

# The Furor Over The Viet Orphans

By Judith Anderson

A year ago, as the last Americans were fleeing Saigon, hundreds of families eagerly awaited the more than 2000 children who were flown out of Vietnam in Operation Babylift.

Today, many of those families are worried that they may have to give up the children they took into their homes and hoped to adopt.

The anxiety is the result of highly publicized efforts of a few Vietnamese parents who came to the U.S. as refugees to reclaim their children who were already here, and a complicated lawsuit filed in federal court here that has frozen adoption proceedings indefinitely.

No more than a dozen children have been reclaimed by their Vietnamese parents, said several people who have followed the babylift operation closely. But the lawsuit, which was filed a year ago as a class action in the name of three Vietnamese children who were said to have told a nurse here that they had parents in Vietnam, could affect many more families. (See story below.)

The suit charges that many children flown here from Vietnam are not actually orphans. It asks the U.S. government to allow an investigation of all the documents of the children, discover which ones may have living parents here or in Vietnam and then allow an international organization such as the Red Cross to conduct a search for the parents.

U.S. District Judge Spencer Williams ruled that there was insufficient cause for a class action and restricted the suit to the three named children. He also denied active tracing of parents who might want their children back.

But he did approve an agreement instructing the Immigration and Naturalization Service, which must determine the eligibility for adoption, to conduct an investigation of all babylift children.

That investigation has been completed, according to INS district director David Ilchert, and of the 1700 to 1800 orphans in the U.S., about 275 are considered to be "ineligible."

(For a child to be ruled "eligible," he said, there must be proof that parents are dead, that the child has been abandoned or that a surviving parent has signed a statement giving the child up for adoption. Some of those ruled ineligible may become eligible for adoption following further investigation, Ilchert said.)

Tom Miller, the attorney for Muoi McConnell, the nurse who filed the suit, has appealed Judge Williams' original decision. He estimates the number of ineligible at a much higher figure than the INS. He believes there are about 1500 children whose status is questionable.

"The whole purpose of the appeal," he explained the other day, "is to get the court to rule that we can contact parents." Many of the 1500 children will probably turn out to be "bona fide orphans," he said, and "probably a very small percentage" will be returned to their parents here or in Southeast Asia. "Maybe some parents don't want their children back."

(In the case of the three Strand children mentioned in the suit, Miller said there has been no attempt to contact the parents, and the court order forbids him from doing so.)

"But the point," he went on,



White House photo by David Kennerly

"is to allow an international agency like the Red Cross to find out if parents want their children returned. You have to check on questionable cases."

Meanwhile, adoptive parents await a decision, unable to proceed with adoptions because the INS has warned them that these could be nullified and the children repatriated to Vietnam.

Parents are relieved that the suit is no longer a class action, said Christine Broderick, who, with her husband, has taken in three Vietnamese orphans, one during the babylift. "But until this is complete-

ly out of the courts, it's an awful thing to live with," she said.

John DeRuntz of Sunnyvale is one parent who is not particularly worried about the status of the 7-year-old boy he and his wife took in last year. "His parents are dead, he's told us that. Deep down in my heart I don't think he'll be taken away."

But the fact that his son and more than a thousand other children have not yet been officially adopted worries him. "Suppose their adoptive parents were killed. The children would have no inher-

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itance rights, and they could be separated at any time from the brothers and sisters they've grown to love."

DeRuntz and other adoptive parents, most of them in Northern California, were concerned enough about the lawsuit against the Strands and its potential impact to form a group called the Council for the Rights of Adoptive Families Together. Although the group, which is based in Sunnyvale, has not officially entered the case, it has hired attorney Paul Matzger, who has been allowed to present the adoptive parents' side of the story in court, DeRuntz said.

CRAFT has taken the position that if it is in the best interests of the child to be reunited with his natural parents, that should be done. But if the reunion means "the trauma of being removed under duress from a loving family" and placed with relatives the child never knew or does not remember, the group opposes the reunion.

DeRuntz believes that the federal lawsuit has been "totally unnecessary and is not accomplishing anything." He knows of no parents in Southeast Asia who have made a claim for children, and only about a dozen cases of parents in this country who have made such a claim. In more than half of those, he said, the children were returned voluntarily; where adoptive parents have refused to give up the child, suits have been brought to state courts for resolution, he said.

Ilchert agrees that it will ultimately be up to state court judges to render "the tough heartbreaking decisions" over custody, case by case.

"In some cases, children will be reunited with their natural parents in the U.S.," he speculated. "But I would guess it's going to be very difficult for parents in Vietnam to substantiate parentage."

Even if they can come up with proof, it is not likely that any children will be shipped back to Vietnam soon. Because the U.S. and Vietnam do not maintain diplomatic relations, "there are no plans at this time to return any individual to Vietnam," Ilchert said.

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