

# Battle for Custody of Vietnamese Children Is Stalled

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SAN FRANCISCO, Dec. 7—A court determination on who will become the parents of many of the 2,000 Vietnamese children brought to the United States eight months ago has bogged down over a disagreement on a plan to trace the parents of the children in Vietnam.

A lawsuit seeking the return of many of the children to Vietnamese parents both here and in Vietnam has been before a Federal District Court here since April.

Recently completed investigations by the Immigration and Naturalization Service show that at least 274 of the 1,830 children so far investigated are not eligible for adoption here and may not be orphans.

The Center for Constitutional Rights in New York and a group of private lawyers here sponsoring the suit have requested the immediate tracing in Vietnam of parents of children found to be ineligible for adoption here.

## Information at Issue

A disagreement Friday between the plaintiffs and the Government, the defendant in the case, centered on how much information on a child should

be sent to Vietnam to locate the parents and whether there would be reprisals against the parents by the new Government in Vietnam.

John Cooney, the United States Attorney representing the Government in the case, said he was strongly opposed to sending any files on the children to Vietnam. "We think," he said, "that the best way to proceed is to make it known as widely as possible in Vietnam that some children have been brought to this country erroneously, and have the parents then come forward."

After the hearing, he disclosed a telegram from the State Department opposing any intensive investigations to locate parents in Vietnam. "There is a real chance," the message said, "that negative consequences to the Vietnamese par-

ents, and thus to their children, might flow from such a course of action at this time."

The plaintiffs want complete files on the children sent to a tracing agency in Vietnam so that the parents can be found. They argue there is no danger of reprisals.

## Physician Testifies

To support their case, they offered the testimony of Dr. Thomas R. Hoskins, a physician who was in Vietnam until Oct. 7 of this year. He testified that he had never seen or heard of any reprisals by the new Government.

The legal issue was further complicated when Federal District Judge Spencer Williams allowed lawyers for three adoption agencies that are responsible for 1,100 of the children to enter the case.

The agencies represent the potential adoptive parents, who

were warned by the court in May not to begin adoption proceedings until the court certified a child for adoption. None of the children has been certified yet.

The agencies have said that they will oppose many of the eligibility and tracing categories set up by the plaintiffs.

One of the categories includes children found by the immigration service to be eligible but released by their parents only during the last weeks of the war. The plaintiffs have argued that parents may have signed a release to save a child's life and now may want the child back.

Additional information disclosed Friday indicates that the number of ineligible children may be much higher than the immigration service's investigations suggested.

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