

## Snag in Probe Of Viet Orphans

The Immigration and Naturalization Service is trying to back out of an agreement in which it pledged to conduct an exhaustive background check on each of the 2000 Vietnamese orphans in the United States.

In what is apparently a real bureaucratic snafu, the U.S. Attorney's office in San Francisco filed memoranda in federal court here yesterday opposing an agreement already by U.S. District Judge Spencer Williams

On May 21, Williams announced the settlement in open court. He said he had promised to service make thorough background checks and take pictures and either footprints or fingerprints of all the children.

The announced settlement came after several days of hearings in a class action suit brought on behalf of all the orphans.

The plaintiffs argued that many of the orphans had in effect, been kidnaped from their homeland. The court had been asked to halt all adoptions until it could be determined that the children had no relatives of their own who wanted them.

But yesterday, Assistant U.S. Attorney John F. Cooney Jr. attempted to explain what had happened.

"I thought I had touched all the bases with the INS," Cooney said, "and the district representatives for the INS had agreed to the settlement and this is what we told the court. But Washington did not agree and they want the proposed settlement overturned.

Cooney said that while all sides, including the service had stipulated to the settlement in court, the judge had not actually signed the proposed order of settlement.

Cooney said he has the discretionary authority, under the law, either to parole or not parole a person into the United States.

He said the Service in Washington has taken the position that it would be an abuse of judicial authority for a judge to interfere in the Immigration and Naturalization Service's discretionary role.

"Such order would mandate investigation by the Immigration Service of the background of parolees. As has been and will be further demonstrated at the hearing of this matter, the Immigration Service has voluntarily undertaken certain special investigations relative to those children.

"The question presented, however, is whether this court may require further and other investigation as well as disclosures of orphan and adoption records." Williams will hold a hearing at 9:30 a.m. Monday.