

# U.S. TOLD TO CHECK VIETNAM CHILDREN

## A Judge Orders Immigration Service to Be Certain Parents Are Not Living

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SAN FRANCISCO, May 22—Federal District Judge Spencer Williams has ordered the Immigration and Naturalization Service to conduct exhaustive background checks on each Vietnamese child brought into the country as an orphan in Operation Babylift.

Earlier this week, the service disclosed in court here that it would send out letters to adoptive agencies and prospective adoptive parents warning them there was a possibility that they might be unable to adopt the child assigned to them because of uncertainties as to whether some of the children are, in fact, orphans.

The service agreed before Judge Williams yesterday to take photographs and either fingerprints or footprints of all the 2,000 purported Vietnamese orphans who came to the United States last month.

Nancy Stearns of the Center for Constitutional Rights in New York said that, in addition, the immigration service must obtain from the seven adoption agencies involved all papers that relate to the child's legal status — including any birth documents, certificates of abandonment and releases.

### Class-Action Suit

A class-action suit was filed by the Committee to Protect the Rights of Vietnamese Children after three children reportedly told a nurse here that they had parents in Vietnam and had been brought to this country against their will.

Miss Stearns was one of a team of lawyers for the committee who argued that many of the children had, in effect, been kidnapped, and that many of them had parents in Vietnam who had not released them.

Mort Cohen, a professor at Golden Gate University Law School here who is also one of the plaintiffs' lawyers, said

he "hoped the service would now be motivated to look behind a release which appears on its face to be genuine, but might have been written by someone not having proper authority."

As an example, he cited instances where a child was simply transferred from one orphanage to another in Vietnam, before being brought here, "with no indication that living parents released those children."

Judge Williams said last night that from evidence he had heard in the suit he thought "some children came in on Operation Babylift who were not in the small 'pipeline' [legitimate adoption channels]."

After examining the relevant documents—some of which will be made available to the plaintiffs' attorneys as well as the immigration services — poten-

tial parents will be notified of the child's status and, where that status is questionable, advised not to initiate formal adoption proceedings pending further investigation.

### Agency Use Urged

In these cases, the judge said the immigration service should attempt to determine if the child is an orphan by using international agencies, such as the International Red Cross and the International Union of Child Welfare Leagues. He said the children and relatives in Vietnam should be interviewed.

Mr. Cohen said he expected the Provisional Revolutionary Government of Vietnam would cooperate in determining the status of the children. A spokesman for that Government has already said his country wants the children returned.

Although there is much work ahead, Miss Stearns said, "We're excited. We think we have made substantial progress in determining whether or not the kids are orphans and laying the groundwork for reuniting those who have families in Vietnam."

Judge Williams asked the participants in the case to report back in several weeks on the progress they have made.

### Religious Issue

LOS ANGELES, May 22 (AP)—A Superior Court judge has refused to prohibit an adoption agency from placing Indochinese orphans with parents who are required to be evangelical Protestants.

However, the legal attack on the agency's religious requirement can be submitted again after attorneys revise their briefs, Judge Lester E. Olson said yesterday.

The attorneys had asked that Family Ministries of Whittier be blocked from placing 48 orphans until Judge Olson decided the issue of whether the agency could dictate the religious affiliation of adoptive parents. The agency insists that prospective parents be members of in good standing of an "evangelical Protestant church."

Last week another Superior Court judge granted a temporary order blocking the agency from placing a 14-month-old Cambodian orphan for 60 days.

His order was in answer to a request by attorneys for Dr. and Mrs. Richard S. Scott, who want to adopt the child but do not meet the religious requirement.