn’t until 1974 that the funds allocated for these programs actually began to reach voluntary agencies charged with implementing them. The prominent exception among these largely failing social welfare programs was that of intercountry adoption, which increased significantly after 1973. According to USAID estimates, after only 200 Vietnamese adoptions were processed for American families in the years 1970-71, 485 were processed in 1972, 682 in 1973, and 403 in the first five months of 1974.

The growth of intercountry adoption in this period can in part be explained by financial contributions made by USAID to voluntary agencies in Vietnam after 1973, including Rosemary Taylor’s organisation, Friends For All Children (FFAC). However, more significant was an increasing public awareness of the conditions for children in Vietnam. In Canada, Tarah Brookfield explains that media representations of Vietnamese orphans provided the impetus for the first Vietnamese adoptions in that country by portraying that “orphaned children were dying and needed to be helped immediately”, painting “a bleak picture of the children’s living conditions.” The powerful link between press reporting and adoption during this period is exemplified by the case of Tran Thie Het Nhanny. In February 1973, a harrowing photograph by Chick Harrity of two abandoned children sleeping on a Saigon street (see Figure 4.2) was published in the US. Upon seeing the photograph, Evelyn Heil from Ohio felt compelled to respond and eventually arranged to adopt Nhanny, the ‘baby in a box’.

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22 US Senate, Humanitarian Problems in Indochina, 94.
In Australia too, the situation of Vietnamese children, particularly “the mixed-blood orphans fathered by allied troops and left behind to rot in the orphanages of Saigon” attracted powerful media and parliamentary attention. The increase in interest in adoption was reflected in the attitudes of professional and voluntary groups in Australia previously opposed to intercountry adoption placements from Vietnam. The Christian group World Vision had refused to involve itself directly in adoption proceedings until late 1972 when it facilitated the adoption of two Vietnamese girls by the Murray and Williams families, from Melbourne and Sydney respectively. As Director Graeme Irvine explained, World Vision’s change of opinion was influenced by the high mortality rates in Vietnamese orphanages and the risk that “a large number of infants

26 ‘Australia ignores its orphans,’ National Times, 8-13 July 1974, 35, 62; Commonwealth Parliamentary Debates (CPD), House of Representatives (House), v 89, 1974, 731-732.
27 ‘Adoption: Vietnamese babies.’ World Vision, 1.1, 1973, 17, State Library of Victoria (SLV); Department of Foreign Affairs (DFA) to Australian Embassy Saigon, cablegram 2224, 7 December 1972, National Archives of Australia (NAA): A 1838, 3014/10/15/6 part 1.
face extreme deprivation and possible death through the effects of institutionalism”. 28 However, World Vision’s plans for an adoption program were limited; fewer than half the children in the World Vision Babies’ Home were available for adoption and Irvine foresaw only ten children per year being placed for adoption in Australia. 29 A similarly modest pilot study was launched by International Social Service (ISS) in August 1973 in conjunction with the Victorian Social Welfare Department. Focussing on mixed-race children, ISS planned to bring ten carefully selected children to Australia for placement with selected adoptive couples in Victoria in an effort to “demonstrate the way in which intercountry adoption may be undertaken with due safeguards, emphasising that in any adoption the welfare of the child is paramount”. 30

However, the efforts of established aid agencies to facilitate adoptions from Vietnam were largely tokenistic. The most important development in this period in terms of generating support for intercountry adoption was the establishment of organised adoptive parent groups. In March 1973, a small group of South Australian couples, some of whom had been trying for over two years to adopt children from Vietnam, formed the Australian Adoptive Families Association (AAFA), in an attempt reduce the bureaucratic ‘red-tape’ seen to be inhibiting the entry of Vietnamese children for adoption. 31 By September, a similar group had formed in Melbourne and also adopted the AAFA name. 32 As Rosemary Calder, AAFA Victoria’s first secretary explains, having no clearly defined path to follow through both Australian and South Vietnamese bureaucracies, AAFA was intended to act as a liaison group to negotiate between voluntary groups and individuals in South Vietnam, prospective adoptive parents, local adoption agencies and government authorities. 33

To explain the common motivating factors of the early members of AAFA and other early adoptive parents, as some North American scholars have attempted, defies simple

30 Phoebe Leatherland, ‘Note: Intercountry Adoption of Vietnamese Children in Australia,’ International Social Service, Australian Branch, 10 August 1973, NAA: A3388, D11.
33 Rosemary Calder, interviewed by Joshua Forkert, 1 October 2008, Canberra. Transcript in possession of author.
generalisations. As discussed in the previous chapter, though Allison Varzally’s argument that support for adoption necessarily stemmed from opposition to the war in Vietnam is significant in some cases, it overlooks the more complex motivations of why individuals in Australia decided to adopt.\textsuperscript{34} Tarah Brookfield’s suggestion of what she terms ‘maternal internationalism’ as the key motivation for adoptive parents in Canada is also inadequate as it suggests adoption was an outgrowth of women’s activism in a particularly Canadian Cold War context.\textsuperscript{35} While anti-war sentiment was certainly evident in the motives of some of the adoptive parents and their supporters that I interviewed, more significant was a feeling of responsibility towards the children in Vietnam.\textsuperscript{36} In some cases, this sense of responsibility stemmed from Australia’s military intervention, and in others, from a broader sense of humanitarian responsibility. Kath Silard, the daughter of Jewish refugees, explains that her motives for joining AAFA were connected to a strong belief in “a cross-cultural responsibility, not just to ourselves but to people outside of our immediate world”.\textsuperscript{37} For other parents, adopting a child from Vietnam had little to do with the fact that they were Vietnamese: it just “made sense”. As Rosemary Calder explained to me, “if we did have children, why create more when lots of children needed families?”\textsuperscript{38}

For the early members of AAFA, concern for intercountry adoption extended beyond a direct responsibility for Australian fathered children in Vietnam, and sought legitimacy for a broader social and official acceptance of the practice. As South Australian Secretary Tony Dudman later explained, though many prospective parents had instigated adoption proceedings in conjunction with the World Vision New Life Babies’ Home in Saigon, AAFA was also interested in assisting children in Cambodia and possibly Bangladesh.\textsuperscript{39} Following the US-supported invasion of Cambodia in 1970, three million of the total population of 6.5 million became refugees, and the Cambodian Ministry of Interior estimated that 260,000 children had lost one or both parents in the

\textsuperscript{34} Allison Varzally, ‘Vietnamese Adoptions and the Politics of Atonement,’ \textit{Adoption and Culture}, v 2, 2009, 189.
\textsuperscript{35} Brookfield, ‘Maverick Mothers and Mercy Flights,’ 307.
\textsuperscript{36} Gerry & Helen Mullins, interviewed by Joshua Forkert, 29 June 2009, Adelaide. Transcript in possession of author.
\textsuperscript{37} Kath Silard, interviewed by Joshua Forkert, 25 February 2010, Adelaide. Transcript in possession of author.
\textsuperscript{38} Rosemary Calder, interviewed by Joshua Forkert, 1 October 2008, Canberra. Transcript in possession of author.
mass social upheaval. AAFA (SA) discussed the possibility of adopting children from Cambodian orphanages, and all adoptive parents agreed to adopt from Cambodia if possible. The burgeoning popularity of AAFA and its objectives saw it take the first active steps towards reforming intercountry adoption practice in Australia.

AAFA and the Commonwealth Labor Government

The greatest concern for the Departments of Foreign Affairs and Immigration following the events of May 1972 was, in the words of a senior official, to “avoid a repetition of charges that bureaucratic obstruction is being placed in the way of adoptions, and is justification for abusing the immigration regulations”. Since May 1972, no significant changes had been made to intercountry adoption procedures at either the state or Commonwealth level, and as a result very few adoptions had been processed by the Australian embassy in Saigon. At a conference of child welfare ministers in Brisbane on 5 June 1972, all states agreed that uniformity and a simplification of adoption procedures to eliminate any undue delays were necessary, but did not recognise any problems at the state level, blaming instead the communication channels between state and Commonwealth departments. In an attempt to rectify this situation, state ministers agreed that,

it having been first established to their satisfaction that a particular overseas child is available for adoption, they would assist by informing the Commonwealth whether or not they were prepared to support the adoption in the Court of their respective States.

As A.G. Booth, Director of Child Welfare in Victoria, remarked at the conclusion of the conference, this resolution did little to clarify the position of state departments and nothing to lessen the delays and problems that precipitated the controversy of 1972. One of the most significant problems from the Moir case was that children were

41 AAFA Newsletter, June 1973, NLA.
selected for prospective parents prior to having received approval from state welfare authorities. The conference confirmed that most states, with the exception of South Australia, were doing little to resolve this problem and would not “initiate enquiries in respect of an adoption application until a specific child overseas is available for adoption”.46

The exceptional position of South Australia was to have a significant impact on how AAFA (SA) came to lead the initial push for adoption reform in Australia. The South Australian Community Welfare Department was unique in approving parents for intercountry adoption prior to them having located a child, reducing the waiting time between selection and arrival in Australia immensely.47 South Australian officials had a much more supportive approach to adoption, led by Minister for Community Welfare, Len King who, together with Premier Don Dunstan, was responsible for significant modernisation and expansion of social welfare services in South Australia during his time in office between 1970 and 1975.48 Dunstan himself had previously urged Prime Minster William McMahon to consider a proposal to admit Australian-fathered Vietnamese children to South Australia, and was later made the patron of AAFA’s SA branch.49 At the meeting on 5 June, King was the most emphatic of all ministers in declaring “it was ‘ludicrous’ to leave children in Vietnam’s orphanages because of a lack of suitable agencies to conduct inquiries”.50 King, who was widely regarded as being the driving force behind a more sympathetic policy,51 instructed his department “to facilitate in every way possible the adoption of Vietnamese children by suitable adoptable South Australian parents”, and if the parents were deemed suitable, to do “everything in its power to ensure that people who are willing to adopt Vietnamese

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49 Don Dunstan to William McMahon, letter, 25 May 1972, NAA: A1838, 3014/10/15/6 part 1; Barbara & Peter Engelhardt, interviewed by Joshua Forkert, 10 June 2009, Adelaide. Transcript in possession of author.  
51 ‘Helping the orphans,’ The Advertiser, 3 April 1975, 5.
children receive a favourable response”. In comparison, the Victorian Social Welfare Department, as the previous chapter explains, was extremely reluctant to handle intercountry adoption cases, with Acting Premier Dick Hamer insisting that the Commonwealth, not the states, should be responsible for selecting, allocating and investigating the backgrounds of children overseas.

AAFA’s agenda for reform was greatly assisted by the recent government change in Canberra. A new Labor Government under Prime Minister Gough Whitlam was elected on 2 December 1972 on a mandate of widespread social reform after 23 years of Liberal-Country party rule. One of its chief concerns was that Australia break from its previous patterns of dependence on US foreign policy and reorientate Australian relations with its Asian neighbours. The left-wing ALP had long been opposed to Australia’s participation in the Vietnam conflict and one of the first acts of the Labor duumvirate, consisting of Whitlam and his deputy, Lance Barnard, was to withdraw all remaining 128 Australian troops from Vietnam. This shift towards Asia was also a key plank in the government’s program of immigration reform, and central to Whitlam’s vision for Australia’s future. Whitlam argued that Australia “should show a clean face to the world in terms of racial matters,” and eliminate all forms of racial discrimination in both migration policy and the internal administration of government, businesses and trade unions. Though, as scholars have observed, the basic tenements of restricted immigration had already been removed under the previous government, and this rhetoric had little impact on actual non-European migration figures, Whitlam and his new Minister for Immigration, Al Grassby, were eager to bring significant

52 South Australian Parliamentary Debates (SAPD), House of Assembly (Assembly), 1974-75, v 3, 1975, 2693-2694.
attention to the symbolic ‘burial’ of the White Australia Policy and emphasise a shift
towards a more multicultural approach to migration, with a particular focus on Asia.60

This symbolic shift in official attitudes towards Asia, and particularly Vietnam, was
lauded by AAFA and those parents currently in the process of adopting from overseas,
hopeful that “the Labor Government would take a more sympathetic view than the
previous government”.61 On the initiative of AAFA, the first major reforms of
intercountry adoption policy were introduced at the Commonwealth level. In March
1973, South Australian members of AAFA including Tony Dudman approached
Grassby on behalf of five families currently in the process of adopting children from
Vietnam, with three major questions: could the Australian government enter into an
agreement with the Vietnamese government, as the US had done, to reduce the waiting
time for the completion of legal documents; could embassy staff assist with locating
children for placement; and would the children be eligible for assisted passages for both
themselves and their escorts?62

The new Immigration Minister was more sympathetic than his predecessors to the
appeals of adoptive parents. The acceptance of Asian children into Australian families
fulfilled quite literally Grassby’s ‘family of the nation’ vision for a multicultural
Australia, employing the metaphor of family to redefine cultural and race relations in
Australia.63 When AAFA’s questions were raised in parliament on 15 May 1973 by
Geoffrey Giles on behalf of Mrs Ute Young, an AAFA member from Renmark,
Grassby pledged his co-operation “to getting the child united with its parents of
adoption in Australia”, provided the adoption was supported by state and Vietnamese
authorities.64 Though Grassby and Immigration Secretary Bob Armstrong were eager to
approve the entry of children “irrespective of race or nationality,” they were still
apprehensive about the role the Commonwealth government should play in the
facilitation of adoptions. Owing to the ambivalent attitude of the South Vietnamese

60 Al Grassby, The Morning After. Canberra: Judicator Publications, 1979, 62-68; Ann-Mari Jordens,
64 CPD, House, v 84, 1973, 2148-2149.
government towards overseas adoptions, Armstrong recommended to Grassby that it would not be desirable to have Australian officials involved in child welfare matters that were the responsibility of South Vietnamese authorities and Grassby agreed that the department should not become involved. However, on the question of assisted passages, Armstrong advised that under present policy, assisted passages for children, but not escorts, could be granted.\(^{65}\)

The other significant commitment from the Commonwealth government that AAFA was able to secure was a reduction in processing time in Vietnam. Enquiries instigated by the Immigration Department found that although South Vietnamese authorities were opposed to overseas adoptions *en masse*, in August 1972 US officials had negotiated a relaxation of procedural regulations that allowed children to leave Vietnam prior to completing a proxy adoption, reducing processing time from six to twelve months to just two to six months.\(^{66}\) US embassy officials in Saigon informed the Australian embassy that of the 500 children adopted in 1972, 400 were arranged in the latter part of year after the new arrangements took effect, and children could leave Vietnam within six weeks.\(^{67}\) Subsequent enquiries established that the Australian embassy could also secure a similar arrangement for Australian families by sending a letter to the Vietnamese Ministry of Interior requesting it to issue passports and exit visas together with a letter from a local lawyer to undertake formalities required by Vietnamese law after the child departed.\(^{68}\)

In June 1973, the Immigration Department announced its support for intercountry adoption by granting assisted passages for Vietnamese children, which was later extended to cover all children entering Australia for adoption.\(^{69}\) Though the

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announcement was accompanied by little publicity or fanfare, it was celebrated by The Age as “a most decent and sensible move which reflects the Government’s humane concern to help ease a human tragedy for which this country must accept some responsibility”. The Age also lauded the actions of adoptive parents as providing an “object lesson to us all” in linking their individual decisions to adopt with Australia’s national responsibility in the aftermath of the Vietnam War. Though doing little to rationalise adoption procedures in Australia, symbolically it was important in marking the Commonwealth’s support for the cause of intercountry adoption and of the power of AAFA in affecting change in both Australia and Vietnam when supported by a sympathetic state government.

**Baby-buying and blackmail**

The tenuous relationship between AAFA and the Commonwealth government was soon rocked by allegations that Australians involved in intercountry adoption had engaged in ‘baby buying’. The scandal erupted on 29 September 1973 when renowned Australian freelance journalist and cameraman Neil Davis alleged, in an interview on ABC radio, that there was a “flourishing market” involving children in Cambodia and Vietnam and that some of the children brought to Australia for adoption had “certainly” been purchased in this manner. As Davis explained:

> Children can be bought, just bought on the open market, as one might say. These are at orphanages or quite often just by the prospective parents or the buyer – and there are buyers of children who travel around the countryside paying anything from $10 to $50 for children – just buying them from the mothers in villages.

These allegations threatened to undermine the legitimacy of intercountry adoption that AAFA was attempting to advocate, and jeopardise the future of the practice in Australia.

One of the most respected combat cameramen in the world, Davis had been working in South East Asia since 1964 and had been based in Phnom Penh since 1971, where he

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70 ‘Caring for the waifs,’ The Age, 28 June 1973, 9.
claimed to have had contact with parents involved in the buying of children.\textsuperscript{73} When questioned by the Australian High Commission in Singapore on his return to Cambodia, Davis declined to substantiate his claims with names, insisting that he knew “several Australians involved in the transactions but as ‘their intentions are of the best’ it would be unfair to name them while other people whose motives were not so laudable remained unidentified”.\textsuperscript{74} The explicit nature of Davis’s allegations forced authorities in Canberra to make immediate investigations, focussing particularly on two recent adoption cases.\textsuperscript{75} The first was a group of five Cambodian children authorised for adoption by the Cambodian Ministry for Refugees and escorted to Australia by Ann Gillison, a music critic with the Melbourne \textit{Herald}, and Rena Huxley (better known to authorities by her maiden name Briand – a chief protagonist in the 1972 Moir case) to be adopted by families in Victoria, SA and NSW.\textsuperscript{76} The second group of five Vietnamese children, closely associated with AAFA, were in the process of having adoption procedures finalised in Saigon by Colin and Jan Robertson. The Robertsons were to escort the children to Australia for adoption by families including Tony Dudman in Adelaide and Brian and Prue Gill in Melbourne (who had hosted the first meeting of the Victorian branch of AAFA).\textsuperscript{77} The children arrived in Melbourne with the Robertsons on 20 October 1973, after being able to leave prior to their adoptions being completed in Vietnam, under the new arrangements negotiated by the Commonwealth government.\textsuperscript{78}

Though South Vietnamese authorities were quick to reject Davis’s allegations,\textsuperscript{79} the investigations carried out by Australian officials in Saigon and Phnom Penh quickly revealed the difficulties in defining ‘baby-buying’. As Davis clarified to officials in Singapore, he believed the term ‘black market’ distorted the situation in Asia, citing the

\begin{itemize}
  \item ‘Check on orphan “black market”’, \textit{Sydney Morning Herald}, 2 October 1973, 10.
  \item Saigon to DFA, ‘Adoption of Vietnamese children,’ cablegram 1434, 3 October 1973, NAA: A446, 62/6 part 2.
\end{itemize}
example of an Australian adoptive parent giving a wrist watch to the father of an adopted child through an intermediary. Australian officials in Saigon, supported by reports from the US Embassy, explained:

there have no doubt been instances in which, in addition to lawyers’ fees and other standard charges (which are of the order stated by Davis), money has been asked by individuals or institutions and paid to obtain the release of and/or papers for orphans in South Vietnam. However, it was a question of judgement “whether to regard it as payment for services similar to payments asked and made for a wide range of other activities here and in other Southeast Asian countries”.

Investigations into the Gillison-Huxley and Robertson cases thus had to grapple with this ambiguous definition. In Cambodia, the embassy found that the six adoptions had been arranged through a recognised orphanage and followed appropriate legal processes and no indications of impropriety were evident. In Saigon, officials were much more cautious, reporting that, though the orphanages from whence the children came were reputable, “[i]t is impossible in the circumstances here to be completely satisfied regarding the manner in which children are obtained for adoption,” and, “[i]he most that we can say is that we have no particular reason to suspect that the children in this case are being obtained in an improper manner”. The response of the embassy revealed that neither Australian nor Vietnamese officials had any means by which to adequately police the transfer of children. The South Vietnamese Ministry of Social Welfare was deeply disturbed by allegations of buying (and in some cases kidnapping) of children and was anxious to eliminate any adoption malpractice. It sought to tighten adoption laws so that overseas adoptions could only be handled by one of the five authorised agencies working in Vietnam. However, RVN officials could not enforce this regulation under current laws, and as most of the approved agencies refused to handle Australian adoption cases, neither could the Australian embassy as it “would have the effect of reducing adoptions to a very small trickle and would no doubt lead to strong protests.

from other prospective adopters who would be forced to wait almost indefinitely, despite what they see as the urgent needs of Vietnamese orphans". 86

Eager to dispel the allegations of baby-buying, on 21 October, Grassby released a report claiming to have “cleared Australia’s good name and that of Australians who had adopted orphans from the Indo-China war zone”. He emphasised in his press release that enquiries in Phnom Penh and Saigon had “turned up nothing to substantiate the allegations in relation to Australian adoptions” and that the parents involved with adoption “had been recognised as being motivated by genuine desire to assist in the welfare of orphans in these countries”. 87 Though there was no definite evidence that children had been ‘bought’, it is clear that Australian officials in Vietnam and Cambodia had no mechanisms by which to be certain of this, save for the trust placed in the adoptive families and the advocates that represented them.

This trust was further undermined by the actions of Huxley (nee Briand) in her alleged role as vice president of AAFA’s overseas operations. Though cleared by the investigations into the Davis allegations, Huxley’s conduct in both the Moir case and in Cambodia (where only two of the six prospective adoptive families were approved by State authorities in Australia before the children were brought to Australia under special visas granted by Grassby), drew much criticism. 88 Davis himself was particularly critical of what he called the “cynical approach” of a “foreign born” woman “who had spent a lot of time in obtaining children for adoption in Australia and who was writing a book of her experiences”, clearly referring to Huxley. 89 World Vision Director Graeme Irvine, who had been warned by officials in Saigon that Huxley used “devious methods” to obtain children under World Vision’s name in Vietnam, 90 argued her

actions were placing “the future of the adoption programme in jeopardy” by working outside of the established agencies. Huxley was later labelled as the “original baby buyer” in a report by *Rolling Stone* magazine, accusing her of paying up to $150 for children in Cambodia. While there is little evidence to support these allegations, by her own admission, Huxley acknowledged that although “the idea of ‘buying’ a child is frowned upon … in Vietnam, what could one do? Let them starve to death?”

As in the 1972 case, Huxley and Gillison argued that the established guidelines touted by World Vision and the Australian and Vietnamese governments were obstructing their humanitarian intentions and “[t]hat if we obey the rules children will die.” This method of emotional campaigning was employed by Huxley when she arrived in Vietnam in late October, claiming to act on behalf of AAFA (SA) with the intention of escorting a group of 20 children to Australia and sought, as in the Robertson case, to take the children out of Vietnam prior to the completion of adoption procedures. Though the embassy was cooperative in expediting the applications, two applications by Miss Henrick and Miss Goodland were rejected respectively by South Australian and Victorian welfare authorities. Huxley refused to accept the rulings of the states and appealed to the Commonwealth government to intervene and reverse the decisions, threatening to create unfavourable and adverse publicity in Australia. Huxley was later joined in Vietnam by Miss Goodland, one of the rejected adoptive parents, together with Mr T.P. Dunning, an American citizen resident in Victoria, and Barbara McMahon, also from Victoria, who had both come to Vietnam to commence adoption proceedings for two children each under Vietnamese law. Together, they appealed on

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94 ‘Welfare head hits war waifs’ adoption,’ *The Age*, 16 August 1973, 12.
the grounds of compassion to the Australian Ambassador and the Immigration Department to consider approving entry for the children “as a Christmas gesture”. Over the course of the next few days, they created an “emotional scene” at the embassy, accusing embassy officials of “deliberate obstructionism”. Goodland, McMahon and Dunning eventually resorted to camping all day on the embassy doorstop until their demands were addressed. On 20 December, Huxley left for Singapore with seven other children who had been approved for adoption, leaving the other parents and their children behind.

The Huxley controversy highlighted yet again the problems inherent in current intercountry adoption policy, most notably how the gap between state and Commonwealth policies could be exploited by emotional appeals against ‘red tape’ and bureaucratic obstruction. As Brian Murray from the Immigration Department later explained to a meeting of state welfare authorities in July 1974, the Huxley’s actions amounted to “emotional blackmail”:

ultimately the Minister for Labour and Immigration is responsible for either saying yes or no to the child’s entry and what the law says or what the real interests of the child may be don’t much matter because you are in an area which is too emotional for any, reasonable presentation for the case.

Despite the appeals made to the embassy in Saigon, there was little neither it nor the Immigration Department could do to facilitate the adoptions. The embassy did everything it could to inform the Immigration Department of developments in Saigon and even investigated the possibility of making an exception to established policy in response to allegations that there was an epidemic of viral pneumonia running through

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Saigon’s orphanages and that the children would otherwise be left behind in a “war zone”.

The main source of conflict was the adoptive parents’ rejection of the authority of state welfare departments to determine who was could adopt children from Vietnam. The pleas of these parents forced the states to eventually renge and allow the adoptions to proceed. South Australian authorities reviewed and approved Miss Henrick’s case in January 1974 and in Melbourne an approved adoption agency completed enquiries for Dunning, McMahon and later Goodlands, and agreed to support their applications. Huxley returned to Vietnam to escort these children, together with another approved group, arriving in Australia on 22 February 1974. Though described by one embassy official as “another victory for Mrs H”, the blunt and aggressive tactics of Huxley were largely detrimental for the adoption reform processes advocated by AAFA, undermining the trust they were trying to build between their organisation and government authorities, as well as casting significant doubts over the motives and methods of intercountry adoption practice.

Competing models of adoption reform

By August 1974, AAFA had quickly expanded into a national organisation, establishing branches in New South Wales and Western Australia and winning support from a wide range of influential supporters in Australia and abroad. One of AAFA’s most vociferous supporters in the Commonwealth Labor Government was Whitlam’s former Chief of Staff and recently elected member for Casey, Race Mathews. Representing the outer suburbs of Melbourne where AAFA (Victoria) was largely based, Mathews took up the cause of intercountry adoption both as a response to the concerns of his constituents, but also due to his strong belief that intercountry adoption was a “proper

104 DFA to Saigon, cablegram 2174, 21 December 1973, NAA: A1838, 3014/10/15/6 part 1; Saigon to DFA, ‘Adoption of Vietnamese orphans,’ cablegram 1774, 22 December 1973, NAA: A1838, 3014/10/15/6 part 1.
109 ASIAC Newsletter, September 1983, NLA.
and moral thing to do”. As Mathews explained to me, he accepted the view that Australia “had a specific obligation to Vietnam where we had no business to be and inasmuch as we contributed to the problem we had a responsibility to contribute to its solution”.

Accordingly, he appealed to Whitlam on 18 June and 27 July 1973 that the Australian government should accept at least 1,000 Vietnamese orphans – a figure based on what he believed to be a conservative estimate of the number of children fathered by Australians – for adoption by Australians. A meeting of representatives from the Departments of Treasury, Immigration, Attorney-General and Foreign Affairs ordered by Whitlam in November 1973 concluded that Mathews’ proposal would not be feasible due to legal, political and practical considerations, and favoured a more constructive course of action that would seek improvements in current procedures. Despite this rejection, Mathews continued to advocate and agitate for intercountry adoption within parliament and became one of the chief spokespeople on the subject.

Intercountry adoption also found support on the opposite side of the political divide at both the Commonwealth and state levels. Commonwealth Liberal MP Tony Staley, whose close relative had adopted in 1973, argued that allowing the entry of Vietnamese children for adoption “can considerably improve the quality of our migration program because they [adoptive parents] recognise not only Australia’s need for migration but also, however slenderly, what is a real world problem”. For Staley, adoption was “more than a simple migration question” and was tied to notions of Australia’s moral responsibility to the people of Vietnam. This need for adoption reform was also supported at state level by Victorian Premier Dick Hamer who appealed to Whitlam in early 1974 for a “clear and properly organised scheme” of intercountry adoption “to bring succour to some helpless victims of war and misfortune”. Whereas Victoria’s Minister for Social Welfare, Ian Smith, had been strongly opposed to facilitating

110 Race Mathews, interviewed by Joshua Forkert, 11 June 2009, Melbourne. Transcript in possession of author.
114 CPD, House, v 88, 1974, 1306.
intercountry adoptions, Hamer was, according to Smith, a “a very strong advocate for adoptions as an alternative to long term care in children’s homes” and “very keen” on overseas adoptions. Hamer was clearly eager to support AAFA and other prospective adoptive parents and criticised the current procedures as “ill-organised and unsatisfactory”, calling on the Commonwealth to take greater responsibility in streamlining procedures for Victorian parents.

Though Hamer continued to defer responsibility for intercountry adoption to the Commonwealth government, AAFA (Victoria) directed much of its efforts towards reforming state procedures. In late 1973, AAFA made a submission concerning the “unsatisfactory nature of present procedures” for adoptions from Vietnam and Cambodia to the Victorian Adoption Conference, representing the Social Welfare Department and all approved adoption agencies. The conference appointed a sub-committee to investigate the issue led by Reverend Graeme Gregory, Associate Director and later Director of the Child Care Service of the Victorian Methodist and Presbyterian Churches. It also included adoption officers from the Royal Melbourne Children’s Hospital and Catholic Family Welfare Bureau. Thanks to a grant from the Social Welfare Commission, Gregory and his committee were able to conduct extensive consultations with authorities in Australia and Vietnam, and recommended to the Victorian Adoption Conference that a national body be established to handle all intercountry adoption placements. In the interim period, Gregory suggested that his own Child Care Service should be the only authorised agency to approve adoptive placements. Gregory’s proposal for a national agency was discussed at the Annual Conference of Australasian Administrators of Social Welfare in Wellington, on 11-14 February 1974, and though met with varying levels of support, the administrators recommended to the state social welfare ministers “that they support, in principle, the

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117 Ian Smith, interviewed by Joshua Forkert, 22 September 2009, by telephone. Transcript in possession of author.
119 ‘Proposals for a national agency for intercountry adoptions formulated by a sub-committee of the Victorian Adoption Conference, December 1973,’ undated, NAA: A3390 [169].
establishment of a national overseas adoption agency’, and that a meeting be held to
establish it, to which they duly agreed.122

Gregory’s intervention into the adoption field was not well received by AAFA. As
Rosemary Calder later explained, AAFA was not informed of the formation of the sub-
committee, nor of its decision. Moreover, in the first four months since Gregory’s
agency took control of handling adoption applications, only seven families were
approved and two were rejected, leaving a waiting list of over eighty prospective
parents,123 putting additional financial and emotional strain on those parents supporting
children overseas whilst waiting for approval.124 Central to these delays, AAFA argued,
was the enforcement of domestic adoption standards, which were growing increasingly
tighter as the numbers of local children available for adoption diminished, to
intercountry adoption placements. Calder reasoned, “[e]very time an applicant family is
refused approval for failing to meet one of these standards, an Indo-Chinese orphan is
denied an Australian home.”125 The argument that local adoption standards were
inappropriate for the intercountry context found emotional resonance in the Victorian
press, with a special report in The Age finding that “red tape, racial prejudice and lack
of concern have hampered – and are still hampering – the adoption of Vietnamese war
waifs”, a theme highlighted by Ron Tandberg (see figure 4.3).126 Opposition Leader
Clyde Holding used The Age’s report to attack the Hamer Government declaring that,
“Victorians should be appalled by the thought that Vietnamese orphans are living in
horrifying conditions – and dying – while applications by willing parents to adopt them
are bogged down in red tape”.127 The new Minister for Social Welfare, Vasey
Houghton, predictably denied the charges of racial prejudice and indifference, deferring
responsibility for adoption back to the Commonwealth government.128

123 Australian Adoptive Families Association (AAFA), ‘Inter-country adoptions by Australians:
submission to the Social Welfare Commission Conference, July 24-25 1974,’ undated, NAA: A4531,
62/6 part 2.
However, the charge that Gregory and the Child Care Service were deliberately obstructing intercountry adoption applications overlooks Gregory’s passionate interest in the subject. As his colleague and close friend Reverend Denis Oakley explains, Gregory “promoted the idea that every child had the right to a permanent home and family” and was a strong advocate for intercountry adoption.\textsuperscript{129} Unlike most social workers in Australia, Gregory came to the field of adoption with a unique perspective, having recently completed a Masters of Social Work at the University of Michigan.\textsuperscript{130} Gregory’s time spent in the US exposed him to what he called an adoption “revolution” whereby the old definitions of who was ‘adoptable’ – namely transracial, disabled and older children – were being challenged by a new child-centred adoption philosophy.\textsuperscript{131} He argued that Australian adoption practice, including intercountry adoption, needed to

\textsuperscript{129} Denis Oakley, interviewed by Joshua Forkert, 17 July 2008, Melbourne. Transcript in possession of author.

\textsuperscript{130} ‘On overseas study leave,’ New Spectator, 28 July 1971, 5.

be readdressed in the wider context of the needs of the child. Gregory’s frustration with AAFA’s position was clear:

What seems to me to come through is that we don’t care, and that isn’t true. I have committed over six months of my time to this, on top of my other obligations and end up being kicked for it. I personally feel like quitting.

The cry of ‘red-tape’ obscured the more subtle reservations Gregory had about adoption. When Gregory visited Vietnam in July 1974 to make further investigations into his proposed national agency, AAFA’s local representative in Saigon refused to meet with them, and hostility between the two groups continued to increase.

Another reason for this hostility was the fraught relationship between adoptive parents and professional social workers. As John Lawrence shows, following the establishment of university training programs and organisations such as the Australian Associations of Social Workers (AASW) after 1945, social work in Australia became increasingly professionalised. By the mid-1970s, the number of social work graduates had more than tripled since 1964, and membership of the AASW grew exponentially, reflecting the growth of social work in not only Australia, but the US and Britain. This change is perhaps best encapsulated by US social worker Henry Miller’s oft quoted 1968 remark, “God may be dead – but fifty thousand social workers have risen to take His place!” As Rosemary Calder later explained, the specialisation of the social work profession resulted in “the exclusion of any contribution by anyone other than those

132 Graeme Gregory, ‘No child is unadoptable,’ address to General Meeting of Children’s Welfare Association of Victoria, 27 October 1972, SLV; Graeme Gregory, ‘Frontiers in child welfare,’ address to special meeting sponsored by the Council of the Methodist Department of Child Care, 22 November 1972, State Library of Victoria (SLV); ‘Parent’s approach to adoption questioned,’ New Spectator, 11 October 1972, 1.
137 Henry Miller, ‘Value Dilemmas in Social Casework,’ Social Work, 13.1, 1968, 32. Miller makes this point in reference to the implicit moral judgements made by social workers, and highlights the expansion of social work services to ‘involuntary’ clients.
professional qualified in social work” with AAFA and its members considered “consumers or citizens or both”, not equals.  

As Calder explained:

Open warfare developed when these parents sought to transfer children to their adoptive parents as quickly as possible because of the perceived needs of the children and the particular circumstances pertaining in their country of origin, and agency workers sought to provide these children with the same care and protection as that afforded to domestic placements – one group seeing the essential factor as speed and the other demanding caution.

AAFA instead proposed an alternative arrangement to Gregory’s national agency that worked outside the bounds of professional regulations. In August 1974, AAFA signed an agreement with an agency in Vietnam (Friends of the Children of Vietnam – an offshoot of Rosemary Taylor’s Friends for All Children) to facilitate adoptions in Saigon. AAFA appealed to Whitlam to fund a child care centre at the Sancta Maria orphanage in Gia Dinh, on the outskirts of Saigon. As Calder explained, AAFA had arranged with the orphanage Director, Nguyen Van Vung, to use a section of the orphanage, housing 500 children, as a medical centre to care for children awaiting adoption in Australia. The centre was to be attended by an Australian nurse and directed by Bela Venczel, a Hungarian born Australian who had worked in Vietnam for eight years and lived at the orphanage, since marrying the Director’s sister. Calder appealed for $26,000 over three years in order to fund a nurse and Venczel, who currently cared for the nineteen children in the centre on a voluntary basis. However, the Commonwealth government was unwilling to engage in any scheme that would expressly involve Australia in adoption proceedings. When Dudman suggested naming AAFA’s child-care centre the ‘Australian Babies Centre’, the embassy expressed serious concerns that “such a designation may lead Vietnamese authorities to assume that the centre has some official status or connection with the Australian government.

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139 Calder, ‘The Role of Consumer and Citizen Groups,’ 152.
140 Wende Grant, ‘Friend For All Children (FFAC),’ in Rosemary Taylor, Orphans of War, 86-89.
and that we therefore have some responsibility for its operations”. The Department of Foreign Affairs agreed “that the name contemplated could be unfortunate on several scores” and advised Dudman that the name could draw accusations of baby-farming and would necessitate embassy to point out to RVN officials that the centre did not have Australian government support.

AAFA’s ability to win government support for its program was further undermined by internal conflicts. Disagreements over long-term policy plans precipitated a split in the South Australian branch of AAFA in November 1974, with AAFA continuing under Tony Dudman, and a new group, Australian Society for Intercountry Aid (Children) (ASIAC), under Dr Eric Nicholls. AAFA (Victoria) sided with the ASIAC branch of the organisation, in an attempt, as Rosemary Calder explained, to dissociate the group from “those persons who have been associated unfavourably with such adoptions”, particularly AAFA’s representative in Saigon, Bela Venczel. Investigation’s into Venczel’s conduct in Vietnam revealed that “Mr and Mrs Venczel do not wish to be supported by an Australian body but instead wish to maintain a Children’s Home on a business-client relationship, supplying children for adoption in return for a particular fee,” and his “conduct of the home in AAFA’s name has now brought that name into disrepute”. In late 1974, Nicholls, now national chairman of ASIAC, had to re-establish relations with orphanages and agencies in Saigon under the new name and was seeking to get ASIAC registered as an adoption agency in Vietnam.

AAFA’s reform suggestions were also inhibited by the government’s reluctance to expressly involve itself in facilitating intercountry adoption. This can be attributed, in part, to the problematic place adoption held within the broader context of child welfare programs in Vietnam. As Wells Klein, former Director of the International Social Service (ISS) and Executive Director of the American Council for Nationalities

147 Kathy Dancer, The Intercountry Adoption Struggle in South Australia, unpublished manuscript, August 1980, University of Adelaide, Barr Smith Library (BSL) Special Collections, 6.
149 Rosemary Calder to Bill Hayden, letter, 5 December 1974, NAA: A1838, 3014/10/15/6 part 2.
explained, “further pre-occupation with inter-country adoption, as against other child welfare services, would pose a false issue working to the detriment of those tens of thousands of disadvantaged children for whom Vietnam is, and will always be, home.”

By the beginning of 1975, the Kennedy Subcommittee in the US was insisting that intercountry adoption is the best available alternative for only a few of Vietnam’s hundreds of thousands of disadvantaged children, and that those voluntary agencies now engaged in intercountry adoption are sufficient in number and professional competence to handle the problem in terms of the essential criterion – what is best for the children.

This view was confirmed by Vietnamese authorities in January 1975 at a ten day International Conference on Children and National Development (ICCND) in Saigon organised by RVN Deputy Prime Minister and Minister for Social Welfare, Dr Phan Quang Dan, and attended by eighty representatives from twenty-nine countries, including Australia. Joining Australian embassy officials in Saigon were Race Mathews, Graeme Gregory, and Rosemary Calder and Arthur Beaver from AAFA. The ICCND discussed a range of measures to assist the estimated nine million Vietnamese children in need of aid and support. As Dan explained to the Australian delegation, though he gave qualified support to adoption as a “useful complement” to the wide range of solutions for Vietnamese orphans and was in the process of strengthening the role of the existing “well qualified agencies”, he would not encourage the practice outside the context of the broader needs of Vietnam’s nine million children.

Faced with these propositions from AAFA and Gregory, Whitlam invited all state premiers to send representatives to a conference planned to discuss all the recent submissions on the question of intercountry adoption. The meeting was eventually

\[\text{\footnotesize 151 US Senate, }\textit{Humanitarian Problems in Indochina}, \textbf{6}.\]
\[\text{\footnotesize 152 US Senate, }\textit{Humanitarian Problems in South Vietnam and Cambodia: Two Years After the Cease-fire}, \textbf{11}.\]
\[\text{\footnotesize 153 ‘RVN doing best for welfare of youth – NVT,’ }\textit{Saigon Post}, \text{17 January 1975}, \textbf{1}.\]
\[\text{\footnotesize 154 Michael Richardson, ‘Vietnam war legacy is 1 mil. Orphans,’ }\textit{The Age}, \text{15 January 1975}, \textbf{5}.\]
\[\text{\footnotesize 157 E.G. Whitlam to all Premiers, letter, 9 April 1974, NAA: A1838, 1490/5/74 part 2.}\]
hosted by the Social Welfare Commission over 24-25 July, after Labor was returned to office following the double dissolution election in May. The conference brought together representatives from all states and relevant Commonwealth departments; however, no representatives from AAFA were invited, whereas Gregory assumed a prominent role in the discussions. Though AAFA was the one of the only Australian organisations working in Vietnam, the Commonwealth took the view that the conference was designed to make government policy rather than being a seminar where interested parties could put forward their views.\footnote{Jack Waterford, ‘Adoptions from overseas,’ \textit{Canberra Times}, 30 August 1974, 8.} As Arthur Beaver, President of AAFA (Victoria) put it, after being excluded from the reforms for which they agitated, “[w]e seem to have been hoist on our own petard.”\footnote{Janet Hawley, ‘Red tape against the Yellow Peril,’ \textit{The Australian}, 5 February 1975, 9.}

The discussions at the conference revealed that the states “were firmly of the view that present State administrative procedures were now rationalised as far as possible without running the risk of lowering adoption standards,”\footnote{E.G. Whitlam to all Premiers, letter, 24 September 1974, NAA: A1838, 1490/5/74 part 3.} and if any reforms were to be made, they would have to be at the Vietnamese end of the process.\footnote{ASWC, \textit{Intercountry Adoption}, 67.} Gregory’s proposal for a national agency was seen to duplicate the work already being done by state welfare authorities, and widely rejected, with the states instead recommending that the best interests of all parties would be met by “an arrangement involving the attachment of appropriate professional staff to the Department of Foreign Affairs in countries where inter-country adoptions are a matter of concern”.\footnote{ASWC, \textit{Intercountry Adoption}, iv.} In turn, Australian embassy officials in Saigon argued that the fault lay with the competing interests of the different adoption groups in Australia, recommending “enhanced harmonisation in Australia of agencies and other interested bodies,” and a more unified national approach to intercountry adoption were needed.\footnote{A.J. Deacon, ‘International Conference on Children and National Development,’ memorandum, 28 February 1975, NAA: A1838, 555/5/1 part 2.} The states thus passed the buck on intercountry adoption policy yet again, this time to authorities in Vietnam, who passed it back again, getting no closer to any serious reform.
Conclusion

With this recommendation from the Australian embassy in February 1975, the debates on intercountry adoption had thus come full circle. The initial problem – that ‘red tape’ and bureaucratic indifference was being blamed for inhibiting intercountry adoption placements – was no closer to resolution than it had been in May 1972. The buck was passed between state and Commonwealth authorities in Australia, professional social workers, adoptive parent organisations and authorities in Vietnam, each blaming the other of preventing the adoption of Vietnamese and Cambodian children by concerned Australians. By March 1975, the Department of Social Security in Australia was still mooting the idea of sending an officer to Saigon to negotiate with authorities and agencies in South Vietnam, even though this idea had been thoroughly discouraged by embassy officials.164

This chapter shows that charges of ‘red-tape’ and responsible action were highly complex. The arguments touted by Race Mathews, AAFA and adoption advocates did not garner great support from government authorities because, as the baby-buying scandal and 1975 Saigon conference highlighted, they obscured the complexities involved with regulating adoption practices and standards both in Vietnam and Australia, and were opposed by professional social workers. At the same time, the reluctance of both levels of government to get directly involved in intercountry adoption procedures created significant delays and uncertainty in the adoption process. The inability of governments to make reforms to accommodate the new practice of intercountry adoption was both a result of a lack of coordination between the various adoption lobby groups and the refusal of state governments to accept responsibility for making these reforms. This inaction did nothing to allay the concerns of AAFA and other adoptive parents, prompting the actions of activists such as Huxley to step in where governments were perceived to have failed. At the end of January 1975, one of the last major groups of children from Vietnam and Cambodia arrived in Victoria, bringing the total number of adopted children in Australia to over 200.165 In the following months, a radical change in the military situation in South Vietnam would

165 ‘Baby Chitt Thol is safe now,’ The Age, 30 January 1975, 1. According to official estimates, 204 children were adopted from Indochina between 1968 and January 1975. See: ‘Summary of activities associated with entry to Australia of Vietnamese orphans,’ 7 April 1975, NAA: M522, V.5.
dramatically change intercountry adoption practice in Australia, as the next chapter will discuss.
Chapter 5

Refugees, orphans and a basket of cats: the politics of Operation Babylift

…the qualities of the heart need darkness and protection against the light of the public to grow and to remain what they are meant to be, innermost motives which are not for public display. However deeply heartfelt a motive may be, once it is brought out and exposed for public inspection it becomes an object of suspicion rather than insight … when they appear they become “mere appearances” behind which again other, ulterior motives may lurk, such as hypocrisy and deceit.1


As Qantas flight QF180 taxied across the runway at Sydney airport on 5 April 1975, its screaming cargo of over 200 Vietnamese children were frantically being fed, changed and identified, ready to meet their new adoptive families in Australia. The planeload of children was brought to Australia by the Commonwealth government led by Prime Minister Gough Whitlam as part of what has become known as ‘Operation Babylift’. As North Vietnamese troops advanced towards Saigon in early 1975 and thousands of refugees flooded into the city, United States President Gerald Ford announced that, in conjunction with South Vietnamese officials, thousands of children who were awaiting the completion of adoption proceedings overseas would be granted exit visas, and their movement to homes abroad would be facilitated by the US government. Following this initiative, over 2,500 children were airlifted to North America in the final days before the fall of Saigon on 30 April 1975, including two airlifts co-ordinated by the Australian government – the first arriving in Sydney and a second in Melbourne two weeks later.

Since the arrival of the first airlifts, Operation Babylift has generated controversy as twisted and contentious as the war in Vietnam itself. Recent international assessments

of the legacy of the Babylift waver between lauding it as a great humanitarian gesture, to condemning it as an act of imperialistic kidnap or a shameless propaganda stunt. In Australia, the Babylift is widely regarded as signalling the beginning of widespread acceptance of intercountry adoption, and the source from which all subsequent policies have stemmed. Detailed historical literature on the Babylift in Australia is limited, with very few assessments of the political and social context leading up to the airlifts. In these studies, only vague analysis of the Babylift is offered, such as Ian Harvey’s suggestion that, due to their experiences in the early 1970s, the attitudes of Australian officials had “softened” so that by the time of the Babylift, “it was official policy to assist” in the facilitation of adoptions. However, as the previous chapter shows, direct government intervention into adoption proceedings was discouraged and avoided by all levels of government. Another explanation is offered by refugee expert Nancy Viviani who suggests that the Babylift eventuated as a result of the Australian government ‘giving way’ to an emotional surge in the community. Viviani’s study is typical of most literature on Australia’s response to the fall of Saigon that highlights and criticises the Whitlam government’s reluctance to accept Vietnamese refugees, creating what Eric Richards has recently described as “a source of great contention and a clash of memories”.

This chapter argues that the Babylift was neither the starting point for policy development, nor a response to community opinions, but the result of specific political

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considerations. Through an examination of the government’s actions within the political and social context of April 1975, it shows that Australia’s participation in Operation Babylift was not an extension of established intercountry adoption policy, but an integral component of the overall humanitarian response to the refugee crisis in South Vietnam. It examines the decision making process leading up the arrival of the first airlift on 5 April to show that the Commonwealth government blatantly contradicted previous intercountry adoption policies in response to increasingly hostile domestic pressure to act decently and compassionately in Vietnam, in the face of human suffering, political obligation and moral responsibility.

Australian politics before the fall of Saigon

In the final two weeks of March 1975, Australia’s Ambassador to South Vietnam, Geoffrey Price, together with observers around the world, were predicting the imminent demise of the government of the Republic of Vietnam (RVN, or South Vietnam). Following President Nguyen Van Thieu’s withdrawal of South Vietnamese troops from the central highlands on 24 March the Democratic Republic of Vietnam (DRV, or North Vietnam) and Provisional Revolutionary Government (PRG, or Viet Cong) launched what was to become known as the ‘Ho Chi Minh campaign’ to capture Saigon. With the fall of the former imperial capital Hue on 25 March, huge numbers of refugees moved southwards, causing the population of the port city of Danang to swell from 450,000 to over one million. The city was unable to cope with the ensuing chaos and was overrun by the North Vietnamese on 29 March after a series of panicked and widely publicised evacuations.8 By this time, it was clear to Price that South Vietnam could not hold out much longer against the communist advance and action had to be taken in response to the growing humanitarian crisis arising in Saigon as refugees began pouring into the beleaguered city.9

Reflecting on the political debates in Australia in April 1975, foreign policy expert Owen Harries observed the “strong desire to simply have done with the Vietnam debate” and reach “a consensus based on decency and an appeal to compassion”. However, as Harries astutely noted, the disputed nature of ‘decency’ in any discussion of the Vietnam conflict rendered this desire for consensus impossible as “decency itself depends on the values held and the way in which events are interpreted”.10 As official war historian Peter Edwards explains, the contest for an appropriate response to the humanitarian crisis in Vietnam became a partisan issue in Australian politics, focussing on the possibility of the evacuation of three main groups: orphans, refugees and staff at the Australian embassy in Saigon.11 Fundamental disagreements over the implications that a communist take-over of South Vietnam would have for Australia and the world ultimately shaped the responses of the Australian Labor Party (ALP) government and the Liberal-Country Party (LCP) opposition to the unfolding humanitarian crisis and the potential evacuations of Vietnamese people.12

The response of the ALP to the crisis in Vietnam was largely dictated by Prime Minister Gough Whitlam, who, as Edwards shows, was the “real maker of Australian policy” during April 1975.13 For Labor’s first eleven months in government, Whitlam served as Minister for Foreign Affairs, and even after handing the portfolio to Don Willesee, “ensured that his own hand shaped all major aspects of Australian foreign policy,” especially in regards to Vietnam.14 As Michael Sexton explains, foreign affairs was one of Whitlam’s chief areas of reform, allowing him to pursue “his genuine and long-held anti-colonial and anti-racist ideals for the emerging nations of Africa and Asia”.15 Under Whitlam’s leadership, the ALP broke with the fundamental pattern of Australian foreign policy that had underpinned the previous 23 years of LCP governance, rejecting the notion that communist expansion, particularly of China, was

11 Edwards, A Nation at War, 329 & 334.
14 Edwards, A Nation at War, 321; Albinski, Australian External Policy under Labor, 61.
the greatest threat facing the world and the region, and focussing on asserting a more independent Australian position based on regional realities.\textsuperscript{16}

Furthermore, as the previous chapter shows, the left-wing ALP had long been opposed to the LCP government’s involvement in the conflict in Vietnam, believing Australia’s participation to be unjustified and morally wrong. Once elected, it was eager to assert a new independent direction for Australian foreign policy in Asia. Together with powerful symbolic acts including the withdrawal of the final Australian military advisors from Vietnam and issuing a passport to pro-communist journalist Wilfred Burchett, Whitlam immediately began taking steps towards forging new positive relations with the communist regimes in China and Vietnam.\textsuperscript{17} Following the signing of the Paris Peace Agreements between the DRV, PRG, RVN and the US on 27 January 1973, Canberra and Hanoi agreed on “reciprocal recognition”, recognising the DRV in North Vietnam, and the RVN in South Vietnam. Bruce Woodberry, Australia’s first chargé d’affaires to Hanoi was installed on 28 July 1973, and David Wilson, Australia’s first Ambassador, was appointed in March 1975 amid the unfolding refugee crisis in Saigon.\textsuperscript{18}

By the time Wilson arrived in Hanoi, it was clear that the Paris Peace Agreements had failed to bring an end to the internecine fighting in Vietnam and the ALP sought to treat both sides equally on non-partisan terms. As Whitlam told parliament on 8 April in his major statement on the Vietnam conflict, Australia’s security did not depend upon who ruled in Saigon and the ALP believed that the rapid collapse of South Vietnam had been a “tragic inevitability” since the defeat of the French in 1954.\textsuperscript{19} Australia’s intervention had been “disastrously wrong” and his government’s objective was “to help rebuild a devastated Vietnam and help rehabilitate its people” – both North and South.\textsuperscript{20} As

\textsuperscript{17} Edwards, A Nation at War, 319.
\textsuperscript{19} Commonwealth Parliamentary Debates (CPD), House of Representatives (House), v 94, 1975, 1256-1260.
\textsuperscript{20} CPD, House, v 94, 1975, 1259.
Australian-American relations expert Professor Henry Albinski notes, some influential sections of the ALP went even further and insisted that a communist victory and reunification under Hanoi was a “healthy thing” and would be the only means by which the long conflict could be resolved and regional stability guaranteed.\textsuperscript{21}

The opposition, on the other hand, saw a North Vietnamese takeover as a “destabilising event” that strengthened communism in the region, reviving the ‘domino theory’ approach to foreign policy so contemptuously dismissed by Whitlam.\textsuperscript{22} The crisis in Saigon coincided with Fraser’s defeat of incumbent LCP leader Billy Snedden, and became the first major issue on which he publicly challenged the prime minister and the government as leader of the opposition.\textsuperscript{23} Using the emotive language of decency and compassion, Fraser and the revived opposition repeatedly attacked the government’s position on Vietnam, focussing particularly on Whitlam’s diplomatic relationship with the RVN and DRV and his government’s reluctance to afford South Vietnam any special attention. In late March, Fraser sent Andrew Peacock, shadow Minister for Foreign Affairs, Ian Sinclair, deputy leader of the Country Party, and John Sullivan, Country Party MP and former army colonel in Vietnam, to Saigon in an effort to expose the government to political and public criticism over its Vietnam policies.\textsuperscript{24} The aims of Fraser’s attacks were to suggest that the left-wing ALP was treating the communist North Vietnamese in a more favourable manner than the South Vietnamese, and that despite the ALP’s rejection of Australia’s participation in the conflict, was ignoring a perceived moral obligation to assist the refugees fleeing the communist advance (see Figure 5.1). Throughout April, Fraser and his supporters attempted to expose this alleged bias by drawing attention to Labor’s handling of the Chilean crisis in the wake of General Pinochet’s coup over Salvador Allende’s socialist government in September 1973, arguing the government was more sympathetic to left-wing Chilean refugees than to the anti-communist Vietnamese.\textsuperscript{25} Furthermore, as Fraser maintains in

\begin{footnotesize}
\textsuperscript{21} Albinski, \textit{Australian External Policy under Labor}, 132-135.
\textsuperscript{22} Dee & Frost, \textit{Facing North}, v 2, 181.
\textsuperscript{24} Michael Richardson, ‘Opposition to hit hard at Viet policy,’ \textit{The Age}, 7 April 1975, 3; ‘Opposition attack on Aust relief,’ \textit{Sydney Morning Herald}, 8 April 1975, 4.
\textsuperscript{25} CPD, House, v 94, 1975, 1262; CPD, House, v 94, 1975, 1858; ‘Govt attacked over Vietnam refugees,’ \textit{Sydney Morning Herald}, 21 April 1975, 10. The Australian Government was approached in December 1973 by the UNHCR to accept refugees from Chile, but, in line with established policy would
\end{footnotesize}
his recent memoirs, he believed that Australia, by virtue of its intervention in the conflict had a moral responsibility to assist civilians and particularly refugees in Vietnam. Though the government’s progressive position was more in touch with the changing nature of international relations, the opposition’s line found particular resonance in the Australian press. The electorally unpopular implications of the government’s actions were seized upon by major Sydney and Melbourne newspapers in what has become known as the ‘cables affair’.

Only accept such refugees if they fulfilled the occupational criteria and other basic requirements for ordinary migrants. As Michael Delaney and Wayne Gibbons explained, the majority of Chileans were “treated liberally as people coming in through the normal immigration process”, rather than refugees. Not until the crisis was over was a selection team sent to Santiago to process migrant applications. Between September 1973 and August 1975, 3237 Chileans were admitted by the ALP, compared with 4343 admitted by the LCP since September 1970 fleeing the incoming socialist regime, refuting opposition claims that procedures had been excessively relaxed. Indeed, the ALP’s approach was widely criticised by church and refugee groups; only 1729 of 13,704 applications made in January 1974 were approved by the ALP government. See: Hans Schneider, ‘Chileans’, in *The Australian People*, James Jupp (ed.). Sydney: Angus and Robertson, 1988, 297; Harry Martin, *Angels and Arrogant Gods: Migration Officers and Migrants Reminisce 1945-85*. Canberra: Australian Government Publishing Service, 1989, 88; CPD, Senate, v 66, 1975, 968; Standing Committee on Foreign Affairs and Defence, Reference: South Vietnamese Refugees, v 1, 482; J.A. Mulvihill, ‘Australia and the refugee,’ an address to a seminar, Refugees in the world today, Australian National University, 28 August 1975, NAA: A446, 1974/77554; I.G. Sharp, ‘Refugees – General Migration Policy,’ memorandum, 7 March 1975, NAA: A446, 1974/77554; Rev John Mavor, to Clyde Cameron, letter, 31 July 1974, NAA: A446, 1974/95371; C. Byrne to A.J. Grassby, letter, 18 December 1974, NAA: A446 1974/77554.26

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The ‘cables affair’ was the manifestation of Fraser’s repeated attacks on the government’s perceived partisan attitude towards the DRV. On 13 March Whitlam had authorised two identical letters to be sent to the North and South Vietnamese governments, urging both sides to adhere to the military and political provisions of the Paris Agreements. On 2 April, an additional two cables were sent that expressed sentiments, as Edwards explains, that were “clearly more sympathetic to Hanoi than to Saigon”.27 When Fraser called for the contents of the cables to be tabled in parliament, Whitlam refused; confusing the 13 March letters with the 2 April cables, he insisted that their messages were substantially the same.28 When the cables were leaked to the press shortly before Saigon eventually collapsed on 30 April, outrage ensued, with the Sydney Morning Herald labelling the affair the “gravest political scandal since Federation”, and together with Fraser and the opposition, accused the prime minister of deliberately

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27 Edwards, A Nation at War, 332; Dee & Frost, ‘Indochina,’ 181; for a full transcript of the cables see The Age, 29 April 1975, 1; Sydney Morning Herald, 30 April 1975, 4.
misleading parliament and the Australian people. As Rod Tiffen shows, the Australian press was so preoccupied with the ‘cables affair’ that it failed “to reflect upon the larger questions posed by the war’s end”, choosing instead only to “indulge in their vendettas against the Whitlam Government”. Though the exaggerated claims of the press and opposition had little immediate political impact (indeed, the incident was described by some commentators as a “reminder” that “the Opposition is still partly preoccupied with the issues of the 1960s”) they indicated how damaging the perception of a pro-communist position could be for the already troubled government, and, in the words of one former public servant, how poorly Whitlam handled such attacks.

The practical implications of Whitlam’s position on Vietnam and desire to treat both sides of the conflict equally were that any evacuation of South Vietnamese citizens, particularly refugees, would be strongly resisted. Ambassador Price warned the government as early as 1 April of a possible refugee situation arising in South Vietnam and offered suggestions as to the categories by which they could be admitted into Australia. A further impassioned plea was made on 9 April by the Foreign Affairs Minister, Don Willesee, in a personal letter to Whitlam, imploring the prime minister to take a “careful and measured” approach to the situation, insisting that Australia should show “a concern for humanitarian considerations”. Yet it was not until almost two weeks later on 22 April – only three days before the Australian embassy closed – that the prime minister released the highly restrictive categories for refugee entry. By the time Price removed the embassy’s Australian flag from the seventh floor of the Caravelle Hotel in downtown Saigon on Anzac Day 1975, of the 5629 nominations for

31 John Jost, ‘Fraser lets the Libs down and Labor off the hook,’ *The Age*, 17 May 1975, 17.
32 Gregory Clark, ‘1975 [The year of Gough Whitlam’s dismissal from the viewpoint of a former public servant in the Department of Prime Minister and Cabinet],’ *Quadrant*, 41.3, 1997, 43. Graham Freudenberg argues that the cables affair “first set the line which would doom the Labor Government – that, on moral grounds, it should be destroyed by any legal means”, leading to the dismissal of the Whitlam Government by the Governor-General in November 1975. Freudenberg, *A Certain Grandeur*, 339.
refugee status made, only 542 were approved, and less than 342 Vietnamese were informed of their approval. When the final Royal Australian Air Force (RAAF) Hercules left Tan Son Nhut airport carrying Price, the remaining embassy staff, journalists and, according to Denis Warner, a basket of cats belonging to UN officials, only 78 Vietnamese nationals had been evacuated to Australia.36

Nancy Viviani, Australia’s foremost scholar on Vietnamese refugee policy and former secretary to Don Willesee during his time as Minister for Foreign Affairs under Whitlam, argues that the government’s reluctance to take part in any refugee evacuation was based on primarily political considerations, namely: “a straightforward concern to avoid a new influx of emotional anti-communists in Australian politics together with a care for the attitudes of Hanoi”.37 This argument is well supported by the archival and public record. The notion that anti-communist voters from Eastern Europe who had migrated to Australia after World War Two had been responsible for keeping the left-wing ALP out of office for 23 years was shared by prominent members of the party. As Viviani shows, among some party members the “pungent epithet” for the Vietnamese refugees was “Yellow Croats”.38 Whitlam’s own personal opposition to refugees is colourfully highlighted by Clyde Cameron’s oft quoted report that, in response to Willesee’s request to establish refugee categories, Whitlam thundered, “I’m not having hundreds of fucking Vietnamese Balts coming into this country with their religious and political hatreds against us!”39 Additionally, fears that some Vietnamese would agitate for the liberation of their homeland is evidenced in the undertakings nine former RVN diplomats were required to sign promising not to engage in political activity whilst in

Any evacuation also posed a serious threat to relations with the DRV. Officials in Hanoi were greatly concerned by the mass evacuations of South Vietnamese being conducted by the US and protested strongly against the Australia’s participation in any refugee movement. As Nguyen Dy Nien, the DRV’s Charge d’Affaires in Canberra asserted, the DRV and PRG regarded any evacuation as “a violation of Viet-Nam’s national sovereignty”, no matter how insignificant the numbers involved.

Furthermore, Whitlam’s approach to Vietnamese refugees was consistent with that of his predecessors to refugee crises in the post-war period. As Klaus Neumann shows, despite consistent calls for a humanitarian approach to Australia’s refugee policy, refugees were largely accepted on the basis of their race, likelihood of assimilation and Australia’s economic and labour force requirements, rather than for compassionate or humanitarian reasons. Neumann argues that “the Whitlam Government had been less inclined than its conservative predecessors to make special allowances for refugees wanting to settle in Australia”. As Frank Crowley observes, despite Whitlam’s belief in an ideological re-orientation towards Asia and his vociferous claims to have buried the White Australia Policy, his government, “did not open the doors very wide for Asian immigrants”. Due to the global economic crisis of 1974, the total number of migrants was cut to the lowest level since 1948, reducing non-European numbers to negligible figures and refugees even more so. Indeed, as demographer Charles Price observed in 1979, Whitlam’s refugee policy was characterised by “vagueness as to how a non-discriminatory refugee policy should work and how the departments of

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40 S.M. Conan-Davies, ‘Undertakings signed by Vietnamese,’ memorandum, 25 August 1975, NAA: A1838, 1634/75/16 part 1. Of these nine, only five actually made it to Australia and were subsequently absolved of their pledge by Fraser in January 1976.
Immigration, Foreign Affairs and Prime Minister should share responsibility”. 47 Though the Whitlam government admitted more Ugandan Indians that its predecessor, Price argues it “dragged its feet when dealing with the Chilean crisis of 1973, dithered over the Timor troubles of 1975 … and was tragically slow reacting to the Vietnamese crisis”. 48

Before the crisis even began, it was clear that the government would be firmly opposed to any evacuation of South Vietnamese refugees, a move Whitlam and his supporters maintained was both politically expedient and morally justified. 49 However, throughout April 1975, this position became a political liability, as the government faced a revived opposition and a hostile press calling for a more decent and compassionate response to the unfolding crisis in Saigon based on the notion that Australia, by way of its military intervention, was morally obliged to accept refugees fleeing communism. As early as 2 April, Fraser was calling for the government to accept “some thousands of refugees” if consultations with South Vietnam determine it to be a “desirable course”. 50 Even when the government did attempt to assist with refugee movements, it could not escape criticism. On 2 April, RAAF aircraft had been deployed to move refugees at Phan Rang, but after RVN soldiers accidently shot holes in the tail of an Australian aircraft, while others forced their way onboard, trampling the refugees who stood in their way, the government resolved to withdraw from further refugee assistance, so that the situation “would not arise again where officials or soldiers of the South Vietnamese Government would be aboard our aircraft”. 51 Though the government attempted to maintain that safety concerns were responsible for the grounding of the aircraft, Fraser accused Whitlam of pandering to the North Vietnamese. 52 By the beginning of 1975, the government had only a delicate hold on the balance of power in both the House of

49 CPD, Senate, v 64, 1975, 2385-86.
50 Brett Bayly, ‘Fraser calls for adults,’ The Advertiser, 4 April 1975, 3; ‘Let adult Vietnamese come here, Fraser says,’ Sydney Morning Herald, 7 April 1975, 1; Edwards, A Nation at War, 333.
52 ‘PM denies giving into Hanoi’, The Age, 11 April 1975, 3.
Representatives and the Senate and was already grappling with a multitude of controversies and scandals, and Fraser’s attacks on Vietnam worked to further undermine its support within the electorate and the press.53

Reactions to the possible evacuation of orphans

The imminent collapse of South Vietnam was an acute concern for those in Saigon caring for children destined for adoption overseas. Reports that a North Vietnamese takeover could result in a “bloodbath”54 gave some adoptive parents great cause for concern, fearing that those children in the care of foreigners, and especially those fathered by US servicemen “faced mass execution by the Communists”.55 As early as 19 March, Tony Dudman, representing the Australian Adoptive Families Association (AAFA), who was in Saigon arranging adoptions for South Australian families, asked Robert Devereaux at the Australian embassy whether the Australian government would consider evacuating all children in process for adoption in Australia. When Devereaux put this to request to Ambassador Geoffrey Price, he replied,

I hope that we are a long [way] from needing to evacuate anyone from Saigon. I do not wish to raise the issue with the Dept now … how could we take them? If them, why not other South Vietnamese? And so on? Say to Mr Dudman that at present we do not forsee this need.56

It is clear from this earliest response that any discussion of orphan evacuations would be intimately tied to the broader evacuation question, and would significantly influence the government’s response to such requests.

On the eve of South Vietnam’s collapse, there were seven voluntary agencies working in Saigon authorised by the South Vietnamese government to arrange and facilitate intercountry adoptions. Of these agencies, Rosemary Taylor’s Friends For All Children...

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54 Denis Warner, ‘It looks like the end after 30 years,’ *The Advertiser*, 2 April 1975, 5.
(FFAC) handled the majority of cases. By 31 March 1975, Taylor was caring for 600 children in four nurseries that employed 400 local Vietnamese staff and 15 foreign nurses. As Taylor explained,

> No one considered leaving the children behind. It was accepted that if the children did not depart prior to a change of regime, they would never leave Vietnam for the families that awaited them in other countries.  

Recognising the need for an evacuation before the nurseries faced an acute shortage of food and medical supplies, and the while situation in Saigon permitted, Taylor appealed to the South Vietnamese Deputy Prime Minister and Minister for Social Welfare Dr Phan Quang Dan to expedite exits for children. On 31 March, Taylor approached Deputy Prime Minister Lance Barnard, himself an adoptive parent of a Vietnamese child and at the time Minister for Defence, and asked that RAAF aircraft be used to temporarily evacuate the 600 children under her care in Saigon, most of who were destined for adoptive families in the US. The Department of Foreign Affairs immediately contacted Ambassador Price for his advice, as well as asking him, following a request from Whitlam, to give consideration to the possibility of “evacuating to Australia those Vietnamese orphans for whom adoptive parents in Australia are available and for whom exit formalities might, with a special effort on our part, be completed shortly”.

Price’s initial reaction to these requests, like his response to Dudman, was marked by apprehension and caution regarding the precedent it may set for the evacuation of adult Vietnamese. He warned: “I foresee a torrent of demands from a wide range of Vietnamese, very many of whom will request evacuation/migration to Australia on humanitarian grounds. I sense a very large and complicated political issue here.” He recommended that “top priority” be given to moving out orphans for whom Australian

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60 DFA to Saigon, cablegram 2000, 31 March 1975, NAA: A1838, 3014/10/15/6 part 2; ‘PM takes charge of relief effort,’ *Sydney Morning Herald*, 3 April 1975, 4.
adoptive parents were waiting, but warned that moving Taylor’s orphans would “risk causing a lot of extra trouble, expense and distress for them and their American adoptive parents”. In addition, he noted that as Taylor’s operation was largely funded by US sources, it was not wholly Australia’s responsibility.61 Price’s main concern regarding an evacuation was the implications for the already volatile and unstable South Vietnamese government under President Thieu.62 As he relayed, Dr Dan was “most reluctant to permit the evacuation because he fears it will start a panic in Saigon where people are already nervous enough”.63 Officials in Canberra, however, were more concerned with the implications an orphan evacuation would have for Australia’s refugee policy. As Department of Foreign Affairs officials relayed to Price, “[u]sing Australia as a staging point could create an undesirable precedent for future handling of various classes of refugees and maintenance of orderly procedures would have become well nigh impossible,” thus consolidating the department’s resolve that “entry will only be approved for those orphans who have completed formalities for settlement in Australia”.64 However, it did agree that top priority be given to moving children already destined for Australia and that RAAF aircraft could be used to assist.65

This decision was immediately challenged when Taylor found an unlikely ally in the cavalier chairman and president of the US airline World Airways, Edward J. Daly. A flamboyant, gun-toting entrepreneur, described as a John Wayne-like figure of the Wild East, Daly had been flying supplies to Phnom Penh, as well as moving refugees within Vietnam during 1975. He gained notoriety by ignoring US government advice and chartering the infamous ‘last flight out of Danang’ on 30 April in an attempt to evacuate refugees from the besieged city.66 On 1 April, Daly announced that he would fly 1,500 orphans to the US and Australia with or without approval from either government. He told the American press that he was aware that the Australian government would refuse him landing rights for his proposed orphan flight, and warned, in typical cowboy

61 Price to DFA, cablegram 1704, 31 March 1975, NAA: A1838, 3014/10/15/6 part 3.
63 Price to DFA, cablegram 1713, 31 March 1975, NAA: A1838, 3014/10/15/6 part 2.
64 DFA to Saigon, cablegram 2035, 2 April 1975, NAA: A1209, 1975/657.
65 DFA to Saigon, cablegram 2024, 1 April 1975, NAA: A1209. 1975/657.
fashion, “if Daly is aboard, there’s no further clearance needed”. At midnight on 1 April, Daly called Sir John Knott, World Airways’ Australian representative, to inform him that he would fly Taylor’s orphans to Australia at 2pm on 2 April without permission, to the alarm of authorities in Australia. Taylor initially refused Daly’s offer, and turned her attention to the RAAF, asking that the Australian government fly 165 orphans to Australia, only 7 of who were destined for Australian families. Daly then offered two smaller planes, one to fly to the US and one to Australia. This proposal was quickly superseded by an offer of a DC-8 cargo plane, but this option allowed only a half hour window to load 600 children. Realising the impossibility of this task, and Daly’s apparent desire to attract “the most dramatic, action-packed television coverage”, Taylor declined. Not easily perturbed, Daly canvassed other organisations in Saigon, eventually gathering 57 children who arrived in California via Tokyo on the night of 2 April.

Back in Australia, growing increasingly frustrated with the government’s refusal to allow children ‘in transit’ to land, Taylor made independent approaches to both Lance Barnard and Immigration Minister Clyde Cameron, as well as to the embassy in Saigon, and her supporters in Australia began to put considerable pressure on both state and Commonwealth authorities to, as Race Mathews exclaimed, “slash the bloody red tape”. During the morning of 2 April, the official spokesperson for the Immigration Department announced that Barnard and Cameron had granted conditional approval for 200 children to be flown to Australia on an RAAF flight. Following the recent advice from Price, Alan Renouf, head of the Department of Foreign Affairs, immediately told Immigration to quash the story. As Cameron later explained, the evacuation plans were promptly thwarted by direct intervention from the prime minister, who claimed

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69 Saigon to DFA, cablegram 1727, 2 April 1975, NAA: A1209, 1975/657.
70 Taylor, Orphans of War, 155.
73 Michael Richardson & Michelle Grattan, ‘Hercules to fly out 100 Saigon orphans,’ The Age, 3 April 1975, 1. Cameron’s decision to accept 200 children was also picked up by Associated Press and reported in the US: ‘60 orphans leave S. Viet for U.S.; 500 left behind,’ The Denver Post, 2 April 1975, 1.
that the approval cut across Australia’s policy on intercountry adoption.\textsuperscript{75} Though the Prime Minister’s Department denied that Whitlam had clashed with either Cameron or Barnard over the issue, Cameron later expressed his anger at the prime minister’s interference, leading him to give up all responsibility for the Vietnam issue and tell Whitlam “to shove the Vietnamese exercise up his backside”.\textsuperscript{76} After this initial incident, Whitlam assumed full control of the issue and ordered that all government statements on the orphans were to come personally from him.\textsuperscript{77}

The pressure applied to Australian authorities by representatives of Rosemary Taylor and FFAC as a result of the bungle between Cameron, Barnard and Whitlam was not well received by Whitlam or the Department of Foreign Affairs. As the department relayed to Price, by approaching different ministers with different figures on the numbers of children to be evacuated, FFAC had “attempted to force our hand in a way which greatly concerned us”.\textsuperscript{78} They were further incensed when representatives of FFAC in Australia alleged that the South Vietnamese had already given approval for 200 orphans to leave for Australia, chastising Price that “these circles are embarrassing us with demands for explanation of why the Australian government is not getting on with the movement”.\textsuperscript{79} Though Price did “not wish to defend her [Taylor’s] intemperate tactics to move her orphans,” he said in mitigation that “pressures on her and her small voluntary staff have been immense in trying to, as she sees it, do the best for the 600 or so children under her care”.\textsuperscript{80} Authorities in Canberra did not share this sympathy and when the airlift was eventually announced, made sure it would not be for the sole benefit of Taylor’s organisation. As they relayed to Price:

\begin{quote}
For your own private information [the] prime minister shares our qualms about Miss Taylor, whose organisation has flouted Australian immigration procedures in the past, and it will be necessary to ensure that other organisations are adequately represented in the uplift.\textsuperscript{81}
\end{quote}

\begin{enumerate}
\item Cameron, \textit{China, Communism and Coca-Cola}, 229; Clyde Cameron, \textit{The Cameron Diaries}. Sydney: Allen & Unwin, 1990, 801.
\item Cameron, \textit{China, Communism and Coca-Cola}, 229.
\item Richardson and Grattan, \textit{The Age}, 3 April 1975, 1.
\item DFA to Saigon, cablegram 2035, 2 April 1975, NAA: A1209, 1975/657.
\item DFA to Saigon, cablegram 2062, 2 April 1975, NAA: A1838, 3014/10/15/6 part 2.
\item Price to DFA, cablegram 1746, 3 April 1975, NAA: A1838/10/15/6 part 2.
\item DFA to Saigon, cablegram 2105, 3 April 1975, NAA: A1209, 1975/657.
\end{enumerate}
Though the government was clearly willing to assist the facilitation of Australian adoptions, its refusal to act on behalf of Taylor’s orphans contributed to increasing criticisms that it was not responding adequately to the deteriorating situation in South Vietnam. On 2 April, Fraser demanded of Whitlam, “urgent advice on your government’s plans to assist with the Vietnamese refugee problem”, particularly “in regard to Vietnamese orphans”. When Whitlam refused to censor comments by senior Ministers Jim Cairns and Tom Uren that the fall of Saigon would be the best solution for Vietnam, the opposition and the press, particularly the *Sydney Morning Herald* – constantly at odds with the Whitlam government throughout 1975 – were outraged, accusing the government of “sinister” inhumanity. The Queensland and New South Wales Premiers Joh Bjelke-Petersen and Tom Lewis, long-time opponents of the ALP government, were scathing of Cairns and Uren’s “callous and cynical” comments, and together with Victorian Premier Dick Hamer, urged the government to take immediate action to relieve the suffering of the people of South Vietnam.

In this context a public statement was needed by the government to counter the growing negative publicity and confusion over its ‘orphan’ policy. In a press release on 2 April, Whitlam outlined an extensive program of support for South Vietnam. This generous program included a further $1 million contribution to the United Nations High Commissioner for Refugees (UNHCR) for work in Vietnam and Cambodia (taking the total Australian contribution to $2.35 million) together with the approval for seven RAAF Hercules based in Malaysia to be used in a humanitarian role to meet the needs of refugees. An appeal was also launched on behalf of the Council of Overseas Aid’s disaster emergency committee to raise $5 million to assist refugees in Indochina. As part of this announcement, Whitlam acknowledged adoption as “a noteworthy aspect of

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82 Malcolm Fraser to E.G. Whitlam, telegram, 2 April 1975, NAA: A446, 1974/76687.
84 J. Bjelke-Petersen to E.G. Whitlam, teleprinter, 2 April 1975; T.L. Lewis to E.G. Whitlam, teleprinter, 2 April 1975; R.J. Hamer to E.G. Whitlam, teleprinter, 2 April 1975, NAA: A1209, 1975/546.
85 Comparatively, the Australian contributions to the UNHCR for emergency relief in Indochina before the fall of Saigon was significantly more than any other nation outside of the US. See: United States Senate, Committee on the Judiciary, Subcommittee to Investigate Problems Connected with Refugees and Escapées, *Aftermath of War: Humanitarian Problems of Southeast Asia*. Washington DC: US GPO, 1976, 11.
our past contribution to the relief of this suffering in the past” and approval was given for RAAF aircraft to be used to transport an estimated 130 children (a figure based on orphanage estimates) to Australia pending approval of their exit by Vietnamese authorities. The prime minister had previously sent telegrams to all state premiers requesting

in the light of the rapid escalation of the human problems in South Vietnam in recent days, you could now ask your regulatory authorities to make special efforts to finalise as expeditiously as possible decisions on applications by residents of your state for permission to adopt Vietnamese children,

promising that the Commonwealth government would “endeavour to facilitate the entry of such children” for whom adoption formalities had been completed in Vietnam and Australia. In light of advice from Price that South Vietnamese authorities were reluctant to authorise any mass exodus of children, together with the government’s own reservations about setting a precedent for refugees, no such evacuation would be entertained by Whitlam, offering only to accelerate those adoptions already in process. Just twenty-four hours later, this position was to change dramatically.

The impact of the US announcement of Operation Babylift

On the same day as Whitlam’s announcement, in Saigon, Dr Dan agreed to permit up to 1,500 children in the care of the various adoption agencies to leave Vietnam, provided it could be done “reasonably discreetly”. Daniel Parker, administrator of the United States Agency for International Development (USAID) announced that up to 2,000 orphans would be airlifted from Saigon to the US in what would become known as ‘Operation Babylift’. The following day, President Gerald Ford announced more publicly that he had ordered that $2 million from a special foreign aid children’s fund be made available to bring the orphans to the US within the next 36-48 hours, and that US officials had been instructed to remove any bureaucratic obstacles in order to do so.

87 DFA to Saigon, cablegram 2034, 2 April 1975, NAA: A1838, 3014/10/15/6 part 2; ‘RAAF to bring war orphans here,’ Sydney Morning Herald, 3 April 1975, 1; ‘Hercules to fly out 100 Saigon orphans,’ The Age, 3 April 1975, 1.
88 DFA to Saigon, cablegram 2046, 2 April 1975, NAA: A1838, 3014/10/15/6 part 2.
89 Price to DFA, cablegram 1713, 31 March 1975, NAA: A1838, 3014/10/15/6 part 2.
As he explained, “[t]his is the least we can do, and we will do much, much more”.

Dan’s blanket approval of exit visas removed one of the major obstacles the government claimed was prohibiting the movement of children to Australia, compelling authorities, in light of their recent commitment, to act.

The impact of the US decision was clearly a concern to authorities in Canberra, with Garry Woodard, First Assistant Secretary of the North and South Asia Division of the Department of Foreign Affairs, instructing his staff to draft a telegram announcing Australia’s “simplification of formalities for handling admission of orphans,” emphasising that “it could be embarrassing for us if it gets out that our procedures are stricter than those now being used by the Americans”.

Authorities in Canberra instructed Price that, “we wish to achieve a position where orphans can be uplifted by RAAF as soon as numbers justify flight”. In preparing for the airlifts, Price found that very few children had actually completed all the health and immigration formalities required for adoption in Australia and requested that “urgent consideration” be given to allowing the inclusion of those children intended for Australia, but who had not yet completed such formalities. He noted that South Vietnamese authorities would waive all usual exit documentation and require that only a list of the children’s names and adoption agencies be provided, urging that “if we are to avoid a situation where the government would be subject to heavy criticism I believe you should waive all formalities as [the] USA government has done”.

In response to Price’s request, Whitlam sought assurances from the state premiers that they concurred with the waiving of normal medical requirements and would accept children up to the number of approved families “whatever their condition”. In an unprecedented step, Whitlam asked the premiers if they would guarantee the accommodation and care of children even if they were not chosen for adoption by approved families due to physical or medical problems. Significantly, this announcement signalled that the government intended not only to move those children who were in the process of being adopted by Australian

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94 DFA to Saigon, cablegram 2069, 3 April 1975, NAA: A1838, 3014/10/15/6 part 2.
95 Saigon to DFA, cablegram 1746, 3 April 1975, NAA: A1838, 3014/10/15/6 part 2.
families, but to evacuate children up to the number of approved families in each state. This was duly noted by the Australian media; Tim Clarke from ABC Radio’s *AM* program reported that Whitlam had turned “something of a somersault” on the issue of orphans in a 24 hour period.\(^9^7\)

In justifying the government’s rationale for the airlift, Whitlam explained that its actions were the fulfilment of the “Australian Government’s role … to make it possible for the eligible children and the suitable parents to be brought together as quickly and safely as possible,” and that the airlift was made possible by to the initiatives taken by his government to coordinate state and Commonwealth adoption policies, as discussed in the previous chapter.\(^9^8\) This position was supported by Michael Delaney, private secretary to the Prime Minister, and Wayne Gibbons, secretary to the Minister for Labour and Immigration, in their testimony to the Senate Committee enquiry into the government’s handling of the refugee crisis in October 1975, asserting that the airlifts were merely a continuation of previous adoption policy.\(^9^9\) A similar sentiment was relayed to the North Vietnamese, with Ambassador David Wilson told to explain that the airlift was “merely an acceleration of past practice,”\(^1^0^0\) not an evacuation, to which authorities in Hanoi were vehemently opposed.\(^1^0^1\)

However, by accepting children who were not in the process of adoption and agreeing to relax normal Australian requirements as the US had done, the government was *circumventing* not accelerating its policy on adoption. It was now only asking that a nominal roll of all the children to be airlifted be acknowledged by South Vietnamese authorities and that health checks for the children would be carried out once they arrived in Australia.\(^1^0^2\) This about face was criticised by Brian McGowran, president of Vietnamese Orphans Fund and close friend of Rosemary Taylor, who noted that prior to the airlifts, the Commonwealth government’s response to requests to assist in adoption

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\(^9^7\) Ken Begg, ABC News transcript, 7:45am 4 April 1975, NAA: A1838, 3014/10/15/6 part3; Tim Clarke, ABC Radio transcript, 4 April 1975, NAA: A1838, 3014/10/15/6 part 3.


\(^1^0^0\) DFA to Hanoi, cablegram 458, 4 April 1975, NAA: A1209, 1975/657.


\(^1^0^2\) Russell Skelton and Michelle Grattan, ‘500 Viet waifs here soon,’ *The Age*, 4 April 1975, 1.
proceedings had been decidedly negative. Indeed, as Race Mathews, Whitlam’s former chief of staff and fervid adoption advocate explains, the prime minister regarded his concern for intercountry adoption as “uncharacteristically irresponsible”, concluding that in regards to the airlifts, “left to his own devices he wouldn’t have done it”. Likewise John Menadue, head of the Department of Prime Minister and Cabinet and himself concerned by plight of children, claims that Whitlam was “reluctantly persuaded” to send planes to Saigon to collect the children.

The sudden change of attitude suggests that the prime minister was responding to more than a simple humanitarian concern for the plight of the children. In an interview with the *Sydney Morning Herald* in 1995 to mark the twentieth anniversary of the fall of Saigon, Ambassador Price recalled, “[o]ut of the blue I and my staff were instructed to go out and get 212 orphans”. As journalist John Huxley notes, Price’s comments suggest “that the motives for the hurried ‘baby hunt’ might have had more to do with politics and public relations at home than humanitarianism”. The notion that the airlift “smacked of political opportunism rather than genuine human concern for the most defenceless victims of the war”, was further compounded by the Australian correspondent Richard Palfreyman who observed that the photographs adorning Australian newspaper front pages of Whitlam holding a Vietnamese child “enraged” Price’s embassy staff, and were viewed with “resentment at what they called political window-dressing”. With characteristic acerbic wit, Whitlam rejected Price’s allegation, claiming the ambassador’s comments were the result of residual bitterness about his role in the evacuation. According to Whitlam, Price was “still distraught about his loss of face in front of his butler. He was evacuated not with a bang but a whimper.”

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104 Race Mathews, interviewed by Joshua Forkert, 11 June 2009, Melbourne. Transcript in possession of author.
government was not only responding to domestic pressure from Fraser and the press, as Price suggests, but also attempting to avoid embarrassment in light of the US announcement.

The airlifts were also used by Whitlam’s opponents in an attempt to embarrass the Labor government. New South Wales Premier Tom Lewis very publically claimed that his state could accommodate over 2,000 children, despite welfare authorities claiming that no more than 200 adoptive families had been approved. The uneasy relationship between the Liberal premier and the prime minister was well known, especially after Lewis’ controversial appointment of Cleaver Bunton to replace the outgoing Labor Senator Lionel Murphy earlier that year. By claiming that such a large number of children could be accommodated, Lewis was attempting to belittle and trivialise whatever action the government took. Lewis was later condemned by Delaney and Gibbons before the Senate enquiry for having hindered the Commonwealth government’s management of the airlifts by creating “great anxiety among prospective adoptive parents and expectations that thousands of children were available for adoption by any interested person whether or not they met the requirements laid down by State adoption agencies”. Lewis’ overgenerous support, they believed, was made “for solely political reasons” and “was characteristic of much of the malicious misinformation which was purveyed during the period before and after the fall of Saigon”.

After a figure of 246 approved families was established following consultation with the other premiers and Whitlam agreed to accept the South Vietnamese exit procedures and relax the normal Australian requirements Price was ordered “bring out this desired number of orphans” by Friday 4 April. Price’s own enquiries found that of the 98 children in process at the embassy’s consular section, only 23 had fully completed all formalities, with further lists of children expected from the other agencies in Saigon.

113 SSCFAD, Reference: South Vietnamese Refugees, v 1, 428.
114 SSCFAD, Reference: South Vietnamese Refugees, v 1, 429.
including Rosemary Taylor and World Vision, taking the number of children designated
for Australian families up to 150.\footnote{Saigon to DFA, cablegram 1757, 3 April 1975, NAA: A1209, 1975/657.} Whitlam was thus demanding that children be
found up to the number of eligible parents, overriding established adoption policy and
ignoring the needs of those children destined for parents in other countries. Price
protested that the 4 April deadline imposed by Canberra would be “almost impossible
to meet”.\footnote{Saigon to DFA, cablegram 1762, 3 April 1975, NAA: A1838, 3014/10/15/6 part 2.} However, Canberra insisted that “in view of advanced state of preparations
here, strong public interest, and compelling sense of urgency which we feel about
 evacuating orphans while conditions in Saigon and the attitude of the South Vietnamese
government permit we are relying on you and all your staff to ensure that evacuation of
orphans takes place today and that orphanages reach the figure of 246”.\footnote{DFA to Saigon, cablegram 2091, 4 April 1975, NAA: A1838, 3014/10/15/6 part 2.}

As Price was scouring Saigon for orphans, the Vietnam Crisis Task Force, headed by Woodard, was
meeting in Canberra to discuss preparations for the expected arrival of around 200
children.\footnote{‘Record of a meeting of Viet-Nam Crisis Task Force,’ Friday 4 April, NAA: A1209, 1975/546.} By that afternoon of 4 April, Price informed Woodard that the final count of
orphans stood at 212 and regretted that “absolutely nothing more” could be done to
increase the figure. In this same cable, he had the misfortune to inform the department
that the first US flight to take part in the airlift had been struck by tragedy.\footnote{Saigon to DFA, cablegram 1172, 4 April 1975, NAA: A1838, 3014/10/15/6 part 2.}

**Tragedy and the pawns of war**

On 4 April, a US Air Force Galaxy C-5A, at the time the largest aircraft in the world
and the first scheduled flight of Operation Babylift, took off from Tan Son Nhut airport
carrying 243 children and 43 escorts bound for the US via Japan. As the Galaxy left the
cost of Vietnam, a mechanical fault with the aircraft’s door locks caused the rear hatch
to blow out, ripping open the cargo hold where around 50 children and babies were
strapped in.\footnote{‘120 killed in waifs jet’, *The Age*, 5 April 1975, 1; Fox Butterfield, ‘305 aboard plane,’ *New York Times*, 5 April 1975, 1, 8; ‘Toward the final agony,’ *Time Magazine*, 14 April 1975; Taylor, *Orphans of War*, 158-183.}

Despite the best efforts of pilot Dennis ‘Bud’ Traynor and crew to turn
were killed when the Galaxy crashed into a paddy field outside of Saigon.\textsuperscript{123} They died alongside many of their adult escorts, including two Australians, Margaret Moses and Lee Makk from FFAC.\textsuperscript{124} As Arnold Isaacs, correspondent for the Baltimore \textit{Sun} relayed, the crash was “almost too unbearable to believe … laden with a sense that Americans were somehow cursed in Vietnam, fated to bring only tragedy, even when trying to do good”.\textsuperscript{125} Despite this tragic beginning, the airlifts continued until 7 May, and over 2,500 children were processed and evacuated by the US, including 602 children destined for families in other countries.\textsuperscript{126} The political motivations behind Australia’s contribution to this largely American-led effort became the main focus of criticism and commentary in early April, as the government grappled to justify its decision in the face of domestic political pressure.

Parked alongside the ill-fated Galaxy on the runway at Tan Son Nhut were two RAAF Hercules being simultaneously loaded with children bound for Australia. The first of these took off only minutes after the American plane, and when the news of the crash reached the airfield, there was confusion and fear over whether it was the Australian aircraft that had in fact gone down.\textsuperscript{127} Don Whitelum, a representative of ASIAC South Australia, was standing on the tarmac in the stifling Saigon heat next to Margaret Moses’ mother watching the smoke rise from the Galaxy. Mrs Moses, knowing her daughter had been onboard, continued to assist with the Australian children, leaving Saigon before discovering the tragic news.\textsuperscript{128} Four RAAF flights, assisted by Australian and international volunteers, embassy staff and aircraft crew ferried children to Bangkok to rendezvous with a Qantas passenger jet for the onward flight to Australia. The “flying nursery” as depicted by Paul Rigby (see Figure 5.2) that was Qantas flight

\textsuperscript{126} The precise numbers of children airlifted by both US Military Aircraft Command and commercial carriers differs widely according to official sources. The CINCPAC Command History puts the figure at 2,926, while the USAID report puts it at 2,547. As the CINCPAC history noted, none of the sources it cited could agree on any statistics relating to the Operation Babylift (viii).
\textsuperscript{127} Coulthard-Clark, \textit{RAAF in Vietnam}, 324-25.
\textsuperscript{128} Don & Mary Whitelum, interviewed by Joshua Forkert, 16 July 2009, Adelaide. Transcript in possession of author.
QF180 finally departed from Bangkok at 4:30am, touching down in Sydney at 3:45pm on Saturday 5 April. 129

The airlifts were initially met in Australia by an overwhelmingly positive and sentimentally-charged media response, marking the high point of the “saturation press coverage” that the orphan and refugee question attracted during April 1975. 130 As Prue Torney-Parlicki observes, coverage of the orphans in the media was characterised by “emotive and heavily stereotyped responses”. 131 The landing of the Qantas jet “made for powerful television news”; 132 the front page of The Australian carried a photograph of Whitlam holding Don Hy Vong, a seven-month-old Vietnamese boy being held with the other orphans at North Head Quarantine Station (see Figure 5.3), while The Age reported that Bill Morrison “wept” as the fragile, blind and disease ridden orphans were

NOTE:
This figure is included on page 179 of the print copy of the thesis held in the University of Adelaide Library.

Figure 5.2: Paul Rigby, Sunday Telegraph, 6 April 1975, 112.

129 Michael Delaney, ‘Note for Caucus about orphans,’ undated, NAA: M522, V.5.
unloaded into awaiting ambulances.\textsuperscript{133} Newspapers across the country emphasised the airlift as an act of humanitarian rescue, praising and ennobling both adoptive parents and the Australian Government for their role in this action.\textsuperscript{134} 

\begin{figure}
\centering
\includegraphics[width=\textwidth]{figure5.3.png}
\caption{The Australian, 7 April 1975, 1.}
\end{figure}

\textsuperscript{133} The Australian, 7 April 1975, 1; Denis Minogue, ‘Tears and hope as war waifs fly in,’ The Age, 7 April 1975, 3; ‘Whitlam drops in on war orphans,’ The Advertiser, 7 April 1975, 1.
\textsuperscript{134} ‘Frightened and sick, but safe from guns and bombs,’ The Australian, 7 April 1975, 3; ‘Tears greet waifs,’ Sydney Morning Herald, 6 April 1975, 2; ‘Adelaide ready to welcome Viet. children,’ The Advertiser, 7 April 1975, 3.
The response from the Australian public similarly saw an emotional and enthusiastic outpouring of sympathy and concern. The Queensland Child Welfare Department, which had dealt with only one case of intercountry adoption prior to the airlift, received an average of one enquiry per minute about Vietnamese orphans after it landed,\textsuperscript{135} while the switchboard at the New South Wales Department of Youth, Ethnic and Community Affairs was reportedly jammed with over three hundred calls at a time.\textsuperscript{136} Rosemary Calder, secretary of the Victorian branch of ASIAC, needed four extra phone lines installed in her home to process the flood of requests from prospective adoptive parents after a television station broadcast her phone number during a news bulletin.\textsuperscript{137} In South Australia, Director of Specialist Services in Department of Community Welfare, Peter Fopp, was stationed by his telephone day and night to deal with the flood of popular interest in potentially adopting one of the airlifted children.\textsuperscript{138} Though, as David Davidson, president of Australian Adoptive Families Association in New South Wales reported, only a small percentage of prospective adoptive parents prior to the airlifts who made initial enquiries followed through with the adoption proceedings, the response was tremendous.\textsuperscript{139}

Beneath the initial wave of enthusiasm, more astute observers in the press noted how the airlifts were becoming highly politicised, with both sides of politics “working to leech every drop of political advantage out of the feelings of people distraught about the refugees, particularly the children”.\textsuperscript{140} This sentiment was conveyed in a cartoon by Audrey Collette published in the Melbourne Herald showing Whitlam, Fraser and other politicians queuing up to obtain a baby (see Figure 5.4). The situation was further complicated by allegations in the US that the airlifts had been organised by American Ambassador Graham Martin and Dr Dan to create a sympathetic environment in the US to garner Congressional support for a continuation of the war.\textsuperscript{141} An editorial in The Australian observed how the children had already been made “pathetic pawns of war”

\textsuperscript{135} Tim Clarke, transcript of AM, ABC Radio, 4 April 1975, NAA: A1838 3014/10/15/6 part 3.
\textsuperscript{136} “RAAF to bring war orphans here,” Sydney Morning Herald, 3 April 1975, 1.
\textsuperscript{137} Rosemary Calder, interviewed by Joshua Forkert, 1 October 2008, Canberra. Transcript in possession of author.
\textsuperscript{138} Peter Fopp, interviewed by Joshua Forkert, 15 July 2009, Adelaide. Transcript in possession of author.
\textsuperscript{139} Tim Dare, Bryan Boswell and John Raedler, ‘Babylifts and after,’ The Australian, 16 April 1975, 9.
\textsuperscript{140} John Jost, ‘False tears for refugees,’ The Age, 7 April 1975, 7.
\textsuperscript{141} “US envoy is Saigon is quoted on propaganda effect of airlift,” New York Times, 7 April 1975, 20. See chapter 6 for an analysis of these charges.
in the US and South Vietnam, but it was the duty and responsibility of Australians “that we do not make them political footballs too,” warning Australia’s political leaders that “[t]his is a tragedy we are confronting, not an arena for political points scoring” (as illustrated in Figure 5.5). Similarly, The Age praised the “surge of humanity and common feeling for this helpless flotsam of disaster” as “one of the few glimmers of hope in a long serial of brutality, agony and death”. However, it cautioned against carrying the emotional force of the issue to the point “where the welfare of the children themselves was not held paramount”.

NOTE:
This figure is included on page 182 of the print copy of the thesis held in the University of Adelaide Library.

Figure 5.4: Aubrey Collette, The Herald (Melb), 7 April 1975, 4.
Whitlam’s immediate response to the arrival of the first airlift indicates that he was eager to capitalise on the good publicity his actions were attracting. A Gallup poll taken in April found that just over 60% of those surveyed – equal on both sides of politics – agreed that orphans should be brought to Australia for adoption. On 6 April, he decided that a second airlift should take place as soon as possible and attempted to arrange a second Qantas flight to depart for Bangkok at 11:00am on 6 April. This was not in response to the appeals of adoptive parents already in the process of adopting children from Vietnam, but sought to bring out children who had not even begun the process. Whitlam’s plans were quickly halted when Dr Dan announced that the quota of orphans for emergency evacuation had been reached and owing to the growing controversy over the political motivations behind the airlifts, South

144 'Should children from Vietnamese orphanages be brought to Australia for adoption?’ Morgan Gallup Poll, no 68, 12-19 April 1975.
Vietnamese authorities did not intend to grant any further blanket approvals.\textsuperscript{146} Within hours this ban was lifted after alleged pressure from US, Australian and Canadian governments, though Dan insisted “we will need now a minimum of organisation and investigation before we can agree to let more children out of the country”.\textsuperscript{147} Whitlam, who had already publically committed to a second airlift, was forced to announce its cancellation, and give up, at least temporarily, any hope of further operations.\textsuperscript{148} A second airlift was eventually organised, but owing the rapidly changing situation in both Australia and Saigon, as the next chapter explores, was more ordered and organised than the first.

Refugees and orphans

The government’s opponents were quick to denounce the arrival of the first airlift as an attempt by Whitlam to divert attention away from both his government’s inaction on refugees and as evidence of its perceived partisan attitude to Hanoi. Viviani argues that the airlifts did indeed serve to blunt public criticism of the government and the ensuing publicity “obscured the issue of the entrance of adult refugees and the situation of students for this time”.\textsuperscript{149} This conflation of the refugee and orphan questions was also later blamed for the paltry response to the $5 million public appeal launched by Whitlam, which eventually closed after raising only $492,000.\textsuperscript{150} Fraser ridiculed the notion that the airlifts were a suitable solution to the refugee crisis, charging that the government, “seem to believe that by bringing 215 orphans into Australia, the problem is solved”.\textsuperscript{151} Infuriated by the images of Whitlam adorning the papers, John Sullivan, a former army colonel in Vietnam and a member of Peacock’s Saigon mission, also criticised the government for the inappropriate use of ill-equipped RAAF planes to transport the children and accused Whitlam of using the orphans as political pawns:

\begin{itemize}
\item \textsuperscript{146} Saigon to DFA, cablegram: 1818, 7 April 1975, NAA: A1838, 3014/10/15/6 part 2.
\item \textsuperscript{147} ‘Saigon reverses ban on waifs airlift,’ \textit{The Advertiser}, 8 April 1975, 1.
\item \textsuperscript{148} ‘Cancellation of Second Airlift’, \textit{Australian Government Weekly Digest}, 1.2, 7-13 April 1975, 45-46; DFA to Saigon, cablegram 6188, 7 April 1975, NAA: A1838, 3014/10/15/6 part 2.
\item \textsuperscript{149} Viviani, \textit{The Long Journey}, 59.
\item \textsuperscript{150} ‘Vietnam aid appeal falls flat,’ \textit{The Age}, 15 April 1975, 4; SSCFAD, \textit{South Vietnamese Refugees}, v 1, 422.
\item \textsuperscript{151} ‘Let adult Vietnamese come here, Fraser says,’ \textit{Sydney Morning Herald}, 7 April 1975, 1.
\end{itemize}

184
On Sunday afternoon, complete with camera crews, he must have his photograph taken holding a baby from Saigon. Is this concern for people and not politics? What a cheap and nasty way to attempt to get the votes of the Australian people by showing concern.152

Similarly, Liberal back-bencher Donald Cameron bemoaned that:

Government members and those who sit behind them are seeking today to condone their actions of recent years by holding up small children and saying: 'Look what we are doing for the orphans. We are humanitarians. Our conscience is clear.'153

This conflation of the orphan and refugee questions was something the government was clearly eager to avoid. Upon receiving the official notification from Price that Dan was “deeply moved by the decision of the Australian Government of Prime Minister Gough Whitlam to accept unlimited number of Vietnamese war orphans and highly appreciative of such spontaneous humanitarian action”, Australian authorities were immediately concerned by Dan’s use of the word “unlimited”.154 Once this statement was released to the press155 the department feared that it, “points to the GVN having something other than humanitarian motives in the release of orphans”, and that it might use the orphans as a way to push for the acceptance of adult refugees.156 Despite Price’s protestation that Dan’s motives were focussed completely on orphans and “he has no intention of trying to include other sorts of refugees”, further investigation was requested.157 When Dan was informed of the government’s concern, he was “most apologetic and expressed regret if he had caused any ill-feeling in Australia or difficulties for myself”.158 Price reiterated Denis Warner’s high praise for Dan, assuring the department that Dan “has an extremely high regard for Australia and … would certainly not consent to using any devious manoeuvres against us to put us on the spot”.159

152 CPD, House, v 94, 1975, 1479.
153 CPD, House, v 94, 1975, 1482
154 Saigon to DFA, cablegram 1850, 9 April 1975, NAA: A1838, 3014/10/15/6 part 3; DFA to Saigon, cablegram 2305, 9 April 1975, NAA: A1838, 3014/10/15/6 part 3.
156 DFA to Saigon, cablegram 2305, 9 April 1975, NAA: A1838, 3014/10/15/6 part 3.
157 Saigon to DFA, cablegram 1862, 9 April 1975, NAA: A1838, 3014/10/15/6 part 3.
158 Saigon to DFA, cablegram 1867, 10 April 1975, NAA: A1838, 3014/10/15/6 part 3.
In the years since 1975, however, the conflation of the orphan and refugee questions has proved more useful to Whitlam in defending his legacy. Despite Whitlam’s assertions that, in regards to the refugee situation “no government has been more active, more concerned and, reflecting the wishes of the Australian people, more generous,”160 and that “I was one of those who tried to enlighten and guide the Australian people ... and I have turned out to be right”,161 historical examinations of his actions have been decidedly negative. In the immediate aftermath of Australia’s evacuation from South Vietnam, the government faced enormous criticism for its perceived ‘abandonment’ of its former allies, particularly the “miserable and mean-hearted betrayal” of refugees.162 The implication was that the Australian government was unwilling to offend the North Vietnamese by conceding that they were causing the refugees to flee in terror. As an editorial in The Age warned, due to its slow response to the refugee crisis, “the Whitlam Government is unlikely to emerge with its reputed honour and humanity intact”.163 Typical of these criticisms was veteran correspondent and strident anti-communist Denis Warner’s oft quoted allegation that Whitlam was reported to have said, that “Vietnamese sob stories … did not wring his withers”, focussing, like Fraser, on the perceived immorality of the government’s actions.164 Before the final evacuation on 25 April, the US Ambassador to Australia Marshall Green perhaps summed up the situation best, asserting that the “Labor Government has derived little credit from this episode, displaying unimaginative and bureaucratic approach to problem where large, humanitarian gesture was called for”.165

Whitlam was clearly concerned about the negative publicity his refugee policy was generating and agreed to accept a token number of refugees soon after the final evacuation from Saigon. On 6 May he instructed the Australian Ambassador to the United Nations to approach the UNHCR to offer Australia’s assistance in resettling

162 Michael Richardson, ‘Shameful, says the mother we ‘dump’,’ The Age, 26 April 1975, 1.
163 ‘Shameful blow to refugees,’ The Age, 28 April 1975, 9.
165 Marshall Green to Secretary of State, telegram CANBR 02545, 24 April 1975, Access to Archival Databases (AAD), National Archives and Records Administration (NARA), Washington DC, USA.
refugees “on a basis of equality in such an international effort”. In June 1975 a team of immigration officials was sent to Hong Kong to select 201 refugees, and another team was sent to Singapore and Malaysia in July to select another 300 refugees. Charles Price notes that although Whitlam’s decision to bring refugees from camps in Hong Kong and Singapore indicated a significant improvement in Labor’s approach to the refugee problem, it was largely in response to considerable public outcry. Wayne Gibbons, private secretary to Clyde Cameron, suggests that Whitlam’s decision to accept a small number of refugees was in response to Cameron and Barnard’s provisional approval to accept refugees from Guam by refugee advocate Michael Darby. As Viviani points out, Whitlam was sure to assist only those refugees who had left of their own volition and were thus an international responsibility, not those ‘evacuees’ in Guam and the Philippines evacuated by the US. After Whitlam reversed Cameron and Barnard’s decision, he summoned Gibbons with instructions:

Well, I’ve got an assignment for you. You’re going to Hong Kong and you’re going to bring back 300 people who have absolutely no connection with Australia or any other country. People that nobody wants. That will be your mission.

Though, as foreign policy expert J.D.B. Miller observed, on “the realistic plane, there was not much more that Australia could have done” for refugees in Vietnam, morally based and politically damaging criticisms remain central to criticisms of the government’s handling of the crisis. The clearest exposition of these criticisms was made in 1976 by the Senate Standing Committee on Foreign Affairs and Defence. The Committee, as with most observers since, condemned the Government’s belated...
and reluctant acceptance of just 78 refugees prior to the fall of Saigon, asserting that, owing to Australia’s participation in the Vietnam War, “the refugee exodus from Indochina … should have been regarded as a special situation requiring an urgent and humanitarian response”.\(^{175}\) The Committee asserted that Australia, by way of its participation in the conflict, “incurred a residual responsibility, not to mention a moral responsibility, to assist in the evacuation from Vietnam” and was “unable to come to any conclusion” regarding the government’s motives “other than one of deliberate delay in order to minimise the number of refugees with which Australia would have to concern itself.”\(^{176}\) Viviani concurs that both ALP and the subsequent LCP government’s response to the crisis in Vietnam up to 1977 was “belated, niggardly and they stood well to the rear of public opinion in Australia”.\(^{177}\)

In the context of this largely negative criticism, Operation Babylift has been used by Whitlam to rebut recent accusations that his actions regarding refugees were inhumane and morally reprehensible. In 2002, Gerard Henderson, in an attempt to defend John Howard’s policies on asylum seekers against left-wing critics, lambasted Whitlam with the accusation that, “no prime minister worked harder to keep genuine asylum seekers out of Australia when he had a chance to demonstrate fairness and empathy”.\(^{178}\) With the release of the 1975 Cabinet and government documents by the National Archives in 2006, Henderson was among the first to highlight how they showed that “Whitlam did everything possible to prevent Vietnamese asylum seekers from reaching Australia.”\(^{179}\) In a similar attempt to discredit former Labor front-bencher Lindsay Tanner’s criticism of John Howard’s asylum seeker policies in 2003, Cameron Stewart raised Whitlam’s refusal to admit Vietnamese refugees to highlight that Labor policies on immigration and refugees “have often been moulded by electoral, rather than humanitarian, concerns”.\(^{180}\) In both instances Whitlam lashed out at both Henderson and Stewart for their apparent misinterpretation of the past and drawing attention to his government’s

\(^{175}\) SSCFAD, Australia and the Refugee Problem, 24.  
\(^{176}\) SSCFAD, Australia and the Refugee Problem, 24.  
\(^{177}\) Viviani, The Long Journey, 113.  
\(^{178}\) Gerard Henderson, ‘Real Gough can’t walk on water’, Sydney Morning Herald, 3 December 2002.  
commitment to international refugee obligations, and other humanitarian tasks in Vietnam, specifically citing the airlift of orphans. 181

Conclusion

When the second airlift of Vietnamese orphans landed in Melbourne on 18 April with its cargo of 74 orphans, they arrived “like ghosts in the fog,” receiving scant attention in either the political arena or in the media. 182 By late April, the Australian focus on South Vietnam had shifted to the evacuation of the Australian embassy and its Vietnamese staff, and Whitlam was embroiled in debates over his preferential treatment of North Vietnam with the revelation of the ‘cables affair’. Nobody seemed to notice as the sick and feeble children were unloaded one by one and taken to the Fairfield Infectious Diseases Hospital, were they remain for weeks before being adopted out to Australian families. With the controversy over the legitimacy of the airlifts growing and growing, as Vivani observes, “the emotional force of the issue was deflated” and the government was eager to distance itself more and more from the action and from the children. 183

This chapter shows how the Australian government’s decision to participate in Operation Babylift was influenced by a range of domestic and international political pressure more than any extension of existing adoption policy. The political contest for decency and compassion in the closing days of the Vietnam War saw the Babylift emerge as a tangible opportunity for the Whitlam and the Labor government to assuage these political pressures and counter accusations it was more concerned about a basket cats than South Vietnamese refugees. However, as Klaus Neumann has recently observed, compassion, as with decency, is “fickle” and its meaning as an item of political language fiercely contested. 184 The irony of Operation Babylift in Australia, as the next chapter shows, is that the desire to be seen to be acting humanely that drove the government’s decision-making process led to the gross violations of adoption policy

184 Klaus Neumann, ‘Compassion is the value we often settle on,’ The Age, 11 October 2007.
and practice that have marred its reputation and legacy, and provided the source of a bitter and emotional controversy that continues to this day.
Chapter 6
Legacies of Operation Babylift

Operation Babylift was created out of humanitarian motives on all sides. Yet it has left a legacy of uncertainty, considerable bitterness—and a legal situation as tangled as the emotions that swirled around the war itself.¹


In Western countries, well prepared lobbies seeking Asian babies for adoption combined with hysterically anti-communist groups to press reluctant governments to save these children from death or injury in the war, or, fate worse than death, from growing up under a communist regime. The Thieu regime, still hoping for American aid and intervention, agreed reluctantly to grant exit permits. The children were bundled aboard airlifts by over-zealous Westerners from voluntary organizations and government officials, often without having their status as orphans verified. When the hoped-for American assistance was not forthcoming and after a plane crash in which many babies were killed, Thieu reneged on the grant of exit permits. This at least provided an excuse for Western governments to resist continuing pressure for further kidnapping.²


In 1976, the Adelaide Advertiser published a report under the headline, ‘Babylift – heartbreak by the bundle’. Over a year since the arrival of the two airlifts of children from Saigon, the report revealed the progress of a class action lawsuit launched in the United States attempting to suspend the adoption proceedings for those children airlifted from Saigon, alleging that many of the children were not orphans, inflaming tensions and anger among adoptive parents, adoption agencies and government officials.³ The assumption that children adopted from Vietnam were needy, desperate orphans of war underpinned discussions of intercountry adoption in Australia since the arrival of the first children in 1968. The coverage of the US court case, symptomatic of the controversy that surrounded the airlifts, cast significant doubts over both the humanitarian intentions of Operation Babylift, and of the assumed benefits and virtues of intercountry adoption. In South Australia, where nearly 200 of the evacuated 286

children resided, local courts were unable to establish whether any of the children were available for adoption, leaving them in legal limbo and their futures uncertain.

Most contemporary discussions of the legacies of Operation Babylift focus on either the role played by volunteers in organising the mass airlifts, or on the life experiences of adult adoptees, particularly focussing on stories of ‘home-coming’: of returning to Vietnam to search for family and identity. With few exceptions, these accounts give little recognition of the impact and effects of Operation Babylift in Australia, and only briefly examine how the airlifts themselves were conducted and managed. In what limited analysis is available, the US experience is too often conflated with that of Australia, such as Nancy Viviani’s description of the airlifts as an act of “kidnap” perpetrated for solely political reasons. As Karen Dubinsky suggests, the rescue/kidnap dichotomy so often employed in debates over intercountry adoption, and particularly in the case of Operation Babylift, blunts and obscures the complex and nuanced motivations of both adoptive families, sending countries and government regulatory authorities.

As the previous chapter shows, the actions of the Commonwealth government in organising Operation Babylift directly contradicted all preceding intercountry adoption policies and practices by waiving health and immigration procedures and authorising the evacuation of children prior to placement with specific parents. This chapter examines the immediate and long-term legacies of both the management of and controversy surrounding Operation Babylift on Australian intercountry adoption policy. It disentangles the Australian and American experiences to show that the airlifts both contributed to existing debates over the place of intercountry adoption in Australia, particularly the conflict between state and Commonwealth authorities and voluntary

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organisations, and introduced new problems, such as the introduction of non-orphans and children with serious health problems. It argues that the most significant outcome of the airlifts was the consolidation of state legislation to establish intercountry adoption as a lasting social practice in Australia.

**The Operation Babylift controversy**

From the very outset Operation Babylift generated a powerful emotional response in both the United States and Australia. As the previous chapter shows, the children were initially greeted with a guarded mixture of sympathy and support; pictures of President Gerald Ford and Prime Minister Gough Whitlam holding newly arrived babies accompanied press reports praising the airlifts as an act of humanitarian rescue, garnering support from figures as diverse as the Archbishop of New York to Hugh Hefner (who, persuaded by adoptive father Yul Brynner, was reported to have flown children from San Francisco to New York in his private Playboy jet, employing his Playboy ‘bunnies’ to help wash and change diapers). Within days, however, this positive reception descended into bitter controversy challenging the Babylift on moral, political and legal grounds. The effect of controversy in the US was to have a profound effect on the way the airlifts were perceived in Australia and continue to mar contemporary perceptions of the legacy of the airlifts.

Some of the fiercest criticisms of the airlifts came initially from Vietnam. The response of the Democratic Republic of Vietnam (DRV, or North Vietnam) to the airlifts was predictably critical, with Premier Pham Van Dong denouncing the airlifts an “unhealthy and abominable” criminal operation, while DRV authorities in the US and Australia, and Provisional Revolutionary Government (PRG, or Viet Cong) representatives in China, protested that any movement of South Vietnamese children constituted kidnapping and was part of an “American plot”. In South Vietnam, the local press reported that the sudden influx of refugees into Saigon had seen anti-American

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sentiment rise to its peak, and the airlifts were viewed by some as useless and shallow measures by the US, “designed to [sic] easing their conscience or covering up their shame” for abandoning its former ally. This sense of bitterness and betrayal was harshly articulated by a South Vietnamese Army Lieutenant, quoted in the New York Times following the crash of the Galaxy: “It is nice to see you Americans taking home souvenirs of our country as you leave – china elephants and orphans … Too bad some of them broke today, but we have plenty more.” Other international criticism included the Vatican’s outright denouncement of the airlifts as a “deplorable and unjustified mistake”, while in the UK, Martin Wollacott criticised the airlifts for using the orphans as “weapons of propaganda” and exploiting the “easy romanticism of snatching a child from the burning fire.”

The most heated debates, however, took place in the United States. One of the most thorough examinations of the public discussion surrounding the arrival of the children was conducted by Edward Zigler, professor of psychology at Yale University and former Chief of the US Children’s Bureau, in a report submitted to the US Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees. Zigler’s measured appraisal of the airlifts concluded that they “represented what is best and worst in our nation’s ethos”. As Zigler shows, the chief criticisms of the Babylift included charges that: adoption was not in ‘best interests’ of the children; it was a tokenistic gesture that detracted attention away from needs of the majority Vietnamese people; concern for Vietnamese children would be better directed at children in America; adoption itself was imbued with western chauvinism, racism and xenophobia; and that the Babylift was a propaganda exercise by the US and South Vietnamese

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16 Martin Woollacott, ‘The orphans have become weapons of propaganda,’ The Australian, 7 April 1975, 6.
administrations.\textsuperscript{19} With the exception of this last allegation, each of these arguments against the airlifts reflected the broader opposition to intercountry adoption explored in the previous chapters. The intense publicity attracted by the airlifts thrust these debates suddenly into the public spotlight as critics, particularly those strongly opposed to the war, debated over whether Operation Babylift constituted a great humanitarian gesture, a vile act of kidnap, or something in between.\textsuperscript{20}

Much of this controversy was an extension of more general criticisms of intercountry adoption reflected in the views of many child care professionals and social workers in the US and Australia. While praising the humanitarian impulse behind the airlifts and the outpouring of popular support and sympathy, Zigler himself questioned whether large-scale adoption was an appropriate response to the emergency situation in Saigon, and whether adoption was the best option for the individual children.\textsuperscript{21} This sentiment is encapsulated in US cartoonist Garry Trudeau’s more subtle and cautionary analysis of the long-term effects that adoption would have on the children and their adoptive families (see Figure 6.1). Some more openly critical professionals, such as Joseph Reid, executive director of the Child Welfare League of America, repeated the often-cited argument that it would be better for the children “to be cared for in their own highly civilised culture … than to destroy that culture further by exporting tens of thousands of them to alien homes”.\textsuperscript{22} Similar critiques were echoed in later discussions of the airlifts in Australia.\textsuperscript{23} Much attention was given to discussing the long-term prospects for Vietnamese children in an “alien and racist world in which they are a tiny minority” and how they would cope in what was at the time still a predominately white Australia.\textsuperscript{24}

\textsuperscript{19} Zigler, ‘A developmental psychologist’s view of Operation Babylift,’ 329.
Questions were also raised over the “chauvinistic assumption” that life in Australia was intrinsically better than in Vietnam and whether more should be done to support children in their own country.25 Aboriginal rights activist Charles Perkins was highly critical of the attention being paid to children in Vietnam when conditions for Aboriginal children were being largely neglected.26 Representatives of the Institute of Social Welfare in Adelaide objected to the airlifts on similar grounds, arguing against the removal of children from their ‘culture’ in a time of emergency.27 Staff at the child psychiatry division of Sydney’s Prince of Wales Hospital warned of trauma likely to be experienced by children and problems of adjustment,28 highlighting “the need to ensure that, in the long term, the orphans will be happier for having been taken from their homelands and brought to Australia”.29 Likewise, Professor Barry Nurcombe, associate professor of child psychiatry at the University of New South Wales argued that problems of malnutrition, psychological trauma, and attachment, together with the “problem the child will have in establishing a sense of identity when he is brought up in a cross-cultural situation” highlighted the need to ensure that all efforts to support children in Vietnam had been exhausted.30

26 ‘Airlift Hypocritical, says Perkins,’ The Herald (Melb), 6 May 1975, quoted in Retrieval, n 26, 1975, 32.
30 Time Dare, Bryan Boswell and John Raedler, ‘Babylifts and after,’ The Australian, 16 April 1975, 9.
Few of these criticisms, either in the US or Australia, took into consideration the unique situation from which the children were evacuated. Supporters of the airlifts, Kevin McCrohan and John Wetterer, argued that Zigler failed to take into account the environment from which the Vietnamese children were escaping and were critical of his treatment of the 2,000 children of as a homogenous group of ‘orphans’, ignoring that most of the children were already in the process of adoption and that some were the offspring of American servicemen who would potentially face serious difficulties if they remained in Vietnam. 32 Other defenders of intercountry adoption, such as social workers Susan Spence and Barbara Joe, similarly pointed out that the Babylift was not a knee-jerk reaction by American authorities, but the culmination of the efforts of

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adoptive parents over many years to bring Vietnamese children to the US for adoption.\textsuperscript{33}

The most pointed criticisms were directed at the governmental management of the airlifts. As Zigler argued, "[w]hatever physical dangers confronted these children while in Vietnam, the haste and unpreparedness of the airlift could only have subjected them to further danger".\textsuperscript{34} The speed with which the Babylift was arranged fuelled one significant criticism emanating from the US that was unique from the pre-existing debates on intercountry adoption: the accusation that airlifts were a "filthy and dirty trick" intended to generate sympathy and support in the US Congress for President Nguyen Van Thieu’s regime.\textsuperscript{35} Soon after the arrival of the first airlift in San Francisco, Thieu’s political opponents in Saigon leaked a letter to the press from the South Vietnamese Deputy Prime Minister and Minister for Social Welfare Dr Phan Quang Dan to Prime Minister Tran Thien Khiem requesting approval for the airlift. In this letter, Dan allegedly noted that US Ambassador Graham Martin had stressed to him that “this evacuation along with the millions of refugees abandoning Communist-controlled zones, will help create a shift in American public opinion in favour of the Republic of Vietnam” and that the effect of the press coverage of the orphans once they landed in the US would be “tremendous”.\textsuperscript{36} Dan later confirmed the letter was authentic, though denied quoting Martin directly, insisting his comment about creating favourable publicity “was my own opinion and that of my friends in the US and Australia”.\textsuperscript{37} Despite protestations from Daniel Parker, head of the United States Agency for International Development (USAID) and President Ford’s Special Coordinator for International Disaster Assistance,\textsuperscript{38} that there were absolutely no political motivations behind the airlift, these allegations cast significant doubts over the operation’s


\textsuperscript{34} Zigler, ‘A developmental psychologist’s view of Operation Babylift,’ 331.


\textsuperscript{37} ‘Baby airlift condemned,’ \textit{The Advertiser}, 8 April 1975, 2.

\textsuperscript{38} Letter, Gerald Ford to Daniel Parker, 29 March 1975, folder: Refugees/South Vietnam 8/9/74 – 4/23/75, box 67, White House Central files, Gerald Ford Presidential Library (GFL), Ann Arbor, Michigan, USA.
purportedly humanitarian motivations. The highly publicised visit by President Ford to greet the arrival of the first Babylift flight in San Francisco and assist with moving the children to the Presidio Army base for medical screening, as captured by White House photographers (see figures 6.2 and 6.3), added further to mounting speculation that the airlifts were being exploited for political reasons.

Figure 6.2: ‘President Ford assisting the movement of children from San Francisco International Airport to The Presidio, 5 April 1975’ (A3854-32). Image provided courtesy of the Gerald R. Ford Presidential Library.

NOTE:
This figure is included on page 199 of the print copy of the thesis held in the University of Adelaide Library.

In the context of US domestic politics, Martin’s alleged comments, as depicted by cartoonist Arthur Horner showing Ford in a football uniform, charging forth with a Vietnamese child (see Figure 6.4), lent credence and credibility to these criticisms. America’s last Ambassador to South Vietnam was perhaps its staunchest defender, consistently lobbying Congress and the Administration for more aid and support in the face of determined popular and Congressional opposition. 41 Henry Kissinger explains that, like Martin, President Ford was unwilling to “abandon” Vietnam and felt a strong moral obligation to support Thieu. 42 On 25 March, Thieu wrote to Ford pleading for US military assistance to ward off the advancing North Vietnamese, calling on pledges made at time of the 1973 Peace Agreements, and later affirmed by Ford, that the US would “retaliate swiftly and strongly” to any violations of the Agreements by the DRV.

and PRG. In late March Ford sent the Army Chief of Staff, General Fred Weyand to Saigon to report on the assess the military situation. However, since the passage of the War Powers Resolutions in 1973, Congress had taken a more dominant role in foreign affairs, effectively stopping US participation in combat in Indochina and severely curtailing the President’s ability to provide military assistance to Saigon. Ford’s subsequent appeal to Congress on 10 April, following Weyand’s advice that $722 million was needed for military assistance for RVN forces, was rejected, ending the possibility of any further US military involvement.

NOTE:
This figure is included on page 201 of the print copy of the thesis held in the University of Adelaide Library.

Figure 6.4: Arthur Horner, The Australian, 10 April 1975, 7.

Despite the accusations of Thieu’s opponents, there is little evidence to support the notion that the Babylift was instigated by the American administration for anything other than humanitarian purposes. Indeed, the authorisation and organisation of the airlifts at the American end came not from the White House, but from an interagency meeting chaired by Daniel Parker in Washington on 1 April 1975.47 Testifying before the Judiciary Subcommittee on Immigration, Citizenship and International Law, Parker and Lauralee Peters from the State Department’s East Asia Bureau (who had worked in the consular section of the Saigon Embassy and adopted a Vietnamese daughter), explained that the airlifts were instigated as an effort to relieve the workload of consular officers as the military situation in Vietnam continued to deteriorate.48 Similarly, there is little evidence to suggest any impropriety on behalf of Dr Dan, whose character and achievements within a largely corrupt and dysfunctional regime, particularly his efforts as Minister for Social Welfare since 1970 to instigate and manage an internationally recognised program of refugee resettlement, were widely praised.49 Dan had been supportive of adoption programs, but only as a minor solution in the broader context of child welfare in South Vietnam and had been reluctant to take part in any mass evacuation of children.50 As he later explained, his support for adoption was based on the idea that it could help those children most in need of medical assistance: “[w]e can’t take the risk of letting them die here because of lack of proper facilities.”51 After he and his family were evacuated from Saigon on 27 April and settled in US, Dan remained satisfied with his role in orphan airlifts, maintaining that babies would have “died of hunger and disease” if they had stayed in Vietnam.52

Though far removed from the Australian political context discussed in the previous chapter, these American allegations had a powerful impact on local discussions of the

47 Memo, Daniel Parker to Theodore Marrs, 3 April 1975, folder: Indochinese refugees – orphan airlift, box 10, Theodore M. Marrs files, GFL.
50 Saigon to DFA, cablegram 1818, 7 April 1975, NAA: A1838, 3014/10/15/6 part 2.
airlifts. Commentators such as Bruce Petty highlighted the notion that the airlifts were being used to ‘cover-up’ the error of US and Australian intervention in the Vietnam War (see Figure 6.5), and Claude Forell dedicated a column to questioning the “deeper motives beneath the fervour of good intentions and effusion of noble sentiment prompting the evacuation” and challenging “the sentimental, even selfish, rather than sensible and sensitive nature of our response”.

Likewise the left-wing magazine Retrieval reprinted a series of American articles to use as a basis for its condemnation of the airlifts. However, these criticisms were to remain corollary to the major debates in Australia over the Whitlam government’s handling of the fall of Saigon. Not until later in 1975, following further controversy in the US, would attention in Australia turn again to Operation Babylift.

NOTE: This figure is included on page 203 of the print copy of the thesis held in the University of Adelaide Library.

Figure 6.5: Bruce Petty, ‘The Paperwork’.  

53 Claude Forell, ‘Babylift adds folly to Vietnam’s tragedy,’ The Age, 17 April 1975, 8. 
54 ‘Vietnamese ‘orphans’,’ Retrieval, n 26, August/September 1975, 32-36. 
55 The Australian, 7 April 1975, 8.
Orphan status and the US class action

Unquestionably the most significant American legacy of the airlifts was the controversy over whether or not the children evacuated from Saigon were actually ‘orphans’. As early as 11 April, allegations emerged that some of the children who had arrived at the Presidio in San Francisco had living families in Vietnam, or were the children of corrupt South Vietnamese officials. At the centre of these allegations were three siblings – Nguyen Da Yen, Nguyen Da Tuyen and Nguyen Da Vuong – who had been brought to the United States under the auspices of the Friends of the Children of Vietnam (FCVN), a Colorado-based agency that had split from Rosemary Taylor’s Friends For All Children (FFAC). These children, aged three, six and seven, allegedly told Muoi McConnell, a Vietnamese born nurse who volunteered at the Presidio, that they had been lost and separated from their parents in Vietnam and placed in an orphanage from where they were taken to US “against their wishes”. McConnell’s concerns were shared by other volunteers at the Presidio including Jane Barton of the American Friends Service Committee and Tran Tuong Nhu of the International Children’s Fund, whose husband, attorney Thomas Miller, later headed the legal challenge. The resultant class action lawsuit filed in California, Nguyen Da Yen v. Kissinger, and the ensuing publicity, though largely unfounded, had significant ramifications for the reception of the airlifts in Australia.

On 29 April 1975, Miller, a part time attorney with the New York based Center for Constitutional Rights (CCR) and member of the ad hoc ‘Committee to Protect the Rights of Vietnamese Children’, along with Nancy Stearns, also from the CCR, and Mort Cohen, a San Francisco attorney, filed a class action lawsuit in the US District Court for the Northern District of California. Miller and his team argued that the children were being involuntarily detained by the United States Immigration and

57 As Cherie Clark, FCVN’s representative in Saigon, explains, the three children had been relinquished to FCVN for adoption by their parents who “begged me now to take the children out and give them to a good family for adoption”. See: Cherie Clark, After Sorrow Comes Joy, 142-143, 207. Dana Sachs asserts that the International Red Cross attempted to locate the children’s parents, but their attempts were unsuccessful. See: Dana Sachs, The Life We Were Given, 208-209.
Naturalisation Service (INS) in violation of their fundamental human rights and Fifth Amendment right to liberty and due process. The class action sought to suspend all adoption proceedings for children from the airlifts until the court had checked and established that all children were eligible and available for adoption. The three children interviewed by McConnell were named as plaintiffs, with McConnell as guardian ad litem, and the long list of defendants included Secretary of State, Henry Kissinger; Secretary of Defence, James Schlesinger; Attorney-General, Edward Levi; Secretary of Health and Welfare, Mario Obedo; and military officers in charge of the airlifts Colonel Robert Kane and Colonel Jasper Horn. As Miller later explained, the suit had been initiated in order “to slow everything down until we can check what is happening”.

As the case proceeded, the INS was ordered to check the files of every airlifted child to determine whether they were eligible for adoption and to develop plans for repatriating those who wished to return. After an appeal by both sides in August, the Court of Appeals issued a written opinion upholding the initial order and the investigations continued. Though the court acknowledged the allegation that some “children are not orphans and have not been validly released into the custody of the adoption agencies,” the case was dismissed as a class action in February 1976. As Judge Spencer Williams explained, “the problems of managing some two thousand individual determinations of both illegal conduct by the defendants and interveners and the right course of future action for each plaintiff would overwhelm this court’s abilities” as the “individual considerations permeating each child’s situation are beyond calculation”.

The class action was, and continues to be, regarded by representatives of the major adoption agencies including Rosemary Taylor from FFAC and Cherie Clark from FCVN – the agency at the centre of much of the controversy – as a stunt motivated

63 Nguyen Da Yen et al. v. Henry Kissinger et al., 1975, 528 F.2d 1194, U.S. District Court, N.D. California.
more by opposition to the airlifts on political grounds rather than genuine concern for
the children themselves, a claim Clark argues, is vindicated by the dismissal of the
case. Though Miller, Stearns and other members of the legal challenge were
undoubtedly opposed to the airlifts, as Dana Sachs points out in her recent appraisal of
the Babylift, Clark’s assertion that the class action was dismissed on the grounds of
merit is misleading. The actual ‘merits’ of the allegations were in fact never
investigated by the court, including the allegations that “some of the children have a
living parent, and were merely left in orphanages for safekeeping … Other children
were allegedly released with the understanding that the parents would be reunited with
the child here; still others were released by hysterical parents terrorized by the fear that
the child would be murdered by the approaching forces.” Nor was the court able to
investigate the findings of enquiries by the INS into the eligibility of the children for
adoption. As of 30 September 1975, a total of 2,212 Vietnamese cases had been
received for investigation, 1,667 were completed and 1,444 children were found to be
eligible orphans, 233 not eligible, leaving 545 cases pending. The INS investigation
also found that of the 31 Cambodian cases investigated, 22 were deemed ineligible.

Though only a minority of the total number of children evacuated, cases of Vietnamese
mothers attempting to later reclaim their children from adoptive parents were reported.
In May 1976, the New York Times Magazine examined the case of a Vietnamese
woman who arranged for her three children to be evacuated as part of the airlifts. Two
children were given to an American and later evacuated by FFAC, and her third child
was placed in the care of a Catholic priest and later evacuated by FCVN. When the
woman was evacuated to the US herself, she was reunited with two of her children, but
the third had been released by the priest to FCVN for adoption and placed with an
adoptive family who refused to give up the child. In some cases, such disputes over
custody were heard in state courts. For example, Doan Thi Anh had fled from the

London: Collins, 1988, 229-237; Cherie Clark, After Sorrow Comes Joy. Westminster, Colorado:
67 Sachs, The Life We Were Given, 208-209.
68 Nguyen Da Yen et al. v. Henry Kissinger et al., 1975, 528 F.2d 1194, U.S. District Court, N.D.
California.
69 US House of Representatives, Refugees from Indochina, 415.
70 US House of Representatives, Refugees from Indochina, 417.
central highlands with her seven children after her husband was killed and she placed them in FCVN’s orphanage, pleading that they be evacuated to America, though refusing to sign consent forms for adoption. When Anh arrived in the US in August 1975 after fleeing Vietnam by boat, she regained custody of six of her children, but in the case of the seventh, the adoptive family refused to release the child.\textsuperscript{72} Custody was later awarded to Anh, but not without resistance from the adoptive family.\textsuperscript{73} As Sachs shows, the CCR continued to pursue the case until the 1980s and Thomas Miller estimates between 10 and 20 birth families eventually filed lawsuits to regain custody of their children.\textsuperscript{74}

The questions the lawsuit raised cast a considerable pall over both the airlifts and debates over intercountry adoption in Australia. A story on the American court case published in Australia in 1975 was criticised by Brian McGowran, a close friend of Rosemary Taylor, who together with his wife Susi were the first South Australians to adopt from Vietnam.\textsuperscript{75} McGowran pointed out the distinctions between the case in the US and in Australia and between FFAC and FCVN, as well as the fact that only a small minority of cases in Australia were under investigation.\textsuperscript{76} Indeed, FCVN and Cherie Clark, at the centre of many of the allegations in the US, were not as involved in the Australian airlifts. Nevertheless, by October, as the US case was gathering pace, the orphan question was of central concern to the Senate Standing Committee investigating the refugee crisis. In their prepared statement, Michael Delaney, private secretary to the Prime Minister, and Wayne Gibbons, secretary to the Minister for Labour and Immigration, asserted that the Australian government’s two requirements that children be approved for exit for adoption by South Vietnamese authorities and the adoption be supported by the states in Australia, “had been applied because it was feared by Australian officials that many children in Saigon, though not orphans, might be sent out of Vietnam for overseas adoption”. Referring directly to the recent media commentary

\begin{itemize}
\item \textsuperscript{72} Barbara M. Brown, ‘Operation Babylift and the exigencies of war – who should have custody of the “orphans”?’ \textit{Northern Kentucky Law Review}, 7, 1980, 83.
\item \textsuperscript{73} Tracy Johnston, ‘Torment over the Viet non-orphans,’ \textit{New York Times Magazine}, 9 May 1976, 77.
\item \textsuperscript{74} Sachs, \textit{The Life We Were Given}, 204.
\item \textsuperscript{75} Brian & Susi McGowran, interviewed by Joshua Forkert, 28 August 2008, Adelaide. Transcript in possession of author.
\end{itemize}
on the US lawsuit, they assured the Committee that, “Australia was always concerned to ensure that this did not happen in its operations”.77

However, as the previous chapter shows, the manner in which the airlifts were arranged gave Australian authorities little time to consider or investigate the orphan status of the children. As Delaney elaborated in his later testimony,

In the confusion, the speed and the haste with which the children were brought out, some of the children who came out aboard RAAF aircraft and subsequently Qantas chartered aircraft, were thought to be orphans. They were found subsequently – I think there were one or two cases – to be children of Australian citizens.78

Later investigations revealed that at least 13 children of Australian citizens had been evacuated on the airlift flights.79 One such case involved Bela Venczel, ASIAC’s former representative at the Sancta Maria Orphanage in Saigon.80 Venczel and his Vietnamese wife Caroline had allegedly snuck the children of Caroline’s three brothers onboard a RAAF flight after they were refused permission by the Australian embassy. In an interview with the NSW Department of Youth and Community Services, Venczel claimed that the children, ranging in age from three to seventeen, mingled with the orphanage children being loaded onto the aircraft “so as the younger ones passed unnoticed whilst the older ones were carrying children to the aircraft and were apparently accepted as helpers in the loading process” and “at the last moment”, joined the aircraft unnoticed by authorities and departed from Saigon.81

Though in this instance non-orphans were included without the knowledge of Australian authorities, in other cases the relaxation of South Vietnamese requirements were deliberately flouted to evacuate non-orphans because, as Ambassador Geoffrey Price explained, “otherwise they might have difficulties obtaining exit visas”.82 On the second Australian airlift, eight children with Australian parents were evacuated

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78 SSCFAD, South Vietnamese Refugees, v 1, 505.
79 Commonwealth Parliamentary Debates (CPD), House of Representatives (House), v 105, 1977, 2383.
80 See chapter 4 for a discussion of Venczel’s role with AAFA and ASIAC.

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including five children of servicemen who had releases from Vietnamese mothers, two with Australian fathers who intended to adopt them, and one child who was not approved by Vietnamese authorities. The case of this last non-approved child – the daughter of Sydney radio journalist John Mancy’s Vietnamese wife from a previous marriage – garnered much publicity in Australia. Mancy’s wife Bach Tuyet had travelled to Saigon to collect her seven-year-old daughter Thu-Ha in April, but an exit visa for the child was refused by Vietnamese officials reluctant to authorise the evacuation of Vietnamese citizens. The inclusion of non-orphans in the evacuations was an acute concern for South Vietnamese authorities after the temporary suspension of approvals on 7 April. Officially two conditions were required to be fulfilled for each child to be evacuated: either authenticated proof that both parents were dead or irrevocably lost, or if either parent was still alive, a genuine certificate that parents had agreed to permit children to be adopted. Mancy appealed to Australian authorities to intervene and see that the child was brought to Australia before Saigon collapsed, leading to the eventual inclusion of the child on the second Melbourne airlift. Australian consul Robert Devereaux took the “calculated risk” of including the child’s name on the nominal list for evacuation hoping that Dr Dan would not check list thoroughly and allow the child to exit. Ambassador Price justified these decisions by explaining, “we believe it is satisfactory that the fathers are preparing to accept fully their responsibilities towards assuring the future of these children”.

Such decisions highlight how easily the Vietnamese regulations could be circumvented and how there was no real mechanism to check the orphan status of children, nor even of the adult passengers onboard. On the first airlift flight, it was discovered that Dr Nguyen Phan Lan, a Vietnamese doctor who had studied at the University of Melbourne and worked closely with the Australian Society for Intercountry Aid Children (ASIAC) South Australia in placing children for adoption, had been smuggled

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84 Phil Scott, ‘Saigon bans exit of Viet child,’ Sun-Herald, 13 April 1975, 4; ‘NSW mother barred from Saigon child,’ The Age, 14 April 1975, 2.
85 Saigon to DFA, cablegram 1842, 8 April 1975, NAA: A1209, 1975/657.
86 ‘Aust newsmen pleads for Saigon baby’s release,’ Sydney Morning Herald, 14 April 1975, 2; ‘Stepfather stands by for Saigon decision on girl,’ Sydney Morning Herald, 15 April 1975, 3.
aboard with her three children in an attempt to flee Vietnam. As ASIAC (SA) secretary Don Whitelum explains,

Lan had three children and she asked me if I could put them on my orphan list to take to Australia, in other words, give her children up so, in her opinion, they’d be safe in Australia, because there was an awful lot of propaganda floating around in Vietnam that the North Vietnamese were going to kill anybody who worked with the Americans … so people were scared stiff. So I said yes, that’d be all right, so I put them on my list and we got them on the bus at the Australian embassy … we got to the airport and as we were driving to the airport Lan … said “I’m going to try to get to Australia”. So we got the airport and … Lan sort of shuffled in with us, with the children, carrying children and all that sort of thing, and we got everyone onboard … and we looked up and a Vietnamese soldier was coming onboard and he started counting. And I thought, Lan’s not on the list so I don’t know what’s going to happen here, so I got her to get down on the floor and I pushed her head into one of the boxes the babies were in … and the Vietnamese soldier came right up and stood about that far from Lan counting, and he didn’t see her. Off he went. So Lan got to Australia.89

As the previous chapter highlights, the Australian government was extremely reluctant to accept any Vietnamese refugees and this course of action was one of the few avenues open to refugees like Lan. When discovered by Australian officials, Lan and her children were granted temporary entry visas by Australian officials before eventually moving to the United States.90

In the haste necessitated by the airlifts, neither Australian authorities nor the adoption agencies had any definite way of investigating the children’s backgrounds, despite Delaney’s assertion to the Senate Committee that “there is no evidence to suggest that any of the other children were not orphans”.91 When asked by the Senate Committee how he could “be completely sure that those so-called orphans were in fact orphans”, Don Whitelum replied, “we cannot be sure of this … however, we can be sure that the children were available for adoption in nearly all the cases”.92 This is not to cast doubts or aspersions over the motives of Australian adoptive parents or the agencies with which they dealt, who were undoubtedly acting with the children’s best interests at heart, but to highlight the difficulty for Australian authorities to establish the

91 SSCFAD, *South Vietnamese Refugees*, v 1, 506.
92 SSCFAD, *South Vietnamese Refugees*, v 1, 220.
backgrounds of all children brought to Australia for adoption. As Brian McGowran pointed out in 1977, “there is a big difference between acknowledging that there were shady dealings around the fringes of the babylift … and asserting that it was rotten to the core”.93 The likelihood of children not intended for adoption being included in the Australian airlifts was significantly reduced by the fact that most children had already been linked or allocated to families by adoption agencies prior to the announcement of the airlifts. On the first flight 118 children had links to adoptive parents and only 84 were unlinked,94 and on the second 69 of 72 had links.95

As later investigations revealed, some of children brought to Australia did have families in Vietnam and were not by definition ‘orphans’. In September 1977, three Vietnamese children from the airlift being cared for by John and Florence Beatty in Lithgow, NSW, had their adoption proceedings suspended by the Department of Youth, Community and Ethnic Affairs when it was discovered the children’s birth parents were due to arrive in Australia as refugees. The children, together with another four brothers and a sister, were placed in orphanages by their parents who signed release forms for adoption so that the children could be evacuated on the airlifts. While the two brothers and a sister were sent to an aunt in Adelaide, two other brothers were sent to separate families, leaving the three remaining children with the Beattys. According to press reports, the Beattys were aware that the children were not orphans, but were informed by the children’s aunt in Adelaide that their parents had authorised the adoption – a decision the parents later rescinded when they arrived in Sydney to settle in Australia.96 Unlike some of the US cases listed above, the Beattys did not contest the rights of the Vietnamese parents, who were subsequently reunited with their children.97 Though the Beatty case is hardly representative of the nearly 300 children brought to Australia as part of Operation Babylift, the notion that the airlifts separated children from parents, fuelled by the US class action, introduced a new aspect into debates over intercountry in Australia, undermining the assumed orphanhood of children adopted from Vietnam.

97 Mary Fletcher, ‘No squabble over your children, Viet couple told,’ *The Australian*, 15 September 1977.
The inclusion of these children on the airlifts, and the state in which they arrived in Australia, was facilitated by the rush for expediency urged by both conditions in Saigon, and the Commonwealth government.

**Health problems and human cargo**

As the previous chapter shows, the first airlift of children to arrive in Sydney on 5 April was arranged with haste disapproved of by both embassy officials and adoption agencies. On 4 April, four flights of children were made by RAAF Hercules between Saigon and Bangkok to rendezvous with an Australian medical team headed by Dr Spike Langsford from the Department of Health together with the Minister for Science Bill Morrison. The final Hercules arrived in Bangkok at 10:18pm and by 2:00am on Saturday 5 April all 319 passengers, including 215 children, were loaded onto a Qantas passenger jet ready to depart for Australia.98 Don Whitelum was onboard one of the first Hercules flights and accompanied the children all the way to Sydney (see Figure 6.6). A professional pharmacist, Whitelum had travelled to Saigon in January 1975 to help organise Rosemary Taylor’s dispensary, and returned in early April to assist with the organisation of the airlift. Remembering his experience on the Hercules he reflects:

> It was hell. We carried them onboard … strapped them in or put them in cardboard boxes … and off we went. But I think I was one of the only one or two who actually looked after the children on the flight … all of them were just screaming … and I spent the whole time feeding and changing nappies and running around generally … and it was hell. But it was really very traumatic – very hard, very hot smelly work. And frightening too because the plane was breaking up. But all these babies – they were all screaming, crying and frightened out of their wits, so it was quite traumatic.99

In another interview with me, Elaine Moir was similarly highly critical of the use of the Hercules aircraft:

> I think Gough Whitlam was in Greece, looking at the ruins of Greece, but he’d managed to get there in a jet, in a 747, and so I thought if it was good enough for him to go around the Greek

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islands on a 747 at the Australian tax payers expense, it was good enough to bring my kids back to Australia on a proper commercial flight.\textsuperscript{100}

Despite the tremendous care and assistance offered by RAAF staff, the huge military transport aircraft, which afforded no protection from the roar of the engines and the oppressive Saigon heat, were hardly appropriate to carry the sick and malnourished children (see Figure 6.7).

\textbf{Figure 6.6:} Don Whitelum (right) and RAAF Sergeant George Schmidt at Tan Son Nhut airport, 4 April 1975.\textsuperscript{101}

\textsuperscript{100} Elaine Moir, interviewed by Joshua Forkert, 16 July 2008, Melbourne. Transcript in possession of author.

\textsuperscript{101} ’RAAF did “champion job”,’ RAAF News, 17.4, May 1975: 4.
The relaxation of health requirements authorised by the Commonwealth government allowed the Australian embassy the "widest possible discretion" to waive medical clearances normally required prior to departure. As a result, many of the children arrived in Bangkok suffering severe dehydration and malnutrition, overwhelming the thirty-one members of the Australian medical team who had to enlist the assistance of volunteers from Saigon, including five foreign volunteers, together with sixteen ground hostesses and one safety officer from the BOAC and Borneo Company, to assist in escorting the children to Australia. Of the 215 children who arrived in Sydney on 5 April, 114 were immediately transferred to Sydney’s Royal Alexandra Hospital for urgent treatment, suffering a host of maladies including malnutrition, pneumonia,
scabies and gastroenteritis. Dr Barry Springthorpe, in charge of the children’s care in Sydney, initially reported that although 10 children were in a worse condition than the others, none were in any great danger. Yet, seven children never left the hospital, five dying of pneumonia complicated by malnutrition and two dying after contracting measles.

In addition to these significant health problems, the waiving of normal adoption formalities also precipitated a serious complication regarding the identification of the children. Under the blanket approval agreement negotiated by the United States, South Vietnamese authorities required only a nominal roll listing the names and relevant agencies of the children be provided prior to departure, though Australian authorities requested that the embassy attempt to collect all available documentation for each child where possible. As such, the identification wristbands the children were given in Saigon were the most important, and perhaps only, documentation they possessed, and many adoptive families feared that serious mix-ups with identities and child placements could occur. When the children arrived at North Head Quarantine Station for processing, the identification tags of many of the children were subsequently removed or washed off causing a significant problem. Though Don Willesee later attempted to assure parliament that “none of the orphans were without identity at any stage”, volunteers from adoption agencies across Australia, including Don Whitelum from ASIAC (SA), Rosemary Calder from ASIAC (Victoria) and Graeme Gregory from the Victorian Child Care Service, had to be flown to Sydney to help Australian authorities re-identify the children.

The identification problems highlighted the fraught relationship between voluntary groups and government authorities. Ironically, Australian authorities relied almost

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107 Hodson & Springthorpe, ‘Medical Problems,’ 748.
110 *CPD*, Senate, v 63, 1975, 935.
entirely on adoption agency volunteers to arrange the airlifts in Saigon, but resisted their assistance once the children arrived in Australia. As Mary Cusack, an American volunteer with FFAC explains, this assistance was only reluctantly accepted by Australian authorities in Bangkok who treated the foreign adoption agency staff as “bystanders in a bizarre pantomime”. At North Head, there was enormous conflict between the Commonwealth team headed by A.S. Colliver and each state and volunteer group who were pressing their individual demands. Rosemary Calder, who was requested by the Immigration Department to help with the identification process, describes her ten days at North Head as “appalling”:

It was quite a mess because the children had been tagged with cardboard baggage labels and people had written on them in pen or pencil and of course they got wet, children had been washed, changed, had wet on them and we ended up with difficulties; like, there were seven Nguyen Van Huns and no one knew which was which.

The identification process itself, as Calder explains, was extremely complicated and in many cases identification documents had to be produced on site, based on the limited information available for each child:

In the canteen they set up, on the long trestle tables that were there from when there were a lot of migrants and refugees living there, paper, and for each child we created a pile and we either found in the bags that came with the children the right piece of paper for each child, or we had to develop the right piece of paper … we did forms that recorded every child’s known information, we did anything that amounted to an identification certificate or birth certificate, where it didn’t exist we used an official immigration form to create a record of identity.

In the words of one government official it was “an extremely complex and exhaustive procedure,” and it was not until 23 April that all the children were finally identified and placed with adoptive parents.

The situation for state welfare authorities in trying to identify and allocate children was equally as challenging and difficult. As Peter Fopp, Director of Specialist Services in the South Australian Department of Community Welfare explained to me:

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112 Taylor, Orphans of War, 174.
113 Rosemary Calder, interviewed by Joshua Forkert, 1 October 2008, Canberra. Transcript in possession of author.
We knew from the reports we were hearing that it was chaotic … and when the jumbo arrived in Sydney all of the children and babies were taken to North Shore Hospital, but it was clear that there – in the rush there had been a lot of confusion and infants had five year old documents attached to them that were obviously a different person, they had to do a lot of sorting out, and trying to find which child was which, trying to find out which had already been allocated for adoption by someone in whatever state was a very complicated and delicate task. DCW [the Department of Community Welfare] in South Australia sent one person to the hospital in Sydney … he was the one who had to try and find all the babies for South Australia and I was the one who had to collect that information and respond to all the prospective adoptive parents who were trying to contact us. The hospital allocated only one telephone for all of the state departments … so I would sit by the phone from 9am to 9pm waiting for him to call, I’d have information and questions for him and he’d need information and questions for me and we’d put it together … And all these anxious, often unhappy, usually dissatisfied people phoning up wanting information and their frustration and mine with not being able to give them information, but occasionally there was a good moment … the thing that I recall is that I understood how they felt – I was disappointed, frustrated that I couldn’t help them and I was certainly disappointed if they couldn’t see that we had – the system had limitations – why can’t I have a baby tomorrow?115

By comparison, following Dan’s temporary cancellation of the evacuations on 7 April, the second Australian airlift of 78 children on 18 April was conducted under somewhat different circumstances. As Michael Delaney and Wayne Gibbons informed the Senate Standing Committee investigating the refugee crisis, the cancellation,

gave time for thought and re-examination in Australia of the issues involved in a less emotional and calmer atmosphere. It had the effect of moderating the demands for a policy and action by the Australian Government which could in effect have been tantamount to hi-jacking children, any children, from the streets of Saigon.116

The urgency imposed by authorities in Canberra during the first airlift was relaxed and Price was urged that the approach to the second airlift “should be a deliberative and orderly one and should not involve undue haste”, whilst being “expeditious” enough so as not to commit Australia to an airlift that the rapidly deteriorating situation in Saigon may not allow.117 As Price reported, the number of children available for adoption in Saigon had rapidly declined and many of the major adoption agencies had been

116 SSCFAD, South Vietnamese Refugees, v 1, 432.
117 DFA to Saigon, cablegram 2293, 8 April 1975, NAA: A1838, 3014/10/15/6 part 3.
“cleaned out”, requiring the embassy to deal directly with the local orphanages in order to locate enough children to justify another airlift.\(^{118}\) As a result, the majority of the children on the second airlift had been “obtained solely as a result of the strenuous personal efforts of Dr Eric Nicholls”,\(^{119}\) president of the South Australian branch of ASIAC. Nicholls had himself adopted two children each from Vietnam and Cambodia and flew to Saigon on 7 April to assist with the allocation and location of children for families in Australia.\(^{120}\)

Despite protestations from Price that RAAF Hercules aircraft were “not very suitable for carrying orphans” and their use could “run a risk of serious physical damage” for the young babies,\(^{121}\) the military transports were again used to shuttle children on the two hour flight to Bangkok (see Figure 6.8) in conditions that, according to one official, “can only be described as appalling”.\(^{122}\) In the stifling heat of the cargo hold, one of the children amongst the rows of cardboard boxes – four and a half month old ‘Daniel’ Nguyen Hoang Tuan – died en route to Bangkok despite the best efforts of medical staff.\(^{123}\) With the exception of this loss, Brian Murray, an immigration officer who met the second flight in Melbourne, reported that the reception of the children went “extremely smoothly” and the medical condition of the majority of children was “much better than were the first group”, summarising that first stage went “extremely well”.\(^{124}\) Of the 78 children on the second lift, 72 were admitted to Fairfield Infectious Diseases Hospital prior to being united with adoptive parents.\(^{125}\) Murray further explained that “documentation for this flight is excellent and matching records for the hospital and our control centre in the Melbourne office will make for a much easier operation than was possible in Sydney”.\(^{126}\)

\(^{118}\) Saigon to DFA, cablegram 1813, 6 April 1975, NAA: A1209, 1975/657.
\(^{120}\) Bernard Boucher, ‘Doctor makes a mercy mission,’ The Advertiser, 2 April 1975, 1.
\(^{121}\) Saigon to DFA, cablegram 1802, 6 April 1975, NAA: A1209, 1975/657.
\(^{122}\) ‘Vietnamese orphans,’ undated report, NAA: A446, 1974/76687.
\(^{123}\) Bangkok to DFA, cablegram 5004, 17 April 1975, NAA: A4531, 8/2/4.
The two major issues for Australian authorities in the wake of the second airlift were much less pronounced than the first. The first was the overrepresentation of South Australian families due to Nicholls’ involvement – 58 of the 72 children available for adoption were allocated to South Australia – and it was predicted that this could cause a “political problem” arising from potential complaints from Victorian adoption agencies. The children on the first airlift, by comparison, had been decidedly more evenly spread across the three major states, with 46 children going to NSW, 35 to Victoria, 43 to South Australia, with a small number for each of the other states and territories. The second issue involved complaints by South Australian adoptive families concerning the lack of communication between the Fairfield Hospital in

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Melbourne and authorities in Adelaide. Nicholls agitated for the children to be moved to Adelaide, and the last child arrived there on 27 June 1975.

Perhaps the most significant problems faced, once all the children were identified and restored to health, were in regards to the final placement of children with Australian families. Of the 208 children on first flight, 196 were available for adoption and on the second, 72 of the 78 children were available for adoption. By 12 May 1975, of the 286 children brought to Australia on the two airlifts 18 were reunited with their own families or proceeded on to destinations in other countries, 8 had died, 223 were placed in care of state welfare authorities for placement with adoptive parents, leaving 37 in hospitals in Sydney and Melbourne. By June, 261 children had been transferred to state welfare authorities: 115 to South Australia, 62 to NSW, 50 to Victoria and smaller numbers to the other states and territories. By September, a total of 13 children had died and 21 were unplaced or in temporary foster care. In October 1976, Rosemary Taylor, who had continued to work with children in South East Asia after Vietnam, arrived in Melbourne to demand an end to the apparent ‘bureaucratic entanglement’ keeping two children from airlifts in institutions in Victoria. These two ‘severely handicapped’ children were the last from the Babylift flights unaccounted for, the remainder having been placed for adoption, long term foster care or, due to their age, were living independently.

The inclusion on the flights of those children who remained in institutions and particularly those who died raise difficult questions over the Commonwealth government’s decision to waive normal adoption formalities. Undoubtedly, many of the

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134 CPD, Senate, v 64, 1975, 2385.
135 SSCFAD, South Vietnamese Refugees, v 1, 434.
137 Senate Standing Committee on Foreign Affairs and Defence (SSCFAD), Australia and the Refugee Problem, Canberra: Commonwealth Government Printer, 1977, 43; A later enquiry parliamentary enquiry found that only 283 children had been brought to Australia for adoption: 57 to NSW, 49 to Victoria, 8 to Queensland, 119 to SA, 5 to WA, 5 to Tas, 13 to ACT, 1 to NT, 6 died before allocation, 13 released to relatives and 7 transferred overseas. See CPD, House, v 105, 1977, 2383.
health problems were a result of the dire state of conditions in Vietnamese orphanages and not unique to the Australian operation. As Senator Edward Kennedy noted in the US, “children do not get viral pneumonia, chicken pox, dehydration on an American plane in a period of 30 hours”. Dr Alex Stalcup, the chief paediatric resident at the University of California Medical Centre, described the arrival of the first airlift of children at San Francisco on 5 April as “the most incredible scene of deprivation and illness I’ve ever seen”, with a number of children “unquestionably near death”. Like the first Australian airlift, of the 313 children on this initial US flight, including 100 survivors of the Galaxy crash, 47 had to be immediately hospitalised. The first Australian airlift was also more likely to experience a higher rate of medical problems because, as Rosemary Taylor explains, the 50 children sent by her agency to Sydney were the “smallest and handicapped children”, “mostly the tiny sick babies” from FFAC’s intensive care nursery, Hy Vong, whom it was hoped would have a better chance of survival on the short trip to Australia than the long-haul flight across the Pacific.

Undoubtedly, for those children in the care of voluntary agencies who instigated the calls for evacuation, their chances for survival were extremely limited had they stayed in Vietnam. Reflecting on the airlifts nearly thirty-five years later, Ngoc Hoa Thai, a Vietnamese nurse who worked for Rosemary Taylor, expressed to me her conviction that “I think that was the best thing for the kids”. As adoption agencies themselves were preparing to leave, along with the official and non-official foreign presence in Saigon, there was arguably no choice but to evacuate the children, despite the risks involved. At the Australian Senate enquiry into the refugee crisis in October 1975, Michael Delaney was asked the pointed question as to whether the 13 children who had died should have stayed in Vietnam. Though Delaney refused to comment, he asserted that “it was the belief of the people running the orphanages in Saigon, as I understand it, that in spite of the risk of travel it was better to give the children an attempt at life

140 Taylor, Orphans of War, 161, 175.
141 Ngoc Hoa Thai, and ‘Sang’ [name withheld], interviewed by Joshua Forkert, 18 February 2009, Ho Chi Minh City. Transcript in possession of author.
somewhere else”. The way in which the Australian Commonwealth government insisted on expediency over safety and ignored advice and assistance from volunteers did little to mitigate the already difficult situation, and was further compounded by legal problems arising in later years once the children were settled with Australian families.

**Legalising intercountry adoption**

The fraught relationship between volunteer adoptive parents and agency officials and Australian government authorities during the handling of the airlifts was further exacerbated by later legal developments. A similar situation arose in Canada, as Tarah Brookfield shows, where “the roots of the controversy … began not with concerns about the children’s best interests or international relations, but with the government’s disbelief that a group of mothers could know better than professional social workers or diplomats”.

As chapters 3 and 4 highlight, though the Commonwealth required state approval for a particular adoption case before a visa could be issued, when individuals or adoption agencies arranged placements in Vietnam without the approval of the states, the Commonwealth’s position was greatly compromised. In the immediate wake of the first airlift, Commonwealth authorities were eager to avoid such a situation, and Ambassador Price was instructed that the second airlift of children “must not include any child whose intended Australian adoptive parents have commenced adoption procedures under Vietnamese law, *unless* those adoptive parents have already secured the approval of the adoption authorities in their state of residence in Australia”.

However, as later developments would show, authorities in Saigon could do little to enforce this requirement, antagonising the contest between volunteers and state authorities over who should be responsible for the placement of Vietnamese children for adoption.

Soon after the arrival of the first children in Sydney, concerns were raised in Victoria that the adoption of some children selected by and allocated to Victorian families by

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142 SSCFAD, *South Vietnamese Refugees*, v 1, 508-509.
voluntary agencies would be prevented by state authorities. Similarly, in Adelaide, businessman Vin Amadio expressed grave concerns that ‘red tape’ would keep him separated from his adopted Vietnamese daughter. Amadio had travelled to Vietnam to locate her after being told by the adoption agency she had been lost. After a panicked search through war-torn Saigon he found the girl in a makeshift orphanage on the outskirts of town and was able to get her evacuated on one of the airlifts, but feared she would be detained in Sydney by government authorities. Though the girl was soon released and brought to Adelaide, the power of state authorities and not voluntary agencies or individuals to ultimately determine where children would be placed for adoption was later upheld in a High Court case in Victoria.

In early April, as Eric Nicholls of ASIAC (SA) was searching through Saigon for eligible children to be sent to Australia for adoption, he allocated three-year-old Nguyen Thi Nhung to Raymond and Joan Henry of Melbourne. The girl was released into the care of the Henrys on 8 April by the director of the ‘Notre Dame des Missions’ orphanage in South Vietnam, and Nhung was brought to Australia on the second airlift that landed in Melbourne. However, when Raymond Henry contacted the Victorian Director-General of Social Welfare to claim custody of the child, he was told that he and his wife were not approved by the department as adoptive parents and the child had been placed with different foster parents with a view to being adopted. The Henrys subsequently filed a legal appeal on 23 April in the Victorian Court of Miscellaneous Practices, claiming to have custody rights over the child “by virtue of the possession of a valid release paper for the child from the orphanage”. As one Department of Foreign Affairs official noted, the case would be significant for both state and Commonwealth authorities as, if won, it would set precedent for future custody problems, and if lost “the question of who has and who doesn’t have the responsibility to care for these children will have to be debated”.

145 Sally White, ‘Couples fear halt to adoption bid,’ The Age, 7 April 1975, 1.
146 Mike O’Reilly, ‘Waif rescued – but she can’t join family,’ The Advertiser, 7 April 1975, 3.
147 ‘Home, love at last,’ The Advertiser, 9 April 1975, 1.
148 ‘Court fight for war orphan,’ The Age, 17 May 1975, 1.
Under the provisions of the *Immigration (Guardianship of Children) Act 1946*, amended in December 1973 to apply to non-Europeans and thus children from Vietnam, the Minister for Social Security was granted guardianship “of every immigrant child who arrives in Australia” with “the same rights, powers, duties, obligations and liabilities as a natural guardian of the child would have”. An agreement was made with state and territory officials in 1952 allowing this power to be delegated to the principal officers of the relevant child welfare authorities, granting them full guardianship responsibilities for all children admitted to Australia for adoption, until such time as an adoption order had been granted by an Australian court. The Henry case attempted to challenge this authority on the grounds of *habeas corpus*, but it was dismissed by the Victorian Supreme Court. Representatives for the Henrys then appealed to the High Court, and attempted to argue that sections 6, 6A, 7, 8 and 12 of the *Immigration (Guardianship of Children) Act* “were invalid as not being laws properly referable to the Immigration power under the Constitution”. The case, heard before Chief Justice Sir Garfield Barwick and the High Court in Melbourne on 13 October and in Sydney on 22 December, found that the Act did not extend beyond the legislative power of the parliament, effectively denying the Henrys any legal claim to guardianship or custody of the child.

The High Court decision affirmed the place of state authorities as the pre-eminent authority to handle intercountry adoption policy in Australia. However, the intervention of the Commonwealth in arranging Operation Babylift had greatly compromised the authority of the states to ensure adherence to suitable adoption standards. One of the key issues that concerned authorities in Canberra was the allegations that the airlifts had violated international law. Initially these suggestions were raised following speculation in Australia and the US that the new regime in Vietnam might demand the return of

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154 R v Director-General of Social Welfare (Vic); Ex parte Henry [1975] HCA 62; (1975) 133 CLR 369 (22 December 1975), High Court of Australia.
those children airlifted out for adoption.\textsuperscript{155} Though such a formal request never eventuated, a later announcement by the Danish government that it would return 204 children (all assumed to be orphans) who arrived in Denmark on 30 April under care of Henning Becker, gave the government cause for concern.\textsuperscript{156} Becker had managed a school in Danang, and the children, aged between five and eighteen who had been under his care for five years, were brought to the US by World Airways President Ed Daly\textsuperscript{157} and reluctantly accepted by authorities in Denmark.\textsuperscript{158} Though the Danish Foreign Ministry was unsure how many children would be returned, in February 1976 it again expressed its intention to return the children, prompting an appeal from Becker’s lawyer to the US President and Congress and an outpouring of sympathy in Denmark in favour of allowing the children to stay.\textsuperscript{159} In May 1975, to avoid potential embarrassment, Australian authorities ordered lists and details of all the children brought to Australia be compiled as a contingency plan in case such a request was made, noting that “[l]ists of names held by persons accompanying the orphans [from Vietnam] were said not to correspond with the children who arrived, suggesting that there must have been some who left illegally.”\textsuperscript{160}

More serious concerns were raised following comments by members of the International Committee of the Red Cross, who questioned whether the airlifts from Vietnam and Cambodia violated article 24 of the Fourth Geneva Convention, which states that children separated from their families or orphaned by war should not be left to their own resources and should be received in a “neutral country for the duration of the conflict”.\textsuperscript{161} Upon investigation, Garry Woodard, the Department of Foreign Affairs


\textsuperscript{156} C. Spencer, Copenhagen, ‘Vietnamese Refugees and Orphans,’ memorandum, 17 July 1975, NAA: A1838, 3014/10/15/6 part 4.

\textsuperscript{157} See Chapter 5.

\textsuperscript{158} Telegram, Alex Stalcup to Theodore Marrs, undated, folder: Indochina refugees: orphan airlift, box 10, Theodore Marrs files, GFL.

\textsuperscript{159} Telegram, Holger Lindholt to Gerald Ford, 23 February 1976, folder: Refugees/South Vietnam 12/1/75 – 4/30/76, box 68, White House Central Files, GFL; Telegram, Secretary of State to U.S. Embassy Copenhagen, 5 March 1976, folder: Refugees/South Vietnam 12/1/75 – 4/30/76, box 68, White House Central Files, GFL.

\textsuperscript{160} M.G.M. Bourchier, ‘Vietnamese Orphans,’ memorandum, 2 May 1975, NAA: A1838, 3014/10/15/6 part 4.

\textsuperscript{161} DFA to Berne, Geneva and New York, cablegram 3281, 10 April 1975, NAA: A1838, 3014/10/15/6 part 3; Geneva to DFA, cablegram 6697, 10 April 1975, NAA: A1838, 3014/10/15/6 part 3; Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Article 24, \textit{International
representative on the Vietnam Crisis Task Force, noted that although there may be “moral objections” to the airlifts, “there could be no criticism of the first uplift on legal grounds” as it had been intended to airlift only those children intended for permanent adoption, and was not a temporary evacuation from a war zone. Woodard recommended that further airlifts should be discouraged and that four conditions needed to be met before any future airlift could be contemplated: the children must be orphans and available for adoption; evacuation and adoption must take place in accordance with local law; adoption must be justifiable on humanitarian grounds; and, the adoption must be made in best interests of child’s welfare and adopted into a country of similar culture if possible.  

Using this justification, a later appeal to evacuate children from Cambodia for adoption shortly before the country was overrun by the Khmer Rouge on 17 April 1975 was rejected. On 8 April, the Australian embassy in Bangkok was approached by Dee Tenburge, a Dutch journalist, asking if Australia could accept 130 Cambodian orphans for adoption, while in Australia Sandra Berry and representatives from ASIAC were making similar enquiries to Prime Minister Whitlam and the Department of Foreign Affairs. Immigration Minister Clyde Cameron maintains that the prime minister personally intervened to deny his provisional acceptance of this request on 9 April, though it is clear there were more significant factors in play. The Department of Foreign Affairs, in consultation with the US State Department, maintained that without an official request from the Khmer Government no airlift could be made, though the Cambodian Minister for Community Development and Refugees, Kong Orn, had recently gained full Cabinet approval for 220 children to be airlifted to the US. A request was allegedly made by Orn on 12 April, but as the US embassy was evacuated that same day, there was little Australian authorities could do to check either the


164 Bangkok to DFA, cablegram 4823, 8 April 1975. NAA: A1838, 3014/10/15/6 part 3.

165 Clyde Cameron, China, Communism and Coca-Cola. Melbourne: Hill of Content, 1980, 229; On 9 April the US Embassy in Phnom Penh reported that Australia agreed to accept ‘unlimited’ numbers of Cambodian orphans. US Embassy Phnom Penh to US Embassy Canberra, ‘Cambodian orphans,’ telegram PHNOM 06084 091052Z, 9 April 1975, NARA, AAD.

166 US Embassy Phnom Penh to Secretary of State, ‘Evacuation of Khmer orphans,’ telegram PHNOM 06073 090507Z, 9 April 1975, NARA, AAD.
validity of the request, or to follow it up. The department later affirmed its position by asserting that the Geneva Convention precluded bringing children to Australia from Phnom Penh because, unlike Saigon, it was considered a ‘war zone’, and as such the children should be accommodated in a country with similar cultural conditions, rather than removed for adoption.167

While the Cambodian case raised new issues over the legality of the airlifts, perhaps the greatest outcome from the Babylift was the resolution of problems faced by state courts in finalising adoption placements. These problems were most pronounced in South Australia, where the majority of the Babylift children resided. By late 1975, The Advertiser reported that all of the nearly 200 children brought to South Australia on the airlifts were settled into their new adoptive homes, but none of these adoptions had been legally formalised and the Department of Community Welfare remained the legal guardian of every child.168 The chief problem for the courts was locating the necessary documentation to satisfy the legislative requirements of the South Australian Adoption of Children Act 1967. Even before the Babylift, the Attorney-General and Minister for Community Welfare, Len King, faced questions about the problems encountered by adoptive parents who were awaiting the finalisation of formal adoption orders for 40 children in South Australia. As King explained, though he instructed his department to “facilitate in every way possible the adoption of Vietnamese children by suitable adopting South Australian parents,” the state’s courts required adequate documentation from Vietnam to satisfy their requirements that the child was available for adoption and the necessary consents obtained from the child’s parents, or evidence to justify the dispensation of the need for such consent.169 Problems were also encountered with the translation of documents from Vietnamese to English, but after an agreement was reached with the Commonwealth Department of Immigration and Labour to provide certified translations and the matter discussed with the Senior Stipendiary Magistrate, “it is not expected that there will be any major problems with regard to these applications”.170

168 John Miles, ‘War orphans makes themselves at home,’ The Advertiser, 30 August 1975, 19.
169 South Australian Parliamentary Debates (SAPD), House of Assembly (Assembly), 1974-75, v 3, 1975, 2693-2694.
170 SAPD, Assembly, 1974-75, v 3, 1975, 3207.
However, by the time of the Babylift the problems of documentation had not been resolved. The slow pace of court proceedings became a cause of great anxiety and frustration for adoptive parents. The tangible effects of the lack of legal custody are perhaps best explained by Barbara and Peter Engelhardt, early members of AAFA (SA) who adopted their first Vietnamese daughter, Leah, in 1974. When the child was later admitted to hospital suffering from pneumocystis carinii – a strain of pneumonia prevalent in Vietnamese orphanages – and later died, they had to transfer her to a funeral home before authorities discovered that they had no claim of guardianship over the child. When she was to be buried, her adoptive name was not legally recognised because, as her would be adoptive mother explains, “our daughter is not allowed to have her name on a gravestone because we didn’t legally adopt her – where is the sense of all of this?”

By early 1976, little had been done to rectify this precarious situation. As Ute Young, an adoptive mother from Renmark and founding member of AAFA, decried in a letter to *The Advertiser*, she had no more legal claim over the child she had adopted in December 1973 than that of a foster parent, though without the equivalent benefits, and no right to determine what would happen to the child. Young, who also adopted a second child from the airlifts, accused the Department of Community Welfare of “being heartless” and of deliberately delaying the processing of her adoption order. Don Whitelum from ASIAC was more sympathetic towards the department, claiming them to be “the best in the world” in terms of handling adoption cases and recognising the need for its safeguards and formalities such as allowing a 12 month period for the children’s birth parents to trace their children. However, by October, Whitelum was not so optimistic, fearing that the courts may eventually rule against adoption applications by Australian families, leaving the children in legal limbo. These later comments were made after a South Australian adoption tribunal that was hearing six adoption applications was adjourned due to a lack of legally acceptable documentation.

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171 Barbara & Peter Engelhardt, interviewed by Joshua Forkert, 10 June 2009, Adelaide. Transcript in possession of author.
175 Peter Ward, ‘Adoption battle children may be left homeless,’ *The Australian*, 8 October 1976, 3.
evident in some cases. As the tribunal explained, proof of parental consent and whether reasonable enquiry had been made to locate the children’s parents were the two major issues and they sought to make a test case on the adoption of overseas children.\textsuperscript{176}

The question of the adjournment and delays captured national attention with \textit{The Australian} urging South Australian authorities that “it should not be beyond the wit of those involved to find a happy solution” and insisting that “[t]he welfare of the children, not the supremacy of rules and regulations, should be uppermost in the minds of Australian officials concerned with adoptions from Asia.”\textsuperscript{177} As the Senate Committee insisted in 1976, the delays and legal difficulties faced by adoptive parents “must be concluded without delay”, recommending that the Commonwealth Minister for Social Security consent to the adoptions.\textsuperscript{178} However, the problem of documentation – exacerbated by the Commonwealth’s waiving of regular adoption proceedings – could only be resolved at the state level. State laws were completely unequipped to deal with intercountry adoption placements, attempting to enforce domestic requirements where they simply could not. The Commonwealth’s official statement on intercountry adoption circulated to members of parliament and tabled in parliament in May 1976 emphasised that the adoption process “falls totally within the framework of State Legislation and Territory Ordinances” and though the Minister for Social Security was “is concerned to do whatever is possible within her powers to facilitate the adoption of the many children,” such action would only be effective if an adoption order could be made in the relevant state.\textsuperscript{179} The responsibility of the states was further emphasised by Immigration Minister Michael MacKellar, asserting that “so far as inter-country adoptions are concerned the Australian Government will be guided by the views of the State or Territory child welfare authorities”.\textsuperscript{180}

By late 1976, it was clear that the only way to overcome the court’s difficulties was to amend existing state adoption legislation in conjunction with Commonwealth authorities. Prior to the airlifts, a meeting of relevant Commonwealth government

\textsuperscript{177} , Asian orphans: the red tape barrier,’ \textit{The Australian}, 11 October 1976, 6.
\textsuperscript{178} SSCFAD, \textit{Australia and the Refugee Problem}, 44.
\textsuperscript{179} \textit{CPD}, House, v 99, 1976, 2634.
\textsuperscript{180} \textit{CPD}, House, v 100, 1976, 1054-1055.
departments was convened by the Social Welfare Commission on 20 March 1975 to consider the recommendations of the major interdepartmental conference of 1974, as discussed in chapter 4. Approval was subsequently given to establish an Inter-Departmental Committee on Inter-Country Adoption to prepare a paper outlining future policy recommendations.\footnote{Social Welfare Commission (SWC), ‘Report of the Inter-Departmental Committee on Inter-Country Adoptions,’ February 1976, NAA: A1838, 1490/5/74 part 4.} In November, the Inter-Departmental Committee resolved “that problems relating to the making of adoption orders in respect of these children are ones that can be best resolved under the adoption legislation of the States and Territories.”\footnote{SAPD, Assembly, 1976-77, v 2, 1976, 1797.} Recently elected South Australian Attorney-General Peter Duncan was authorised to prepare draft legislation to provide “that consent be dispensed with where the child has been in the care of the applicants over a period of at least 12 months and the interests and welfare of the child are likely to be promoted by the adoption”, and also to allow for dispensation of documentation where necessary.\footnote{SAPD, Assembly, 1976-77, v 2, 1976, 1797.}

**Conclusion**

Over 18 months after the first airlift of Vietnamese children arrived in Australia for adoption, Community Welfare Minister Ron Payne introduced the Adoption of Children Act Amendment Bill into the South Australian parliament to allow the 177 children from Vietnam and Cambodia residing in the state to be legally adopted by their Australian parents.\footnote{SAPD, Assembly, 1976-77, v 2, 1976, 1797.} Similar legislation was introduced around the country\footnote{CPD, House, v 108, 1978, 1093.} and by April 1978 – three years after the children first arrived – Immigration Minister Michael MacKellar announced that 196 airlifted children had been adopted, while decisions on the remaining approximately hundred children were still pending.\footnote{CPD, House, v 105, 1977, 2383.} These changes made to State legislation to legalise intercountry adoption placements are perhaps the most significant legacy of Operation Babylift, and, indeed, all the estimated 537 children adopted from Vietnam.\footnote{James E. Coughlan, ‘A Comparative Analysis of the Demographic Profile of Australia's Three Indochinese-Born Communities: 1976-86,’ *Australia-Asia Papers*, 50, 1989, 14. Lacking an organised governmental body to handle intercountry adoption cases, the total figure of children adopted between 1968 and 1975 varies across different departmental estimates. Coughlan’s figure, based on estimates by...} As the Commonwealth Inter-Departmental
Committee on Inter-Country Adoption explained in its first major report in February 1976, the crisis in Vietnam “crystallised some of the problems of inter-country adoption and highlighted the need for co-ordination between the Commonwealth and State Government departments and the need to clarify the Commonwealth Government policy”.\textsuperscript{188} Furthermore, the Committee stressed that the airlifts highlighted the need to ensure that “adoption of children should never again be undertaken during emergency situations such as the Vietnam situation”.\textsuperscript{189}

The controversy surrounding Operation Babylift and the issues it raised marked it as distinctly different from preceding policies and practices of intercountry adoption in Australia. The questions of legality, orphanhood, and the welfare of the children evacuated by the Commonwealth government inflamed existing debates about intercountry adoption and introduced new troubling and challenging elements. At the level of policy, the intense focus brought to these issues by the mass influx of children for adoption saw the resolution of some of the major tensions between state and Commonwealth authorities and confirmed the position of the states as the government body most responsible for regulating and managing intercountry adoption. Most significantly, it established intercountry adoption as a permanent and lasting social practice in Australia.

Conclusion

On a hot and sunny afternoon in Sydney in 1976, over 200 delegates from across Australia and some distinguished international guests gathered at the University of New South Wales for the First Australian Conference on Adoption. The conference was the first national forum organised purely for the discussion of adoption and all its related issues, bringing together social workers, government officials and non-professional individuals and groups to discuss the rapidly changing adoption situation in Australia.¹ The sudden end of the Vietnam War and the rise of intercountry adoption, coupled with the rapidly diminishing numbers of Australian children available for domestic adoption, prompted a significant reappraisal of adoption policies, practices and perceptions.² Prominent among the delegates were key figures in the reform movement for intercountry adoption, Rosemary Calder from the Australian Society for Intercountry Aid Children (ASIAC) and the Reverend Graeme Gregory, Director of the Child Care Service in Victoria. As Gregory hinted at in his paper presented to the conference, and as this thesis demonstrates in greater detail, up until that time intercountry adoption in Australia had been subject to five key tensions; these concerned the role of the adoption agencies and social workers, the relationships between the states, the role of the Commonwealth government, legislative problems, and opposition to intercountry adoption from both overseas aid advocates and overseas countries.³

As this thesis highlights, these largely political tensions were central to the process of making intercountry adoption policy in Australia up to 1976. Indeed, as each chapter has shown in different ways, political considerations have always underpinned changes in adoption policy. After World War Two, all of the tensions identified by Gregory were evident in discussions over the potential adoption of children from Japan, though it was concern about the threat these adoptions posed to the White Australia policy of restricted immigration that proved most influential. With the dismantling of

¹ Amy Pollard, ‘The First Australian Conference on Adoption: The Emergence of an Adoption Reform Movement,’ paper presented at Reviewing History: Australian Historical Association (AHA) Biennial Conference, 5-9 July 2010, University of Western Australia.
immigration restrictions in the late 1960s, race was no longer the dominant theme when Australians began adopting from Vietnam. Rather, it was the conflict between state and Commonwealth authorities over responsibility for handling intercountry adoption placements and opposition from local and international social work professionals and other officials that influenced the initially apprehensive and ambivalent approach to policy development. Following Elaine Moir’s arrival in Sydney in 1972 with five ‘smuggled waifs’, Australian Commonwealth authorities were forced to rethink their approach to intercountry adoption and attempted to reform and coordinate policies and procedures. Such reforms were influenced significantly by organised adoptive parent groups, though they were eventually excluded from serious policy discussions. Again, it was the conflict between states and the Commonwealth that inhibited reforms, compounded by the rising conflict between adoption advocates and local and international social work professionals concerning the suitability of intercountry adoption as an appropriate form of ‘aid’. None of these tensions were resolved by the announcement of Operation Babylift, which was instigated by the Commonwealth government more out of concern for domestic political considerations regarding the treatment of South Vietnam in the face of a communist defeat than for the children themselves. The fact that the airlifts were (and continue to be) used to enhance the humanitarian reputations of politicians despite the chaos and haste in which they were organised further demonstrates the political imperatives behind the decision. Operation Babylift exacerbated the existing tensions underpinning intercountry adoption, most notably doubts over the advisability of the practice, but also led to the resolution of some of the major legislative problems that had hindered intercountry adoption placements. Further, it re-established state governments as the pre-eminent authorities for controlling intercountry adoption and marked the beginning of a new, coordinated policy approach.

In the years since Operation Babylift, though practices and policies in Australia and across the world have shifted significantly, these tensions are still relevant to contemporary discussions of intercountry adoption. Soon after the Babylift, and in some cases before, members of Australian Adoptive Families Association (AAFA) and
ASIAC began to extend their adoption programs to other Asian countries.\(^4\) By July 1975, Rena Huxley (see chapters 3 and 4) was again involved in arranging intercountry adoptions, this time from Sri Lanka,\(^5\) and towards the end of the year Australian families were also adopting children amid floods, famine and political upheaval in Bangladesh.\(^6\) This expansion of intercountry adoption programs reflected a trend across the Western world. As Peter Selman shows, since the first adoptions from Korea in the 1950s, the numbers of children moving across the world for adoption – in most cases from poorer, developing countries in South America, Asia and Africa to wealthier countries in North America and Europe – has steadily increased, peaking at a total of 45,000 children and infants per year in 2004.\(^7\) In Australia today, nearly all of the adoptions involve overseas children from countries including the Philippines, China, Ethiopia, South Korea, Taiwan and India.\(^8\) Since the late 1970s, the number of intercountry adoptions in Australia has fluctuated between 300 and 400 per year to reach its current level of 222 in 2009-10.\(^9\) What began as a response to the plight of children in crisis in war-torn Asian countries, laden with a sense of moral responsibility due to Australia’s military intervention, shifted to the embrace of children of poverty in the Third World.

The policy framework in which intercountry adoptions are processed today is vastly different from 1976 due to the significant legislative and regulatory reforms introduced in the late 1970s and 1980s.\(^10\) The significant efforts of governments, social workers and volunteers to reform not just intercountry, but all adoption policies and practices in Australia during this period offers a fruitful opportunity for further research (although is

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beyond the scope of this study). As chapter 6 shows, this new approach to intercountry adoption began in the wake of Vietnam with the establishment of the Commonwealth Inter-Departmental Committee on Inter-Country Adoption in 1975. In May 1977, South Australia became the first state to establish a specific Intercountry Child Care Branch within the Department for Community Affairs to specifically handle intercountry adoption matters. The role played by adoptive parents such as Brian McGowran and Gerry Mullins, whom I interviewed for this study, in encouraging public discussion and debate on intercountry adoption in South Australia demands closer attention, together with the efforts of government officials such as Peter Fopp to initiate reforms. As Director of Specialist Services in the Department of Community Welfare, Fopp’s role in coordinating state, Commonwealth and overseas government bodies and his prodigious and vociferous support for reform of intercountry adoption policies to produce the best outcomes for children and families in this period is particularly significant.

As a result of these reforms, the legal and legislative tensions that were prominent during the period covered by this study have been largely been eliminated. The significant legal issue facing intercountry adoption today is one of international law

11 Marshall & McDonald, The Many-Sided Triangle, 192-201; Marian Quartly, “We find families for children, not children for families”: Professionals and consumers at odds over intercountry adoption’ paper presented at Interdisciplinary Perspectives on Intercountry Adoption in Australia: History, Policy, Practice and Experience, Academy of the Social Sciences in Australia, 30 September – 1 October 2010, Monash University, Melbourne.
13 South Australian Department for Community Welfare, Care For Underprivileged Children in Other Countries: Aid Programmes and Sponsorship, Inter-country Adoption, Temporary Care. Adelaide: Department for Community Welfare, 1979, 2.
regarding Australia’s compliance with the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.\textsuperscript{16} Ratified by Australia in 1998, the Hague Convention was established to provide safeguards to “ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights”. It also seeks to establish “a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children”.\textsuperscript{17} The ability of the Convention to secure the rights of the child and prevent child trafficking – a significant issue that has been synonymous with adoption since Vietnam\textsuperscript{18} – is a matter of significant conjecture, especially as many of the major ‘sending countries’ are not yet party to it.\textsuperscript{19} In 2009-10, only 56% of all intercountry adoptions in Australia were made in accordance with the Convention, with a large proportion of children coming from non-Hague signatory countries such as Ethiopia and South Korea.\textsuperscript{20} Despite its alleged flaws, the Hague Convention offers a system of international co-operation and regulations and is strongly supported by the Australian government.\textsuperscript{21}

Some of the tensions identified by Gregory – the relationship between states, the role of the Commonwealth and the role of adoption agencies – have all been highlighted in recent discussions of the Hague Convention. The Commonwealth-State Agreement for the Continued Operation of Australia’s Intercountry Adoption Program, first signed in 1998, was renegotiated in 2008, establishing a clear framework for the Commonwealth.


\textsuperscript{17} Article 1, Hague Convention.


to work in collaboration with states, as well as establishing working groups on the
harmonisation of intercountry adoption laws, fees and assessment practices, the
investigation of alternative models of service delivery and a National Intercountry
Advisory Group to integrate the intercountry adoption community in the policy-making
process. As this thesis highlights, though adoption is primarily a matter for state
authorities, the Commonwealth has always had a central though somewhat ambiguous
role. Throughout the Vietnam period, adoption advocates such as Gregory, Calder and
Race Mathews demanded that the Commonwealth take a more interventionist role,
though neither the states nor the Commonwealth were willing to actively facilitate
intercountry adoptions. In 1976, Gregory continued to advocate for the establishment of
a national body to coordinate and arrange intercountry adoption placements, by
reinforcing intercountry adoption as a last resort for those children most in need. By
1982 Rosemary Calder and Cliff Picton were still arguing that Australian state and
Commonwealth authorities needed to take more responsibility to establish a uniform
code of practice, as is appropriate in domestic adoptions, “to prevent self-interested
parties from taking advantage of loopholes and anomalies in adoption procedures”. The role of the Commonwealth, states and adoption agencies in the adoption process
has recently been the subject of much political attention following the emergence of a
decidedly pro-adoption stance by conservative politicians, as identified by Kate
Murphy, Marian Quartly and Denise Cuthbert. A 2005 report on overseas adoptions
by the House of Representatives Standing Committee on Family and Human Services,
commissioned to investigate inconsistencies between approval processes for
intercountry adoption and the benefits and welfare entitlements provided to adoptive

22 Commonwealth of Australia, Attorney-General’s Department, ‘Roles of the Australian, State and
26 Kate Murphy, Marian Quartly, and Denise Cuthbert, “‘In the Best Interests of the Child’: Mapping the (Re)Emergence of Pro-Adoption Politics in Contemporary Australia,’ Australian Journal of History and Politics, 55.2, 2009, 201-218.
parents across the Australian states and territories, \(^{27}\) “opened an unashamedly pro-
adoption discursive space”, endorsing adoption practices both overseas and in
Australia.\(^{28}\) As Murphy, Quartly and Cuthbert argue, the appropriation of adoption –
particularly by the report’s chairperson, Bronwyn Bishop – was “spearheaded by moral
conservatives”, as part of former Liberal Prime Minister John Howard’s increased
politicisation of the family, which pushed a morally conservative political agenda aimed
at maintaining the nuclear family and upholding traditional familial roles.\(^{29}\) The Bishop
report found that there existed a “general lack of support” among most state and
territory social welfare departments towards adoption, both local and intercountry,
which ranged “from indifference to hostility”.\(^{30}\) The main cause for this ambivalence
was attributed to an “anti-adoption” culture prevalent among state authorities, though as
Murphy, Quartly and Cuthbert point out, this accusation came from a decidedly pro-
adoption position, highlighting yet again the susceptibility of adoption to political
considerations.\(^{31}\)

The alleged “anti-adoption culture” of government officials has been the focus of much
recent media criticism from advocates such as Deborah Lee Furness, and is perhaps best
summarised by Richard Gehrmann.\(^{32}\) In an article that is highly critical of what he calls
Australia’s institutional “anti-adoption culture”, Gehrmann claims that the history of
past adoption practices in Australia is used today by authorities to justify their
reluctance to facilitate intercountry adoptions.\(^{33}\) The history of adoption invoked by
Gehrmann and the House Committee is one of shame and remorse, afforded by recent
public revelations and official reports investigating past adoption and other child
welfare practices. Since the late 1970s, the coercive and exploitative domestic adoption
practices of previous decades that saw the separation of Australian mothers, particularly

\(^{27}\) Commonwealth of Australia. House of Representatives. Standing Committee on Family and Human
\(^{28}\) Murphy, Quartly & Cuthbert, ‘In the Best Interests of the Child,’ 204.
\(^{29}\) Murphy, Quartly & Cuthbert, ‘In the Best Interests of the Child,’ 213-214.
\(^{30}\) SCFHS, *Overseas Adoptions in Australia*, viii.
\(^{31}\) Murphy, Quartly & Cuthbert, ‘In the Best Interests of the Child,’ 218.
the unmarried, from their children has come under scrutiny, most notably by the 2000 New South Wales inquiry into past adoption practices.\textsuperscript{34} The forced removal of the ‘Stolen Generations’ of indigenous children for placement in institutions, foster care and sometimes adoption was powerfully exposed in the 1997 \textit{Bringing Them Home} report.\textsuperscript{35} Furthermore, other official investigations by the Commonwealth government into past child welfare practices including the 2001 inquiry into child migration and the 2004 inquiry into children in institutional or out-of-home care exposed the abuse and trauma suffered by children as a result of Australian government policies.\textsuperscript{36} In 2010, Western Australia became the first parliament in Australia to formally apologise for past adoption practices,\textsuperscript{37} and the Senate Standing Committee on Community Affairs is currently investigating the Commonwealth contribution to former forced adoption policies and practices.\textsuperscript{38} As sociologist Rosemary Pringle argues, in this climate of apology, “it has become almost impossible to speak up for adoption as a policy option”\textsuperscript{39}.

The neglect shown by authorities towards these ‘adoptees’ in the past, Gehrmann argues, have seen present state bureaucracies assume the role of “‘born again’ guardians of a moral culture of adoption” trying to atone for the past sins of their predecessors, highlighting the need to separate present practice from past experience.\textsuperscript{40} However, to blame these past adoption practices for the current problems in administering intercountry adoption obscures its more complex history. As this thesis highlights, the


\textsuperscript{37} Western Australia Parliamentary Debates (WAPD), Legislative Assembly, 19 October 2010, 7881-7889; ‘WA apology a first,’ \textit{The Australian}, 7 September 2010.


\textsuperscript{40} Gehrmann, ‘Promoting a multiracial Australia,’ 16.
charge that Australian authorities are ‘anti-adoption’ has been evident since the first Vietnamese began to arrive in Australia.

While in some cases, particular social workers or welfare authorities were “initially antagonistic, or at the least, ambivalent”\textsuperscript{41} to intercountry adoption, this position was well informed by a range national and international debates over the place of intercountry adoption as a form of aid.\textsuperscript{42} Though debates have shifted significantly since the 1970s, and there is an increasing body of research that supports the benefits of intercountry adoption for children and families,\textsuperscript{43} the most significant tension underpinning intercountry adoption remains the ethical question of whether it is moral and humane to adopt children from overseas.

There is no easy answer to this question today, any more than there was in 1976. When Australians began adopting children from overseas in the late 1960s, it was in response to the plight of children orphaned by the Vietnam War. By offering their homes and families to children in desperate need, they were doing their best to help in the most tangible way they could. Unlike domestic adoption which sought to secure children for families, intercountry adoption was conceptualised as a means by which to rescue and assist orphaned children. This came at a time when Australia itself was shifting away from its racially based policies of foreign affairs and immigration and moving towards engaging, on equal footing, with its Asian neighbours. The great challenge for Australian policy makers was to reconcile this humanitarian impulse with the significant opposition from social workers, international aid organizations, overseas governments and local welfare authorities. This tremendously difficult task was not assisted by the conflict between state and Commonwealth officials over who should take responsibility for adoption except in cases, such as Operation Babylift, when supporting intercountry adoption would have a direct, political benefit. The great challenge today is to move beyond these political considerations and continue to work

\textsuperscript{41} Gregory, ‘Intercountry Adoption – An Agency View,’ 44.
towards developing an intercountry adoption policy that will ensure the best outcomes for the most important participants in these debates and this study: the children.
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